

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

1. CALL CAUCUS TO ORDER

The Mayor called the caucus to order at 6:30 pm

2. FLAG SALUTE AND PRAYER

The Mayor led the flag salute and the Clerk read the prayer.

3. STATEMENT OF NOTICE

The Clerk read the following statement:

Pursuant to the Open Public Meetings Act both adequate and electronic notice of this meeting has been provided by posting on the bulletin board in the Municipal Building, on the Borough website and mailing the same to the Beach Haven Times, the Asbury Park Press and the Press of Atlantic City.

4. ROLL CALL

The Clerk took a roll call and the following were present:

COUNCILMAN ENGLISH
COUNCILMAN BUTKUS
COUNCILMAN ROSSI
COUNCILMAN HARTMAN
COUNCILMAN TALLON
COUNCILMAN VALYO

Also present:

Kathleen Flanagan, CFO/Borough Coordinator
Kristy DeBoer, Municipal Clerk

5. CAUCUS DISCUSSION

1. Proclamation Ocean County Library, National Library Week
Branch Manager of the Surf City branch of the Ocean County Library thanked the Mayor and Council for their support. She reviewed the services that the library offers and asked everyone to please visit the library.

The Clerk read the following Proclamation:

**National Library Week
2024 Proclamation**

WHEREAS, libraries offer the opportunity for everyone to connect with others, learn new skills, and pursue their passions, no matter where they are on life's journey;

WHEREAS, libraries have long served as trusted institutions, striving to ensure equitable access to information and services for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socio-economic status;

WHEREAS, libraries adapt to the ever-changing needs of their communities, developing and expanding collections, programs, and services that are as diverse as the populations they serve;

WHEREAS, libraries are accessible and inclusive places that promote a sense of local connection, advancing understanding, civic engagement, and shared community goals;

WHEREAS, libraries play a pivotal role in economic development by providing resources and support for job seekers, entrepreneurs, and small businesses, thus contributing to local prosperity and growth;

WHEREAS, libraries make choices that are good for the environment and make sense economically, creating thriving communities for a better tomorrow;

WHEREAS, libraries are treasured institutions that preserve our collective heritage and knowledge, safeguarding both physical and digital resources for present and future generations;

WHEREAS, libraries are an essential public good and fundamental institutions in democratic societies, working to improve society, protect the right to education and literacy, and promote the free exchange of information and ideas for all;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

NOW, THEREFORE, be it resolved that I, William Huelsenbeck, Mayor, Borough of Ship Bottom, proclaim National Library Week, April 7-13, 2024. During this week, I encourage all residents to visit their library and celebrate the adventures and opportunities they unlock for us every day. Ready, Set, Library!

William Huelsenbeck
Mayor

2. Officer Recognition Awards

Chief Potter presented the Officer Recognition Awards to:
Ptl. Rea as the Officer of the year and Ptl. Holloway with the Meritorious Award.
Additionally, he announced that Sgt. Tretolla had been the face of a national “Pedestrian Safety” video that was created by Michael and Christine Harrington. The video was sponsored by REMAX Real Estate. The video was played for the audience and it was announced that the video was posted for viewing on the borough website as well as the Ship Bottom Police Department Facebook Page.

6. CALL REGULAR MEETING TO ORDER

The Mayor called the regular meeting to order.

7. APPROVAL OF MINUTES

February 27, 2024 Regular Minutes

The minutes were approved as presented with a motion by Councilman English, seconded by Councilman Valyo. a rollcall vote was heard with six in the affirmative, none opposed.

**8. NEW BUSINESS
RESOLUTIONS**

The Clerk read each resolution by title and the Mayor asked for a motion for each. The vote is depicted within each resolution.

1. 2024-61 Bills List

**RESOLUTION 2024-61
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS
IN THE AMOUNT OF \$589,399.86**

WHEREAS, the Finance Committee of the Borough of Ship Bottom has examined the vouchers presented for payment.

NOW, THEREFORE BE IT RESOLVED that the approved vouchers in the amount of \$589,399.86 to be authorized to be paid upon verification of the Chief Financial Officer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

Motion: Councilman English
Second: Councilman Valyo
Dated: March 26, 2024
Roll Call: Burkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26, 2024.

