

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

**NOVEMBER 12, 2015**

**OAKHURST, NEW JERSEY**

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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:** Mayor Siciliano  
Deputy Mayor Garofalo  
Councilmember(s) Acerra, Long and Schepiga

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

**Statement of Compliance with the Open Public Meetings Act:**

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 30, 2014 and revised on November 2, 2015.

**NOTICE:**

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

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**COUNCIL COMMENTS:**

**Deputy Mayor Garofalo** commended Councilmember Schepiga and the Community Celebration Committee for the great job done coordinating the Veterans Day ceremony. It was great to be able to honor those who served during wartime and peacetime.

**Councilmember Schepiga** announced that the Annual Christmas Tree Lighting and Menorah Lighting will be held on December 6, 2015. The Christmas Tree Lighting will begin at 4:30 p.m. at the Historical Museum while the Menorah Lighting will begin at 6:00 p.m. in front of Town Hall.

**Councilmember Acerra** thanked Councilmember Schepiga for the great job organizing the Veterans Day ceremony. It was very moving, especially with all the veterans present.

Councilmember Acerra announced that the Planning Board approved the construction of Manasquan Savings Bank next to Deans Market. Prime Fitness and Wellness will be opening at the site of the old Ocean Fitness on Route 35. Starbucks on Route 66 also received approval to re-locate to the westerly most portion of the site and will be incorporating a drive-thru at this new location.

Councilmember Acerra also announced that the New Jersey State Senate has passed the Michael Massey Law. This law, named after the Department of Public Works employee who was tragically killed by a car while on duty on the back of a sanitation truck.

**Andrew Brannen**, Township Manager, announced that the Fall Newsletter will be mailed within the next week, once the Township calendar is finalized.

The following did not issue a Report:

Councilmember Long  
Martin J. Arbus, Township Attorney

**CEREMONY:**

In commemoration of Veterans Day, Mayor Siciliano, along with the members of the Governing Body, presented Certificates of Appreciation to the following Veterans who reside in the Township of Ocean:

**MEETING MINUTES****NOVEMBER 12, 2015**Bernard Tillis  
Melvin WodaJohn McCarthy  
Raymond RonanRalph Jeffers  
Bill StapinskiSamuel Jaye  
Sam Warm

Upon presentation of their Certificate of Appreciation, each gentleman spoke of their service, including the branch of the Armed Force they served in, the years of service and any commendations/medals they received.

All recipients thanked the Governing Body for the recognition.

**Mayor's Statement: Public Portion of any Questions as to Resolutions**

The purpose of this public portion is solely to ask questions to understand Resolutions and Vouchers that appear on this 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 Questions on Resolutions:**

**Paul Meyerowitz** inquired if the payment for Sockler Realty, in the amount of \$2,000.00, pertained to an appeal filed by Seaview Square Mall?

Mr. Brannen said that it did pertain to an appeal.

**Don Geiger** asked if the property in question in Resolution No. 15-196a was next to Jason's Furniture?

Mr. Brannen said that the property is actually the Raymour and Flanagan store located on Route 35.

Mr. Geiger asked if the property noted in Resolution No. 15-198a was parallel to Route 35?

Mr. Brannen said that this is the Seaview Orthopaedics property located on Eagle Avenue.

Mr. Geiger asked questions pertaining to payment to, but not limited to, the following vendors: All American wear, Board of Fire Commissioners, Central Jersey Equipment, Charles Stanziale, Trustee, Deptcor, Edwards Tire Co., Inc., Four Directions, Inc., Groff Tractor New Jersey, LLC, Harter Equipment, Inc., Jersey Shore Junior Wrestling League, Kempton Flag & Flag Pole Co., Monmouth University, Monoc Educational Center, Neopost Northeast, QScend Technologies, Stelair Design, Superior Office Systems, and WB Mason Co., Inc.

Mr. Brannen responded to all inquiries concerning the payment of vouchers.

**CONSENT AGENDA:****MINUTES:**

October 15, 2015 - Workshop and Public Meeting Minutes

**RESOLUTIONS:****15-195 Authorize the Release of Performance Guarantee(s) for the following:****a. Block 47, Lot 7 - 207 Park Avenue - Paul & Lori Sutton**

**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

Developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, Paul and Lori Sutton have heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$6,912.00 to guarantee the completion of all improvements on premise known as Block 47, Lot 7 also known as 207 Park Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated October 26, 2015, 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 completed and said representative of the Township Engineer recommends the release of the aforementioned cash performance guarantees and the waiver of the maintenance guarantees due to the age of the project, subject to the payment of any outstanding engineering and administrative fees; and

**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, P.E. and the performance guarantees totaling \$6,912.00 are hereby released, canceled and discharged subject to the payment of 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. Paul and Lori Sutton

**b. Block 216, Lots 15 & 16 - 1501 Allen Avenue - LIPAC, LLC**

**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 August 9, 2013 with LIPAC, LLC for a Use (D2) Variance for property located on Block 216, Lots 15 & 16, 1501 Allen Avenue to use the existing site for a distribution center of jewelry boxes and up to three (3) independent offices while maintaining the previously approved self-storage facility; and

