

**MINUTES**  
**REGULAR SESSION BOARD OF COMMISSIONERS May 18, 2015**  
**Flag Salute**

Meeting came to order: 4:02 p.m.

Clerk called the roll: Mayor Joseph H. Mancini	PRESENT
Commissioner Ralph H. Bayard	PRESENT
Commissioner Joseph P. Lattanzi	PRESENT

Also in attendance: Lynda J. Wells, Municipal Clerk  
Kyle Ominski, Administrator

Municipal Clerk announced: Notice of the time and place of this meeting has been posted in the office of the Municipal Clerk, published by the BEACH HAVEN TIMES, ATLANTIC CITY PRESS and ASBURY PARK PRESS on December 25, 2014; and filed with the Municipal Clerk.

Motion: To dispense with the reading of the minutes of the previous meeting and to approve the same as recorded in the minute book:

Motion: Lattanzi	Ayes: Lattanzi, Bayard, Mancini
Second: Bayard	Nays:

**AGENDA**

**PROCLAMATION:** Angela Andersen, Environmental Champion

**PROCLAMATION**

**Angela Andersen: U.S. E.P.A. Environmental Champion**

**WHEREAS**, the Township of Long Beach wishes to recognize Angela Andersen, who has been honored by the United States Environmental Protection Agency as a 2015 U.S. EPA Environmental Champion; and

**WHEREAS**, the EPA recognizes those who have demonstrated an outstanding commitment to protecting and enhancing environmental quality and public health; and

**WHEREAS**, the Environmental Champion Award is the highest recognition presented to the public by the EPA; and

**WHEREAS**, Angela Andersen serves as Recycling and Clean Communities Coordinator for the Township and shares her wisdom and leadership in the Barnegat Bay Partnership, Ocean County Solid Waste Advisory Council, Long Beach Island Foundation of the Arts and Sciences, the Association of New Jersey Recyclers and the American Littoral Society; and

**WHEREAS**, Angela was previously honored by being named February's Sustainability Hero by Sustainable New Jersey, a certification program for New Jersey municipalities that want to go green, save money, and take steps to sustain their quality of life over the long term; and

**WHEREAS**, Angela has been very successful in securing grant money or donations for the Township to implement energy efficient improvements, upgrade and expand the Recycling Department, assist Super Storm Sandy victims, install water-refilling stations, and establish the "dune re-vegetation" fund, to name a few of her accomplishments.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach do hereby honor and congratulate Angela Andersen for her recognition by the United States Environmental Protection Agency as a 2015 U.S. EPA Environmental Champion.

**Commissioner Bayard** presented the Proclamation to Angela Andersen which he read aloud. He noted her numerous accomplishments and contributions to Long Beach Township. The entire Board of Commissioners, and all those present at the meeting, congratulated Angela on this prestigious designation.

**ORDINANCES & PUBLIC HEARINGS**

1. Resolution 15-0518.01: Amend Ordinance 15-18C

**RESOLUTION 15-0518.01**

**RESOLUTION AMENDING ORDINANCE 15-18C AND  
ADOPTING SAME ON SECOND READING, AS AMENDED**

**WHEREAS**, the Board of Commissioners of the Township of Long Beach, introduced Ordinance 15-18C on first reading Monday May 4, 2015 entitled, "**AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" TO ESTABLISH A NEW CHAPTER 196 WHICH WILL BE ENTITLED "REGULATION OF DEALERS OF PRECIOUS METALS AND OTHER SECONDHAND GOODS"**"; and

**WHEREAS**, the Ordinance was duly advertised in the May 7<sup>th</sup> 2015 edition of the Beach Haven Times to be considered for second reading this date Monday May 18, 2015; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach wishes to amend Section 196-8 and 196-9 of the introduced Ordinance; and

**WHEREAS**, Section 196-8 is amended to set application fee at \$5,000.00 and the license fee renewal at \$500.00; and

**WHEREAS**, Section 196-9 is amended to note the penalty(s) imposed for violations of the Ordinance are pursuant to Article III: General Penalty, Chapter 1-17 Maximum Penalty.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey at a regular meeting held Monday May 18, 2015 that Section VIII and Section IX of Ordinance 15-18C be and they are hereby amended as noted above.

**BE IT FURTHER RESOLVED**, that as so amended Ordinance 15-18C is hereby adopted on final reading.

**Lynda Wells, Municipal Clerk** explained the amendment set fees for Dealers of Precious Metals and Second Hand Goods.

Motion to approve Item 1:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

2. Second Reading Ordinance 15-18C: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" TO ESTABLISH A NEW CHAPTER 196 WHICH WILL BE ENTITLED "REGULATION OF DEALERS OF PRECIOUS METALS AND OTHER SECONDHAND GOODS"**

**ORDINANCE 15-18C**

**AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" TO ESTABLISH A NEW CHAPTER 196 WHICH WILL BE ENTITLED "REGULATION OF DEALERS OF PRECIOUS METALS AND OTHER SECONDHAND GOODS"**

**THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY DO ORDAIN:**

**STATEMENT OF PURPOSE**

This Ordinance is intended to establish a new Chapter 196 which will provide for the licensing and regulation of Dealers in Precious Metals and other Secondhand Goods within the Township of Long Beach.

**SECTION I**

Section 196-1: Compliance Required.

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.

**SECTION II**

Section 196-2: Definitions.

**ACCEPTABLE IDENTIFICATION**

A current valid New Jersey Driver's License, 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**

Any person, partnership, limited liability company, corporation or other entity who, either wholly or in part, advertises for and/or 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; itinerate 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**

Any business conducted intermittently within the Township of Long Beach at varying locations.

**PAWNBROKER**

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**

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**

Individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

**REPORTABLE TRANSACTION**

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**

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

**SELLER**

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**

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 Township where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

**SECTION III**

Section 196-3: License Required, application requirement, advertising.

- A. 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 Township of Long Beach, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk.
- B. The application for a license 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.
- C. 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 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 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 Section 196-9. Licenses granted under this chapter are not transferable or assignable.

**SECTION IV**

Section 196-4: Application process for dealers; approval or denial; appeal.

- A. Applications for licensure under this Chapter shall be referred by the Municipal Clerk to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include but shall not be limited to the following:
  - 1. The experience of the applicant in the business of purchase and sale of those articles or goods referred to in Section 196-2 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 fail 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 Section 196-6(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 Section 196-6(A);
- B. The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the completed application to the Municipal 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 license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. The Municipal Clerk shall notify the applicant in writing within ten (10) days of a denial and the Municipal Clerk shall forward to the applicant a statement of the reason or reasons for such denial.
  - D. Grounds for recommending denial of the 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 Section 196-5, the retention and inspection requirements of Section 196-6, or any other portion of this chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by Section 196-8 of this chapter.
  - E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before the Township Board of Commissioners, 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.