Kristy DeBoer, RMC
Municipal Clerk

2. 2024-62 Returning Found Money

**RESOLUTION 2024-62
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE RETURN OF FOUND MONEY**

WHEREAS, authorization is needed by the Mayor and Council to return found money; and
WHEREAS, money has been turned over to the Police Department and has not been claimed in the amount

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

**BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING PROPERTY RECOVERED BY/ SURRENDERED TO THE BOROUGH OF SHIP
BOTTOM POLICE DEPARTMENT TO BECOME THE PROPERTY OF THE BOROUGH OF SHIP
BOTTOM**

WHEREAS, the Ship Bottom Police Department is currently in possession of tangible property as noted below which was recovered by/surrendered to the Ship Bottom Police Department from the owner of said property, who no longer desires to retain ownership of same:

Case #	Property Description
SB-2022-006515	Red Huffv/ Tundra Mountain Bike
SB-2022-008146	Oxygen Concentrator
SB-2021-008787	Colorado Spring Shade
SB-2022-005878	Blue Cruiser Bike with Basket
SB-2023-005704	Tempest Pro 20 Series Black/Teal
SB-2023-005478	Red MX-180 Mountain Bike
SB-2022-006173	Schwinn Orange and Black Beach Cruiser
SB-2022-006769	Grey Huffv Beach Cruiser
SB-2023-003865	Black Nishiki Anasazi Bike
SB-2023-005103	Blue/Brown Huffv Beach Cruiser
SB-2021-005347	Black Electra Bike
SB-2022-000322	1944 Dime
SB-2021-007065	Engagement ring and wedding ring
SB-2022-001948	Silver necklace
SB-2017-006817	Gold ring and grey ring
SB-2021-005347	Black Electra beach cruiser
2010-023292	Silver diamond Givenchy bracelet

; and

WHEREAS, pursuant to N.J.S.A. 40A:14-157, the New Jersey Division of Criminal Justice Property and Evidence Function policy and N.J.S.A. 2C:64-8, the Ship Bottom Borough Police Department is requesting the recovered/surrendered to property become the property of the Borough of Ship Bottom; and

WHEREAS, it is the desire of the Borough Council to act upon the request of the Ship Bottom Borough Police Department as follows:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ship Bottom, County of Ocean and State of New Jersey, as follows:

1. That the above listed property now becomes the sole property of the Ship Bottom Police Department and shall be assigned to the Ship Bottom Borough Police Department for use.
2. Copies of this resolution to Administrator, Chief Financial Officer, Chief of Police, and any other interested parties.

Motion: Councilman Rossi
Second: Councilman Butkus
Dated: March 26, 2024
Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy Davis, RMC, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing resolution was duly adopted by the Municipal Council of the Borough of Ship Bottom at a special meeting held on the 26th day of March, 2024, a quorum being present and voting in the majority.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 26th day of March 2024.

Kristy DeBoer, RMC
Municipal Clerk

5. 2024-65 Shared Service for Animal Facilities
RESOLUTION 2024-65
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF A
SHARED SERVICES AGREEMENT WITH THE
OCEAN COUNTY BOARD OF HEALTH FOR
ANIMAL FACILITY SERVICES

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. authorizes governmental agencies to agree to provide shared services when approved by resolution under N.J.S.A. 40A:65-5; and

WHEREAS, it is the desire of the governing body to authorize the execution of a Shared Services agreement with Ocean County for animal facility services.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement with Ocean County for animal facility services in accordance with the provisions of law, for the period of January 1, 2024 until December 31, 2024.
2. That a copy of the agreement referenced herein shall be kept on file and made available for public inspection at the Municipal Clerk's office during normal business hours.

Motion: Councilman Tallon
Second: Councilman Valyo
Dated: March 26, 2024

Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26, 2024.

Kristy DeBoer, RMC
Municipal Clerk

6. 2024-66 Authorizing Credit for Overpayment of Water Bill
RESOLUTION 2024-66
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE TAX COLLECTOR TO APPLY CREDIT
FOR WATER OVERPAYMENT

WHEREAS, an overpayment of water fees in the amount of \$980.00, has occurred on the property known as 129 E. 5th St., Street, Block 130, Lot 23, assessed to Peter Maszczak; and

WHEREAS, the overpayment occurred due to an error in billing when the property converted from a duplex to a single family home in 2022; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, that the Tax Collector is hereby authorized to credit the amount of \$980.00 for an overpayment of water bills from 2022 and 2023.

Motion: Councilman Butkus
Second: Councilman Rossi
Dated: March 26, 2024

Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26, 2024.

