

**REGULAR MEETING MINUTES
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN**

JANUARY 9, 2013

OAKHURST, NEW JERSEY

The Regular Meeting of the Township Council was held in the Public Meeting Room, First Floor, 399 Monmouth Road, Oakhurst, NJ 07755 at 7:00 p.m.

Present: Deputy Mayor Siciliano
Councilmember(s) Garofalo and Schepiga

Absent: Mayor Larkin
Councilmember Evans

Others: Martin J. Arbus, Esq., Township Attorney
Andrew G. Brannen, Township Manager
Vincent Buttiglieri, Township Clerk

Statement of Compliance with the Open Public Meetings Act:

In the absence of Mayor Larkin, Deputy Mayor Siciliano announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Meeting Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 12, 2012.

NOTICE:

All cell telephones must be turned off. If you need to make a call, please make your call outside the meeting room.

Mayor's Statement: Public Portion to Ask Questions with Regard to Resolutions

The purpose of this public portion is solely to ask questions to understand Resolutions that appear on the Agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

PUBLIC COMMENTS:

Don Geiger inquired as follows:

- Resolution #13-004 – How does the budget look?

Andrew Brannen, Township Manager, explained that it is too early to tell.

- Resolution #13-007 - Is there a possibility the Township can increase the penalty for delinquent taxes?

Mr. Brannen said that these penalties are governed by State Statute and the Township is at the maximum allowable penalty.

- Resolution #13-013b – Would it be more cost effective to utilize electric golf carts?

Mr. Brannen stated that the Township did explore that option, however, it was cheaper to use gas powered golf carts.

Brian Lefferson inquired as follows:

- Resolution #13-010 – Does this pertain to the deer?

Mr. Brannen said that it pertains to Canadian geese rather than deer.

CONSENT AGENDA:**RESOLUTIONS:****13-001 Authorize the Developer's Agreement for the following:****a. Block 33, Lots 72 thru Lot 77 and Block 33.38, Lot 9 thru Lot 12 – Extension of Finderne Street – Bevin Irvin Builders**

WHEREAS, Bevin Irvin Builders, Inc. (hereinafter "Developer") is the owner of property known as Block 33, Lots 72-77 and Block 33.38, Lot 9-12, more commonly referred to as Finderne Street in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer intends to develop said property for the purpose of Roadway Improvements Only; and

WHEREAS, due to the nature of the project there was no need for either Zoning Board or Planning Board approval; and

WHEREAS, this Agreement relates to the Map entitled Proposed Extension of Finderne Street, Improvement Plan prepared by Charles Surmonte, P.E. & P.L.S. consisting of three (3) sheets dated January 20, 2012; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated May 9, 2012 prepared by the Township of Ocean Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Ocean and Bevin Irvin Builders, Inc., subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the office of the Township Clerk
 - b. Posting of Performance Guarantees in the total amount of \$116,520.00 and Inspection Fees in the amount of \$6,055.00

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded by the Township Clerk to each of the following:

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Bevin Irvin Builders, Inc.

13-002 Authorize the Release of Performance Guarantee(s) for the following:**a. Block 40, Lots 1, 2, 34, & 111 – 510 Roseld Avenue – Hollywood Golf Club (Phase III)**

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by Developer's when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated November 7, 2011 with Hollywood Golf Club for Minor Site Plan Approval, Approval of Conditional Use and Approval of Bulk Variance to repair, renovate and expand the existing men's clubhouse for property known as Block 40, Lots 1, 2, 34 and 111 located at 510 Roseld Avenue; and

WHEREAS, Hollywood Golf Club has heretofore deposited with the Township of Ocean performance guarantees totaling \$18,840.00 in the form of Cash to guarantee the completion of all improvements on premises known as Block 40, Lots 1, 2, 34 and 111 located at 510 Roseld Avenue; and

WHEREAS, the Township Clerk is in receipt of a letter from Mary Bryk, on behalf of Hollywood Golf Club, requesting the release of the performance guarantees; and

WHEREAS, Gregory A. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 2, 2013 and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of ocean in the County of Monmouth that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$18,840.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$2,355.00, said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
2. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

BE IT FURTHER RESOLVED that a copy of this resolution, certified to be a true copy be forwarded to the following:

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Hollywood Golf Club

13-003 Authorize the Release of Maintenance Guarantee(s) for the following:

a. Block 63, Lot 11 – 610 Palmer Avenue – Michael Basso

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, Michael Basso has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$3,390.00 property known as Block 63, Lot 11 located at 610 Palmer Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated January 2, 2013, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned cash maintenance guarantees subject to the payment to the Shade Tree

Commission of \$250.00 for one (1) shade tree and any outstanding engineering and administrative fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantees in the amount of \$3,390.00 are hereby released, canceled and discharged in accordance with the recommendation of the Township engineer subject to the payment to the Shade Tree Commission and any outstanding engineering and administrative fees.