**WHEREAS**, LIPAC, LLC posted performance guarantees totaling \$16,080.00 by way of Performance Bond #61769963 issued by Western Surety Company in the amount of \$14,472.00 and cash in the amount of \$1,608.00 to guarantee the completion of all improvements on premises known as Block 216, Lots 15 & 16 located at 1501 Allen Avenue; and

**WHEREAS**, Maurice Pachtinger, representing LIPAC, LLC has requested release of the performance guarantees dated August 28, 2015; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated October 14, 2015 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 \$16,080.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$2,010.00 and 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 true copy, be forwarded to the following:

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Western Surety Company
6. LIPAC, LLC

**15-196 Authorize the Release of Maintenance Guarantee(s) for the following:**

**a. Block 34, Lot 7 - 1606 Highway 35 - R & F Ocean Township, LLC**

**WHEREAS**, the Township Council did authorize and enter into a Developer's Agreement dated July 13, 2005 with R & F Ocean Township, LLC for Preliminary and Final Site Plan Approval with Variances to remove an existing building and construct a two-story furniture store, make slight alterations to the existing parking lot and driveway, revise signage and landscaping for property known as Block 34, Lot 7 located at 1606 Highway 35; and

**WHEREAS**, R & F Ocean Township, LLC posted performance guarantees totaling \$248,662.38 by way of Performance Bond #QC1-J81-051089-305 issued by Liberty Mutual Insurance Company in the amount of \$223,796.14 and cash in the amount of \$24,866.34, which was reduced to \$74,598.71 by way of Resolution dated July 26, 2006; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees on January 7, 2008; and

**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**, R & F Ocean Township LLC has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$31,082.80 for the property known as Block 34, Lot 7 located at 1606 Highway 35; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated October 14, 2015, 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 maintenance guarantee.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the maintenance guarantee in the amount of \$31,082.80 is hereby released, canceled and discharged subject to the payment of 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. Liberty Mutual Insurance Company
6. R & F Ocean Township, LLC

**15-197 Authorize the Release of a Landscape Bond for the following:**

**a. Block 33.34, Lots 5 & 6 - 1705-1709 Highway 35 - Smart Access, LLC**

**WHEREAS**, the Township Council of the Township of Ocean entered into a Developer's Agreement dated April 18, 2012 with Smart Access, LLC for Site Plan and Variance Approval to remove the front 40' from two (2) existing buildings, fill in the area between the two (2) buildings to create 6,562 square feet of building area on the first floor and construct 960 square feet of unheated utility area on a new second floor, for a total of 7,522 square feet of gross floor area. A total of thirty-two (32) parking spaces will be constructed in the front of the building and a loading/service area will be constructed at the rear of the building for property known as Block 33.34, Lots 5 and 6 located at 1705-1709 Highway 35; and

**WHEREAS**, the Township Council did authorize the release of the performance guarantees on August 13, 2015; and

**WHEREAS**, Smart Access, LLC has posted the required maintenance bond in the amount of \$22,140.00 for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee; and

**WHEREAS**, Smart Access, LLC also posted a cash bond in the amount of \$5,750.00 per James W. Higgins Associates letter dated October 10, 2014 to cover the cost of replacing the mulch and plant materials; and

**WHEREAS**, Louis J. Lobosco, P.E., P.P., representing the Township Engineer has advised the Township Manager by letter dated October 9, 2015 and made a part hereof, that the landscaping has now been completed and he recommends the release of the \$5,750.00 posted to ensure the landscaping completion.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash bond in the amount of \$5,750.00 to guarantee the completion of the landscaping is hereby released, canceled and discharged subject to the payment of 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 Community Development
3. Construction Official
4. Smart Access, LLC

**15-198 Authorize the Assignment of a Developer's Agreement for the following:**

**a. Block 182, Lots 81, 82, & 83 - 1200 Eagle Avenue - Eagle Ortho, LLC**

**WHEREAS**, the Township of Ocean, a municipal corporation of the State of New Jersey (hereinafter "Assignor") entered into a Developer's Agreement (hereinafter referred to as "Agreement") by way of Resolution dated April 28, 2004 with Eagle Avenue, LLC (hereinafter "Eagle Avenue, LLC"), which was recorded by M. Claire French, County Clerk, Monmouth County, New Jersey on June 11, 2004 at 11:01 AM; Book: OR-8370, Page 9678 for certain

real property known as Block 182, Lots 81, 82, and 83, also known as 1200 Eagle Avenue, to construct a two (2) story office building with 111 parking spaces, two (2) free standing signs, substantial improvement to Eagle Avenue along the site frontage, landscaping and the filling of two (2) extensive wetlands areas. Medical use at the building shall be limited to twenty-five percent (25%) of the entire size of the building; and

**WHEREAS**, the Agreement also relates to a Site Plan Map of the property entitled Preliminary & Final Site Plan for Eagle Avenue, LLC, dated December 7, 2000 and last updated April 17, 2002 prepared by Nelson Engineering Associates, Inc. and a one (1) page floor plan entitled Eagle Avenue Office Building by James J, Monteforte, Architect dated March 23, 2001 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schoor DePalma dated May 24, 2002; and

