

Borough of Ship Bottom
Regular Meeting Minutes
December 23, 2014

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, December 23, 2014, in the Municipal Building Council Room, located at 1621 Long Beach Blvd., Ship Bottom, NJ.

Mayor Huelsenbeck called the Caucus Meeting to order at 6:35 p.m. and asked the Clerk to take attendance. The following were present:

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

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, the Atlantic City Press and the 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 Resolution 2014-180: Authorizing an Executive Session. On a motion by Councilman English, seconded by Councilman Sinopoli, this was approved as follows:

**RESOLUTION 2014-180
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING AN EXECUTIVE CLOSED SESSION MEETING**

WHEREAS, adequate notice of this Open Public Meeting was sent by e-mail to the Beach Haven Times, the Atlantic City Press and the Asbury Park Press and also posted on the bulletin board in the Municipal Building.

WHEREAS, the Mayor and Governing Body are in need of a Closed Executive Session to discuss a contractual matter.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Ship Bottom, that the Governing Body will hold a Closed Executive Session on this 23rd day of December, 2014.

BE IT FURTHER RESOLVED, that the matters discussed may be revealed to the public when these issues are no longer sensitive, with the approval of the Borough Solicitor.

BE IT FURTHER RESOLVED that no official action will take place in the Closed Executive Session, but official action may be taken when the meeting is again opened to the public.

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

The Executive Session took place from 6:40 p.m. until 6:50p.m.

Mayor Huelsenbeck reopened the caucus meeting at 6:50 p.m.

Mayor Huelsenbeck asked the Council if they wanted any changes for next year's meetings: meeting times, committee appointments or anything else. Everyone was content with keeping it the same.

During Caucus, Kathleen Flanagan, CFO, discussed with the Council, the Corrective Action Report, which addresses the audit of 2013.

Mayor Huelsenbeck opened the regular meeting at 7:03 p.m. and asked the Clerk to take attendance. The following were present:

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

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, the Atlantic City Press and the 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.

Mayor Huelsenbeck asked for the approval of the minutes of the November 25, 2014 meeting. On a motion by Councilman Rossi, seconded by Councilman English, these were approved as presented.

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

Mayor Huelsenbeck called for the consideration and approval of the current and water/sewer account bills. On a motion by Councilman Sinopoli, seconded by Councilman English, these were approved as follows:

| 01CURRENT CURRENT FUND | | |
|------------------------|--|------------|
| 34479 | 12/04/14 NJSHBP01 NJSHBP-Div of Pensions/Benefit | 866.56 |
| 34480 | 12/24/14 ARAMA010 ARAMARK | 1,052.34 |
| 34481 | 12/24/14 ATLAN020 ATLANTIC CITY ELECTRIC | 8,105.50 |
| 34482 | 12/24/14 ATLAN050 ATLANTIC CITY ELECTRIC | 1,961.18 |
| 34483 | 12/24/14 BARLO010 BARLOW BUICK/GMC | 374.09 |
| 34484 | 12/24/14 BAY001 Bay Transmission Service Inc. | 1,647.92 |
| 34485 | 12/24/14 BEACH020 BEACH HAVEN AUTOMOTIVE, INC. | 346.87 |
| 34486 | 12/24/14 BENEF010 BENEFIT EXPRESS | 4.00 |
| 34487 | 12/24/14 BESAM010 ASSA ABLOY | 281.45 |
| 34488 | 12/24/14 BONNI010 BONNIE R. PETERSON | 2,000.00 |
| 34489 | 12/24/14 BOROU010 BOROUGH OF BEACH HAVEN | 29.00 |
| 34490 | 12/24/14 CAMCO010 CAM CO | 112.20 |
| 34491 | 12/24/14 CERTI010 CERTIFIED SPEEDOMETER SERV. IN | 222.00 |
| 34492 | 12/24/14 CLEAR010 CLEARY, GIACOBBE, ALFIERI & JA | 3,342.00 |
| 34493 | 12/24/14 COAST020 COASTAL SIGN | 100.00 |
| 34494 | 12/24/14 COMCA010 COMCAST CABLE | 1,233.06 |
| 34495 | 12/24/14 CONST010 CONNOR STRONG & BUCKELEW | 3,499.92 |
| 34496 | 12/24/14 DASTI010 DASTI MURPHY MCGUCKIN | 548.15 |
| 34497 | 12/24/14 DELAW010 DELAWARE VALLEY PAYROLL | 554.07 |
| 34498 | 12/24/14 DOWNS010 DOWN'S FORD | 496.25 |
| 34499 | 12/24/14 EAST010 EASTERN AUTOPARTS WAREHOUSE | 170.23 |
| 34500 | 12/24/14 FERGU010 FERGUSON ENTERPRISES | 43.30 |
| 34501 | 12/24/14 FORDC010 Ford Credit Dept 67-434 | 8,891.38 |
| 34502 | 12/24/14 FRATE010 FRA TECHNOLOGIES, INC. | 450.00 |
| 34503 | 12/24/14 GALLS010 GALL'S | 262.94 |
| 34504 | 12/24/14 GLUCK010 GLUCK WALRATH LLP | 7.17 |
| 34505 | 12/24/14 HERB01 Herbert H. Miller | 64.00 |
| 34506 | 12/24/14 HMANC010 HENRY J. MANCINI & ASSOC., INC | 4,773.75 |
| 34507 | 12/24/14 INDEP010 INDEPENDENT INVESTORS | 2,626.10 |
| 34508 | 12/24/14 JENKINS1 Jessica Jenkins | 225.00 |
| 34509 | 12/24/14 JOGEL010 JOANNE GELATO | 75.00 |
| 34510 | 12/24/14 KATHL030 KATHLEEN WELLS | 46.14 |
| 34511 | 12/24/14 LAWYE010 LAWYERS DIARY MANUAL | 106.00 |
| 34512 | 12/24/14 LONGB030 LONG BEACH ISLAND HEALTH DEPT. | 10,008.75 |
| 34513 | 12/24/14 LOUBE010 THE LOUIS BERGER GROUP | 9,341.53 |
| 34514 | 12/24/14 LOWES010 LOWES | 55.80 |
| 34515 | 12/24/14 MAGIC010 MAGIC WASH | 8.41 |
| 34516 | 12/24/14 MARKOVIC ROBERT MARKOVIC | 1,929.77 |
| 34517 | 12/24/14 MGLFO010 MGL FORMS-SYSTEMS, LLC | 97.00 |
| 34518 | 12/24/14 NACE001 NACE'S SHRINK WRAP | 720.00 |
| 34519 | 12/24/14 NJMMA010 NJMMA | 225.00 |
| 34520 | 12/24/14 NJNAT010 N.J. NATURAL GAS | 877.78 |
| 34521 | 12/24/14 OWENL010 OWEN LITTLE AND ASSOCIATES | 1,550.00 |
| 34522 | 12/24/14 OXYGE010 OXYGEN SUPPLY CO., INC. | 20.00 |
| 34523 | 12/24/14 PEDRO010 PEDRONI FUEL | 3,149.80 |
| 34524 | 12/24/14 RAYVE010 RAYVE ON | 800.00 |
| 34525 | 12/24/14 RKRSIGNS RKR Signs | 475.00 |
| 34526 | 12/24/14 SCOJO010 SCOJO'S RESTAURANT | 288.00 |
| 34527 | 12/24/14 SHIPB020 SHIP BOTTOM MUNICIPAL COURT | 106.33 |
| 34528 | 12/24/14 SOUTH060 SOUTHERN REGIONAL SCHOOL DISTR | 374,847.66 |
| 34529 | 12/24/14 STAND010 STANDARD INSURANCE CO. | 514.65 |
| 34530 | 12/24/14 STAPI010 STAPLES CONTRACT & COMMERCIAL | 343.18 |
| 34531 | 12/24/14 STRET010 STRETCH CLEANING | 400.00 |
| 34532 | 12/24/14 STUAR010 STUART SNYDER | 400.00 |