BE IT FURTHER RESOLVED that a copy of this resolution, certified to be a true copy, be forwarded to the following:

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Michael Basso

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

RESOLUTIONS:

13-004 Approve the 2013 Temporary Budget

WHEREAS, in the normal operation of the Township of Ocean it is necessary for the making of contracts, commitments and payments prior to the adoption of the regular budget; and

WHEREAS, N.J.S. 40A:4-19 of the State of New Jersey provides the Governing Body of any municipality may make temporary appropriations to provide for any contracts, commitments or payments to be made between the beginning of the budget year and adoption of the final budget; and

WHEREAS, the total amount of the appropriations attached hereto and made a part thereof in the amount of \$7,697,173.00 does not exceed twenty-six and one-quarter (26.25) percent of the Local Budget Appropriations of the Township of Ocean for the year 2012, exclusive of any 2012 appropriations made for Debt Service and Capital Improvement Fund, and exclusive of 2013 Debt Service Appropriations;

NOW, THEREFORE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, that the attached Temporary Budget for the year 2013 be adopted; and

BE IT FURTHER RESOLVED that a copy of the within be forwarded to the following:

1. Director of Finance
2. Township Auditor

2013 Temporary Budget

Department		Salary & Wages	Other Expenses
Office Of The Governing Body	Salary & Wages	8,035.00	
Office Of The Governing Body	Other Expenses		1,365.00
Office Of The Township Manager	Salary & Wages	82,585.00	
Office Of The Township Manager	Other Expenses		6,720.00
Office Of The Township Clerk	Salary & Wages	47,216.00	
Office Of The Township Clerk	Other Expenses		6,754.00
Financial Administration	Salary & Wages	77,679.00	
Financial Administration	Other Expenses		5,788.00
Data Processing	Salary & Wages	21,328.00	
Data Processing	Other Expenses		23,376.00
Collection Of Taxes	Salary & Wages	31,185.00	
Collection Of Taxes	Other Expenses		2,651.00
Assessment Of Taxes	Salary & Wages	41,670.00	
Assessment Of Taxes	Other Expenses		26,335.00
Legal Services & Costs	Other Expenses		86,859.00
Engineering Services & Costs	Other Expenses		16,616.00
Planning Board	Other Expenses		3,491.00
Board Of Adjustment	Other Expenses		6,195.00
Office Of Planning Admin	Salary & Wages	62,925.00	
Office Of Planning Admin	Other Expenses		3,360.00
Construction Code Enforcement	Salary & Wages	94,007.00	
Construction Code Enforcement	Other Expenses		19,917.00
Mjmjif Assessment (Liab Ins)	Other Expenses		319,080.00
Mjmjif Assessment (W/C Ins)	Other Expenses		660,690.00
Health Insurance	Other Expenses		700,000.00
Health Benefit Waiver (Pmt In Lieu)	Other Expenses		14,175.00
Police Department	Salary & Wages	1,821,062.00	
Police Department	Other Expenses		71,383.00
Police Dispatch/911	Salary & Wages	102,364.00	
Police Dispatch/911	Other Expenses		459.00
Emergency Management	Other Expenses		1,471.00
Municipal Prosecutor	Salary & Wages	9,188.00	
Municipal Prosecutor	Other Expenses		551.00
Office Director Public Works	Salary & Wages	97,959.00	
Office Director Public Works	Other Expenses		2,363.00
Road Repairs & Maintenance	Salary & Wages	185,173.00	
Road Repairs & Maintenance	Other Expenses		103,425.00
Maintenance Of Equipment	Salary & Wages	73,493.00	
Maintenance Of Equipment	Other Expenses		119,569.00
Garbage & Trash Removal	Salary & Wages	305,989.00	
Garbage & Trash Removal	Other Expenses		2,034.00
Recycling	Salary & Wages	5,620.00	
Recycling	Other Expenses		957.00
Buildings & Grounds	Salary & Wages	228,532.00	
Buildings & Grounds	Other Expenses		88,594.00
Apartment Reimbursements Inside Caps	Other Expenses		73,500.00
Community Services Act	Other Expenses		4,200.00
Board Of Health	Salary & Wages	19,568.00	
Board Of Health	Other Expenses		51,471.00
Animal Control Services	Other Expenses		12,101.00
Community Service Department	Salary & Wages	94,480.00	
Community Service Department	Other Expenses		7,967.00
Recreation	Salary & Wages	111,874.00	
Recreation	Other Expenses		20,325.00
Senior Citizen Transportation	Other Expenses		4,712.00
Pool & Tennis Club	Salary & Wages	24,998.00	
Pool & Tennis Club	Other Expenses		11,559.00
Colonial Terr Golf Course	Salary & Wages	24,084.00	
Cele Pub Events, Holidays	Other Expenses		74,609.00
Cele Pub Events, Holidays	Other Expenses		6,825.00
Maint Of Free Public Library	Other Expenses		6,694.00
Participation Deal Lake Comm	Other Expenses		5,184.00
Purchase Of Township Vehicles	Other Expenses		162,000.00