**WHEREAS**, Eagle Avenue, LLC posted performance guarantees in the total amount of \$467,381.52, ten percent (10%) (\$46,738.15) was cash and deposited with the Township in accordance with the ordinances of the Township and the remaining ninety percent (90%) (\$420,643.37) was in the form of a Performance Surety Bond and cash in the sum of \$20,637.23 for in inspection costs of the Township Engineer; and

**WHEREAS**, the performance guarantees were reduced to \$140,214.46 by way of Resolution dated May 24, 2006; and

**WHEREAS**, the Agreement is subject to the Assignor's written consent to any assignment of interest in the property by Eagle Avenue, LLC evidencing such Assignee's willingness to be bound by the terms and conditions of the original Agreement; and

**WHEREAS**, Eagle Avenue, LLC has entered into a contract to transfer, sell or otherwise assign its interest in the property known as Block 182, Lots 81, 82, and 83 located at 1200 Eagle Avenue to Eagle Ortho, LLC (hereinafter referred to as "Assignee") (attached as "Schedule A"); and

**WHEREAS**, Eagle Ortho, LLC/Assignee is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Eagle Ortho, LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the following:

1. The execution of the assignment of the aforesaid Developer's Agreement from Eagle Avenue, LLC to Eagle Ortho, LLC/Assignee
2. The assignment to Eagle Ortho, LLC shall be conditioned upon the following:
  - 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 \$140,214.46

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Eagle Ortho, LLC

**15-199 Authorize the appointment of John Fuller as the Alternate #4 member of the Zoning Board of Adjustment**

**BE IT RESOLVED** by the Governing Body 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:

<b>BOARD OF ADJUSTMENT</b>	<b>Member</b>	<b>Starting</b>	<b>Ending</b>
2 year terms	John Fuller – Alt. #4	November 12, 2015	June 30, 2017

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

1. Board/Committee or Department
2. Administrative Assistant to the Township Manager
3. Public Agency Compliance Officer

**15-200 Authorize the release of Closed Session Minutes from October 15, 2015**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Ch. 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstance; and

**WHEREAS**, the public shall be excluded from discussions of and actions upon specified subject matters including:

1. Personnel
2. Pending litigation matters involving the Township, its employees and/or agents
3. Pending or future land acquisitions
4. Pending or future contract negotiations

**WHEREAS**, the Township of Ocean adopted procedures to make closed session minutes available for public inspection; and

**WHEREAS**, the Municipal Clerk, on a periodic basis shall review the minutes of the closed sessions of the Township of Ocean and make a recommendation to the Township Council which minutes should be made available for public inspection. The minutes which are made public shall not thereafter be treated as confidential but may be viewed by and copies issued to any person so requesting them; and

**WHEREAS**, the release of the below noted closed session minutes are subject to certain item(s) being redacted prior to the release due to the fact that the matter has not been concluded, and therefore, are not subject to release;

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to release the following closed session minutes, subject to any appropriate redaction:

October 15, 2015

**15-201 Authorize the submission of the following Grants:**

**a. FY2016 Transportation Trust Fund - Sunset Avenue Phase VII (Priority 1)**

**WHEREAS**, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2016; and

**WHEREAS**, the Township of Ocean is desirous of submitting an application under this program for the following purpose:

- Improvements to Sunset Avenue Phase VII from NJ State Highway 35 to Brielle Avenue

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of Ocean, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

**FURTHER BE IT RESOLVED** that the Township Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2016 Sunset Avenue Phase VII 00665 to the New Jersey Department of Transportation on behalf of the Township of Ocean; and

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Ocean and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

#### **b. FY2016 Transportation Trust Fund - Hope Road/Green Grove Road Phase I (Priority 2)**

**WHEREAS**, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for the Fiscal Year 2016; and

**WHEREAS**, the Township of Ocean is desirous of submitting an application under this program for the following purpose:

- Improvements to Hope Road/Green Grove Road Phase I from Industrial Way West to West Park Avenue

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of Ocean, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

**FURTHER BE IT RESOLVED** that the Township Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2016 Hope Road/Green Grove Road Phase I 00684 to the New Jersey Department of Transportation on behalf of the Township of Ocean; and

**FURTHER BE IT RESOLVED** that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Ocean and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

#### **c. Drive Sober and Get Pulled Over 2015 Year End Holiday Crackdown**

**WHEREAS**, the Township of Ocean Police Department, County of Monmouth, has been informed that they are eligible to submit an application to secure funds through the **Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown** from the New Jersey Division of Highway Traffic Safety; and

**WHEREAS**, the State of New Jersey has provided \$7,500.00 for the enforcement of impaired driving statutes for the Township of Ocean, County of Monmouth, and

**WHEREAS**, the Grant will pay for police officers to work overtime for enforcement of impaired driving from December 11, 2015 through January 1, 2015; and

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given to make application to the

State of New Jersey for the *Drive Sober or Get Pulled Over 2015 Year End Holiday Crackdown Grant*, and