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|---|-----------|
| 34533 12/24/14 SUBUR010 SUBURBAN DISPOSAL INC. | 19,096.00 |
| 34534 12/24/14 THEHO010 THE HOME DEPOT | 505.00 |
| 34535 12/24/14 TONI001 Toni Embroidery | 529.50 |
| 34536 12/24/14 TUCKE010 TUCKERTON LUMBER COMPANY | 87.67 |
| 34537 12/24/14 VERIZ010 VERIZON | 508.07 |
| 34538 12/24/14 VERIZ020 VERIZON WIRELESS | 971.30 |
| 34539 12/24/14 WALTH010 WALT HIGGINS | 107.44 |
| 34540 12/24/14 WATCH020 WATCHUNG SPRING WATER | 42.25 |
| 34541 12/24/14 NJSHBP01 NJSHBP-Div of Pensions/Benefit | 866.56 |
| Checking Account Totals Paid Void Amount Paid Amount Void | |
| Checks: 63 0 473,390.02 0.00 | |
| Direct Deposit: 0 0 0.00 0.00 | |
| Total: 63 0 473,390.02 0.00 | |
| | |
| 01CURRENT-WIRES CURRENT FUND WIRES | |
| 335137 12/15/14 BORO0070 BORO. OF SHIP BOTTOM-SHBP | 46,368.07 |
| Checking Account Totals Paid Void Amount Paid Amount Void | |
| Checks: 1 0 46,368.07 0.00 | |
| Direct Deposit: 0 0 0.00 0.00 | |
| Total: 1 0 46,368.07 0.00 | |
| | |
| 03TRUST TRUST OTHER | |
| 3429 12/24/14 THESA010 THE SANDPAPER | 310.00 |
| 3430 12/24/14 OCEAN030 OCEAN COUNTY PARKS & RECREATIO | 50.00 |
| 3431 12/24/14 SNN001 SRHS-SNN | 500.00 |
| 3432 12/24/14 DUTCH010 THE DUTCHMAN'S | 520.00 |
| 3433 12/24/14 HANDS001 HAND STORE | 7.92 |
| 3434 12/24/14 BRASW010 BRASWELL TROPHY | 60.00 |
| 9999 12/24/14 SANDP010 SANDPAPER, THE | 477.00 |
| Checking Account Totals Paid Void Amount Paid Amount Void | |
| Checks: 7 0 2,124.92 0.00 | |
| Direct Deposit: 0 0 0.00 0.00 | |
| Total: 7 0 2,124.92 0.00 | |
| | |
| 04CAPITAL CAPITAL FUND | |
| 1616 12/24/14 HECHT Hecht Trailers, LLC | 355.80 |
| 1617 12/24/14 HONOF010 THE HON COMPANY | 3,591.95 |
| 1618 12/24/14 OWENL010 OWEN LITTLE AND ASSOCIATES | 13,663.30 |
| 1619 12/24/14 POSC010 POSCH CONCRETE CO. | 8,900.00 |
| 1620 12/24/14 THEHO010 THE HOME DEPOT | 987.42 |
| 1621 12/24/14 TUCKE010 TUCKERTON LUMBER COMPANY 41.70 557 | |
| Checking Account Totals Paid Void Amount Paid Amount Void | |
| Checks: 6 0 27,540.17 0.00 | |
| Direct Deposit: 0 0 0.00 0.00 | |
| Total: 6 0 27,540.17 0.00 | |
| | |
| 06UTILOPER UTILITY FUND | |
| 17432 12/24/14 ATLAN050 ATLANTIC CITY ELECTRIC | 2,028.66 |
| 17433 12/24/14 DIANA010 DIANA RECKER | 700.00 |
| 17434 12/24/14 EDMUN010 EDMUNDS & ASSOCIATES | 7,455.00 |
| 17435 12/24/14 MIRAC010 MIRACLE CHEMICAL COMPANY | 404.80 |
| 17436 12/24/14 NJNAT010 N.J. NATURAL GAS | 661.72 |
| 17437 12/24/14 ONECA010 ONE CALL CONCEPTS | 48.80 |
| 17438 12/24/14 OWENL010 OWEN LITTLE AND ASSOCIATES | 2,749.17 |
| 17439 12/24/14 STAPI010 STAPLES CONTRACT & COMMERCIAL | 411.16 |
| 17440 12/24/14 TREAS050 TREASURER, STATE OF NEW JERSEY | 4,485.00 |
| 17441 12/24/14 VERIZ010 VERIZON | 314.77 |
| Checking Account Totals Paid Void Amount Paid Amount Void | |
| Checks: 10 0 19,259.08 0.00 | |
| Direct Deposit: 0 0 0.00 0.00 | |
| Total: 10 0 19,259.08 0.00 | |
| | |
| 07UTILCAP UTILITY CAPITAL | |
| 2527 12/24/14 AMPIP010 AMERICAN PIPE CLEANING, LLC | 1,886.01 |
| 2528 12/24/14 BORO0010 BORO. OF SHIP BOTTOM - TRUST | 1,342.00 |
| Checking Account Totals Paid Void Amount Paid Amount Void | |
| Checks: 2 0 3,228.01 0.00 | |
| Direct Deposit: 0 0 0.00 0.00 | |
| Total: 2 0 3,228.01 0.00 | |
| | |
| PR-CURRENT PAYROLL ACCT. TRANSFERS | |
| 122314 12/23/14 BORO0040 BORO. OF SHIP BOTTOM-PAYROLL | 41,462.23 |
| 142901 12/23/14 BORO0040 BORO. OF SHIP BOTTOM-PAYROLL | 40,037.38 |
| 162600 12/23/14 BORO0040 BORO. OF SHIP BOTTOM-PAYROLL | 49,434.38 |
| 523401 12/23/14 BORO0040 BORO. OF SHIP BOTTOM-PAYROLL | 40,840.99 |

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Checking Account Totals Paid Void Amount Paid Amount Void
Checks: 4 0 171,774.98 0.00
Direct Deposit: 0 0 0.00 0.00
Total: 4 0 171,774.98 0.00

PR-UTILITY PAYROLL ACCT. TRANSFERS
122314 12/23/14 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 369.45
142900 12/23/14 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 369.33
162601 12/23/14 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 369.34
523400 12/23/14 BOROO040 BORO. OF SHIP BOTTOM-PAYROLL 369.34

Checking Account Totals Paid Void Amount Paid Amount Void
Checks: 4 0 1,477.46 0.00
Direct Deposit: 0 0 0.00 0.00
Total: 4 0 1,477.46 0.00

Report Totals Paid Void Amount Paid Amount Void
Checks: 97 0 745,162.71 0.00
Direct Deposit: 0 0 0.00 0.00
Total: 97 0 745,162.71 0.00

