

Borough of Ship Bottom  
Regular Meeting Minutes  
September 15, 2014

The following are the minutes of the special meeting of the Council of the Borough of Ship Bottom, which was held on Monday, September 15, 2014, at 9:00 a.m. in the Municipal Building Council Room, located at 1621 Long Beach Blvd., Ship Bottom, NJ.

Council President English called the Special Meeting to order at 9:02 a.m. and asked the Clerk to take attendance. The following were present:

Councilmen Hartman, Tallon, English, Sinopoli and Rossi. Mayor Huelsenbeck and Dr. Gleason are absent.

Council President English asked the Clerk to read the Statement of Notice. It is as follows:

The time, date and location of this special meeting was advertised in the Beach Haven Times on September 4, 2014, and sent to the Asbury Park Press and the Atlantic City Press by e-mail on September 2, 2014, in accordance with the Open Public Meetings Act. This notice was also posted in the Municipal Building on September 2, 2014.

Flag Salute

Council President English called for Resolution 2014-137: Authorizing increase in bid threshold. On a motion by Councilman English, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2014-137  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
INCREASING THE BID THRESHOLD PURSUANT TO  
N.J.S.A. 40A:11-3 AND N.J.A.C 5:34-5 ET SEQ.**

**WHEREAS**, the Local Public Contracts Law authorizes local contracting units the ability to increase their bid threshold up to \$36,000; and

**WHEREAS**, N.J.S.A. 40A:11-3, permits an increase in the bid threshold if a Qualified Purchasing Agent is appointed as well as granted the authorization to negotiate and award such contracts below the bid threshold; and

**WHEREAS**, Kathleen Flanagan possesses the designation of Qualified Purchasing Agent, certification # 1575, as issued by the Director of Local Government Services in accordance with N.J.A.C. 5-34-5 et seq.; and

**WHEREAS**, the Borough of Ship Bottom desires to take advantage of the increased bid threshold.

**NOW, THEREFORE BE IT RESOLVED**, that the governing body of the Borough of Ship Bottom in the County of Ocean, in the State of New Jersey, hereby increases its bid threshold to \$36,000.; and

**BE IT FURTHER RESOLVED**, that in accordance with N.J.A.C. 5-34-5.2 the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution to the Director of the Division of Local Government Services.

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

Council President English called for Resolution 2014-138: Utility Easement Agreement, Atlantic City Electric. On a motion by Councilman Sinopoli, seconded by Councilman Rossi, this was approved as follows:

**RESOLUTION 2014-138  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE MAYOR TO SIGN  
A UTILITY EASEMENT AGREEMENT**

**WHEREAS**, Atlantic City Electric needs to move a pole from a residential property;  
and

**WHEREAS**, Atlantic City Electric needs to relocate the pole across Bay Terrace onto Block 72, Lot 1; and

**WHEREAS**, the Borough of Ship Bottom is in agreement with this relocation of the pole.

**WHEREAS**, the Borough of Ship Bottom needs to grant a Utility Easement.

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Ship Bottom that the Mayor is hereby authorized to sign a Utility Easement Agreement with Atlantic City Electric for the relocation of a pole onto Block 72, lot 1.

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

Council President English called for Resolution 2014-139: Appointment of Borough Administrator. On a motion by Councilman Tallon, seconded by Councilman Sinopoli, this was approved as follows:

**RESOLUTION 2014-139  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPOINTMENT OF BOROUGH ADMINISTRATOR**

**WHEREAS**, T. Richard Bethea held the title of Borough Administrator; and

**WHEREAS**, T. Richard Bethea retired on August 31, 2014, which leaves a vacancy in the position of Borough Administrator; and

**WHEREAS**, Brian James Geoghegan is qualified to hold the position of Borough Administrator; and

**WHEREAS**, it is the desire of the Mayor and Council to appoint Brian James Geoghegan to the position of Borough Administrator.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Ship Bottom as follows:

1. Brian James Geoghegan is hereby appointed as Borough Administrator.
2. That the appointment shall be in effect starting on September 10, 2014.
3. That this is a part time position.
4. That the annual salary shall be \$29,000.00.