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

1. New Jersey Division of Highway Traffic Safety, P.O. Box 048, Trenton, N.J. 08625-0048.
2. Chief of Police
3. Director of Finance
4. Township Auditor

**d. Monmouth County Department of Human Services - Level I Outpatient Services**

**WHEREAS**, the Township of Ocean is recognized as a model of community response to the problems of alcoholism and drug abuse; and

**WHEREAS**, the people of the Township of Ocean wish to continue their strong support of chemical health efforts through the support of the treatment and prevention programs offered by Department of Human Services; and

**WHEREAS**, there is a need in the County of Monmouth for effective, accessible, and affordable outpatient services for adults and adolescents; and

**WHEREAS**, the Department of Human Services of the Township of Ocean has demonstrated effectiveness in providing Level I outpatient treatment for residents of Monmouth County; and

**WHEREAS**, funds are available through the Monmouth County Department of Human Services for the provision of Level I outpatient services; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Ocean, County of Monmouth that the Community Services Director is authorized to prepare and submit the 2016 application for funding to the Monmouth County Board of Alcohol and Drug Abuse Services for **Level I Outpatient Services**.

**BE IT FURTHER RESOLVED** that the Township Council authorize the Township Manager or his designee to provide all necessary and pertinent information to the Board of Drug and Alcohol Services and to sign and execute all related agreements on behalf of the Council

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

1. Monmouth County Board of Alcohol and Drug Abuse Services
2. Township of Ocean Alliance to Prevent Drug and Alcohol Abuse
3. Community Services Director

**e. Monmouth County Department of Human Services - Level II.1 Intensive Outpatient Services**

**WHEREAS**, the Township of Ocean is recognized as a model of community response to the problems of alcoholism and drug abuse; and

**WHEREAS**, the people of the Township of Ocean wish to continue their strong support of chemical health efforts through the support of the treatment and prevention programs offered by Department of Human Services; and

**WHEREAS**, there is a need in the County of Monmouth for effective, accessible, and affordable outpatient services for adults and adolescents; and

**WHEREAS**, the Department of Human Services of the Township of Ocean has demonstrated effectiveness in providing Level I outpatient treatment for residents of Monmouth County; and

**WHEREAS**, funds are available through the Monmouth County Department of Human Services for the provision of Level II.1 outpatient services; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Ocean, County of Monmouth that the Community Services Director is authorized to prepare and submit the 2016 application for funding to the Monmouth County Board of Alcohol and Drug Abuse Services for **Level II.1 Intensive Outpatient Services**.

**BE IT FURTHER RESOLVED** that the Township Council authorize the Township Manager or his designee to provide all necessary and pertinent information to the Board of Drug and Alcohol Services and to sign and execute all related agreements on behalf of the Council

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

1. Monmouth County Board of Alcohol and Drug Abuse Services
2. Township of Ocean Alliance to Prevent Drug and Alcohol Abuse
3. Community Services Director

**f. New Jersey Department of Human Services - Parent-Child Visitation Services**

**WHEREAS**, the people of the Township of Ocean are concerned about child welfare and seek to promote a positive environment for children; and

**WHEREAS**, the Township of Ocean is desirous of working with the State of New Jersey Department of Children and Families to provide positive alternatives for parent-child visitations and services associated with them; and

**WHEREAS**, the State of New Jersey Department of Children and Families is desirous of entering into a contractual relationship the Department of Human Services of the Township of Ocean for the provision of parent-child visitations and associated services;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, that the Township of Ocean Department of Human Services is authorized to provide services of parent-child visitation and associated services as stipulated in Contract #16SKNC; and

**BE IT FURTHER RESOLVED**, that the Township Manager or his designee is authorized to provide any additional information or take any additional steps, which may be lawful and necessary to execute the above named contract; and

**BE IT FURTHER RESOLVED**, that the Mayor, and/or other required Township Officials, are hereby authorized to affix their signature(s) to the 2015-2016 contract; and

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

1. New Jersey Department of Children and Families
2. Department of Human Services c/o Sharon Moleski
3. Township Manager
4. Director of Finance

**Vote on All Consent Items:**

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

**INDIVIDUAL ACTION:****VOUCHERS: \$11,207,061.55**

See next page for full list of vouchers



**RESOLUTIONS:**

**15-202 Authorize the purchase of an unmarked police vehicle for the Criminal Investigation Bureau from Sansone Jr's 66 Automall, Neptune, NJ at a cost not to exceed \$11,060.00**

**WHEREAS**, the Township of Ocean wishes to purchase an undercover police vehicle for use by the Criminal Investigation Bureau; and

**WHEREAS**, the Township of Ocean Police Department has solicited four (4) quotes as follows:

Sansone Jr's 66 Automall	Neptune NJ	\$11,060.00
Pine Belt Nissan,	Keyport, NJ	\$11,995.00
Pinebelt Nissan,	Toms River, NJ	\$12,995.00
Route 46 Nissan,	Totowa, NJ	\$12,995.00