2013 Temporary Budget

Department		Salary & Wages	Other Expenses
Postage	Other Expenses		14,438.00
Shade Tree Commission	Other Expenses		525.00
Environmental Commission	Other Expenses		683.00
Electricity	Other Expenses		50,000.00
Street Lighting	Other Expenses		50,000.00
Telephone	Other Expenses		10,000.00
Water	Other Expenses		16,538.00
Natural Gas	Other Expenses		22,313.00
Heating Oil	Other Expenses		3,439.00
Sewerage	Other Expenses		4,331.00
Fuel	Other Expenses		139,259.00
Landfill/Solid Waste	Other Expenses		643,318.00
Social Security System	Other Expenses		280,895.00
Matching Funds For Grants	Other Expenses		10,000.00
Municipal Court	Salary & Wages	68,563.00	
Municipal Court - Oe	Other Expenses		4,671.00
Public Defender	Salary & Wages	4,550.00	
Public Defender - Oe	Other Expenses		788.00
Cops Univerisal Hiring Program	Salary & Wages	35,892.00	
Cops Universal Hiring Program	Other Expenses		6,166.00
Tosa Shared Services	Other Expenses		16,859.00
Tosa Shared Services Agreement	Other Expenses		7,606.00
Column Totals		3,680,019.00	4,017,154.00
Total 2013 Temporary Budget			7,697,173.00

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recues					
Absent/Excused		X			X

13-005 Accept the following Grants:

a. Cops in Shops – 2012/2013 College/Fall Initiative

WHEREAS, the Township of Ocean has been selected as a recipient for the **COPS IN SHOPS College/Fall Initiative 2012-2013 Grant** program; and

WHEREAS, the program utilizes the National Highway Traffic Safety Administration Funds through the New Jersey Division of Highway Traffic Safety; and

WHEREAS, \$2,800.00 has been made available to the Township of Ocean to cover overtime wages for the Township of Ocean Police Officers to perform alcohol enforcement programs; and

WHEREAS, the Township of Ocean Police Chief has recommended that this allocation be accepted; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, in the County of Monmouth, and the New Jersey Division of Alcoholic Beverage Control and the Division of Highway Traffic Safety that the **COPS IN SHOPS College/Fall Initiative 2012-2013 Grant** be and is hereby accepted; and

BE IT FURTHER RESOLVED, that the appropriate Township officials are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of Grant Funds for the ***COPS IN SHOPS College/Fall Initiative 2012-2013 Grant***, and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. Director of Finance
2. Chief of Police

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-006 Authorize the 2013 Tax Sale

RESOLUTION AUTHORIZING 2012 TAX SALE

WHEREAS, the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2012 on October 17, 2013 at 10:00 AM in a manner prescribed by N.J.S.A. 54-5-19, and as amended by Chapter 99, Public Laws of 1997 and

WHEREAS, in lieu of any two publications, the Tax Collector is directed to mail notice to the property owner and to any person or entity entitled to notice of foreclosure pursuant to section 20 of P.L. 1948, c. 96 (C. 54:5-104.48) and may be given by regular or certified mail, the costs of which shall be added to the cost of the sale in addition to those provided in R.S. 54:5-38, not to exceed \$25.00 for each set of notices for a particular property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, that the Tax Collector is hereby authorized to advertise for two consecutive weeks and directed to sell all municipal liens in accordance with New Jersey Law, and as stated above; and

BE IT FURTHER RESOLVED, that a copy of the within Resolution be forwarded to the following:

1. Director of Finance
2. Deputy Tax Collector
3. Township Auditor

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-007 Setting 2013 Interest Rates and Penalties for Delinquent Taxes and Assessments

SETTING 2013 INTEREST RATES AND PENALTIES FOR DELINQUENT TAXES AND ASSESSMENTS

WHEREAS, N.J.S.A.54: 4-67 et seq., permits the Governing Body to fix the rate of interest to be charged for the non-payment of taxes, assessments or other municipal charges.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that:

1. The rate of interest on unpaid taxes, assessments or other municipal charges shall be eight (8%) percent per annum on the first One Thousand Five Hundred (\$1,500.00) Dollars of delinquent taxes, assessments or other municipal charges that become delinquent after the due date and eighteen (18%) percent per annum on any amount in excess of One Thousand Five Hundred (\$1,500.00) Dollars to be calculated from the date the tax, assessments or other municipal charges was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which the same became payable and, where the 10th falls on a Saturday, Sunday or legal holiday, than they will be payable the next working day; and,
2. In addition to the interest provided above, on all delinquencies in excess of Ten Thousand (\$10,000.00) Dollars not paid prior to the end of the fiscal year, the Tax Collector shall also collect a penalty of six (6%) percent of the amount of the delinquency in excess of Ten Thousand (\$10,000.00)
3. For all taxes, assessments, and other municipal charges sold as tax liens to outside lien holders or struck to the Township of Ocean, a redemption penalty shall be charge for an additional two (2%) percent when the redemption is over \$200.00 but not over \$5,000.00; four (4%) percent when the redemption is over \$5,000.00 but less than \$10,000.00 and six (6%) percent for redemptions in excess of \$10,000.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the following:

1. Tax Collector
2. Township Auditor

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-008 Approve the 2013 Cash Management Plan

APPROVING AND ADOPTING THE 2013 CASH MANAGEMENT PLAN FOR THE TOWNSHIP OF OCEAN.