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

Council President English called for Resolution 2014-140: "Green Acres Release and Compensation Agreement and Deed of Restriction" Authorization. On a motion by Councilman Rossi, seconded by Councilman Tallon, this was approved as follows:

**RESOLUTION 2014 -140  
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE EXECUTION OF A "GREEN ACRES  
RELEASE AND COMPENSATION AGREEMENT AND DEED  
OF RESTRICTION"**

**WHEREAS**, the Borough of Ship (hereinafter referred to as the "Borough") is the owner of property known and designated as Block 57, Lots 2 and 3 as shown on the tax map of the Borough of Ship Bottom and consisting of approximately 0.358 acres of land (hereinafter referred to as the "property"); and

**WHEREAS**, the property is currently encumbered by the New Jersey Department of Environmental Protection (hereinafter referred to as the "NJDEP") as unfunded parkland with restrictions against disposal or diversion from recreation and conservation uses as a result of acceptance of Green Acres funding under the Multi Waterfront Park Development Planning Incentive Grant Contract; and

**WHEREAS**, the Borough submitted an application to the NJDEP and State House Commission (hereinafter referred to as the "Commission") requesting approval to release the Green Acres restrictions from approximately 0.059 acres of the property so that the Borough may convey the portion of the property which is west of the bulkhead line to the adjacent property owners, Francis A. and Joan McTeigue, in exchange for approximately 0.059 acres of land owned by the McTeigues to the property east of the bulkhead line so as to create a contiguous and municipally-owned dune corridor as required as part of the beach replenishment project to be funded by the NJDEP and the Army Corps of Engineers; and

**WHEREAS**, the NJDEP and the Commission has approved the Borough's application for release of the Green Acres restriction on the property subject to the terms and conditions of a

Green Acres Release and Compensation Agreement and Deed of Restriction, a copy of which is attached hereto and made a part hereof as Schedule "A" (hereinafter referred to as the "Agreement"); and

**WHEREAS**, it is the desire of the governing body to authorize the execution of the Agreement in order to facilitate the beach replenishment project.

**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 Mayor to execute and the Borough Clerk to attest to the Agreement, a copy of which is attached hereto and made a part hereof as Schedule "A".
2. That a certified copy of this resolution and Agreement shall be kept on file in the office of the Municipal Clerk and available for public inspection during normal business hours.

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

Council President English called for Ordinance 2014-09: Second reading, public hearing and adoption, Eminent Domain ordinance, beach replenishment. On a motion by Councilman Rossi, seconded by Councilman Tallon, 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 Rossi, seconded by Councilman Tallon, and an all in favor vote, all aye, the hearing was closed to the public. On a motion by Councilman English, seconded by Councilman Tallon, Ordinance 2014-09 was adopted as follows:

**ORDINANCE NO. 2014-09  
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES  
BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, SAID  
PROPERTIES BEING IDENTIFIED ON THE  
ANNEXED SCHEDULE AND PARCEL MAPS**

**WHEREAS**, Superstorm Sandy caused significant and widespread damages to public and private property along the oceanfront and has greatly diminished pre-existing flood hazard risk reduction measures, making the Borough of Ship Bottom, extremely vulnerable to future storms; and

**WHEREAS**, on October 27, 2012 the Governor issued Executive Order No. 104, wherein he declared a state of emergency because of Superstorm Sandy; and

**WHEREAS**, on September 25, 2013 the Governor issued Executive Order No. 140, wherein he declared that the construction of flood hazard risk reduction measures along New Jersey's coastline, including the Borough of Ship Bottom, is necessary to protect the public health, safety, and welfare from future natural disasters, and that reliance on certain statutory authority for the acquisition of property, including but not limited to N.J.S.A. 20:3-1, et seq. and N.J.S.A. App. A:9-51.5, is necessary for such efforts; and

**WHEREAS**, the State of New Jersey recognizes and supports public acquisition of certain interests in storm-damaged and storm-prone property as a priority hazard mitigation strategy to promote the public health, safety, and welfare; and