**WHEREAS**, the Director of Finance has certified that there are sufficient funds available in Police Department Budget - Purchase of Police Cars – account #5-01-30-810-355;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Ocean, Monmouth County that it does hereby authorize the purchase of an undercover police vehicle for use by the Criminal Investigation Bureau from Sansone Jr's 66 Automall, Neptune, NJ; at a cost not to exceed \$11,060.00; 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 Garofalo	Councilman Acerra	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
Motion To Approve		X			
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**15-203 Award a contract to Carl Fraley and Son for the Removal of Composted Leaves at Joe Palaia Park for the two (2) year period July 1, 2015 through June 30, 2017**

**WHEREAS**, the Township Council of the Township of Ocean authorized the receipt of proposals for the removal of composted leaves on June 18, 2015; and

**WHEREAS**, the Township Clerk did duly advertise the request for proposals on September 24, 2014 in The Asbury Park Press, to receive request for proposals for the removal of composted leaves; and

**WHEREAS**, the Township of Ocean solicited proposals for the removal of composted leaves from Joe Palaia Park for a two-year period from July 1, 2015 to June 30, 2017 with an option for a one (1) year extension; and

**WHEREAS**, in connection therewith, proposals were received and opened on October 14, 2015 and the Township received the following proposals for said service: Caruso Excavating Co., Ocean, NJ and Carl Fraley and Son, Tinton Falls, NJ; and

**WHEREAS**, the following fees are to be paid by the above referenced vendor to the Township of Ocean for the removal of composted leaves from the compost site:

Caruso Excavating Co.	\$0.52 per cubic yard (no exceptions)
Carl Fraley and Son	\$1.67 per cubic yard (no exceptions)

**WHEREAS**, the Township Manager and Director of Public Works have recommended that a contract be awarded to Carl Fraley and Son, Tinton Falls, NJ as per their proposal for the removal of composted leaves from Joe Palaia Park in return for payment in the amount of \$1.67 per cubic yard of unscreened leaf compost material; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Carl Fraley and Son, Tinton Falls, NJ as per their proposal as set forth in return for payment in the amount of \$1.67 per cubic yard of leaf compost material for the removal of composted leaves from Joe Palaia Park for a two-year period from July 1, 2015 through June 30, 2017 with an option for a one (1) year extension; and

**BE IT FURTHER RESOLVED** that the award of this contract is conditioned upon the delivery and execution thereof within 10 days from the date of this resolution accompanied by such appropriate insurance certificate and bonds, as required; and

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

1. Director of Public Works
2. Director of Finance
3. Carl Fraley and Son

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

**15-204 Authorize the Transfer of Funds in accordance with N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a**

**WHEREAS**, there exists insufficient balances in certain line item appropriations of the 2015 budget, and

**WHEREAS**, under the provisions of N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a it is legal to transfer to certain appropriations which are expected to be insufficient between November 1 and December 31,

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, (not less than 2/3 of all member of the Governing Body concurring) that the Township Manager is hereby authorized to make the following transfers:

APPROPRIATIONS WITHIN "CAPS":	TO:	FROM:
Township Clerk's Office - Salary & Wages	7,100.00	
Data Processing - Other Expenses	12,000.00	
Collection of Taxes - Salary & Wages	2,000.00	
Assessment of Taxes - Salary & Wages	5,200.00	
Board of Adjustment - Other Expenses	4,500.00	
Police Dispatch - Salary & Wages	17,000.00	
Maintenance of Equipment - Other Expenses	30,000.00	
Health & Code Enforcement - Salary & Wages	5,000.00	
Pool & Tennis Club - Salary & Wages	35,500.00	
Postage - Other Expenses	16,000.00	
Water - Other Expenses	25,000.00	
Landfill/Solid Waste - Other Expenses	25,000.00	
P.F.R.S. - Police & Fire Retirement Fund	200.00	
P.E.R.S. - Public Employee Retirement Fund	8,500.00	
DCRP Employer Pension Contribution	5,000.00	
Police Department - Salary & Wages		(50,000.00)
Streets & Roads - Salary & Wages		(10,000.00)
Streets & Roads - Other Expenses		(10,000.00)
Maintenance of Equipment - Salary & Wages		(10,000.00)
Sanitation - Salary & Wages		(8,000.00)
Recreation - Salary & Wages		(10,000.00)
Project Extend - Salary & Wages		(15,000.00)
Fuel - Other Expenses		(75,000.00)
Municipal Court - Salary & Wages		(10,000.00)
<b>TOTAL OF ALL TRANSFERS</b>	<b>198,000.00</b>	<b>(198,000.00)</b>

**BE IT FURTHER RESOLVED** that one copy go to the following:

1. Director of Finance
2. Township Auditor

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

**15-205 Authorize the Tax Collector to refund taxes to the owner of Block 150.07, Lot 18 who has been declared a 100% Totally Disabled Veteran**

**AUTHORIZING CANCELLATION AND REFUND OF REAL ESTATE TAXES PAID FOR TOTALLY DISABLED VETERANS**

**WHEREAS**, the following individual filed an application with the Assessor for a Total Disabled Veteran and was given approval effective January 1, 2015:

Owner Name	Block	Lot	Qual.	Address
Koleda, Robert S & Lorraine	150.07	18		97 Sequoia Parkway

**WHEREAS**, the 2015 taxes assessed of \$7,971.45 should be canceled and payments made on canceled taxes be refunded:

Owner Name	1 <sup>st</sup> Quarter 2014	2 <sup>nd</sup> Quarter 2014	3 <sup>rd</sup> Quarter 2014	4 <sup>th</sup> Quarter 2014	Total Refund
Koleda, Robert S & Lorraine	1,885.84	1,885.84	2,099.89	2,099.88	7,971.45

**WHEREAS**, Total taxes for 2015 levied on this property are \$7,971.45, of which the owner paid \$7,971.45 and is now entitled to a refund and the 2015 taxes paid and taxes assessed for 2015 should be canceled.

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth, that the Tax Collector is hereby authorized to cancel the Real Estate Taxes for the 2015 tax year and refund the 2015 taxes already paid by the individual listed above.

**BE IT FURTHER RESLOVED** that a copy of the within resolution be forwarded to the following:

1. Director of Finance/Tax Collector
2. Township Auditor

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

**ORDINANCES:**

**Adoption(s):**

Ord #2251 An ordinance amending and supplementing Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean

The following vote was taken to open the Public Hearing on Ordinance #2251

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

**Public Comments:**

Paul Meyerowitz inquired about the process for creating a new zone.

Mr. Arbus said that this was the first of many Builders Remedy lawsuits that were filed against the Township and it was determined by the Court that BVB Associates was, in fact, the Catalyst for Change.

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Mr. Arbus went on to say that the proposed settlement will consist of 72 units, but was originally in excess of 140 units.

Mr. Meyerowitz asked how this zone change gets in to the Township Master Plan?

Mr. Arbus stated that it would be included in the Master Plan once the Judge approves the settlement.

The following vote was taken to close the Public Hearing on Ordinance #2250

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

The following vote was taken to adopt Ordinance #2250 and advertise according to law:

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

SUBSEQUENT TO THIS MEETING, IT WAS BROUGHT TO THE ATTENTION OF THE TOWNSHIP OF OCEAN THAT THIS MATTER WAS REMOVED FROM THE OCTOBER 1, 2015 AGENDA PRIOR TO INTRODUCTION. DUE TO THIS ACTION, THE PUBLIC HEARING AND ADOPTION HELD ON NOVEMBER 12, 2015 WAS HELD IN ERROR. ORDINANCE #2251 WILL BE INTRODUCED AT A SUBSEQUENT MEETING.

**Introduction(s):**

**Ord #2250 – (P.H. 12/3 Coaster)**

**A Bond Ordinance providing for various improvements, appropriating \$225,000 therefor, authorizing the issuance of \$213,750 bonds or notes to finance a portion of the costs and directing the Special Assessment of the costs**

BE IT ORDAINED by the MUNICIPAL COUNCIL OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as local improvements to be undertaken in and by the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"), pursuant to N.J.S.A. 40:65-1 et seq.. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$225,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$11,250 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq.. The down payment is now available by virtue of

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provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$213,750, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The local improvements hereby authorized to be undertaken and the purposes for which the obligations are to be issued consist of the removal, reconstruction and installation of curbs sidewalks and driveway aprons along the following streets: Bowne Road, Elberon Boulevard, Fairway Lane, South Edgemere Drive, South Wanamassa Drive, Whalepond Road, and Wickapecko Drive through to the Borough of Interlaken. The affected properties, listed by block and lot, include, but are not limited to, the following:

<b>Bowne Road</b>	
Block	Lot(s)
35	114.01; 115; 123; 124; 125.01; 125.02; 126; 127; 128; 129; 130; 131; 132; 133
36	2; 4; 5; 6; 7; 8; 10; 10.01; 11; 37; 36; 38; 40
<b>Elberon Boulevard</b>	
Block	Lot(s)
1401	8; 9
15.01	1; 2
16.01	6; 7; 8; 5
12.06	7; 8; 9
13	1; 2.01; 2.02; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12
<b>Fairway Lane</b>	
Block	Lot(s)
40	96; 95; 94; 93; 92; 91; 86; 90; 87; 89
40.05	2; 3; 4; 5; 6
<b>South Edgemere Drive</b>	
Block	Lot(s)
76.01	2
70	2; 3
71	3; 4; 5; 6; 7; 8; 9; 10
<b>South Wanamassa</b>	
Block	Lot(s)
126	6; 7; 8; 9;
125	9; 10; 11; 12
124	1; 2
123	6; 4; 2; 1; 5;
<b>Whalepond Road</b>	
Block	Lot(s)
25.01	7; 6; 1
26.03	1
26.01	1
26	42; 44; 45; 46; 47
<b>Wickapecko Drive</b>	
Block	Lot(s)
88	2; 3
87	11; 12; 13
10.01	13; 1

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$213,750, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$225,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$225,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$11,250 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a local improvement of the Township, and all of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$213,750 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

(f) The cost of the local improvements described in Section 3(a) hereof shall be paid by special assessments which shall be levied on property specially benefited thereby, in accordance with law.