WHEREAS, the Director of the Division of Local Government Services requires the annual adoption of a Cash Management Plan pursuant to guidelines in N.J.S.A. 40A:5-14; and

WHEREAS, the Mayor and Council and Municipal Clerk have received the 2013 Cash Management Plan from the Director of Finance and desire that the Township of Ocean,

Monmouth County, follow the provisions contained in the plan for the investment of the Townships' idle funds;

BE IT RESOLVED, that the Mayor and Council of the Township of Ocean, Monmouth County, approve and adopt the 2013 Cash Management Plan.

BE IT FURTHER RESOLVED that two copies of this resolution be forwarded to the following:

1. Director of Finance
2. Township Auditor

CASH MANAGEMENT PLAN OF THE TOWNSHIP OF OCEAN IN THE COUNTY OF MONMOUTH, 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 investments ("Permitted Investments") of certain public funds of the Township of Ocean, 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 Township of Ocean:
 1. Current Fund Account
 2. Payroll Account
 3. General Capital Fund Account
 4. Other Trust Fund Accounts
 5. Animal Control Trust Fund Account
 6. Public Assistance Trust Fund Account
 7. Election Account
- B. It is understood that this Plan is not intended to cover certain funds and accounts of the Township of Ocean, Specifically:
 1. Developers Escrow Account

III. Designation of Officials of the Township of Ocean Authorized to Make Deposits and Investments Under The Plan.

The Chief Financial Officer of the Township of Ocean or Designee is hereby authorized and directed to deposit and or invest the funds referred to in The Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township of Ocean 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 acknowledgement 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. Bank of America (Formerly Fleet Bank)
- B. Hudson City Savings Bank
- C. Investors Savings Bank
- D. Kearney Federal Savings Bank (Formerly Ocean First/Central Jersey Bank)
- E. New Jersey ARM
- F. New Jersey Cash Management Plan
- G. Provident Savings Bank
- H. Santander (Formerly Sovereign Bank)
- I. TD Bank
- J. Wells Fargo (Formerly Wachovia Bank)

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

V. Official Check Signers

The Township of Ocean does hereby designate the following to be the official check signers for all accounts: Director of Finance, Township Manager and the Township Clerk.

VI. Designation of Brokerage Firms and Dealers With Whom The Designated Officials May Deal.

There are currently no Brokerage Firms or Dealers with whom the Designated Officials may deal with. In the event that, subsequent to the passage of this Plan by the Governing Body of the Township of Ocean, a resolution shall be made and duly passed authorizing amendment of this plan, all such brokerage firms and or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

VII. Authorized Investments.

- A. Except as otherwise specifically provided for herein, the Designated Official(s) 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 including Treasury Bills, Treasury Notes and Treasury Bonds.
 2. Government money market mutual funds.
 3. Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
 4. Bonds or other obligations of the local unit or school districts of which the local unit is a part.
 5. Any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments.
 6. Local government investment pools, such as New Jersey CLASS, and the New Jersey Arbitrage Rebate Management (NJ ARM) program.
 7. New Jersey State Cash Management Fund.

8. Repurchase agreements (repos) 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 transferred to a third party;
 - c. The maturity of the 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-1 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-1 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

- e. 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.
 - f. 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
 - g. 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 (C349:3-56) 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 monies on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:
- 1. All Permitted investments are to have a maturity of not more than 397 Days. Permitted investments are as follows:
 - a. Certificates of Deposit.
 - b. New Jersey Cash Management Plan.
 - c. New Jersey Arbitrage Rebate Management Program.
 - d. U.S. Government Treasury Bills, Notes, and Bonds not having a maturity greater than 1 year.
 - e. Government Money Market Mutual Funds.

VIII. Safekeeping Custody Payment and Acknowledgement 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 Township of Ocean, 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 Township of Ocean to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments or securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Township of Ocean or by a third party custodian prior to or upon the release of the Township of Ocean's Funds.

To assure that all parties with whom the Township of Ocean 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(s).

IX. Reporting Requirements.

On the fifteenth day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the Township Manager of the Township of Ocean a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township of Ocean.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the Township Manager.

X. Term of Plan.

This Plan shall be in effect from January 1, 2013 to December 31, 2013. Attached to this Plan is a resolution of the governing body of the Township of Ocean approving this Plan for such period of time. The Plan may be amended by the Council, 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.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-009 Authorize the award of a maintenance contract for the Police Communications console equipment for the period January 1–December 31, 2013 to Quality Communications Systems, Inc. (State Contract #A53824) in the amount of \$18,000.00

WHEREAS, the Township of Ocean purchased new police communications console equipment as part of the 2009 Police Communications Renovation Project; and

WHEREAS, the Township of Ocean is desirous of entering into a maintenance contract for said police communications console equipment for a period of January 1, 2013 through December 31, 2013; and

WHEREAS, the Township of Ocean, Monmouth County has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and

equipment entered into on behalf of the State of New Jersey pursuant to N.J.S.A. 40A:11-12; and

WHEREAS, the Township of Ocean, Monmouth County desires to enter into a maintenance agreement for said console equipment from Quality Communications Systems, Inc. Lakewood, NJ (State Contract # A53824) at a cost not to exceed \$18,000.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2013 Municipal Budget under Contract Services - Police, account #3-01-25-745-247;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given to enter into a maintenance agreement for the police communications console equipment with Quality Communications Systems, Inc (State Contract #A53824) at a cost not to exceed \$18,000.00 for the one year period January 1, 2013 through December 31, 2013; and