12:10 PM Check Register By Check Date

Totals by Year-Fund

| Fund Description | Fund Budget | Total Revenue | Total G/L | Total Total |
|---------------------------|-------------|---------------|-----------|-------------|
| CURRENT FUND 4-01 | 691,533.07 | 0.00 | 0.00 | 691,533.07 |
| WATER/SEWER FUND 4-06 | 20,736.54 | 0.00 | 0.00 | 20,736.54 |
| Year Total: | 712,269.61 | 0.00 | 0.00 | 712,269.61 |
| CAPITAL FUND C-04 | 27,540.17 | 0.00 | 0.00 | 27,540.17 |
| UTILITY CAPITAL FUND C-07 | 3,228.01 | 0.00 | 0.00 | 3,228.01 |
| Year Total: | 30,768.18 | 0.00 | 0.00 | 30,768.18 |
| TRUST-OTHER T-03 | 2,124.92 | 0.00 | 0.00 | 2,124.92 |
| Total Of All Funds: | 745,162.71 | 0.00 | 0.00 | 745,162.71 |

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

Mayor Huelsenbeck called for Resolution 2014-181: Appointing Tennant D. Magee, Sr. On a motion by Councilman Sinopoli, seconded by Councilman Rossi, this was approved as follows:

**RESOLUTION 2014 -181
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPOINTING TENNANT D. MAGEE, SR. OF THE
FIRM OF MAGGS AND MCDERMOTT, LLC
AS SPECIAL COUNSEL FOR
THE BOROUGH OF SHIP BOTTOM**

WHEREAS, special counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 is needed to address “Superstorm Sandy” related issues; and
WHEREAS, the governing body desires to appoint Tennant D. Magee, Sr. of the firm of Maggs and McDermott, LLC as special counsel; and

WHEREAS, the anticipated term of this contract is from December 23, 2014 until December 31, 2015; and

WHEREAS, Tennant D. Magee, Sr., completed and submitted a Business Entity Disclosure Certification which certifies that Tennant D. Magee, Sr., has not made any reportable contributions to a political or candidate committee in the Borough of Ship Bottom in the previous one year, and that the contract will prohibit Tennant D. Magee, Sr., from making any reportable contributions through the term of the contract; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. requires that a Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised.

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

- a. That Tennant D. Magee, Sr., is hereby appointed as special counsel to represent the Borough.
- b. That the Mayor is hereby authorized to execute and the Borough Clerk to attest to the agreement with Tennant D. Magee, Sr., in accordance with the provisions of this Resolution.
- c. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because it is for services to be performed by a person(s) authorized by law to practice a recognized profession.

- d. That the agreement shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. The terms of the contract shall be from December 23, 2014 to December 31, 2015 or upon 30 days written notice by either party. No services shall be rendered under the contract until the Chief Financial Officer has certified the availability of funds for such services.
- e. That a certified copy of this Resolution shall be forwarded to the Chief Financial Officer and to Tennant D. Magee, Sr..
- f. A notice of this action shall be printed once in the official newspaper of the Borough of Ship Bottom.
- g. This Resolution takes effect December 23, 2014.
- h. A certificate demonstrating compliance with N.J.S.A. 19:44A-20.8 is attached to the Contract Agreement.
- i. A copy of this Resolution, as well as the Contract Agreement is on file with the Municipal Clerk.
- j. The Business Disclosure Entity Certification will be attached to the agreement.

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

Mayor Huelsenbeck called for Resolution 2014-182: Authorizing Refund, tax sale certificate. On a motion by Councilman Sinopoli, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2014-182
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 \$2,626.10 has been received by the Tax Collector for redemption of Tax Sale Certificate #13-00014 on Block 114, Lot 30, assessed to Darmstatter Family Partnership Inc.; and

WHEREAS, the amount of \$2,626.10 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 \$2,626.10 plus \$1,300.00 premium held in an escrow account, to Independent Investors, 24 Shawnee Ct., Medford, NJ 08055, holder of the certificate.

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

Mayor Huelsenbeck called for Resolution 2014-183: Authorizing Refund, tax overpayment. On a motion by Councilman Sinopoli, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2014-183
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 \$1,929.77 has occurred on the property known as Block 55, Lot 10.01, C.15 assessed to Robert Markovic; and

WHEREAS, the overpayment occurred due to the owner paying the property tax at the same time that the title agency paid.

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 \$1,929.77 to Robert Markovic, 23 Thomas Paine Rd., Morristown, NJ 07960.

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

Mayor Huelsenbeck called for Resolution 2014-184: Correction to Resolution 2014-151, Dedication by Rider, Uniform Construction Code Enforcement Fees. On a motion by Councilman Rossi, seconded by Councilman English, this was approved as follows:

RESOLUTION 2014-184
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
UNIFORM CONSTRUCTION CODE ENFORCEMENT FEES
(Regular) and (Third Party)
REQUIRED BY N.J.S. 52:27D-119 et seq.

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

WHEREAS, the Borough of Ship Bottom receives money to be placed in an escrow account for Uniform Construction Code Enforcement Fees (Regular) and (Third Party); and **WHEREAS**, N.J.S.A. 40A: 4-39 provides the dedicated revenues anticipated from the Uniform Construction Code Enforcement Fees (Regular) and (Third Party), are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

WHEREAS, N.J.S. 52:27D-119 et seq. provides that the Director of the Division of Local Government Services may approve collection and disbursement of monies by dedication by rider.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Ship Bottom do hereby request permission of the Director of the Division of Local Government Services to approve a dedication by rider for Uniform Construction Code Enforcement Fees (Regular) and (Third Party).