**WHEREAS**, the Mayor and Governing Body of the Borough of Ship Bottom have concluded that it is necessary, desirable, and appropriate for the Borough of Ship Bottom to undertake project for flood hazard risk reduction measures; and

**WHEREAS**, there is currently private ownership of certain portions of the lands where said flood hazard risk reduction measures shall be undertaken; and

**WHEREAS**, by adoption of this Ordinance the Borough of Ship Bottom authorizes the taking of perpetual easements in a portion of each identified privately owned property by condemnation/eminent domain so that the Borough of Ship Bottom and other entities or agents acting on behalf of the Borough of Ship Bottom shall have access onto, over, and through said privately owned real property for the purpose of taking any and all actions necessary for completing said flood hazard risk reduction measures; and

**WHEREAS**, the Mayor and Governing Body of the Borough of Ship Bottom further find that a public use and purpose would be served for the benefit of the Borough of Ship Bottom and surrounding communities by acquiring certain property interests in the aforesaid property, including, but not limited to, the promotion, protection, and preservation of the public health, safety, and welfare of the Borough of Ship Bottom and its inhabitants by the acquisition of certain interests in said real property for storm damage and flood area mitigation through conducting the said flood hazard risk reduction measures, to protect public infrastructure located with the Borough of Ship Bottom, to mitigate future storm damage and associated public recovery expenditures, and for the protection, preservation, and conservation of precious natural resources; and

**WHEREAS**, the Mayor and Governing Body of the Borough of Ship Bottom are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/ eminent domain as long as just compensation is paid for the same;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Governing Body of the Borough of Ship Bottom, in the County of Ocean and State of New Jersey as follows:

1. **RECITALS INCORPORATED**: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS**: The Mayor and Governing Body of the Borough of Ship Bottom find that the flood hazard risk reduction measures will promote and protect the health, safety, and welfare of residents of the Borough of Ship Bottom, and will prevent property damage and loss due to flooding, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION**: The Mayor and Governing Body of the Borough of Ship Bottom specially authorize any and all necessary and appropriate actions by the Borough of Ship Bottom officials including the Mayor, Municipal Clerk, Municipal Attorney, and/or Special Condemnation Attorney, in conjunction with the Office of Flood Hazard Risk Reduction Measures within the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/ eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Borough of Ship Bottom to the property owner(s) in the full amount of the appraised value of the property interest that the Municipality seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.
4. **IDENTIFICATION OF PROPERTY**: The properties for which a taking of property interests is authorized by negotiation, purchase, or condemnation/ eminent domain pursuant to this Ordinance are located in the Borough of Ship Bottom and listed on the Municipality tax map, the legal descriptions of which are attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements in the properties identified herein.
5. **OFFICIALS AUTHORIZED**: All appropriate officials of the Borough of Ship Bottom, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Borough of Ship Bottom are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **PURCHASE OF PROPERTY**: If a determination is made by a majority vote of the Governing Body of the Borough of Ship Bottom that the purchase of an easement is more appropriate than the obtaining said property interest through condemnation/ eminent domain, then all appropriate officials of the Municipality, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Borough of Ship Bottom.
7. **REPEALER**: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY**: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
9. **EFFECTIVE DATE**: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

**“SCHEDULE A”**

Block 29, Lot 2  
148 E. 24<sup>th</sup> St.

Block 29, Lot 31  
145 E. 25<sup>th</sup> St.

Block 29, Lot 32  
147 E. 25<sup>th</sup> St.

Block 30, Lot 2

Block 30, Lot 19

September 15, 2014

144 E. 23<sup>rd</sup> St.

143 E. 24<sup>th</sup> St.

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

On a motion by Councilman Sinopoli, seconded by Councilman Tallon, and an all in favor vote, all aye, the meeting was opened to the public. Having no response from the public, on a motion by Councilman Hartman, seconded by Councilman Tallon, and an all in favor vote, all aye the meeting was closed to the public.

On a motion by Councilman Sinopoli, seconded by Councilman English, and an all in favor vote, all aye, Council President English adjourned the meeting at 9:18 a.m.

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Kathleen Wells, RMC  
Municipal Clerk

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Edward English  
Council President