#### **SECTION V**

Section 196-5: 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 acceptable identification from each person selling or pawning precious metals or other secondhand goods.
- 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, weight (approximate), hair color, eye color, facial hair, if any, etc.;
  4. A photographed recording of the seller's presented acceptable identification, 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. Each item should have its own photograph;
  6. The receipt number;
  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 a like kind; Pictures of jewelry, precious stones, precious metal(s) shall be photographed individually and adhere to Section 196-5(C) 1-7 of this section;
  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 or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- E. In the event of a database failure, or dealers' computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the dealers' equipment being repaired or replaced, or the database coming back into service. 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 Section 196-6.

- 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 Section 6. 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.

#### **SECTION VI**

Section 196-6: Retention; revocation; other restrictions.

- A. 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 designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in Section 196-5. 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 seven-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 Section 196-5(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.
- C. If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such a 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 of the requirement under this section.
- 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 Section 196-5(C).
- E. No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to Section 196-9 of this chapter.
- i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation or local ordinance; or any other illegal, improper, or fraudulent activity.
- ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue

- immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
- iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).
- G. Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under Section 196-9.
- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
  - ii. Procedure for revocation. Upon determination that appropriate grounds exist and that revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation or reinstatement. If the panel determines that revocation is appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.
- H. Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I. A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

#### **SECTION VII**

##### Section 196-7: Bond.

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

minimum of one year from the date of issuance of license and must be renewed annually along with the license.

#### SECTION VIII

Section 196-8: 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, shall be \$5,000.00. The annual renewal fee for a license is \$500.00. 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 Section 196-5(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

#### SECTION IX

Section 196-9: Violations and penalties.

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a minimum fine not less than \$100.00 or a maximum fine not to exceed \$2,000.00 pursuant to Chapter 1-17, Article III General Penalty, 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 Section 196-6(F) and Section 196-6(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 Section 196-6(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.

#### SECTION X

Section 196-10: 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. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C. 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.
- D. 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.

Passed on first reading at a regular meeting held on May 4, 2015 and advertised in the BEACH HAVEN TIMES issue of May 7, 2015.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Amended Ordinance 15-18C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

3. Second Reading Ordinance 15-19C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IS HEREBY AMENDED BY THE ADOPTION OF A NEW CHAPTER, CHAPTER 57, ADOPTING CERTAIN REGULATIONS OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE TOWNSHIP OF LONG BEACH**

#### ORDINANCE 15-19C

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, 1997" IS HEREBY AMENDED BY THE ADOPTION OF A NEW CHAPTER, CHAPTER 57, ADOPTING CERTAIN REGULATIONS OF DRONE TECHNOLOGY AND UNMANNED AIRCRAFT FOR THE TOWNSHIP OF LONG BEACH**

**WHEREAS**, Township of Long Beach (hereinafter "Township") deems it appropriate, necessary, and proper for the good government, order, the protection of persons and property, and for the preservation of the public health, welfare, and safety of Township and its inhabitants to adopt certain regulations pertaining to the use of drone technology and unmanned aircraft in Township; and

**WHEREAS**, drone technology includes "drones," which are unmanned aircraft that can fly under the control of a remote pilot or via geographic positions system (GPS) guided autopilot mode, can fly at altitudes below the navigable airspace (generally 400'), and are equipped with surveillance technologies (e.g., high definition cameras, night vision cameras, and infrared-see-through scopes, etc.); and

**WHEREAS**, as a result of its declining cost, drone technology and unmanned aircraft have become increasingly available to private citizens for personal, recreational, and other potential uses; and

**WHEREAS**, drones and unmanned aircraft can be used to fly above residences, in the backyard of residences, to hover outside residences, and to fly above roads and through traffic in a manner that is inherently dangerous to the public health, welfare, and safety; and

**WHEREAS**, Township's beaches are one of the driving forces behind Township's seasonal population and tourist-supported economy during the spring, summer, and fall months; and

**WHEREAS**, drones and unmanned aircraft can be used to fly above the beach in a manner that is inherently dangerous to the public health, welfare, and safety, as well as in a manner that interferes with, disrupts, and can have a negative impact on Township's Beach Patrol; and

**WHEREAS**, drones and unmanned aircraft can be used to interfere with any number of lifesaving situations on the beach, in the water, or in Township generally that are in the process of being addressed, attended to, and potentially remedied by Township's Police Department, various volunteer fire and first aid squads, and/or Township's Beach Patrol; and

**WHEREAS**, it is evident that the rapid development, implementation, and use of drone technology and unmanned aircraft throughout the United States, as set forth herein, poses a serious threat to the health, safety, and welfare of Township's inhabitants, seasonal population, and visitors in general, as well as the economic activity of Township and the region; and

**WHEREAS**, the federal government and the State of New Jersey have thus far failed to adopt specific and comprehensive legal restrictions on the use of drone technology, the federal government has thus far only issued general guidelines regarding legal restrictions on the use of the type of unmanned aircraft designated as "model aircraft," and the Federal Aviation Administration ("FAA") is presently scheduled to adopt drone technology regulations in fall 2015, and, therefore, at this time there are no meaningful regulations protecting the public, health, and welfare from drone technology and unmanned aircraft particular to and specific to the needs of Township; and

**WHEREAS**, approximately forty states and local governments in the United States have adopted regulations of drone technology and unmanned aircraft to date despite the prospect of potential federal preemption issues.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Township of Long Beach, Ocean County, State of New Jersey, in accordance with the aforesaid recitals, which are incorporated herein by reference, that:

#### **STATEMENT OF PURPOSE**

The purpose of this Ordinance is to adopt §57, which adopts certain and specific regulations of drone technology and unmanned aircraft in Township to protect the public health, welfare, and safety.

### **Chapter 57. DRONE AND UNMANNED AIRCRAFT REGULATIONS**

#### **ARTICLE I**

#### **Drones and Unmanned Aircraft**

##### **§57-1. Definitions**

"Data collection" means the acquisition of information by use of one or more sensing devices.

"Drone" means an unmanned aircraft that can fly under the control of a remote pilot or by a geographic positions system (GPS) guided autopilot mechanism, and that is equipped with any sensing device or capable of any data collection.

"Sensing device" means a device capable of acquiring data from its surroundings. Sensing devices include, but are not limited to, cameras, microphones, thermal detectors, chemical detectors, radiation gauges, and wireless receivers in any frequency (including cellular, WiFi, or other data frequencies).