Kristy DeBoer, RMC
Municipal Clerk

7. 2024-67 Shared Service with Long Beach Twp.- Transportation System
RESOLUTION 2024-67
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BY AND BETWEEN
THE BOROUGH OF SHIP BOTTOM AND THE TOWNSHIP OF LONG BEACH FOR THE PROVISION
OF A
MUNICIPAL TRANSPORTATION SYSTEM

WHEREAS the Uniform Shared Services and Consolidation Act, NJSA 40A:65-1 et. seq., authorizes municipalities to agree to provide shared services when approved by resolution under NJSA 40A:65-5; and

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

WHEREAS in 2014 the Borough of Ship Bottom entered into an agreement with the Township of Long Beach, the Boroughs of Beach Haven, Surf City, Harvey Cedars and Barnegat Light for the provision of a Municipal Transportation System and designated the Township of Long Beach as lead agency; and

WHEREAS the Borough acknowledges and confirms that the Transportation System has become an important part of the Island and has been a benefit to all the residents, businesses and visitors; and

WHEREAS the Borough has agreed to its contribution share for the 2024 calendar year with the understanding and expectation that the Transportation System is to move toward self-sufficient operation without future municipal contributions in the near future; and

WHEREAS it is the desire of the Borough to continue said services and to renew the agreement with the Township of Long Beach; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey that the Mayor and Municipal Clerk are hereby authorized to execute a Shared Services Agreement with the Township of Long Beach for the Municipal Transportation System, in accordance with the provisions of law for the second term of one year commencing May 1, 2024 and terminating April 30, 2025.

BE IT FURTHER RESOLVED in accordance with Section 2.02 of said agreement, the Borough of Ship Bottom hereby designates 5th, 13th, 19th & 25th Streets intersecting with Long Beach Blvd. on the north bound and south bound island routes as regular stops to pick up passengers during the operation schedule for the Transportation System. The Borough further designates the boat ramp on West 10th Street as a scheduled stop, Thursday evenings from the hours of 6:00 PM through 10:00 PM, to accommodate the Summer Concert Series.

BE IT FURTHER RESOLVED the Borough of Ship Bottom is willing to support the Transportation System providing there is documented progress observed to its self-sufficiency.

Motion to Deny: Councilman Tallon No Second

Motion to Approve: Councilman Hartman

Second: Councilman Butkus

Dated: March 26, 2024

Roll Call: Butkus, Rossi, Hartman, Valyo, English, all aye. Tallon, Nay.

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at regular meeting held on March 26, 2024.

Kristy DeBoer, RMC
Municipal Clerk

8. 2024-68 Authorizing Shared Service with Ocean County Prosecutors

**RESOLUTION 2024-68
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF A SHARED SERVICES
AGREEMENT FOR THE PROSECUTOR'S "PHEONIX AUTOMATIC PROPERTY
REPORTING SYSTEM"**

WHEREAS, the "Pheonix Automatic Property Reporting System" is run by the Ocean County Prosecutor's Office and is designed to track property transactions with pawned, scrap metal, and second-hand property dealers and allow law enforcement to search, flag, hold, and set alerts for stolen property; and

WHEREAS, the Shared Services Act, N.J.S.A. 40:65A et seq. authorizes local units to enter into joint agreements for the provision of governmental services; and

WHEREAS, the Borough of Ship Bottom wishes to enter into an Agreement with the County of Ocean for the purpose of setting forth the terms and conditions in the "Inter-Local Service Agreement for Phoenix Automated Property Reporting System (PARP); and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Ship Bottom, County of Ocean, hereby authorize the Mayor to execute and the Clerk to attest to a Shared Services Agreement with the Ocean County Prosecutors Office as lead agency for the "Inter-Local Service Agreement for Phoenix Automated Property Reporting System (PARP)".

BE IT FURTHER RESOLVED, that certified copies of this Resolution shall be forwarded to the Ocean County Prosecutor's Office and the Ship Bottom Police Department.

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

Motion: Councilman Tallon
Second: Councilman English
Dated: March 26, 2024
Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26, 2024.

Kristy DeBoer, RMC
Municipal Clerk

9. 2024-69 Opposing Toll Increase

**RESOLUTION 2024-69
RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING THE MARCH 2024 TOLL HIKE BY THE
NEW JERSEY TURNPIKE AUTHORITY**

WHEREAS, the New Jersey Turnpike Authority (the “Authority”), which owns and operates the New Jersey Turnpike and the Garden State Parkway, instituted a toll increase which amounted to a 20% rate hike in September 2020; and

WHEREAS, the Authority imposed another increase in January 2022, this time amounting to a 3% hike; and

WHEREAS, the Authority thereafter imposed another increase in January 2023, again amounting to a 3% hike; and

WHEREAS, the Authority’s January budget call for a 3% toll increase, effective March 2024; and

WHEREAS, the proposed hike is untimely and unconscionable, given the numerous hikes since September 2020 and the current cost of inflation, which has greatly increased the basic cost of living and led to many families facing economic hardships; and