BE IT FURTHER RESOLVED, by the Township Council that certified copies of this resolution be forwarded to the following:

1. Police Chief
2. Quality Communications Systems, Inc.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-010 Authorize the Township Manager to execute an agreement with the United States Department of Agriculture for wildlife management services for 2013 at a cost not to exceed \$2,750.00

WHEREAS, the Township of Ocean is desirous of contracting with an entity to provide wildlife management in the Township; and

WHEREAS, the United States Department of Agriculture (herein referred to as "USDA") has submitted a proposal to assist the Township in this endeavor, which will include treatment and/or destruction of Canadian Geese nests and eggs throughout the nesting season at 7-14 day intervals; and

WHEREAS, as per the proposal submitted, the cost for said wildlife management is \$2,750.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2013 Municipal Budget under the following line item appropriations: Colonial Terrace Golf Course – Contract Services – account #3-01-28-799-247;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize a contract with the United States Department of Agriculture to perform wildlife management services, including the treatment and/or destruction of Canadian Geese nests and eggs throughout the nesting season at 7-14 day intervals; and

BE IT FURTHER RESOLVED that the Mayor or Manager and Municipal Clerk are authorized to execute any and all documents related to this contract; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Township Manager
2. Director of Public Works
3. Department of Human Services
4. United States Department of Agriculture

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-011 Appoint Conflict Public Defender for the year January 1 through December 31, 2013

BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the following person(s) be and are hereby appointed for the terms hereinafter provided:

PUBLIC DEFENDER	Member	Starting	Ending
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Conflict

1 year term	Robert Fernicola	January 1, 2013	December 31, 2013
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All other previously made appointments and associated terms shall remain in full force and effect.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to:

1. Board/Committee or Department
2. Administrative Secretary
3. Municipal Clerk/Public Agency Compliance Officer

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-012 Authorize the Mayor and Municipal Clerk to execute the Agreement with Monmouth County for the Special Citizens Area Transportation (SCAT) for 2013.

WHEREAS, the Township of Ocean heretofore entered into an agreement as authorized by resolution dated January 25, 2012 with the Monmouth County Board of Chosen Freeholders, specifically the Office of Special Citizens Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals, among others, residing within the Township of Ocean for the year 2012 pursuant to an agreement between the Township of Ocean and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Township Council wishes to continue said services through the calendar year 2013 at a cost of \$150.00 per half day; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2013 Municipal Budget under the following: SCAT Program - account # 3-01-28-797-304;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that the aforesaid agreement be renewed for the calendar year 2013 at a cost of \$150.00 per half day; and

BE IT FURTHER RESOLVED by the Township Council that certified copies of this resolution be forwarded to the following:

1. Henry R. Nicholson, Director
Monmouth County Special Citizens Area Transportation (w/ 3 certified copies)
2. Kathleen Reiser, Recreation Director, Interim Director of Human Services

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Evans	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-013 Authorize a contract for the following:

a. Geese Chasers, LLC to provide environmentally safe geese control

WHEREAS, the Township of Ocean owns and operates the Colonial Terrace Golf Course; and

WHEREAS, the Township of Ocean is desirous of providing environmentally safe goose control measures to deter geese from the grounds of the facility; and

WHEREAS, the Township of Ocean desires to enter into an annual agreement with Geese Chasers, LLC, 42 Broadacre Dr., Mt. Laurel, NJ 08054 for the provision of the aforementioned services in an amount not to exceed \$12,100.00 for 2013; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2013 Municipal Budget under the following line item appropriation: Colonial Terrace Golf Course – Outside Services – 3-01-28-799-252;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Township Manager is hereby authorized to execute a service contract with

Geese Chasers, LLC for 2013 goose control measures at the Colonial Terrace Golf Course at a cost not to exceed \$12,100.00; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Geese Chasers, LLC
2. Department of Human Services
3. Director of Finance

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

b. Vic Gerard Golf Cars to provide 23 golf cars for Colonial Terrace Golf Course

WHEREAS, the Township of Ocean will resume operations of the Colonial Terrace Golf Course as of April, 2013; and

WHEREAS, the Township of Ocean intends to provide golf cars available for rent by course users during the operating season; and

WHEREAS, the Township of Ocean desires to enter into a full service lease agreement with Vic Gerard Golf Cars, LLC, 281 Squankum Road, Farmingdale, NJ 07727 for the provision of 23 reconditioned Club Car gasoline golf cars and two Club Car utility vehicles for the 2013 operating season in an amount not to exceed \$16,560.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2013 Municipal Budget under the following line item appropriation: Colonial Terrace Golf Course – Outside Services 3-01-28-799-252

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Township Manager is hereby authorized to execute a Full Service Lease Agreement with Vic Gerard Golf Cars, LLC for the 2013 Colonial Terrace Golf Course operating season at a cost not to exceed \$16,560.00; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. Golf Car Specialties
2. Department of Human Services
3. Director of Finance

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

13-014 Authorize the purchase of video recording equipment from L-3 Mobile Vision, Boonton, NJ at a cost not to exceed \$11,288.00