“Unmanned aircraft” means an unmanned vehicle or device of any size that is capable of remote-control flight by any means and that does not possess any sensing device and is not capable of any data collection.

**§57-2. Regulations**

- A. Except as otherwise provided in §57-3, drones are prohibited from flying in any airspace below 400 feet within Township.
- B. Except as otherwise provided in §57-3, unmanned aircraft are prohibited from flying in any airspace below 400 feet within Township in:
  - 1. the airspace over any beach within Township while lifeguards are on duty;
  - 2. the airspace over any beach dune area within Township;
  - 3. the airspace over any residentially or commercially zoned area in Township;
  - 4. the airspace over any roads within Township; and
  - 5. the airspace over any government or public buildings, property, or parks within Township.

**§57-3. Exceptions**

- A. This Chapter shall not prohibit the Constitutional use of drones and unmanned aircraft by any law enforcement agency or emergency services organization of or servicing Township, the State of New Jersey, or the United States Government for lawful purposes and in a lawful manner.
- B. This Chapter shall not prohibit any state or federal agencies from the use of drones and unmanned aircraft for any lawful and authorized purpose pursuant to federal and state regulations.
- C. This Chapter shall not prohibit the use of drones by not-for-profit, licensed, or accredited educational research colleges, universities, or scientific institutions for educational, scientific, environmental, or resource management purposes in the airspace over the beach within Township between Labor Day and Memorial Day.
- D. This Chapter shall not prohibit individuals and entities from the use of drones during daylight hours for business purposes in the airspace within the boundary lines of private commercial or residential property with the property owner’s consent, except that data collection shall be limited to data collection of and relating to the properties that provide consent thereto alone.
- E. Notwithstanding the provisions of this Chapter, the authorized and lawful operation and use of drones for commercial, business, educational, scientific, research, environmental, and personal purposes pursuant to and in accordance with specific Federal Aviation Administration (“FAA”) regulations, if any.
- F. This Chapter shall not prohibit the use of unmanned aircraft by:
  - 1. Any federal, state, and local agencies, including, but not limited to, law enforcement and emergency services agencies, for lawful purposes and in a lawful manner; or
  - 2. An owner of private property in Township in the airspace within the boundary lines of that property or in the airspace within the boundary lines of private property in Township with that property owner’s consent.

**ARTICLE II**

**General Provisions**

**§57-4. Violations and penalties.**

A violation of this Chapter shall be punishable as provided in Chapter 1, General Provisions, Article III, General Penalty.

**§57-5. Repealer.**

All ordinances, or parts of ordinances, inconsistent with this Chapter are hereby repealed to the extent of such inconsistency.

**§57-6. Severability.**

If any word, phrase, clause, section, or provisions of this Chapter shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

**Effective date.**

This ordinance shall take effect after final adoption and publication as required by law. Passed on first reading at a regular meeting held on May 4, 2015 and advertised in the BEACH HAVEN TIMES issue of May 7, 2015.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 15-19C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

4. Second Reading Ordinance 15-20C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 195 PERTAINS TO VENDOR LICENSING**

**ORDINANCE 15-20C**

**AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY (1997)," AS THE SAME IN CHAPTER 195 PERTAINS TO VENDOR LICENSING**

**THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF LONG BEACH DOES ORDAIN:**

**STATEMENT OF PURPOSE**

This ordinance amends §195-1, §195-4, and §195-7 to regulate vendor licensing and permit the issuance of food truck licenses limited to operation at Bayview Park and the Municipal Complex in Township of Long Beach during Township-sanctioned special events.

**SECTION I**

§195-1 is hereby amended to include the following new definition.

**FOOD TRUCK VENDOR**

Any retail food establishment/restaurant that is located upon a movable, motorized vehicle, not to exceed 35 feet in length, where food or beverage is stored, cooked, prepared, and served for individual portion service and retail sale. Such food truck vendors shall comply with this Chapter and all requirements of this Chapter that apply to vendors generally, except where otherwise provided, as well as any other applicable section of the Township Code.

**SECTION II**

§195-4 is hereby amended by the addition of a new subsection, subsection E, as follows.

- E. Food truck vendor license; maximum number; additional requirements. In addition to any of the other requirements of this Chapter, food truck vendor licensing shall be subject to the following.
- (1) Food truck vendor licenses shall permit the operation of food trucks in areas pre-designated and approved by the Township Administrator in consultation with and with the agreement of the Chief of Police during Township-sanctioned special events and only at Bayview Park and the Municipal Complex in Township. No other authorization or rights to operate in Township are provided by the licenses.
  - (2) Except as provided otherwise in §195-4(E)(6)(d), the maximum number of food truck licenses granted *per annum* shall not exceed eight (8) and each license shall expire at the end of each calendar year. Pursuant to §195-4(E)(6), the licenses shall be granted on a first-to-be approved basis.
  - (3) The fee to be charged for each food truck vendor license shall be as annually fixed by the governing body of Township of Long Beach by resolution adopted at a meeting in February of each year, except that for 2015 the fee charged for each food truck vendor license shall be \$50.00.
  - (4) Only one license shall be issued to an individual, corporation, company, partnership, or franchise in which an individual holds any interest. A license application for an individual shall not be accepted when a license is held by another entity in which the individual has an interest. A license for an entity other than an individual will not be accepted when a person with any interest in such entity holds or has an interest, ownership or managerial, in an entity holding a license in another name.
  - (5) After an application has been received by the Municipal Clerk, the license shall not be granted unless and until the licensee complies with all of the applicable requirements §195-3 of this Chapter and provides proof of a Long Beach Island Health Department inspection and food handlers permit to the Municipal Clerk.
  - (6) The Municipal Clerk shall establish a rotating list of the food truck vendor licenses, which shall be listed in order of priority and preference of one (1) to eight (8), initially based upon the first to be approved basis. The Municipal Clerk shall be responsible for the administration of the rotating list. The list and a licensee's selection from the list shall be administered as follows.
    - (a) A minimum of (30) days prior to a Township-sanctioned special event at Bayview Park and/or the Municipal Complex, Township

Administrator shall advise the Municipal Clerk how many food trucks shall be authorized to appear at the special event. The Municipal Clerk shall thereafter provide notification *via* telephone and email, if any, to the licensees in their order of priority on the rotating list at a minimum of twenty-five (25) days prior to the special event. The licenses shall have three (3) days therefrom to contact the Municipal Clerk *via* telephone and email to accept and confirm that said licensees shall participate in the special event. In order to be effective, the acceptance shall be in writing and served upon the Municipal Clerk *via* email or personal service within the five-day period. If a licensee declines to participate in the special event, the Municipal Clerk shall follow the order of priority on the rotating list and notify the next licensee and the subsequent licenses shall comply with the foregoing confirmation requirements.