(g) The number of annual installments within which the special assessments are to be paid by the owners of the lots and parcels of real estate benefited by

the local improvements and specially assessed, shall not exceed ten (10). The assessments shall be levied and collected in accordance with law. The estimated maximum amount of special assessments of the local improvement described in §3 hereof is \$225,000.

Section 6. Notice is hereby given to the owners of the properties described in Section 3(a) herein, that the improvements described there shall be undertaken as a sidewalk improvement and the entire cost thereof shall be assessed in the following manner. An accurate account of the cost of construction of the sidewalks shall be kept, and such cost shall be assessed upon the property fronting on the improvements pursuant to and in accordance with N.J.S.A. 40:65-1 et seq.. Unless notice of the pendency of this ordinance is given in accordance with N.J.S.A. 40:65-6, the Municipal Clerk shall cause notice of the proposed sidewalk improvements to be given to the owner or owners of real estate affected thereby prior to the making of the sidewalk improvements described in said Section 3(a) or the awarding of any contract for such sidewalk improvements. The notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and a statement that unless the owner or owners complete the improvements within 30 days after service thereof, the Township will make the improvements at the expense of the owner or owners. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to 40:65-5, and the proof of service shall be filed with the officer of the Township in charge of the records of tax liens of the Township within ten days after service thereof. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 7. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 8. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

**Ord #2252 – (P.H. 12/3 Coaster)**

**An ordinance repealing Chapter 5, Section 5-13 (Ordinance #2195) Secondhand Dealers in its entirety and replacing it with "Dealers in Precious Metals and Other Secondhand Goods"**

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, as follows:

**SECTION 1.** That Chapter 5, Section 5-13, of the Code of the Township of Ocean entitled Secondhand Dealers, be and hereby is repealed in its entirety and replaced with "Dealers in Precious Metals and other Secondhand Goods" to include the following:

**§ 5-13.1 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.

**§ 5-13.2 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, purses, pocketbooks, furs 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.

“GIFT CARD/MERCHANDISE CREDIT” shall mean any restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non monetary gift.

“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.

### **§ 5-13.3 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 Mercantile License Officer, which license shall bear a number issued by the Mercantile License Officer. The application for a license to the Mercantile License Officer 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 § 5-13.2 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 § 5-13.10.

**§ 5-13.4 Exclusions**

Nothing in this chapter shall apply to or require the obtaining of a license by any charitable or religious society that shall conduct sales of personal property when the proceeds thereof shall be applied to the payment of the expenses thereof and to the charitable or religious object for which the society exists, and nothing in this chapter shall apply to or require the obtaining of a license by any art, antique or historical society that shall conduct an exhibition and sale of art objects, pictures, paintings, prints, historical articles and furniture generally known and designated as antiques and kindred objects; and nothing in this chapter shall apply to or require the obtaining of a license by any agricultural show, fair or garden society selling or closing out certain of their exhibits, if such society was an incorporated association, not for pecuniary profit, of this state prior to the 26<sup>th</sup> day of March, 1935, or if incorporated subsequent thereto, such society shall have a bona fide membership of at least 100 persons.

**§ 5-13.5 Application process for dealers; approval or denial**

- A. Upon receipt of an application completed pursuant to this chapter, the Mercantile License Officer shall refer such application to the Chief of Police or his (or her) designee, 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 § 5-13.2 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 § 5-13.7(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 § 5-13.7(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 Mercantile License Officer, 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 Mercantile License Officer, 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 Mercantile License Officer 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 Mercantile License Officer 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 § 5-13.6, the retention and inspection requirements of § 5-13.7, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Mercantile License Officer shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by § 5-13.8 of this chapter.
- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before the Township Manager or his (or her) designee, 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.

#### **§ 5-13.6 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 §5-13.2
- 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:
1. The name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
  2. The name, address, date of birth, and telephone number of the seller or sellers;
  3. 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.;
  4. A photographed recording of the seller's presented acceptable identification, as set forth in § 5-13.2, in a format acceptable by the Chief of Police;

5. 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. Photographs of serial numbers on items that contain serial numbers shall be taken.
  6. The receipt number which shall also be listed on the subject article.
  7. 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;
  8. the price paid for the purchase or pawn of the item(s);
  9. 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.;
  10. 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, all transaction information is required to be submitted to a Township of Ocean Police email approved by the Chief of Police within twenty-four (24) hours from the date of purchase. If the dealer's computer equipment suffers a malfunction and is not operable, the dealer must submit all transactions on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of the purchase. In the event that email or paper form reporting is 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 § 5-13.7.
- 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 § 5-13.7 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.
- G. All records maintained by the Chief of Police pursuant to this section *shall be confidential and shall not be made available to any individual or institution as otherwise*

*provided by law. The information pursuant to this section may be shared with any federal, state, county or local law enforcement, or regulatory agency with jurisdiction over persons engaged in businesses that conduct reportable transactions.*