Authorizing the Purchase of Video Recording Equipment for the Police Department

WHEREAS, the Township of Ocean Police Department wishes to purchase video recording equipment; and

WHEREAS, N.J.S.A. 40:11-12 requires that any local contracting unit purchasing materials, supplies or equipment under a contract entered into by the State Division of Purchasing and Property shall authorize the award of such contract by Resolution of the Governing Body; and

WHEREAS, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to L-3 Mobile Vision, Boonton, NJ (State Contract # A81311) for the purchase of video recording equipment at a cost not to exceed \$11,288.00; and

WHEREAS, the Director of Finance has certified that there are sufficient funds available in Law Enforcement Trust Fund Account, account # L-03-56-850-801, for the purchase of video recording equipment;

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the Township Manager’s execution of a purchase order to L-3 Mobile Vision, Boonton, NJ in an amount not to exceed \$11,288.00 for the purchase of video recording equipment; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the following:

1. Director of Finance
2. Chief of Police
3. Township Auditor

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

ORDINANCES:

Introduction(s):

Ordinance #2193 – An Ordinance amending Chapter XIV of the “Revised General of the Township of Ocean, 1965” entitled: Swimming Pools

ORDINANCE # 2193

AN ORDINANCE AMENDING CHAPTER XIV OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965 ENTITLED: SWIMMING POOLS

BE IT ORDAINED, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be and are hereby amended to read as follows:

CHAPTER XIV SWIMMING POOLS

SECTION 14-10 Municipal Swim Pool Complex

14-10.3 Membership.

c. Membership fees are as follows:

	<i>Resident</i>	<i>Nonresident</i>
Individual	\$130.00	\$170.00
Two persons	\$190.00	\$250.00
Family, three and four persons	\$260.00	\$345.00
Family, five persons and up	\$275.00	\$360.00
Mother's helper	\$100.00	\$130.00
Senior citizen – individual	\$ 70.00	\$120.00
Senior citizen – couple	\$100.00	\$170.00
Active-duty military	No Fee	No Fee

d. Nonmembers participating in the women's tennis team affiliated with the Jersey Shore Tennis League shall pay a seventy (\$70.00) dollar fee to the Township of Ocean plus the established coaching fee. This participation fee shall entitle holders to court use during home matches, court use for team practice but not to exceed up to three hours on one weekday evening per week, and up to one hour per season for private lesson with the coach. No other facility privileges will be permitted other than access to rest rooms and snack bar area during the times noted.

g. Refund Policy

4. Refunds granted after opening of the pool season will be according to the following schedule, less the nonrefundable deposit of fifty (\$50.00) dollars for two person or family memberships or twenty-five (\$25.00) dollars for individual or senior memberships, whichever is applicable.

- (a) During the first week of the pool season
or the first week of membership, whichever comes first 75 percent refund
- (b) During the second week of the pool season
or the second week of membership,
whichever comes first 50 percent refund
- (c) During the third week of the pool season
or the third week of membership, whichever comes first 25 percent refund

- (d) During the fourth week of the pool season
or the fourth week of membership, or
thereafter

No refund

14-10.6 Swimming Regulations.

- c. All bathers, including babies, shall wear bathing suits in the swimming pool and wading pool. All children in diapers must wear plastic pants with snug fitting elastic waste and leg bands.

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistencies; and

BE IT FURTHER ORDAINED, if any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subparagraph, clause or provision or adjusted and the remainder of the ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, This ordinance shall take effect after publication and passage as provided by law.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

Ordinance #2194 – An Ordinance amending Chapter III of the “Revised General of the Township of Ocean, 1965” entitled: Police Regulations

AN ORDINANCE AMENDING CHAPTER III, OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED POLICE REGULATIONS

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter III, Section 3-1.4 “Revised General Ordinances of the Township of Ocean, 1965”, be amended and supplemented in the following manner:

Section 3-1.4 General Regulations

- c. Alarm Registration, Permit and Renewal Fees

- 3. Late Fee: Alarm users who fail to make payment for alarm permit prior to the registration expiration date will be assessed a late fee in the following amounts:

Late Registration Fee \$10.00

j. False Alarm Fees; Service Fees; Late Fees

2. If a false alarm fee is not paid within 30 days after the invoice is mailed, a late fee in the amount of twenty (\$20.00) dollars will be imposed.

I. Appeals of Determinations Regarding Alarm Permits and Fees

3(a) The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal to the Police Department setting forth the reasons for the appeal. The appeal must be entitled: "Appeal from Alarm Administrator's Action".

s. Violation and Penalties

When violations of the provisions of Section 3-1 exist, the Ocean Township Police Department reserves the right to issue a summons to said violator. Should any person, firm or corporation be found guilty in municipal court of violating the terms of this section shall be subject to a penalty as provided in Section 3-17 of the Revised General Ordinances.