BE IT FURTHER RESOLVED that this resolution replaces Resolution 2014-151.

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

Mayor Huelsenbeck called for Resolution 2014-185: Correction to Resolution 2014-152, Dedication by Rider, Developer's Escrow Fund. On a motion by Councilman Rossi, seconded by Councilman English, this was approved as follows:

RESOLUTION 2014-185
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
DEVELOPER'S ESCROW FUND
REQUIRED BY N.J.S.A. 40:55D-53.1 et seq.

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

WHEREAS, the Borough of Ship Bottom receives money to be placed in an escrow account for Land Use Review Board applicants; and

WHEREAS, these monies are returned if the money is not used during the process of development for Land Use Review Board Applicants; and

WHEREAS, N.J.S.A. 40A: 4-39 provides the dedicated revenues anticipated from the Developer's Escrow Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

WHEREAS, N.J.S.A. 40:55D-53.1 et seq. provides that the Director of the Division of Local Government Services may approve return of monies by dedication by rider.

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Ship Bottom do hereby request permission of the Director of the Division of Local Government Services to approve a dedication by rider for Land Use Review Board escrow funds.

BE IT FURTHER RESOLVED that this resolution replaces Resolution 2014-152.

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

Mayor Huelsenbeck called for Resolution 2014-186: Authorizing Shared Services for the Prosecutor's Program. On a motion by Councilman Rossi, seconded by Councilman Hartman, this was approved as follows:

RESOLUTION 2014-186
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF AN SHARED SERVICES
AGREEMENT FOR THE PROSECUTOR'S PROGRAM

WHEREAS, the “Prosecutor’s Program” is a traffic safety program run by the Ocean County Prosecutor’s Office for the purpose of assisting in the investigation, prosecution of fatal accidents and in traffic enforcement and education; and

WHEREAS, the Shared Services Act, N.J.S.A. 40:65A et seq. authorizes local units to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Borough of Ship Bottom wishes to enter into an Agreement with the County of Ocean for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by the Municipality to the “Prosecutor’s Program”.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Ship Bottom, County of Ocean, hereby authorize the Mayor to execute and the Clerk to attest to a Shared Services Agreement for the purpose of designating certain Ship Bottom traffic safety officers to be assigned to the “Prosecutor’s Program” run by the Ocean County Prosecutor’ Office, for the year 2015.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to the Ocean County Prosecutor’s Office and the Ship Bottom Police Department.

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

Mayor Huelsenbeck called for Resolution 2014-187: Cancellation of Grants. On a motion by Councilman Rossi, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2014-187
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE CANCELLATION OF
GRANT RECEIVABLES AND GRANT RESERVES**

WHEREAS, certain grant receivables and grant reserve balances remain dedicated to projects now completed; and

WHEREAS, the grants are no longer active and it is necessary to formally cancel grant receivables and grant reserve balances; and

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Ship Bottom that the following grant receivables and grant reserve balances be cancelled:

Grant receivables:

| | |
|------------------------|-----------|
| CDBG FY09 | 7,825.56 |
| Cops in Shops | 16.20 |
| FY12 966 Reimbursement | 4.60 |
| DOT 2010 and Prior | 63,411.09 |

Grant Reserves:

| | |
|------------------------|------------|
| CDBG FY09 | 7,700.56 |
| CDBG FY11 | 5,199.75 |
| Cops in Shops | 570.64 |
| FY12 966 Reimbursement | 4.60 |
| DOT 2010 and Prior | 288,704.06 |

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

Mayor Huelsenbeck called for Resolution 2014-188: Authorizing agreement with Brian Geoghegan. On a motion by Councilman English, seconded by Councilman Rossi, this was approved as follows:

**RESOLUTION 2014-188
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE MAYOR TO EXECUTE AN
EMPLOYMENT AGREEMENT WITH
BRIAN GEOGHEGAN AS ADMINISTRATOR**

WHEREAS, Brian Geoghegan was appointed as the Administrator with Resolution 2014-139 on September 15, 2014, with an effective date of September 10, 2014; and

WHEREAS, it is the desire of the governing body to have an Employment Agreement with Brian Geoghegan.

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 this resolution authorizes the Mayor to execute and the Clerk to attest to an Employment Agreement, between the Borough of Ship Bottom and Brian Geoghegan, which is attached hereto and made a part hereof as “Schedule A”.

2. That this agreement is in effect from January 1, 2015 until December 31, 2015.
3. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Chief Financial Officer of the Borough of Ship Bottom and to Brian Geoghegan.

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

Mayor Huelsenbeck called for Resolution 2014-189: Appointing Deputy Court Administrator. On a motion by Councilman Sinopoli, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2014-189
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING APPOINTMENT OF
MAUREEN DANIELS AS DEPUTY COURT ADMINISTRATOR**

WHEREAS, from time to time the Ship Bottom Court Administrator is unable to be reached after hours for urgent Police matters; and

WHEREAS, Ship Bottom Municipal Magistrate Anthony R. Mautone, Jr. has given approval for the Long Beach Township Deputy Court Administrator, Maureen Daniels to act as Deputy Court Administrator in these instances; and

WHEREAS, the Administrative Office of the Courts, Ocean County Vicinage has requested the Borough of Ship Bottom authorize the appointment of Maureen Daniels as Deputy Court Administrator by resolution.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ship Bottom hereby appoint Maureen Daniels as Deputy Court Administrator to be compensated per call-out in an amount to be determined.