WHEREAS, more than 44 miles of the Garden State Parkway runs through Ocean County, representing the longest stretch of the Parkway in any New Jersey County; and

WHEREAS, a large percentage of the 90,000 commuters living in Ocean County use the Garden State Parkway and the New Jersey Turnpike daily in order to access jobs in other areas of the state; and

WHEREAS, this toll hike will greatly impact the residents of Ocean County at a time when most are already suffering a hardship due to the current economic climate; and

WHEREAS, the Mayor and Council of the Borough of Ship Bottom oppose the rate hike and request that the Authority postpone its scheduled toll increase.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey that is hereby strongly urges the Turnpike Authority to postpone its planned toll increase scheduled for March 2024.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to Ocean County Mayors via Municipal Clerk, Commissioner Diane Gutierrez-Scacetti, 3rd, 9th & 10th District Legislatures, and Governor Murphy.

Motion: Councilman Rossi
Second: Councilman Butkus
Dated: March 26, 2024
Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26, 2024.

Kristy DeBoer, RMC

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

WHEREAS, emergent conditions have arisen in that the Borough is expected to enter into contracts, commitments or payments prior to the 2024 budget and no adequate provision has been made in the 2024 temporary budget for the aforesaid purposes, and

WHEREAS, N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose, and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2024 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$75,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Ship Bottom, in the County of Ocean, State of New Jersey, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$75,000.00
2. as follows:

CURRENT FUND:

Salaries & <u>Wages</u>	Other <u>Expenses</u>
--	----------------------------------

GRANTS:

American Rescue Grant

75,000.00

3. Said emergency temporary appropriations will be provided for in the 2024 budget.

4. That one certified copy of this resolution be filed with the Director, Division of Local Government Services.

Motion: Councilman Tallon
Second: Councilman Valyo
Dated: March 26, 2024

Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26, 2024.

Kristy DeBoer, RMC
Municipal Clerk

13. 2024-73 Approving LOSAP Members

RESOLUTION 2024-73

**RESOLUTION OF THE BOROUGH OF SHIP BOTTOM,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPROVING THE 2023 LOSAP LIST**

WHEREAS, the Mayor and Council established a Length of Service Awards Program (LOSAP), in accordance with N.J.S.A. 40A:14-183 et. Seq. for members of the Ship Bottom Volunteer Fire Company; and

WHEREAS, a certified list of members of the Ship Bottom Volunteer Fire Company has been posted and submitted for review by the Mayor and Council.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Ship Bottom that the attached list is hereby approved for the 2023 LOSAP.

BE IT FURTHER RESOLVED that a copy of this resolution with the attached list will be forwarded by the Municipal Clerk to the Township of Long Beach.

Motion: Councilman English
Second: Councilman Rossi
Dated: March 26, 2024

Roll Call: Butkus, Rossi, Hartman, Tallon, Valyo, English, all aye

CERTIFICATION

I, Kristy DeBoer, Municipal Clerk of the Borough of Ship Bottom, do hereby certify that the foregoing Resolution was duly adopted by the Governing Body at a regular meeting held on March 26,

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

2024.

Kristy DeBoer, RMC
Municipal Clerk

Firefighters Eligible for LOSAP for the year 2023
50 points are needed to be eligible for LOSAP

Roger Budd	50 Points
Peter Cirina	63 Points
Dante' D'Antonio	53 Points
Mike D'Antonio	53 Points
Dan English	73 Points
Mike Essig	85 Points
Harrison Lewis	55 Points
Todd MacLennan	88 Points
Scott Peraria	77 Points
Aidan Ryan	55 Points
John Volpe	105 Points
Duane Warlington	65 Points
Doug White	52 Points

13 Eligible Firefighters

14. 2024-74 Approving an Increase-LOSAP Contributions
REMOVED FROM AGENDA

ORDINANCES FOR INTRODUCTION

1. 2024-11 Amending Chapter 12.08

The Mayor called for a motion to introduce ordinance 2024-11. Councilman Rossi made a motion, seconded by Councilman English. A rollcall vote was heard with six in the affirmative, none opposed. There will be a public hearing on the ordinance at the April 23 council meeting.

**ORDINANCE 2024-11C
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF OCEAN, STATE
OF NEW JERSEY, AMENDING CHAPTER 12.08, WHICH PERTAINS TO
EXCAVATIONS**

STATEMENT OF PURPOSE

The purpose of this ordinance is to amend Chapter 12.09 to adopt regulations relating to excavations and road openings.

SECTION I

§12.08.090 is added as follows.

