



**AGENDA**  
**Borough of Union Beach**  
**Thursday, July 21, 2016- 8:00 p.m.**  
**Municipal Building- 650 Poole Ave.**  
**Union Beach, NJ**

**CALL TO ORDER:** Meeting called to order by Mayor Paul J. Smith, Jr. at \_\_\_\_\_ **P.M.**

**ANNOUNCEMENT:** By Mayor Paul J. Smith, Jr. of the Emergency Fire Exits.

**SALUTE TO THE FLAG:** Mayor Paul J. Smith, Jr.

**MOMENT OF SILENCE:** the Victims of the Nice, France terrorist attack and the Police Officers Assassinated in the line of Duty.

**SUNSHINE LAW NOTICE:** Announced by Clerk

Adequate notice has been given to the public and press on the date, time and place of this meeting, in accordance with P.L 1975, chapter 231, "open public meetings act."

**ROLL CALL: Council Members**

Mr. Perrella  
Mr. Wicki  
Ms. Roche  
Mr. Williams  
Mr. Andreuzzi  
Mr. Cocuzza

**Also Present:**

Mayor Paul J. Smith, Jr.  
John T. Lane, Jr. Attorney  
Robert M. Howard, Jr., Municipal Administrator  
Anne Marie Friscia, Municipal Clerk

**SET ASIDE THE REGULAR ORDER OF BUSINESS: Presentation**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**BACK TO THE REGULAR ORDER OF BUSINESS:**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**APPROVAL OF MINUTES OF THE MEETING OF:**

June 16, 2016 Regular Council Meeting

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by voice vote.

**PRESENTATION OF COMMUNICATIONS; PETITIONS, ETC.:**

Audit Certification – Needs to be signed by all.

Beach– Volleyball Every Wednesday Night

EMS Boat Ride – August 6th

Union Beach Day – September 10, 2016 – Mark your Calendars!

World Peace Day – Pinwheels around town September 20<sup>th</sup> – Request by Girl Scouts

**PUBLIC HEARINGS ON ORDINANCES AND OTHER PUBLIC HEARINGS, ETC.:**

**ORDINANCE NO. 2016- 238:** BOND ORDINANCE FOR SCHOLER PARK HOCKEY RINK  
ADDITIONAL FUNDING \$75,000.00

**\*\*Clerk announces that she did receive a Supplemental Debt Statement from the Chief Financial Officer for the above Bond Ordinance and it is on file in her office.**

The Clerk presented affidavit of publication showing that the ordinance was duly advertised in accordance with law in the Asbury Park Press in the issue of June 23, 2016.

Mayor Smith directs the Clerk to read the Ordinance by Title only, advising that said Ordinance was posted on the Bulletin Board at the Municipal Building and on the Borough's Website at least one week in advance of this Public Meeting, and that copies of said Ordinance were made available to the General Public upon request and copies were posted on the Borough's website and available here tonight (on table)

**BOND ORDINANCE #2016-238**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$75,000 FOR IMPROVEMENTS TO SCHOLER PARK HOCKEY RINK FOR AND BY THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$71,250 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF UNION BEACH, IN THE COUNTY OF MONMOUTH, 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 (the "Improvements") are hereby authorized to be undertaken by the Borough of Union Beach, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$75,000. Such sum includes the sum of \$3,750 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2:

In order to finance the cost of the Improvements not covered by the application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$71,250 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$71,250 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued is for improvements to Scholer Park Hockey Rink, including all structures and appurtenances, work and materials necessary therefor or incidental thereto, as shown on and in accordance with plans and specifications therefor on file with the Borough Clerk.

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$71,250.

(c) The estimated cost of the Improvements is \$75,000 which amount represents the initial appropriation made by the Borough.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. 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 Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must 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 capital budget of the Borough 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, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part 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, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$71,250 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$25,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8:

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

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$75,000.

SECTION 10.

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

**PUBLIC HEARING ON BOND ORDINANCE NO. 2016-238: MEETING OF JULY 21, 2016:**

MAYOR SMITH OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2016-238 AT \_\_\_\_ P.M.

MAYOR SMITH DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2016-237 AT \_\_\_\_ P.M.