- (b) Once a licensee has been confirmed for a special event, the licensee shall rotate to the bottom of the list in accordance in with the order in which the licensee confirmed for the special event and the rotating list shall be rotated accordingly.
- (c) A minimum of seven (7) days prior to the special event, the licensee shall again confirm with the Municipal Clerk that it shall appear at the special event *via* telephone and email. In the event that confirmation is not made, the Municipal Clerk may proceed to contact the additional licensees on the rotating list in order of preference and the first to accept may substitute in for the licensee that does not provide the foregoing confirmation.
- (d) In the event that there are no licensees or an insufficient number of the licensees from the rotating list available or who elect to and/or confirm their participation in the special event, Township may directly solicit other food truck vendors to participate in the special event. In the event that another food truck vendor not on the rotating list is solicited and confirms participation, that food truck vendor shall be granted a temporary license, provided that the food truck vendor complies with all of the application requirements of this Chapter that apply to food truck vendors, except that the provisions of §195-4(E)(4) shall not apply to this circumstance. Following the special event, the temporary license shall expire and that food truck vendor licensee shall not be placed on the rotating list.

### **SECTION III**

§195-7 is hereby amended by the repeal of subsections D, H, J, and L, which shall be replaced with the following new subsections D, H, J, and L. In addition, new subsections N, O, P, Q, and R shall be added to §195-7 as follows.

- D. Use of streets. With the exception of food truck vendors, no vendor shall have an exclusive right to any location in the public streets nor shall any person be permitted a stationary location, nor shall he or she be permitted to remain in any one location for a period in excess of five minutes, except as is necessary to complete sales of lined-up customers.
  - (1) Food truck vendors shall be limited to operate their food truck in pre-designated and approved areas at Bayview Park and the Municipal Complex in Township of Long Beach alone. Food truck vendors shall remain at that stationary location and shall not be permitted to vend or sell food or any other products or services on the public streets in Township.
- H. Prohibitions. With the exception of food truck vendors and ice cream vendors, it shall be unlawful for any person to peddle, sell, or otherwise market any food item, prepackaged ice cream, prepackaged candy, and bottled or canned beverage from a mobile unit, except that this provision shall not apply to the delivery of milk, eggs, bread, newspapers, or merchandise of the type commonly delivered on a house-to-house basis at intervals of less than one week.
  - (1) Food truck vendors shall be permitted to prepare, peddle, sell, or otherwise market any prepared food or food item. Food truck vendors shall not sell or market prepackaged ice cream.
    - a. Ice cream vendors shall other than prepackaged ice cream, prepackaged candy, and bottled or canned beverages. Ice cream vendors shall not sell or market any prepared food or food item.
- J. With the exception of food truck vendors and on-board generators that are an integral part of the vehicle and are approved by the Director of the Board of Health,

no trucks, pedacycles, or non-motorized pushcarts shall be equipped with generators that are able to operate while the truck, pedacycle, or pushcart is in motion or stopped. Food truck vendors shall be permitted to be equipped with generators that are approved by the Long Beach Island Health Department.

- L. Time restrictions. No person shall sell, offer for sale, hawk, or peddle in Township any items listed in §195-1 before 9:00 a.m. or after 9:00 p.m., except in relation to July 4 fireworks displays during which time they may vend until 11:00 p.m., subject to the 7:00 p.m. sound device limitation, and except where otherwise permitted by resolution of the Board of Commissioners of Township of Long Beach, in its sole discretion, for certain festivals and other events.
  - (1) Food truck vendors shall be subject to the time restrictions set forth in paragraph L, except that food truck vendors shall be permitted to operate until the designated closing time of the Township-sanctioned special events.
- N. Enforcement. This Chapter shall be enforced by any Code Enforcement Officer, Township of Long Beach Police Department, and/or the Long Beach Island Health Department.
- O. Food truck vendor restrictions. In addition to the restrictions set forth in this Chapter, food truck vendors shall not provide or allow any dining area, including but not limited to tables, chairs, booths, bar stools, and benches.
- P. Any vendors operating without a valid vendor license or permit, and/or not in compliance with this Chapter shall be deemed a public safety hazard and may be ticketed and their vehicles may be impounded.
- Q. Emergencies. Township of Long Beach reserves the right to temporarily move any food truck vendor for emergency purposes as determined in the sole discretion of Township.
- R. All vendors shall comply with all applicable state statutes, all applicable Township of Long Beach ordinances, and any other law or regulation that may be applicable under the given circumstances.

#### **SECTION IV**

All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

#### **SECTION V**

If any word, phrase, clause, section, or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal, or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

#### **SECTION VI**

This ordinance shall take effect upon publication thereof after final passage according to law.

Passed on first reading at a regular meeting held on May 4, 2015 and advertised in the BEACH HAVEN TIMES issue of May 7, 2015.

OPEN PUBLIC HEARING

No Comment

CLOSE PUBLIC HEARING

Motion to adopt Ordinance 15-20C on Second Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 5. First Reading Ordinance 15-21C: **AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)" IN CHAPTER 82 PERTAINS TO VENDOR LICENSING.**

Motion to approve Ordinance 15-21C on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

- 6. First Reading Ordinance 15-22: **AN ORDINANCE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$30,000 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE COSTS ASSOCIATED WITH THE CITY HALL LANDSCAPING IMPROVEMENTS AND ACQUISITION OF AN IRRIGATION SYSTEM**

Motion to approve Ordinance 15-22 on First Reading:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

#### **ADOPTIONS & APPROVALS**

- 7. Resolution 15-0518.02(a&b) Approve the following special events:
  - a. LBI Surfing-Tutoring Taxi Inc.: Paddle Relay Race  
July 10, 2015 5-8pm.
  - b. Southern Regional Middle School: Class trip and beach clean-up on May 26, 2015; 9:30am-12pm

**RESOLUTION 15-0518.02(a)**

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach approve the below-listed event for:

<b>HOST</b>	<b>DESCRIPTION</b>	<b>TIME &amp; DATE(S)</b>
LBI Surfing-Tutoring Taxi Inc. 1301 Long Beach Blvd North Beach Haven	Friend/Family Paddle Relay Race in Bayview Park	July 10 <sup>th</sup> 2015 (Raindate July 15 <sup>th</sup> 2015) 5:00 pm to 8:00 pm

**WHEREAS**, all the necessary and required insurance documents have been submitted, received and are on file with the Township.