§12.08.090 Road Opening Moratorium

- A. On newly paved streets, there shall be a 5-year restriction on the issuance of road opening and excavation permits. Exceptions shall be granted for utility emergencies, utility openings that impact the safety and welfare of property owners (e.g. generators), or if the applicant is able to prove undue hardship. Undue hardship shall be approved at the discretion of the Borough Engineer or by resolution of the Mayor and Council.
- B. The Borough Engineer shall keep a list of all such streets subject to the 5-year moratorium.
- C. Prior to the start of any street paving or repaving work, the Borough Engineer shall notify each utility company of said work so any in-progress or contemplated excavations may be completed before paving is started. Such notice shall state that no excavation permit shall be issued for openings, cuts, or excavations in said street for a period of 5 years from the date of such paving. The notice shall also provide that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly so that any work may be completed not later than 90 days from the date of such notification.
- D. During such 5-year period, the applicant must restore the street opening. Such restoration must include pavement restoration (milling and repaving) for the full width of the roadway to a distance of 100 feet around the area of the opening. Notwithstanding these requirements, the Borough Engineer may, in his/her sole discretion, waive the requirements of this subsection under the following circumstances.
1. Where necessary, as determined by the Borough Engineer. For example, if such a distance will

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

unreasonably interfere with an existing utility, the Borough Engineer may use his/her discretion in determining the overall distance of the restoration.

2. If, in the judgment of the Borough Engineer, an emergency exists that makes it essential that the road be opened for purposes of a utility repair or replacement.
3. In any circumstance in which the Borough Engineer waives the curb-to-curb and/or 100-foot requirements above, the Borough Engineer shall require that the street opening be patched and restored via infrared pavement repair technology so as to blend uniformly with the adjacent existing roadway.
4. A 24-month maintenance warranty and guaranty shall be required after permanent pavement restoration has been satisfactorily completed. Should settlement of the restored pavement area occur within a 2-year period from the date of permanent pavement restoration, the contractor shall be required to mill and/or excavate and repair the area to the satisfaction of the Borough Engineer consistent with the provisions of this article or as directed by the Borough Engineer.

SECTION II

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

SECTION III

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.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, March 26, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on April 23, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

9. OLD BUSINESS

ORDINANCES FOR FINAL ADOPTION

1. 2024-08 Seasonal Badge Fee Increase

The Mayor opened the floor for public comment on a motion and second by Councilman Valyo and English and an all in favor vote. With no one wishing to speak the Mayor closed the floor for comment with a first and second by Councilmen Hartman and Tallon and an all in favor vote. The ordinance was finalized on a motion by Councilman Tallon, seconded by Councilman English. A rollcall vote was heard with six in the affirmative, none opposed.

**ORDINANCE 2024-08
ORDINANCE OF THE BOROUGH OF SHIP BOTTOM, COUNTY OF
OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING
CHAPTER 12.12.070 "PAID BEACHES" OF TITLE 12 OF THE BOROUGH
CODE OF THE BOROUGH OF SHIP BOTTOM ENTITLED "BEACH AND
BAY AREA USE REGULATIONS" SO AS TO REVISE SEASONAL BEACH
BADGE FEES**

BE IT ORDAINED, by the governing body of the Borough of Ship Bottom, County of Ocean, State of New Jersey, as follows:

SECTION 1. Paragraph 5 of Subsection 12.12.070(E) of the Borough Code of the Borough of Ship Bottom entitled "Beach Fees" is hereby amended and supplemented to read as follows:

4. \$50 per person, per season, in the event that applications are made to the proper authorities on or after June 1.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held 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.

SECTION 4. This ordinance shall take effect after public reading and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, February 27, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on March 26, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATION

I, KRISTY DEBOER, RMC, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-08 was duly adopted by the Mayor and Council at the meeting held on March 26, 2024, at 6:30 p.m.

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor

2. 2024-09 Amending Chapter 5.60, Which Pertains to Dealers in Precious Metals and Other Secondhand Goods

The Mayor opened the floor for public comment on a motion and second by Councilman Butkus and Tallon and an all in favor vote. With no one wishing to speak the Mayor closed the floor for comment with a first and second by Councilmen Rossi and English and an all in favor vote.

The ordinance was finalized on a motion by Councilman Tallon, seconded by Councilman English. A rollcall vote was heard with six in the affirmative, none opposed.

**ORDINANCE 2024-09
OF NEW JERSEY, AMENDING CHAPTER 5.60, WHICH PERTAINS TO DEALERS IN
PRECIOUS METALS AND OTHER SECONDHAND GOODS**

STATEMENT OF PURPOSE

The purpose of this ordinance is to repeal and replace Chapter 5.60 to amend the regulations relating to pawnbrokers and dealers in secondhand goods.