**RESOLUTION NO. 2016-125: AUTHORIZING FINAL ADOPTION ORDINANCE 2016-238 AND FURTHER AUTHORIZING CLERK TO ADVERTISE SAME IN ASBURY PARK PRESS**

Paper: The Asbury Park Press.

Resolution Offered by: \_\_\_\_\_ Seconded by:

Roll Call Vote:

Mr Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**ORDINANCE NO. 2016-239**

The Clerk presented affidavit of publication showing that the ordinance was duly advertised in accordance with law in the Asbury Park Press in the issue of June 30, 2016.

Mayor Smith directs the Clerk to read the Ordinance by Title only, advising that said Ordinance was posted on the Bulletin Board at the Municipal Building and on the Borough's Website at least one week in advance of this Public Meeting, and that copies of said Ordinance were made available to the General Public upon request and copies were posted on the Borough's website and available here tonight (on table)

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE BOROUGH OF UNION BEACH TO CONTIGUOUS PROPERTY OWNERS AS AUTHORIZED BY N.J.S.A 40A:12-13.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH AS FOLLOWS:**

**SECTION 1:** IT IS HEREBY ESTABLISHED THAT THE FOLLOWING DESCRIBED PROPERTY, OWNED BY THE BOROUGH OF UNION BEACH, BLOCK 63 LOT 13, SHALL BE DECLARED SURPLUS PROPERTY.

**SECTION 2:** THE FOLLOWING PERSONS SUBMITTED BIDS AS CONTIGUOUS PROPERTY OWNERS IN THE AMOUNT DETERMINED TO BE THE FAIR MARKET VALUE. THIS PROPERTY IS NOT A BUILDABLE LOT.

<u>BIDDERS</u>	<u>BLOCK &amp; LOT</u>	<u>BID</u>
Jean & Sean Macklin	127 Henry Street	\$ 2,500.00

THE HIGHEST BID SUBMITTED BEING THAT OF JEAN AND SEAN MACKLIN OF 127 HENRY STREET \$ 2,500.

**SECTION 3:** IT IS THEREUPON ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF UNION BEACH, THAT THE BOROUGH OF UNION BEACH CONVEY THE ABOVE PROPERTY TO THE BIDDER FOR THE SUM LISTED.

**SECTION 4:** THE SUBJECT PROPERTY SHALL BE CONSIDERED MERGED WITH THE LOT OWNED BY THE SUCCESSFUL BIDDER TO CREATE ONE TRACT FOR THE PURPOSE OF ZONING AND MAY NOT BE SUBDIVIDED EXCEPT IN COMPLETE AND FULL COMPLIANCE WITH THE LAND USE AND DEVELOPMENT REGULATIONS OF THE BOROUGH OF UNION BEACH, WITHOUT ANY VARIANCES, AND A RESTRICTIVE COVENANT SHALL BE PLACED IN THE DEED FROM THE BOROUGH TO THE BIDDER, WHICH COVENANT SHALL RUN WITH THE LAND IN PERPETUITY

**SECTION 5:** THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS ADOPTION.

**PUBLIC HEARING ON BOND ORDINANCE NO. 2016-239: MEETING OF JULY 21, 2016:**

MAYOR SMITH OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER **2016-239** AT \_\_\_\_ P.M.  
MAYOR SMITH DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. **2016-239** AT \_\_\_\_ P.M.

**RESOLUTION NO. 2016-126: AUTHORIZING FINAL ADOPTION ORDINANCE 2016-239 AND FURTHER AUTHORIZING CLERK TO ADVERTISE SAME IN ASBURY PARK PRESS**

Paper: The Asbury Park Press.

Resolution Offered by: \_\_\_\_\_ Seconded by:

**Roll Call Vote:**

Mr Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_  
Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**ORDINANCE 2016-240:**

The Clerk presented affidavit of publication showing that the ordinance was duly advertised in accordance with law in the Asbury Park Press in the issue of June 30, 2016.