Section II

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

Section III

This ordinance shall take effect upon its final passage and publication as required by law.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

Ordinance #2195 – An Ordinance amending Chapter V of the “Revised General of the Township of Ocean, 1965” entitled: Licenses

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V, OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED LICENSES

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter V, Section 5-13 “Revised General Ordinances of the Township of Ocean, 1965”, be amended and supplemented in the following manner:

Section 5-13 **SECONDHAND DEALERS****5-13.1 Definitions**

As used in this chapter, the following term shall have the meaning indicated:

SECONDHAND DEALER

- A. Except as provided in Subsection B below, any person, partnership, limited-liability company, corporation or other entity who, either wholly or in part, engages in or operates a trade or business of buying and/or selling used goods or equipment in the Township of Ocean ("Township"), such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, 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 and bric-a-brac.
- B. The business of secondhand dealer shall not be deemed to include:
1. Judicial sales or sales by executors or administrators.
 2. Occasional or auction sales of household goods sold from private homes.
 3. Auctions of real estate.
 4. The occasional sale, purchase or exchange of coins or stamps by a person at his permanent residence, or in any municipally owned building by a person 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.

5-13.2 License required; advertising.

No person, partnership, limited-liability company, corporation, or other entity shall engage in business as a secondhand dealer without first obtaining a license from the Township Clerk. Advertising in any print or electronic media or by sign that any of those articles or goods referred to in Subsection A of the definition of "secondhand dealer" are being bought in any location within the Township shall constitute engaging in business as a secondhand dealer for purposes of this chapter. No person 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 Township. 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 the 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 this chapter.

5-13.3 Application process; approval or denial; appeal

- A Upon receipt of an application completed pursuant to this chapter, the Township Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee 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 Subsection A of the definition of "secondhand dealer," 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 based upon credible sources. The sources shall be disclosed to the applicant in the event of a denial of any license.
 3. Any criminal record of 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 those articles and goods referred to in Subsection A of the definition of "secondhand dealer," and other factors bearing upon whether the licensed business will be of a fixed and permanent nature. This section, however, shall not be construed to require denial of any license solely on the grounds that the business is not conducted from a fixed location.
- B. The Chief of Police shall complete the investigation within 30 days of the submission of a complete application to the Township Clerk. 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 requested license to the Township 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 Township Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified, in writing, within 10 days of such denial. The Township Clerk shall provide the applicant with a statement of the reason or reasons for such denial. The applicant shall have 10 days after the mailing date of the notice to request reconsideration by the Township Clerk, and shall have the opportunity to provide the Township Clerk with any information in response to that set forth in the Township Clerk's notice of denial.
- D. Grounds for recommending denial of a 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 the business of a secondhand dealer. A license may be denied if the investigation conducted by the Chief of Police reveals a conviction of the applicant or any of its principal officers or employees of any crime or disorderly persons offense in which deceit or misrepresentation is an element or any conviction of any crime or disorderly persons offense involving theft or receiving stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator. Upon receipt of the recommendation of the Chief of Police, the Township Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by this chapter.
- E. Whenever any application for a permit is denied, the applicant may appeal the denial to the Division of Law by filing a written notice of appeal within 10 days after receiving written notice of the denial of a permit to act as a secondhand dealer. The Township Attorney or Assistant Attorney shall hold a public hearing on the matter, in accordance with rules of procedure to be established by the Division of Law, and may modify, affirm, or reverse the decision denying a permit. An applicant filing an appeal must pay the sum of \$100 at the time the appeal is filed to cover the administrative cost of the appeal.

5-13.4 Identification of seller: required information.

A licensee shall require of each person selling used goods or equipment such as antiques, precious stones, gold, silver, platinum or other precious metals, jewelry, coins, any tools, 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 and bric-a-brac, suitable identification setting forth the true name and home address of the

seller. Acceptable identification includes a valid driver's license issued by any state of the United States of America, a valid government-issued identification, or photo ID and one fingerprint (preferably thumb), which will be recorded on the receipt retained by the dealer. This information shall be forwarded by e-mail or electronic transfer to the Township Police Department within 24 hours. A licensee shall complete and issue to each seller a serially numbered receipt setting forth the following information:

- A The name and business address of the licensee.
- B A detailed legible description of the item(s), the manufacturer of the item(s). In the case of jewelry, the descriptions must include style, length, color, design, and stones, if any.
- C A statement in full of any identifying marks on the item, such as initials, names, dates, social security numbers engraved thereon, serial numbers or any other information, which sets apart the particular object from others of like kind.
- D If the item is purchased by weight, the troy ounce weight of the item.
- E The legible name of the clerk or employee of the licensee making the transaction.
- F The name and home address of the seller, which shall be verified by proof of identification. The receipt book shall be a record kept in the regular course of business of the licensee.
- G The actual price paid for the purchase of such item.
- H A photographed recording of the item(s) being purchased by the licensee. The photograph should be of digital JPEG format and quality, with the ability to be electronically transferred to a computer, and shall include a photograph of the identification presented by the seller, which shall be attached to the above described serially numbered receipt.

5-13.5. Retention of articles; minimum age; revocation of license; change of location.