BE IT FURTHER RESOLVED that this appointment shall be effective December 23, 2014.

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

Mayor Huelsenbeck called for Resolution 2014-190: Acknowledgement of Jean E. Dean, 100th Birthday. On a motion by Councilman Rossi, seconded by Councilman Sinopoli, this was approved as follows:

**RESOLUTION 2014-190
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
ACKNOWLEDGING THE LIFE OF JEAN E. DEAN**

WHEREAS, Jean E. Dean was born on December 25, 1914 in Riverside, N.J. and will celebrate her 100th Birthday in 2 days; and

WHEREAS, Mrs. Dean is a graduate of St. Agnes Hospital in Philadelphia with an RN degree; and

WHEREAS, Mrs. Dean worked as a stewardess for TWA; and

WHEREAS, Mrs. Dean married Alfred "Chubby" Dean (a pitcher for the Philadelphia Athletics) in 1940; and

WHEREAS, Mrs. Dean purchased the house at 125 E. 13th Street in Ship Bottom in 1967 (where she currently resides); and

WHEREAS, Mrs. Dean is a member of the Beach Haven Yacht Club and a parishioner of St. Francis Church.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Ship Bottom hereby acknowledge the life of Jean E. Dean and congratulate Mrs. Dean on her upcoming 100th birthday.

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

Mayor Huelsenbeck called for Resolution 2014-191: Award of contract, Pennsylvania Ave. On a motion by Councilman Rossi, seconded by Councilman Hartman, this was approved as follows:

**RESOLUTION 2014 - 191
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING
A CONTRACT TO MATHIS CONSTRUCTION COMPANY,
INC. FOR THE 2013 ROAD
RECONSTRUCTION/IMPROVEMENT PROJECT –
PENNSYLVANIA AVENUE**

WHEREAS, the Borough of Ship Bottom duly advertised for the receipt of bids in regard to the 2013 Road Reconstruction/Improvement Project – Pennsylvania Avenue; and

WHEREAS, in response to the invitation to bidders, six (6) bids were received on December 18, 2014; and

WHEREAS, the bids were reviewed by the Borough Engineer and it has been determined that Mathis Construction Company, Inc. has submitted the lowest responsible bid in accordance with the bid specifications, said bid being \$225,296.01; and

WHEREAS, it is the desire of the governing body to award a contract for the 2013 Road Reconstruction/Improvement Project – Pennsylvania Avenue to Mathis Construction Company, Inc., the lowest responsible bidder.

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 award a contract for the 2013 Road Reconstruction/Improvement Project – Pennsylvania Avenue to Mathis Construction Company, Inc. at \$225,296.01.
2. That the Mayor and Municipal Clerk are hereby authorized to execute a contract with Mathis Construction Company, Inc. in accordance with the bid submitted by Mathis Construction Company, Inc. and the bid specifications.
3. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line item appropriations or ordinances which constitute the availability of funds for this contract: Ordinance 2014-12.
4. That a certified copy of this resolution, together with a copy of the contract between the parties, be forwarded to the Chief Financial Officer and to Mathis Construction Company, Inc.

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

Mayor Huelsenbeck called for Ordinance 2014-13: Second reading, public hearing and adoption, dealers of precious metals and other secondhand goods. On a motion by Councilman Rossi, seconded by Councilman Sinopoli, and an all in favor vote, all aye, the hearing was opened to the public. Having no response from the public, on a motion by Councilman Sinopoli, seconded by Councilman Rossi, and an all in favor vote, all aye, the hearing was closed to the public. On a motion by Councilman Rossi, seconded by Councilman Sinopoli, Ordinance 2014-13 was adopted as follows:

**ORDINANCE NO. 2014-13
AN ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY
OF OCEAN, STATE OF NEW JERSEY,
AMENDING AND SUPPLEMENTING TITLE 5 OF THE BOROUGH
CODE OF THE BOROUGH OF SHIP BOTTOM ENTITLED
“BUSINESS LICENSES AND REGULATIONS” SO AS TO CREATE
NEW CHAPTER 5.60 ENTITLED “DEALERS IN PRECIOUS
METALS AND OTHER SECONDHAND GOODS”**

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

SECTION 1: Title 5 of the Borough Code of the Borough of Ship Bottom entitled “Business Licenses and Regulations” is hereby amended and supplemented so as to create new Chapter 5.60 entitled “Dealers in Precious Metals and Other Secondhand Goods” which shall read as follows:

CHAPTER 5.60

DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

5.60.010. Purpose and Intent

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this chapter in the exact manner described herein.

5.60.020. Definitions

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the “city,” “town,” “township,” “village,” or “borough.”