Mayor Smith directs the Clerk to read the Ordinance by Title only, advising that said Ordinance was posted on the Bulletin Board at the Municipal Building and on the Borough's Website at least one week in advance of this Public Meeting, and that copies of said Ordinance were made available to the General Public upon request and copies were posted on the Borough's website and available here tonight (on table)

**AN ORDINANCE AMENDING "THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980" ESTABLISHING CHAPTER 4-11, ET. SEQ. PRECIOUS METALS AND SECOND HAND GOODS OF THE BOROUGH CODE**

**Wherefore,** The Mayor and Council seek 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, and;

**Wherefore,** The Mayor and Council have determined that 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.

**Now therefore be it Ordained,** that the “ Revised General Ordinances of the Borough of Union Beach shall be amended to include the following :

## **Chapter 4-11 PRECIOUS METALS AND SECOND HAND GOODS**

### **Chapter 4-11.1 Definitions**

As used in this chapter, the following terms shall have the meanings indicated:

#### **ACCEPTABLE IDENTIFICATION**

A current valid New Jersey driver's license or identification card, a current valid photo driver's license issued by another U.S. state, a valid United States passport, or other verifiable U.S. government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department or request.

#### **DEALER**

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 chapter, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

#### **ITINERANT BUSINESS**

A dealer who conducts business intermittently within the municipality or at varying locations.

#### **MUNICIPAL CLERK OR "BOROUGH CLERK"**

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**

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 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 chapter, 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 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 months.

### **4:11.2 License requirement for dealers.**

- 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 jurisdiction of the municipality, without having first obtained a license therefor from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk.
- B. The application for a license to the Municipal Clerk shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof.
- C. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in 4:11.1 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 4:11.5 & 4:11.8.
- D. Licensees may not operate at any location other than site specified in the license. Licensees operating at multiple locations must have each location separately licensed. Each location must be permanent. Itinerant businesses and transient buyers, as defined in 4:11.1 above, are not eligible for licensure and are prohibited from operating in the Borough.

### **4:11.3 Application process for dealers; approval or denial.**

A. Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to, the following:

(1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in 4:11.1 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 shall, as part of the initial application process and annual renewals, require fingerprint criminal background checks through the Federal Bureau of Investigation, Criminal Justice Information Services Division, for the applicant and all owners and employees, which may require payment of additional fees by 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.

B. The Chief of Police shall complete any investigation pursuant to this chapter within 30 days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the thirty-day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.

C. The Chief of Police shall, upon completion of the investigation, recommend "grant" or "denial" of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to deny any license, the applicant shall be notified in writing within 10 days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.

D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly persons offense(s) in which deceit or misrepresentation is an element; or any conviction of any crime(s), disorderly persons offense involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, after the fact, or a co-conspirator; or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in 4:11.4, the retention and inspection requirements of 4:11.5, 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 4:11.6 of this chapter.

E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before the Borough Attorney or one of the Assistant Borough Attorneys in the Division of Law, or another official designated by the Borough Attorney, 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 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.

#### **4-11.4 Identification of seller; record keeping 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 4:11.1.

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 4:11.1, 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 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 and 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 his or her duty as set forth in Subsection F below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in Subsection C above.

E. In the event of a database failure, or dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within 24 hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in Subsection C above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this chapter and subsequently being subject to the penalties for doing so including revocation of the dealer's license as described in 4:11.5.

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 4:11.5.

#### **4-11.5 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 15 calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in

4:11.4B. 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 fifteen-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 4:11.4B 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. In addition to all other reporting requirements, every dealer shall maintain, for at least five years, a paper record of all purchases of precious metals and other secondhand goods in the form prescribed in 4:11.4C.

D. 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.

E. 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 thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to 4:11.8 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 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 G. 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 Borough Attorney, Assistant Borough Attorney, or other official designated by the Borough Attorney to review the grounds for suspension, been cured, corrected, or appropriately rectified.

F. 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 4:11.8.

(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 a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. The Borough Attorney, Assistant Borough Attorney, or other official designated by the Borough Attorney, shall review the stated grounds for revocation and shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If it is determined that revocation is the appropriate disposition, the grounds therefor shall be set forth 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 determined that suspension is the appropriate disposition, the dealer shall be so notified in writing and shall be advised 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.

G. Appeal. Any applicant wishing to appeal a suspension or revocation shall be entitled to a hearing as provided in 4:11.3E. Any applicant exercising the right to appeal must file a written notice of appeal within 10 days of receiving written notice of revocation or suspension of license.