- A No licensee shall sell, alter or dispose of in any way any of those articles or goods referred to in Subsection A of the definition of "secondhand dealer" until seven days have elapsed after the purchase of the same by the licensee. It shall be an affirmative defense to any prosecution or administrative proceeding brought for a violation of this section if retention for the required time period would have resulted in serious and substantial economic losses to the purchaser, or the probability of such losses was significant due to rapid and highly fluctuating market conditions. A person or entity charged with a violation of the provision shall prove by a preponderance of the evidence the existence of the market conditions giving rise to this defense. Market conditions, in order to be 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.
- B No licensee 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 the proposed purchase to the Chief of Police, or designee, identifying the person from whom such purchase is to be made and the item to be purchased.
- C If any licensee shall be convicted of robbery, burglary, theft, receiving stolen goods or any other crime involving moral turpitude, the Division of Law may, after notice and public hearing, revoke the license issued to the licensee.
- D A licensee shall have the right to change the location of the licensed business, provided that the licensee notifies the Township Clerk, in writing, of the street address of the new location of the business.

5-13.6. Recordkeeping; posting and assignment of license.

- A A licensee shall maintain duplicate copies of all issued seller receipts and photographs, in legible form, for a period of at least two years from the date of purchase by the licensee. This information shall be forwarded by e-mail or electronic transfer to the Township Police Department within 24 hours.
- B The license issued to the licensee shall be posted in a conspicuous place at the location of the licensed business.
- C No license shall be assignable by the licensee.

5-13.7. Bond.

Each licensee shall deliver a bond to the Township 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 the review and approval by the Township Attorney, and be in the penal sum of \$10,000, conditioned upon the due and proper observance of and compliance with the provisions and requirements of all existing or future Township ordinances relating to the conduct of the secondhand dealer 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 a licensee by reason of any damage sustained by any such person as a result of the operations of the licensee, which damage shall be established by a judgment of a court of proper jurisdiction. The bond shall contain the following language: "The obligation of this bond shall, in addition to the Township of Ocean, be and remain for the benefit of any person who shall obtain a judgment against the obligor as a result of damage sustained in operation pursuant to any license granted by the Township of Ocean." The 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.

5-13.8. Fees; period of license validity.

The nonrefundable fee for each initial application and license is \$250.00. The annual renewal fee for a license is \$150.00. A license is valid for a one-year period from the date of its issuance.

5-13.9. Violations and penalties.

Any person, partnership, limited-liability company, corporation, or other entity who shall violate any provision of this chapter shall, upon conviction thereof, be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5, and as same shall be amended from time to time. Each and every day a violation of this chapter shall exist shall constitute a separate violation.

5-13.10. Time limit for conformance.

Any person, partnership, limited-liability company, corporation, or other entity engaging in the business of a secondhand dealer shall conform to the provisions of this chapter within 90 days following the effective date of this chapter.

BE IT FURTHER ORDAINED, This ordinance shall take effect after publication and passage as provided by law.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

Council Reports:

The following Councilmember(s) offered no Report: Garofalo, Schepiga
 Deputy Mayor Siciliano
 Martine Arbus, Township Attorney
 Andrew Brannen, Township Manager

PUBLIC COMMENTS:

Joe Maloney stated that he, and his neighbors on Branch Road, attended the Monmouth County Recreation meeting to implore them to do something to alleviate the flooding problem on Branch Road. Mr. Maloney stated that Freeholder Lillian Burry was very supportive of their plight.

Andrew Brannen, Township Manager, said that a meeting with Freeholder Director Thomas Arnone is being held on January 11, 2013 and they will be examining all viable alternatives.

Councilmember Garofalo said that he had spoken to Freeholder Director Arnone to explain that there are a myriad of problems that need to be examined.

Don Geiger stated that the visibility of the intersection of Deal Road and Route 35 is being blocked by tree limbs.

Mr. Geiger also inquired if the Township had heard anything from Wegmans about their willingness to pay for egress and ingress from their property onto Sunset Avenue.

Cheryl Miller said that she was pleased to see the article in The Atlanticville about the dredging of Takanassee Lake providing that no contamination is found. Ms. Miller appreciated Councilmember Garofalo's comments.

Susan Borea asked if the Council Workshop meetings were open to the public.

Deputy Mayor Siciliano stated that they were open to any member of the public.

Ms. Borea also asked about the best way to display house numbers on houses in Cedar Village, as that has become an issue for the Township's emergency services.

Mr. Brannen stated that he will discuss the matter with Councilmember Evans, who is the Chief of the Wanamassa Fire Company.

Brian Lefferson inquired about the status of the installation of the "Red Light" cameras.

Mr. Brannen said that the Township has not received any approval from the State of New Jersey that will allow us to proceed with the purchase and installation of same.

Mr. Lefferson also inquired if the Geese Chasers contract mentioned in Resolution #13-013a pertains only to Colonial Terrace Golf Course.

Mr. Brannen stated that it encompasses Colonial Terrace Golf Course only.

Mr. Lefferson said that he believes the expansion of the car dealership along Route 35 has caused a major flooding problem

F.K. Hudson inquired about the status of the COAH litigation

Martine Arbus, Township Attorney, explained that the hearing has been postponed until such time that a new judge is assigned to the matter.

Seeing that there were no other questions, the meeting was adjourned.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X		X	X	
Opposed					
Not Voting/Recuse					
Absent/Excused		X			X

Respectfully submitted,

Christopher Siciliano
Deputy Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Municipal Clerk