**NOW, THEREFORE BE IT RESOLVED**, that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited event.

**RESOLUTION 15-0518.02(b)**

**WHEREAS**, the Southern Regional Middle School has requested permission to hold a class trip and beach clean-up on Tuesday, May 26, 2015 from 9:30 am thru 12:00 pm at the Holgate Beach; and

**WHEREAS**, the Southern Regional Middle School has submitted the required insurance certificate and Hold Harmless Certification.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach does hereby grant permission for the above cited event to be held on the Holgate beaches on Tuesday, May 26, 2015 from 9:30am thru 12:00pm.

- 8. Resolution 15-0518.03: Support A-4235 "Transparent Tax Act of 2015"

**RESOLUTION 15-0518.03**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN,  
STATE OF NEW JERSEY IN SUPPORT OF A-4235  
"TRANSPARENT TAX ACT OF 2015"**

**WHEREAS**, Assembly Bill No. A-4235 supplementing Chapter 4 of Title 54, R.S.54:4-65 and designated the "Transparent Tax Act of 2015" is being considered for adoption by the New Jersey State Assembly; and

**WHEREAS**, the amendment would permit the local jurisdiction to print separate tax bills to each taxpayer, one showing the amount of property taxes due and payable for municipal tax purposes, the other shall state the amount of property taxes due and payable for county purposes, school purposes, fire district purposes, and for the purposes of any other special district on behalf of which the municipality collects property taxes; and

**WHEREAS**, both bills shall include a brief tabulation showing the distribution of the total amount to be raised by taxes; and

**WHEREAS**, A-4235 would require the municipal tax collector to send notice of the pro rata share, if any, of the property tax appeal refunds paid by the municipality during the tax year to the county, school districts, and fire districts for inclusion in their annual budgets; and

**WHEREAS**, in the following tax year in which the refunds were paid, the municipal tax collector is then required to deduct the applicable pro rata share of the property tax refund from the amounts to be paid to the county, and each school and fire district; and

**WHEREAS**, these amendments, if adopted, will assist the general public to understand the tax bill, the structure of the taxes, and the level of support for each agency, and will further provide a more equitable structure to share the obligation of paying approved tax appeals as the title states, creates transparency in the tax supporting local assessments.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey hereby supports Assembly Bill A-4235 amending Title 54, R.S.54:4-65 and urges the legislature to approve and pass the bill for the reasons expressed herein.

- 9. Resolution 15-0518.04: Approve personnel actions

**RESOLUTION 15-0518.04**

**ASSESSOR**

Approve the end of a Family Medical Leave of Absence (FMLA) for BB effective retro-active to June 23, 2014.

Approve a Family Medical Leave of Absence (FMLA) for BB effective retro-active to May 8, 2015.

**BEACH BADGE**

Hire the following employee as a Seasonal Beach Badge Program Seller/Checker at the rate of \$10.05 to be paid from Beach Badge Salary & Wage effective May 18, 2015.

Roxanne Callahan

Hire the following employee as a Seasonal Beach Badge Program Seller/Checker at the rate of \$10.65 to be paid from Beach Badge Salary & Wage effective May 18, 2015.

Carol Boyle

Hire the following employee as a Seasonal Beach Badge Program Seller/Checker at the rate of \$10.75 to be paid from Beach Badge Salary & Wage effective May 18, 2015.

Pamela Tamowski

### **BEACH PATROL**

Hire the following individuals as Seasonal Part Time Laborer 1 at the rate of \$10.25 per hour to be paid from Lifeguard Salary and Wage Budget retroactive to May 8, 2015.

David Behr	Terrence Dorman	Leo Ginsberg
Patrick Kelly	Ramo Kline	Connor McCrane
Emily Olson	Morgan Pedrick	Ali Phillips
Steven Russell	Kevin Salerno	

### **CONSTRUCTION**

Accept and approve the resignation of the following employee from the department of Construction effective retro-active May 6, 2015.

Sandra Lifson

Hire the following employee as a Seasonal Part-Time Clerk 1 at the rate of \$20.00 per hour to be paid from Construction Salary & Wage effective retro-active to May 13, 2015.

Angela Ortiz

### **PUBLIC WORKS**

Hire the following employee as a Seasonal Full-Time Laborer1 at the rate of \$10.00 per hour to be paid from Public Works Salary & Wage effective retro-active to May 11, 2015.

Thomas LaNeve

Hire the following employee as a Seasonal Full-Time Laborer 1 at the rate of \$13.00 per hour to be paid from Public Works Salary & Wage effective May 18, 2015.

Kevin Cleary

### **RECYCLING**

Change the following employee's annual salary to \$65,626.00 to be paid from Recycling Salary & Wage effective May 23, 2015.

Angela Andersen

10. Resolution 15-0518.05: Oppose fee for the use of the Public Walkway at Tice's Shoal

### **RESOLUTION 15-0518.05**

#### **RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY IN OPPOSITION TO THE \$3.00 FEE CHARGED BY ISLAND BEACH STATE PARK FOR ACCESS TO THE PUBLIC WALKWAY AT THE TICE'S SHOAL MOORING AREA**

**WHEREAS**, the Tices's Shoal mooring area in Barnegat Bay, adjacent to Island Beach State Park is a popular location for the boating community providing unfettered access to the Atlantic Ocean by way of a wooden walkway from Barnegat Bay to the Atlantic Ocean; and

**WHEREAS**, this walkway that has been a means of public access to the Atlantic Ocean for decades was completely destroyed by Super Storm Sandy and was subsequently reconstructed with reimbursable funds from the Federal Emergency Management Agency; and

**WHEREAS**, the State of New Jersey is initiating a \$3.00 entry fee to use the public access walkway where no fee has ever previously been charged; and

**WHEREAS**, there is no fee charged at the main entry gate for pedestrians or bicyclists to use the park for swimming, fishing or other recreational activities, making it unfair to charge pedestrians arriving by watercraft at Tice's Shoal; and

**WHEREAS**, pedestrians arriving by watercraft do not use valuable parking spaces in the A-7 section of the park, thereby allowing the park to receive revenue that is currently based on parking spaces; and

**WHEREAS**, it is highly inconvenient for pedestrians arriving by watercraft who walk in chest deep water, clad in swimming attire, to produce the currency to pay for the public access walkway; and

**WHEREAS**, tourism is the life blood of Ocean County's economy and the additional fees and charges will benefit Berkeley Township or the County of Ocean; and

**WHEREAS**, the boating community has already been short-changed in that the monies used for the "I Boat NJ" Program, paid for by boaters' registration fees, are used for non-marine uses instead of using it for such things as dredging local waterways for better navigation.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Township of Long Beach opposes the \$3.00 per person fee for the public access walkway from Tice's Shoal mooring area to the Atlantic Ocean.