#### **§ 5-13.7 Retention; revocation; other restrictions**

- A. In accordance with both N.J.S.A. 2C:21-36 and this ordinance, all precious metals, jewelry, 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 his (or her) designee at the designated business address for a period of at least ten (10) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 5-13.6. 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 ten-day 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 § 5-13.6(B) upon the sale of those goods, the dealer has the right to sign a theft by deception complaint under N.J.S.A. 2C:20-4 against the seller at the Township of Ocean Municipal Court. A law enforcement officer shall seize the goods and provide the dealer with a receipt. If the dealer signs a complaint and the seller is convicted of theft by deception and is 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. If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver (at the risk of the dealer) of the requirement under this section. In no case shall the dealer sell the items prior to the established period without the written permission of the Chief of Police or his designee.
- 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 § 5-13.6(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 his (or her) 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 his (or her) designee 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 § 5-13.10 of this chapter.
  - 1. 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.
  - 2. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or his (or her) designee 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 (G2). 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.

3. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or his (or her) designee, been cured, corrected, or appropriately rectified, or upon the decision of a timely filing of an appeal as provided in subsection (G2).

G. Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or his (or her) 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 § 5-13.10.

1. 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.
2. Procedure for revocation. Upon a determination that appropriate grounds exist and that revocation is warranted, the Chief of Police or his (or her) designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically be issued, if one is not already in effect, pending the outcome of the charge. The determination by the Chief of Police or his (or her) designee shall be final unless the licensee files a written notice of appeal with the Municipal Clerk within 10 days after receiving the written notice of the decision. The appeal shall be a hearing before the Township Manager or his (or her) designee. Written notice of the time and place of such hearing shall be served upon the licensee at least 72 hours prior to the date set for such hearing. Notice may be given either by personal delivery or by regular mail to the address listed on the license. At the hearing before the Township Manager or his (or her) designee, the licensee shall have an opportunity to answer, introduce evidence, and present testimony of witnesses, and upon due consideration and deliberation by the Township Manager or his (or her) designee, the license may be revoked, suspended or other actions taken, or the complaint may be dismissed. The decision of the Township Manager or his (or her) designee shall constitute final administrative action of the municipality.
3. Following revocation or suspension by the Township Manager or his (or her) designee, 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. A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Mercantile License Officer, in writing, of the street address of said new location prior to the move.

#### **§ 5-13.8 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, as defined in N.J.S.A 40A:9-139, 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.

#### **§ 5-13.9 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 \$250. The annual renewal fee for a license is \$150. 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 § 5-13.6(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 January 1<sup>st</sup> through December 31<sup>st</sup>. All applications for renewal must be filed on or before November 1<sup>st</sup> for renewal by January 1<sup>st</sup> of the following year.

#### **§ 5-13.10 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 § 5-13.7(F) and § 5-13.7(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 § 5-13.7(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.

#### **§ 5-13.11 Time limit for conformance; repealer; severability**

- 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 effective date of this chapter.
- B. Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.
- C. If any section, subsection, sentence, clause, phrase, or portion of this chapter 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 hereof.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** Pursuant to the provisions of N.J.S.A. 40:69A-181(b), this ordinance shall take effect after publication and passage as provided by law

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

**PUBLIC COMMENTS:**

**Don Geiger** inquired about the Assessment Demonstration Project Update (Item D2) on the Workshop Agenda.

Mayor Siciliano stated that we have a contract with Realty Appraisal Company for a revaluation of all Township property. This revaluation would have been done regardless of whether or not Monmouth County initiated the Demonstration Project.

Mr. Geiger also inquired if the Township has any notion to purchase the lot for sale on Eagle Avenue.

Mayor Siciliano said that the asking price is too high.

Mr. Geiger wished everyone a Happy Thanksgiving.

**Susan Borea** thanked the Township, especially the Department of Public Works for their flexibility in picking up the trash prior to the extensive paving that occurred at Cedar Village.

**Barbara Hudson** asked when the Township can expect the next Township Newsletter?

Mr. Brannen said that it comes out twice a year, in the Spring and again in the Fall. The next one is scheduled to be mailed out within the next week.

F.K. Hudson inquired about the following:

- Does the Township still utilize any of the brush collected?

Mr. Brannen stated the materials are utilized for mulch.

- When will the 2016 Budget be introduced?

Mr. Brannen said the budget will be presented to the Governing Body by January 15, 2016, as required.

- The status of:

1. Tennis Courts on West Park Avenue

Mayor Siciliano reported that the plans are still being revised.

2. COAH –

Mr. Arbus reported on the following:

- a. Stop & Shop – there is a Consent Order dismissing this matter without prejudice.
- b. There is a Fairness Hearing scheduled on the BVB litigation to see if the proposed agreement is acceptable.

- c. The special expert hired by the Monmouth County municipalities regarding the determination of COAH's third round numbers unfortunately has taken ill. The Judge in the matter is reluctant to delay the proceeding.

Mayor Siciliano made mention that John Fuller, the new member of the Zoning Board is present at the meeting. Mayor Siciliano thanked Mr. Fuller for his willingness to serve.

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

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

Respectfully submitted,

Christopher P. Siciliano  
Mayor

Vincent Buttiglieri, RMC/CMC/MMC  
Township Clerk