H. 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.

#### **4:11.6 Bond.**

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

#### **4:11.7 Fees; license term.**

A. 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 \$200. The annual renewal fee for a license is \$100. 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 4:11.4 D. Payments are to be made in the manner directed by the Municipal Clerk.

B. Licenses issued pursuant to this chapter are valid for one year, from January 1 through December 31. Initial applications and applications for renewal must be submitted no later than October 1.

#### **4:11.8 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 90 days in addition to a suspension or revocation of operating license as provided in 4:11.5 E and F 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 4:11.5F. 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.

**Be it Further Ordained**, that nothing contained in this chapter is intended to replace any preexisting 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.

**Be it Further Ordained**, that this ordinance shall take effect immediately upon final adoption in accordance with law.

#### **PUBLIC HEARING ON BOND ORDINANCE NO. 2016-240: MEETING OF JULY 21, 2016:**

MAYOR SMITH OPENS THE MEETING TO PUBLIC HEARING ON ORDINANCE NUMBER 2016-240 AT \_\_\_\_ P.M.

MAYOR SMITH DECLARES THE PUBLIC HEARING CLOSED ON ORDINANCE NO. 2016-240 AT \_\_\_\_ P.M.

**RESOLUTION NO. 2016-127: AUTHORIZING FINAL ADOPTION ORDINANCE 2016-240 AND FURTHER AUTHORIZING CLERK TO ADVERTISE SAME IN ASBURY PARK PRESS**

Paper: The Asbury Park Press,

Resolution Offered by: \_\_\_\_\_ Seconded by:

Roll Call Vote:

Mr Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_  
Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTION NO. 2016-128: RESOLUTION FOR RENEWAL OF MEMBERSHIP IN THE MONMOUTH MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Borough of Union Beach is a member of the Monmouth Municipal Joint Insurance Fund; and  
WHEREAS, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and  
WHEREAS, the Municipality desires to renew said membership;  
NOW THEREFORE, be it resolved as follows:

1. The Borough of Union Beach agrees to renew its membership in the Monmouth Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Monmouth Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

Resolution Offered by: \_\_\_\_\_ Seconded by:

Roll Call Vote:

Mr Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_  
Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**REPORTS OF COMMITTEES AND DEPARTMENT HEADS:**

<u>Councilman Perrella</u>	<u>Health, Education, Drug Alliance, &amp; Recreation</u>
<u>Councilman Wicki</u>	<u>Finance, Personnel, Administration &amp; Code Enforcement</u>
<u>Councilwoman Roche</u>	<u>Emergency Svs. (Fire, OEM) American Legion &amp; Seniors</u>
<u>Councilman Williams</u>	<u>Public Affairs, Library &amp; Sp. Grants</u>
<u>Councilman Andreuzzi:</u>	<u>EMS, Public Works &amp; Building and Grounds &amp; Construction</u>
<u>Councilman Cocuzza</u>	<u>Public Safety (PD, Court) &amp; Shared Services</u>

**MEETING OPEN FOR PUBLIC DISCUSSION:**

Meeting opens for Public Discussion at \_\_\_\_\_ p.m.  
Meeting closes for Public Discussion at \_\_\_\_\_ p.m.

**NEW BUSINESS AND INTRODUCTION OF ORDINANCES:**

**ORDINANCE NO. 2016-241:**

**AN ORDINANCE AMENDING “THE REVISED  
GENERAL ORDINANCES OF THE BOROUGH OF UNION BEACH, 1980”  
AMENDING CHAPTER VII, TRAFFIC**

(Please see attached changes to Chapter No. 7)

Ordinance No. 2016-241 was introduced on First Reading by \_\_\_\_\_ seconded by \_\_\_\_\_ and approved by the following Roll Call Vote:

Roll Call Vote:

Mr. Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_  
Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**RESOLUTIONS: JULY 21, 2016 MEETING:**

**RESOLUTION 2016- 129 :**

**AUTHORIZING ADVERTISEMENT FOR PUBLIC HEARINGS ON ORDINANCE 2016-241**

Paper: The Asbury Park Press, in the issue of July \_\_, 2016

Hearing Date: Thursday, August 18, 2016

Time: Commencing at 8:00 p.m.