11. Resolution 15-0518.06: Approve a new member of the Long Beach Township Local Emergency Planning Committee: Daniel Rodriguez, St. Francis Church

**RESOLUTION 15-0518.06**

**WHEREAS**, the Township of Long Beach Office of Emergency Management is required by the State of New Jersey to appoint a Local Emergency Planning Committee (LEPC) and a Hazardous Mitigation Planning Committee (HMPC); and

**WHEREAS**, the following individual has agreed to serve as a member of the LEPC and the HMPC:

Daniel Rodriguez St. Francis Church Maintenance Director

**WHEREAS**, pursuant to Resolution 14-1219.03(f), public meetings shall be held concurrently on the following dates and times:

<u>Date</u>	<u>Time</u>	<u>Location</u>
March 4, 2015	4:00 p.m.	Municipal Courtroom
June 3, 2015	4:00 p.m.	Municipal Courtroom
September 2, 2015	4:00 p.m.	Municipal Courtroom

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach that the above-named individual be and is hereby appointed as a member of the 2015 Local Emergency Planning Committee and the 2015 Hazardous Mitigation Planning Committee from May 18, 2015 through December 31, 2015.

12. Resolution 15-0518.07: Approve modular home construction summer regulations: June 15<sup>th</sup> through September 15<sup>th</sup>:

Construction of foundations, piling, beams and the like shall be permitted provided that no street closure permit is sought.

**RESOLUTION 15-0518.07**

**RESOLUTION AUTHORIZING BUILDERS, CONSTRUCTORS, AND ERECTORS OF MODULAR AND PRE-MANUFACTURED HOMES TO DO PRECONSTRUCTION SITE WORK INCLUDING THE INSTALLATION OF FOUNDATIONS, PILING, BEAMS AND THE LIKE, JUNE 15<sup>TH</sup> THROUGH SEPTEMBER 15<sup>TH</sup> OF EACH YEAR PROVIDED NO STREET CLOSURE PERMIT IS SOUGHT.**

**WHEREAS**, §64-19 of an Ordinance entitled "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)", specifically provide, "no construction, except as specifically approved by a Resolution duly adopted by the Board of Commissioners of the Township of Long Beach, which requires the issuance of a street closure order by the Long Beach Township Chief of Police shall be permitted between June 15<sup>th</sup> and September 15<sup>th</sup> of any year; and

**WHEREAS**, the construction of any modular home or pre-manufactured home requires the issuance of a street closure order by the Long Beach Township Chief of Police; and

**WHEREAS**, a burden is imposed upon the builders, constructors, installer or similar individual, person, firm, corporation or other entity engaged in the construction of modular homes more onerous than imposed on contractors constructing or erecting homes or buildings following traditional construction standards, commonly called stick building; and

**WHEREAS**, the Township of Long Beach Township desires and wishes to make as fair and equitable as possible the standard between the erectors, contractors and builders erecting modular homes or pre-manufactured homes so that they are on a similar standing as reasonably possible with the contractors or builders erecting stick built homes; and

**WHEREAS**, Chapter 64-19 of an Ordinance entitled "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)", as well as Article 4 of Chapter 64 of an Ordinance entitled "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)", both provide that no construction requiring the occupancy of a public street may take place between June 15<sup>th</sup> and September 15<sup>th</sup> of every year; and

**WHEREAS**, this imposes an undue burden on the builders and constructors of modular homes and pre-manufactured homes since they could be doing pre-setting work by installing foundations, piling, girders, beams or other substructures upon which modular homes are to ultimately be set during the period June 15<sup>th</sup> through September 15<sup>th</sup> of each year without requiring a street closure permit.

**NOW THEREFORE BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach, a Municipal Corporation of the State of New Jersey at a regular meeting held Monday May 18, 2015 that pursuant to the provisions of Section 64-19 of an Ordinance entitled "CODE OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, (1997)", builders, constructors, erectors of modular homes and pre-manufactured homes may receive a permit from the Building Department of the Township of Long Beach for the installation of bearing construction in the form of foundations, piling, beams and the like during the closure period provided that no street closure permit is sought.

**BE IT FURTHER RESOLVED**, any other pre-construction site work shall be permitted during the closure period June 15<sup>th</sup> through September 15<sup>th</sup> of each year provided that no street closure permit is sought.

Motion to approve Items 7 thru 12:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**LICENSES & PERMITS**

13. Resolution 15-0518.08: Approve 2015 Motorized Ice Cream Vendors for Long Beach Township: Total of 8 Motorized Vendors

**RESOLUTION 15-0518.08**

**WHEREAS**, the Revised General Code of the Township of Long Beach 1997 Chapter 195 provides that the Board of Commissioners shall limit the number of persons desiring to sell or vend ice cream or ice cream products in the Township of Long Beach; and

**WHEREAS**, it is the desire of said Board to place a limitation on same in order to avoid undue crowding, littering, traffic congestion and the like.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Long Beach that the following vendors shall be issued a license for the selling or vending of ice cream or ice cream products, subject to all requirements and restrictions, for the year 2015.

<u>Vendor Name</u>	<u>Vendor ID Number</u>
Midlantic Ice Cream	ICM 15-05
Ice Cream and Dreams	ICM 15-06
Francesca's	ICM 15-07

Motion to approve Item 13:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**PURCHASES, CONTRACTS & AWARDS**

14. Resolution 15-0518.09: Approve various purchases, per Competitive Quote: Cedar Posts: Green Thumb Reforestation Plantings and Irrigation: Reynolds Landscaping

**RESOLUTION 15-0518.09**

**A RESOLUTION APPROVING THE PROCUREMENT OF VARIOUS GOODS AND SERVICES FOR THE TOWNSHIP OF LONG BEACH, PER COMPETITIVE QUOTATION**

**WHEREAS**, in accordance with N.J.S.A. 40:A11-6.1.a., the Long Beach Township Public Works Department required the solicitation of competitive quotations for the provision of various goods and services which, in the aggregate, may exceed \$17,500 but not meet or exceed \$36,000.00 for 2015; and

**WHEREAS**, competitive quotation opportunities were posted on the municipal website: [www.longbeachtownship.com](http://www.longbeachtownship.com), on May 4, 2015, and received May 14, 2015 as follows;