“PAWNBROKER” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

“SECONDHAND GOODS” means used goods such as antiques, gold, silver, platinum, or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, game cartridges, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this ordinance, secondhand goods shall not include goods transacted in the following manner: i) judicial sales or sales by executors or administrators; ii) occasional or auction sales of household goods sold from private homes; iii) auctions of real estate; iv) the occasional sale, purchase, or exchange of coins or stamps by a person at his permanent residence or in any municipally owned building who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.

“SELLER” means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

5.60.030. License Requirement for dealers

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in **5.60.020** above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this chapter. No person, partnership, limited liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any print advertisement, the license number shall appear in type no smaller than eight point in the lower-right-hand corner of the advertisement. In any advertisement in electronic media, the license number shall be visually or audibly stated. Failure to state or indicate the license number shall be a violation of this chapter and shall be subject to the penalties established in **5.60.090**.

5.60.040. Application process for dealers; approval or denial

A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an

investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:

- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in **5.60.020** above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
 - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by **5.60.060(D)** of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under **5.60.060(A)**.
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C) The Chief of Police shall, upon completion of the investigation, recommend “grant” or “denial” of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
- D) Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in **5.60.050**, the retention and inspection requirements of **5.60.060**, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by **5.60.080** of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Mayor, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F) No license shall be assignable by the dealer.
- 5.60.050 Identification of seller; recordkeeping requirements for dealers**

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in **5.60.020**
- B) Require each seller to execute a "Declaration of Ownership," which shall contain the following certification: *"My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct."*
- C) Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
 - a. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - b. the name, address, date of birth, and telephone number of the seller or sellers;
 - c. a photographed recording of the seller in a format acceptable to the Chief of Police, along with a physical description of the seller, including height and weight (approximate), hair color, eye color, facial hair, if any, etc.;
 - d. a photographed recording of the seller's presented acceptable identification, as set forth in **5.60.020**, in a format acceptable by the Chief of Police;
 - e. a photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item should have its own photograph;
 - f. the receipt number;
 - g. a detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers engraved thereon, serial numbers, series numbers, or any other information, which sets apart the particular object from others of like kind;
 - h. the price paid for the purchase or pawn of the item(s);
 - i. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
 - j. the time and date of the transaction.
- D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- E) In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in **5.60.060**.
- F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in **5.60.060**. Itinerant businesses and transient buyers will be

responsible for notifying the Chief of Police of the address where these records and articles will be stored.

5.60.060 Retention; revocation; other restrictions

- A) All precious metals and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in **5.60.050** except for jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the required retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.
- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by **5.60.050(B)** upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the “victim” of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C) It shall be an affirmative defense to any prosecution or administrative proceeding brought against a dealer for a violation of this section if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be a defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.
- D) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in **5.60.050(C)**.
- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer’s license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to **5.60.090** of this chapter.
 - i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
 - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief’s designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person

panel appointed by the Mayor, upon the timely filing of an appeal as provided in subsection (H).

- G) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under **5.60.090**.
- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
 - ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Mayor, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.
- H) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Mayor, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I) A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

5.60.070. Bond

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Borough of Ship Bottom, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any license granted under this chapter." Said bond shall be kept for a minimum of one year from the date of issuance of license and must be renewed annually along with the license.

5.60.080. Fees; period of license validity

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$100. The annual renewal fee for a license is \$50. These fees are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by **5.60.050(D)** of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

5.60.090. Violations and penalties

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of N.J.S.A. 40:49-5 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in **5.60.060(F)** and **5.60.060(G)** above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a

previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in **5.60.060(G)**. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

5.60.100. Time limit for conformance

A) Any person, partnership, limited liability company, corporation, or other entity engaging in the business of a pawnbroker, or a dealer in precious metals or other secondhand goods shall conform to the provisions of this chapter within ninety (90) days following the date of its final passage by the Governing body and approval by the Mayor.

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 to be 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 thereof.

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

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

Mayor Huelsenbeck called for Ordinance 2014-14: Second reading, public hearing and adoption, Re-entry placards. On a motion by Councilman Sinopoli, seconded by Councilman Rossi, and an all in favor vote, all aye, the hearing was opened to the public. Having no response from the public, on a motion by Councilman Sinopoli, seconded by Councilman Rossi, and an all in favor vote, all aye, the hearing was closed to the public. On a motion by Councilman Sinopoli, seconded by Councilman Rossi, Ordinance 2014-14 was adopted as follows:

**ORDINANCE NO.2014-14
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY
OF OCEAN, STATE OF NEW JERSEY, AMENDING AND
SUPPLEMENTING ORDINANCE 2010-08 ENTITLED
“ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING TITLE 8 OF THE BOROUGH CODE OF
THE BOROUGH OF SHIP BOTTOM ENTITLED “HEALTH AND
SAFETY” SO AS TO ESTABLISH NEW CHAPTER 8.06
ENTITLED “EVACUATION RE-ENTRY PLACARDS” AND
ESTABLISHING A FEE FOR THE ISSUANCE OF “RE-ENTRY
PLACARDS”**

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 1 of Ordinance 2010-08 is hereby amended and supplemented to revise Paragraph C of proposed Section 8.60.020 entitled “Re-Entry placards” to read as follows:

C. Placards will be valid for five years; at which time the Borough will issue new ones.

SECTION 2. Section 1 of Ordinance 2010-08 is hereby amended and supplemented to so as to add new Paragraphs I and J to proposed Section 8.60.020 entitled “Re-Entry placards” which shall read as follows:

I. Contractors will be issued individual placards once approved by the Borough. The placards will be sequentially numbered and will be issued by the Borough at a location that will be established on the mainland. The placards will have an expiration date and will be accepted in every municipality.