SECTION I

Chapter 5.60 is repealed and replaced with the following.

Chapter 5.60 Pawnbrokers and Dealers in Secondhand Goods

§5.60.010 Purpose and license.

A. The purpose of this Chapter is as follows: (i) to implement and establish procedures pursuant to the New Jersey Pawn broking law (N.J.S.A.45:22-2 et. seq); (ii) establish procedures for the licensing and operation of pawnbrokers and dealers of secondhand goods through the implementation of a standard body of uniform policies and recordkeeping requirements to which each business governed by this chapter shall abide; (iii) facilitate the prevention of fraud, impositions and other abuses upon citizens; and (iv) ensure the difficulty of disposing of stolen property and aid in the recovery of stolen property.

B. No person shall use, exercise or carry on the business, trade, or occupation of buying scrap gold, old gold, silver, jewelry, home electronics/audio and visual equipment, musical instruments, telephones and telephonic equipment, scales, computers, computer hardware and software, typewriters, word processors, scanners, sporting goods of all kinds, antiques, platinum, all other precious metals, tools of all kinds, televisions, DVRs, GPS, camcorders, car stereos, gift cards, furniture, clothing, or other valuable articles, hereinafter referred to as "secondhand goods or articles," or being a secondhand Dealer without having first obtained a license from the Police Department as hereinafter provided.

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

§5.60.020 Definitions.

Words used in the present tense shall include the future, words in the plural number shall include the singular number, and words in the singular number shall include the plural number. The word "shall" is always mandatory and not merely directory. As used in this Chapter, the following terms shall have the meanings indicated.

ACCEPTABLE IDENTIFICATION

Acceptable forms of identification include: a current valid New Jersey Driver's License or Identification Card, a current valid photo driver's license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification.

ANTIQUE OR ANTIQUES

One or more old and valuable art object or item no longer in production that is at least 50 years old. As used in this Chapter, the terms "antique" or "antiques" shall also mean "primitives."

ANTIQUE DEALER

Any person, partnership, firm, association, or corporation, other than a licensed pawnbroker or licensed secondhand dealer, having a place of business for the purpose of purchasing, trading or dealing in antiques or primitives and who derives 75% of his or her gross sales from the sale of antiques or primitives.

ARTICLE

Any article of merchandise, including any portion of such article, whether a distinct part thereof or not, including every part thereof whether separable or not, and also including material for manufacture. And as so defined in N.J.S.A. 51:6-1.

BUSINESS ENTITY

Any and all forms of business organization operating pursuant to law, including but not limited to entities designated and/or operating as a partnership, limited liability company, corporation, "S" corporation, association or firm. For purposes of this Chapter, the term "business entity" includes a foreign business or business formed under the laws of another state which business is authorized by the State of New Jersey Division of Revenue to conduct business within this state and, at all times relevant to this Chapter, is in good standing with the New Jersey Division of Revenue. Foreign businesses include all forms of business entity recognized in the foreign jurisdiction, including any form of business entity not otherwise recognized by the laws of the State of New Jersey, such as, without limitation, a limited liability partnership.

CHIEF OF POLICE

The Chief of Police of the Borough of Ship Bottom or his/her designee/representative.

DATABASE

A computerized internet capable database with hardware and software compliant to, accessible by, and acceptable to the Chief of Police.

DEALER

Any person, partnership, corporation, or other entity, whether permanent or itinerant, who on one or more occasions (through any means) buys or sells or otherwise exchanges or trades secondhand gold, silver, precious metals, gems, or jewelry, and includes anyone advertising the purchase or sale of any of the aforementioned items.

DESIGNATED VENDOR

A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

precious metal transaction information or other purchase information as defined herein.

GARAGE SALE

Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "auction sale," or "yard sale" or any similar casual sale of used tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale.

GIFT CARD

A restricted monetary equivalent or script that is issued by retailers or banks to be used as an alternative to a non-monetary gift.

LICENSEE

Any person or business entity granted a license pursuant to this Chapter and/or granted a license by the Department of Banking and Insurance in accordance with the Pawn Broking Law.

MINOR

Any person under the age of 18 years.

PAWNBROKER

Any person, partnership, association, or corporation lending money on deposit or pledge of personal property, other than chooses in action, securities, or printed evidence of indebtedness, purchasing personal property on condition of selling it back at a stipulated price, or doing business as furniture storage warehouseman and lending money on goods, wares, or merchandise pledged or deposited as collateral security. For purposes of this Chapter, the term "pawnbroker" shall include any secondhand dealer who also operates as a pawnbroker or undertakes any action or conduct which includes the business of a pawnbroker as defined in the Pawnbroker Law.