CQ15-14: Cedar Posts

**WHEREAS**, competitive quotation opportunities were posted on the municipal website: [www.longbeachtownship.com](http://www.longbeachtownship.com), on May 14, 2015, and received May 18, 2015 as follows;

CQ15-19: Plantings and Irrigation

**WHEREAS**, the competitive quotations received on May 14<sup>th</sup> and 18<sup>th</sup>, 2015 have been reviewed by the Qualified Purchasing Agent, the Commissioner of Public Works and Property, and the Public Works Deputy Municipal Department Head; and

**WHEREAS**, the Board of Commissioners of the Township of Long Beach has determined Green Thumb Reforestation has provided the lowest qualified quotation in accordance with the specifications received May 14, 2015 for Cedar Posts; and Reynolds Landscaping has provided the lowest qualified quotation in accordance with the specifications received May 18, 2015 for Plantings and Irrigation, respectively. Said quotations are on file in the Municipal Clerk's Office.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long, County of Ocean, State of New Jersey, at a regular meeting held this 18<sup>th</sup> day of May 2015 that Green Thumb Reforestation and Reynolds Landscaping are hereby authorized to provide the goods and services as noted above, in compliance with, and pursuant to N.J.S.A. 40:A11-6.1.a.

Motion to approve Item 14:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

**FINANCIAL APPROVALS**

15. Resolution 15-0518.10(a-e): Approve various Chapter 159's  
a. Ocean County Tourism LIT Program 2015: \$1,000

- b. NJDEP Clean Communities Program: \$43,017.15
- c. Click-it of Ticket: \$4,000
- d. OCM JIF Safety Incentive Award: \$250
- e. Cops in Shops: \$1,200

**RESOLUTION 15-0518.10(a)**

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) OCEAN COUNTY TOURISM – 2015 LIFEGUARD IN TRAINING GRANT

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the Ocean County Board of Chosen Freeholders has approved a grant in the amount of \$1,000.00 and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2015 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners does hereby authorize an amendment to the 2015 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenues offset with appropriations:

OCEAN COUNTY TOURISM –

LIFEGUARD IN TRAINING GRANT: \$1,000.00

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

OCEAN COUNTY TOURISM –

LIFEGUARD IN TRAINING GRANT: \$1,000.00

There is a local match of \$1,000.00 from the Matching Funds for Grants line item in our 2015 budget.

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

DATED: May 18, 2015

MOTION: LATTANZI

SECOND: BAYARD

VOTE:

AYES: LATTANZI, BAYARD, MANCINI

NAYES:

ABSENT:

ABSTAIN:

**RESOLUTION 15-0518.10(b)**

RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) NJDEP CLEAN COMMUNITIES PROGRAM FY2015

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof shall not have been determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the State of New Jersey has approved a grant with an additional amount of \$43,017.15; and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2015 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners does hereby authorize an amendment to the 2015 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenues offset with appropriations:

NJDEP CLEAN COMMUNITIES PROGRAM FY 2015 WITH AN ADDITIONAL AMOUNT OF: \$43,017.15

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

NJDEP CLEAN COMMUNITIES PROGRAM FY 2015 WITH AN ADDITIONAL AMOUNT OF: \$43,017.15

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

DATED: May 18, 2015

MOTION: LATTANZI

SECOND: BAYARD

VOTE:

AYES: LATTANZI, BAYARD, MANCINI

NAYES:

ABSENT:

ABSTAIN:

**RESOLUTION 15-0518.10(c)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159): CLICK IT OR TICKET ENFORCEMENT GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the State of New Jersey, Division of Highway Traffic Safety has approved a grant to the Township of Long Beach in the amount of \$4,000.00; and

**WHEREAS**, it is the desire of the Township of Long Beach to amend the 2015 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, as follows:

1. That the Board of Commissioners do hereby authorize an Amendment to the 2015 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

CLICK IT OR TICKET GRANT FY 2015 \$4,000.00

2. That the Board of Commissioners do hereby further authorize an Appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

OPERATIONS – Excluded from CAPS:

Public and Private Programs Offset by Revenues:

CLICK IT OR TICKET GRANT FY 2015 \$4,000.00

- 3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

PASSED ON: May 18, 2015

MOTION: LATTANZI  
SECOND: BAYARD

VOTE:  
AYES: LATTANZI, BAYARD, MANCINI  
NAYES:  
ABSENT:  
ABSTAIN:

**RESOLUTION 15-0518.10(d)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A: 4-87 (CHAPTER 159): OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND SAFETY INCENTIVE AWARD**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such items have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the Ocean County Municipal Joint Insurance Fund has approved a donation to the Township of Long Beach in the amount of \$250.00; and

**WHEREAS**, it is the desire of the Township of Long Beach to amend the 2015 Municipal Budget to provide for the insertion of this donation as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, in the County of Ocean, State of New Jersey, as follows:

- 1. That the Board of Commissioners do hereby authorize an Amendment to the 2015 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

**GENERAL REVENUES**

Miscellaneous Revenues

Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations:

OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND – SAFETY INCENTIVE AWARD \$250.00

- 2. That the Board of Commissioners do hereby further authorize an Appropriation of an equal sum under the caption of:

**GENERAL APPROPRIATION:**

OPERATIONS – Excluded from CAPS:

Public and Private Programs Offset by Revenues:

OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND – SAFETY INCENTIVE AWARD \$250.00

- 3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Township Treasurer.

PASSED ON: May 18, 2015

MOTION: LATTANZI  
SECOND: BAYARD

VOTE:  
AYES: LATTANZI, BAYARD, MANCINI  
NAYES:  
ABSENT:  
ABSTAIN:

**RESOLUTION 15-0518.10(e)**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2015 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) STATE OF NEW JERSEY DIVISION OF ALCOHOLIC BEVERAGE CONTROL COPS IN SHOPS SUMMER SHORE INITIATIVE 2015**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the

amount thereof shall not have been determined at the time of the adoption of the budget; and

**WHEREAS**, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

**WHEREAS**, the Division of Alcoholic Beverage Control has approved a grant in the amount of \$1,200.00 and

**WHEREAS**, it is the desire of the Board of Commissioners of the Township of Long Beach to amend the 2015 Municipal Budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

1. That the Board of Commissioners does hereby authorize an amendment to the 2015 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES

Miscellaneous revenues

Section F: Special Items of General Revenue anticipated with prior written consent of the Director of Local Government Services – public and private revenues offset with appropriations:

COPS IN SHOPS 2015 \$1,200.00

2. That the Board of Commissioners does hereby further authorize an appropriation of an equal sum under the caption of:

GENERAL APPROPRIATION:

(A) OPERATIONS – Excluded from CAPS:

Public and private programs offset by revenues:

COPS IN SHOPS 2015 \$1,200.00

That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one copy to the Township Auditor and the Certified Finance Officer.