J. Commercial Vessels may be issued placards and/or flags to transport people and material across Barnegat Bay subject to the approval of the Borough. Authorized commercial vessels shall arrive and depart from a Borough designated dock area or port. Information pertaining to the designated landing area or port shall be provided by the Borough to the United States Coast Guard, New Jersey State Police and any other Marine Security Detachment. The transportation of people and material by commercial vessel to any area, dock, pier, wharf or other landing area not designated by the Borough shall be prohibited.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. 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 5. This ordinance shall take effect after public reading and publication as required by law.

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

Mayor Huelsenbeck called for the request from Ship Bottom Republican Club to use the council room on the following dates in 2015: Jan. 8, Feb. 5, March 5, April 2, May 7, June 4, Sept. 3, Oct. 1, Nov. 5 and Dec. 3 @ 7:00 pm. On a motion by Councilman Rossi, seconded by Councilman Sinopoli, this was approved.

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

Mayor Huelsenbeck called for the request from the Kiwanis Club for the Annual Flea Markets to be held at the Waterfront Park on 10th St. and Shore Ave. On a motion by Councilman Sinopoli, seconded by Councilman English, these were approved for July 9 and August 13, from 6:00 am until 5:00 pm. The rain dates are July 10 and August 14.

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

Mayor Huelsenbeck called for the wedding request from Mitch Rogers and Shelby Mackintosh to use the 12th St. beach on April 24, 2015 at 2:00 pm for approximately 75 guests. On a motion by Councilman Sinopoli, seconded by Councilman English, this was approved.

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

Mayor Huelsenbeck called for Reports of Committees:

Revenue and Finance: Councilman David Hartman

Taxes collected so far for the month of December were \$176,847.85 Of that:

\$144,520. were for 2014; \$31,250. were for 2015; and \$1077. were interest paid.

Miscellaneous revenue collected for December so far was \$10,050.54.

Notables within that were: Tower lease rental of \$3025. and planning board fees of \$2500.

Public Safety: Councilman Tom Tallon

No Report

Parks and Recreation: Councilman Edward English

Because of the advertising for holiday badges, we have sold over 250 badges. We ordered 200 badges that sold out last week and had to place an additional order for 100 more. This surpasses the amount sold last year. We also sold an additional 10 certificates for badges to be picked up when the 2015 regular badges go on sale. We brought in \$8,302.00 in badge sales so far.

The Christmas Parade was successful, although the weather was a little wet at times. Cathleen Engelsen was honored to be the Grand Marshall.

Water/Sewer: Councilman Sinopoli

For the month of November, we pumped 5,871,000 gallons of water. We inspected & operated the plant and wells, helped with water meter reads and repairs and made all repairs to water & sewer systems as needed.

Public Property and Community Affairs: read by Councilman Sinopoli for Dr. Gleason

Code Enforcement: 9 verbal warnings issued, 5 for illegal signs, 3 for trash and 1 for construction materials on street. There were 3 summons issued, 2 for trash and 1 for construction materials on street.

Construction: 29 permits and 6 permit updates processed. The type of work was 16 alteration/renovations, 8 addition/rehabs, 6 new buildings and 5 demolitions. The total revenue was \$20,435.00.

Zoning: 8 permits and 5 resale inspections.

Public Works: Councilman Peter Rossi

1. Monthly maintenance and repairs done on all borough vehicles and equipment.
2. Metal, electronics and brush pick up.
3. Assisted code enforcement with cardboard at the 3rd St. yard. Worked on new building area.
4. Shoveled and swept handicap and beach entrances.
5. Completed putting up Christmas decorations throughout the borough.
6. Installed new salt spreader and picked up two loads of salt from county.
7. Picked up bucket truck after repairs were done.
8. Filled pot holes, used loader to clean sand off Ship Bottom Ave.
9. Installed metal detectors at borough hall court.
10. Worked on parade, (12/6/14)
11. Mark Outs - 18 hrs.
12. Both new trucks have been delivered.

The Mayor and all the Council Members wished everyone a Merry Christmas and Happy New Year!

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

1. Barbara Bishop, 1301 Ocean Ave., thanked the Mayor and Council for the resolution honoring Jean Dean and the Christmas decorations throughout the borough.

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

On a motion by Councilman Rossi, seconded by Councilman Sinopoli and an all in favor vote, all aye, Mayor Huelsenbeck adjourned the meeting at 7:32 p.m.

Kathleen Wells, RMC
Municipal Clerk

William Huelsenbeck
Mayor