Place: Municipal Building, 650 Poole Avenue, Union Beach, NJ

Resolution Offered by: \_\_\_\_\_ Seconded by:

**Roll Call Vote:**

Mr. Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**Resolution No. 2016-130:**

**July 21, 2016**

**RESOLUTION OF THE BOROUGH OF UNION BEACH, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPOINTING SPECIAL OFFICERS IN THE POLICE**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Union Beach, that:

The appointment of the following named person(s) as Class II Special Police Officer, (Part-Time) in the Police Department, at a salary of \$10.00 per hour during probationary period and \$17.00 per hour thereafter, as authorized in the 2016 Salary Ordinance, effective as of July 21, 2016 not to exceed 28 hours per week in accordance with the recommendations of the Police Chief, and is hereby approved and confirmed:

1. William Fancher, 298 Brewers Bridge Road, Jackson, NJ 08527

Resolution offered by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by the following Roll Call Vote:

**Roll Call Vote :**

Ayes:

Nays:

Abstain:

Absent:

**RESOLUTION NO. 2016-131 :**

***CERTIFICATION OF THE 2015 AUDIT***

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year ending December 31, 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and;

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Union Beach , hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Resolution Offered by: \_\_\_\_\_ Seconded by:

Roll Call Vote:

Mr Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_  
Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**APPROVAL OF VOUCHERS, AND PAYMENT OF BILLS:**

**RESOLUTION NO. 2016-132: Offered by Councilman Wicki**

Approval of Vouchers/Purchase Orders /Add on List  
And Payment of Bills:

Seconded by: \_\_\_\_\_

Roll Call Vote: Mr. Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ \*Ms. Roche \_\_\_\_\_

Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ \*\*Mr. Cocuzza \_\_\_\_\_

\*Ms. Roche abstains on Purchase Order No.16- 00782

\*\*Mr. Cocuzza abstains on all Board of Education and Monmouth County Vouchers/Purchase Orders.

**EXECUTIVE SESSION: RESOLUTION NO. 2016- : (if necessary)**

Be it Resolved, by the Governing Body of the Borough of Union Beach that;  
The Governing Body retire into Closed Session for the exclusion of public subject matter of discussion under N.J.S.A 10:4-12 (b) \_\_\_\_\_ . Same to be determined by the Governing Body as to the time when and the circumstances under which the closed session discussion of the Governing Body can be made public.

**Motion** moved by \_\_\_\_\_ seconded by \_\_\_\_\_ and approved by unanimous voice vote.

The Governing Body retired into executive session for a matter of \_\_\_\_\_ at \_\_\_\_\_ **p.m.**

**RECONVENE MEETING:**

**Motion** to reconvene meeting moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by unanimous voice vote.

**RECONVENE MEETING: at \_\_\_\_\_ p.m.**

**ROLL CALL: Council Members**

Mr. Wicki  
Ms. Roche  
Mr. Williams  
Mr. Andreuzzi  
Mr. Cocuzza  
Mr. Perrella

**Also Present:**

Mayor Paul J. Smith, Jr.  
John T. Lane, Jr., Attorney  
Robert M. Howard, Jr., Borough Administrator  
Anne Marie Friscia, Municipal Clerk

**ATTORNEY: PURPOSE:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**BUSINESS ADDED TO THE AGENDA OF THE MEETING OF JULY 21, 2016 (IF NECESSARY):**

Mayor Smith calls for a **Motion to Add:** Introduction of the Following Business to the Agenda:

**Motion to add business to Agenda** moved by \_\_\_\_\_ seconded by \_\_\_\_\_, and approved by unanimous voice vote

**RESOLUTION NO. 2016-**

Roll Call Vote:

Mr. Perrella \_\_\_\_\_ Mr. Wicki \_\_\_\_\_ Ms. Roche \_\_\_\_\_  
Mr. Williams \_\_\_\_\_ Mr. Andreuzzi \_\_\_\_\_ Mr. Cocuzza \_\_\_\_\_

**ADJOURNMENT:**

Motion moved by \_\_\_\_\_, seconded by \_\_\_\_\_ and approved by unanimous Voice Vote.