PAWN BROKING LAW

The New Jersey statute and implementing regulations, N.J.S.A. 45:22-1, et seq., and N.J.A.C. 3:16-1.1, et seq., respectively, and any and all amendments thereto, which govern and regulate pawn shop businesses and pawnbrokers operating within the State of New Jersey.

PERSON

Any individual which is not a business entity. For purposes of this Chapter, the term "person" shall also include an individual operating a business as a sole proprietorship.

PRECIOUS METALS

Comprised of gold, silver, sterling, platinum, and/or their alloys as defined in N.J.S.A. 51:5-1 et seq., N.J.S.A. 51:6-1 et seq., and/or N.J.S.A. 51:6A-1 et seq., gems, gemstones, coins, and all forms of jewelry herein contained.

PLEDGE

An article or articles deposited with a pawnbroker in the course of business.

PLEDGOR

A person who delivers the pledge into the possession of a pawnbroker, unless such person discloses that he is or was acting for another, and in such an event "Pledgor" means the disclosed principal.

PURCHASE

Not only the exchange of money for precious metals, but the exchange or trading of any other tangible or intangible property for precious metals.

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

PURCHASE

The exchange of money and the exchange, deposit, pledge, sale, conveyance, or trade of any tangible or intangible article.

REPORTABLE TRANSACTION

Every transaction conducted by a dealer in which precious metals, or other tangible property, are purchased or exchanged from or with the public.

SECONDHAND DEALER OR DEALER IN SECONDHAND GOODS

As used in this Chapter, any person, partnership, corporation, association, joint venture, trustee, court-appointed representative, or agent thereof which operates a business for profit which buys, sells, possesses on consignment for sale, or trades jewelry, stamps, coins, or any precious metals which may have been previously owned by a consumer or which derives more than 35% of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares, or merchandise which have previously been owned by a consumer, including, but not limited to, furniture, appliances, consumer electronic goods, clothing, automobile accessories, books, magazines, athletic cards and memorabilia, or precious metals, whether in bulk or manufactured state. The term "secondhand dealer" shall include businesses commonly known as "pawnbrokers," "trading posts," "swap shop operators," "stamp dealers," "coin dealers," "jewelers," and "auction houses" that purchase and resell items from persons other than dealers and suppliers. The fact that any business does any of the following acts shall be prima facie proof that said business is a secondhand dealership:

- A. Advertises in any fashion that it buys or sells secondhand or used items. Such advertisements shall include, but are not limited to, media advertisements, telephone listings, and signs, whether on the exterior or interior of the business.
- B. Devotes a significant segment or section of the business premises to the purchase or sale of secondhand or used items.
- C. Secondhand Goods. Goods which have been previously owned, worn or used by a consumer and/or that are not new. For purposes of this chapter, the term "secondhand goods" shall include "secondhand watches" except where the context clearly indicates to the contrary.
- D. Secondhand Watches. A watch shall be deemed to be secondhand if it satisfies the following:
 1. It as a whole or the case thereof or the movement thereof has been previously sold to or acquired by any person who bought or acquired the same for his use or the use of another, but not for resale; provided, however, that a watch which has been so sold or acquired and is thereafter returned either through an exchange or for credit to the original individual, firm, partnership, association or corporation who sold or passed title to such watch, shall not be deemed to be a second hand watch for the purposes of this chapter if such vendor shall keep a written or printed record setting forth the name of the purchaser thereof, the date of the sale or transfer thereof, and the serial number (if any) on the case and the movement, and any other distinguishing numbers or identification marks, which said record shall be kept for at least five (5) years from the date of such sale or transfer and shall be open for inspection during all business hours by the Ocean County Prosecutor or the prosecutor's duly appointed representative;
 2. Its case, serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered, or covered; or

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

3. If its movement is more than 5 years old and has been repaired by any person or persons, including the vendor, notwithstanding that it may have been returned either through an exchange or for credit to said original vendor. Cleaning and oiling a watch movement or recasting the movement in a new case shall not be deemed watch repair for the purposes of this Chapter.

TRANSIENT BUYER

A dealer who has not been in any retail business continuously for at least 6 months at that address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business in the municipality within 6 months, or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-11.

§5.60.030 Compliance with State and federal laws and interpretation.