DATED: May 18, 2015

MOTION: LATTANZI

SECOND: BAYARD

VOTE:

AYES: LATTANZI, BAYARD, MANCINI

NAYES:

ABSENT:

ABSTAIN:

16. Resolution 15-0518.11: Approve a Dedication by Rider:  
Purchase of Playground Equipment Donations

**RESOLUTION 15-0518.11**

**REQUESTING APPROVAL OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR THE PURCHASE OF PLAYGROUND EQUIPMENT DONATIONS PURSUANT TO N.J.S.A. 40A:5-29**

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

**WHEREAS**, N.J.S.A. 40A:5-29 et seq. allows municipalities to receive donations for the purchase of playground equipment; and

**WHEREAS**, N.J.S.A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by the dedication by rider.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Township of Long Beach, County of Ocean, State of New Jersey as follows:

- 1) The Board of Commissioners hereby request permission of the Director of Local Government Services to pay expenditures for the purchase of playground equipment.
- 2) The Municipal Clerk of the Township of Long Beach is hereby directed to forward two copies of this resolution to the Director of Local Government Services.

17. Resolution 15-0518.12: Approve various changes to Water & Sewer accounts

**RESOLUTION 15-0518.12**

**WHEREAS**, the following Water and Sewer accounts require changes in its billing and/or classification due to various reasons; and

**WHEREAS**, it is requested by the Director of Revenue and Finance that these changes be made as follows:

<u>BLOCK</u>	<u>LOT/QUAL</u>	<u>ACCT #/ACCT</u>	<u>YEAR</u>	<u>CANCEL/CHANGE</u>	<u>AMOUNT</u>
5.05	16	1443-0 Sewer	2015	To Standby per c&c	\$265.50
5.10	1	1476-0 Water	2014	Standby Credit	\$328.00
10.31	8	3224-0 Water	2015	Standby Credit	\$435.00

11.26	13	3743-0 Sewer	2015	To Standby per c&c	\$265.50
12.23	5	4247-0 Sewer	2015	Removal of Garb. Disp.	\$150.00
12.25	3	4277-0 Sewer	2015	To Standby per c&c	\$265.50
15.38	7	5284-0 Sewer	2015	To Standby per c&c	\$265.50
20.163	5	7610-0 Water	2015	Standby Credit	\$141.00

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach, that the Municipal Clerk be and she is hereby authorized to make these changes.

18. Resolution 15-0518.13: Approve Bills & Payroll  
 Bills in the amount of: \$4,001,945.20 Payroll in the amount of: \$ 437,456.56

**RESOLUTION 15-0518.13**

**RESOLUTION OF THE TOWNSHIP OF LONG BEACH, COUNTY OF OCEAN, STATE OF NEW JERSEY  
 AUTHORIZING THE PAYMENT OF TOWNSHIP BILLS**

**WHEREAS**, the Chief Financial Officer and various Department Heads of the Township of Long Beach have carefully examined all vouchers presented for the payment of claims; and

**WHEREAS**, after due consideration of the said vouchers, the Board of Commissioners of the Township of Long Beach has approved payment of same; and

**WHEREAS**, Payroll Department has certified and submitted a request for approval of Township payroll in the amount of \$ 437,456.56

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Long Beach as follows:

1. The said approved vouchers amounting to the sum of \$4,001,945.20 be and the same are hereby authorized to be paid on Monday, May 18, 2015.

2. The said approved payroll amounting to the sum of \$437,456.56 be and the same are hereby authorized to be paid on Monday, May 18, 2015.

The Municipal Clerk be and she is hereby directed to list on the page in the Minute Book following the Minutes of this meeting all of the said vouchers hereby authorized to be paid.

Motion to approve Items 15 thru 18:

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini  
 Second: Bayard Nays:

**Mayor Mancini** stated the Tax Collector and Treasurers' Reports for the month of April 2015 were on file in the Municipal Clerk's Office.

**COMMISSIONERS' REPORTS**

**Commissioner Lattanzi** noted the parking lot at the Board of Health had recently been paved. He anticipated the office would be relocated in the Fall of 2015. He announced the Trolley schedule for Memorial Day weekend, and the remainder of the summer. The Commissioner noted the website address: [libuses.com](http://libuses.com), that was able to track the location of the Trolleys when running. He advised a grant in the amount of \$328,000 had been obtained by Angela Andersen and Capt. Paul Vereb from the NJ DOT to help fund the free public transportation system. Currently, ideas were being gathered for naming (branding) the Trolleys.

**Commissioner Bayard** advised the summer trash and recycling schedule was in effect, and that the summer water restrictions would commence on June 1<sup>st</sup>. A Hazardous Waste Disposal Day was planned in Stafford Township for June 6<sup>th</sup>. Long Beach Township hoped to hold a HWDD sometime in the Fall. The Commissioner explained that residents wishing to dispose of large household items must bring them to the Public Works Garage. He announced the new municipal parking lot would be open on 5/19/15.

**Mayor Mancini** announced the next meeting of the Land Use Board and Second Reading and Public Hearing for Ordinances 15-21C and 15-22. The Mayor noted the speed limit on Long Beach Blvd had been reduced for the summer season. The traffic lights had been activated as well. He provided information on various grant opportunities being pursued and recognized officers who recently participated in the National Police Week Memorial Service in Washington D.C. He stated the Beach Badge Booth on East 68<sup>th</sup> Street was open every day, the cost of badges, and the dates badges were required.

**OPEN PUBLIC SESSION**

**Judy Abend, Holgate** was concerned about recent road work being done on Tebco Terrace. She felt property owners should have been notified prior to work being started.

**Mayor Mancini and Commissioner Bayard** each agreed that contractors are obliged to communicate with affected property owners; although the matter was not under the control of the Board of Commissioners.

**Bill Hutson, Holgate** commented positively on the newly paved municipal parking lot.

**Tom Beatty, Holgate** felt the sewer project was necessary, and offered to help assist with the notification of property owners regarding upcoming construction projects.

**CLOSE PUBLIC SESSION**

Motion for adjournment at: 4:31 pm

Motion: Lattanzi Ayes: Lattanzi, Bayard, Mancini

Second: Bayard Nays:

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Lynda J. Wells, RMC  
Municipal Clerk

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Joseph H. Mancini, Mayor

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Ralph H. Bayard, Commissioner

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Dr. Joseph P. Lattanzi, Commissioner