Any licensee operating as a pawnshop or pawnbroker shall comply with all applicable State and federal laws and regulations that govern the same. Specifically, businesses dealing in the purchasing of precious metals will comply with the laws outlined in N.J.S.A. 51:6A-1. Notwithstanding anything in Chapter 5.04 (Business Licenses) to the contrary, except where otherwise stated in this Chapter, the provisions of this Chapter shall govern pawnbrokers, pawn broking activities, dealers in secondhand goods and precious metal dealers with respect to title issuance, term, renewal, and effect of licenses issued pursuant to this Chapter and the violations and penalties set forth in this chapter. It is the express intent that any conflict between this Chapter and Chapter 5.04 shall be resolved in favor of this Chapter.

§5.60.040 License requirements.

No person, either as owner, manager, lessee, officer, or agent, or in any other business shall operate or permit to operate as a pawnbroker/secondhand dealership without first having obtained a license to do so. If an individual is deemed a pawnbroker or business deemed a pawn shop, then a license from the Commissioner of Banking and Insurance is required (N.J.S.A. 45:22-21).

A. Exemptions. The following are exempt from the requirements of this Chapter.

1. Garage sales.
2. Sales conducted by governmental, civic, patriotic, fraternal, educational, religious, or benevolent organizations which have been in active and continuous existence for at least 1 year prior to the holding of the sale or which are incorporated as a not-for-profit corporation by the State.
3. Sales or purchases which are regulated by the licensing laws of the state, including automobile dealers, used parts dealers and automotive parts recyclers.
4. Antique dealers. As used in this section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this section, an "antique" or "primitive" is defined as an old and valuable art object or article no longer in production that is at least 50 years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items

B. Application. An application for a license required shall be made in writing to the Municipal Clerk which shall minimally set forth the following.

1. The name of the individual, partnership, corporation or association applying for a license.
2. The residence, phone number, date of birth, driver's license number, and social security number or federal tax identification number of the applicant or partners or, if a corporation or association, the

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

residence, phone number, and driver's license number of the officers and all shareholders owning more than 5% of the outstanding shares of stock.

3. The location for which the license is requested.
4. Whether the applicant, its partners, officers, or listed shareholders have been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction, and, if so, a list of such convictions with date and prosecuting jurisdiction.
5. Whether the applicant, its partners, officers, or listed shareholders have held a license or had an interest in a license issued by this or any other jurisdiction regulating the purchase or sale of secondhand property revoked for cause, and, if so, list the date of revocation and jurisdiction.
6. In the case of a pawnbroker, the applicant's name, address, fingerprints, and written consent for a criminal history record must be forwarded to the Commissioner.

§5.60.50 Fees.

A. Any pawnbroker or secondhand dealer, before engaging in business, shall apply for and secure a license to engage in, conduct, and transact such a business, the fee for which license shall be the sum of \$200 dollars, in addition to the standard business license fee. The license shall be renewed each year. Application for renewal of License shall be made to the Municipal Clerk on or before January 31st of each year and shall be submitted to the Mayor and Council for approval. The annual renewal fee shall be \$10. Should the license be denied, the license fee shall be refunded to the applicant.

B. Following the issuance of a license, the licensee shall secure the acceptable Database Software System. Any software licensing fee shall be paid by the licensee direct to the software provider and shall not be part of and is in addition to the license fee required.

§5.60.060 Issuance, posting, revocation, and transfer.

A. The Municipal Clerk shall issue the license requested unless the following are identified:

1. The applicant is under the age of 18;
2. The location requested is not in a permanent structure;
3. The applicant, its partners, officers or listed shareholders have been convicted of or have pleaded guilty to any offense related to theft, burglary, or purchasing or receiving stolen items under the laws of this State or any other jurisdiction within the past 10 years, or have forfeited a bond to appear in court to answer for charges for such offenses during said time;
4. That the location requested and structure to be used would not comply with all applicable laws, including the zoning regulations;
5. The applicant, its partners, officers, or listed shareholders have held a license or had an interest in a license issued by any jurisdiction regulating the purchase or sale of secondhand property which was revoked for cause; or
6. The applicant, its partners, officers, or listed shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this Chapter or any investigation into any application.

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

- B. Posting. Every license issued under the provisions of this Chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.
- C. Revocation. Any license issued for a secondhand dealer may be revoked or suspended for a period not to exceed 30 days by the Mayor and Council if they shall find after hearing:
 - 1. The licensee, its officers, agents, or employees have violated any of the provisions of this Chapter, the laws of the State, or the Borough Code in the operation of the business; or
 - 2. The licensee, its partners, officers, or shareholders have been convicted of any offense set forth in this Chapter; or
 - 3. The licensee, partners, officers, or shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this Chapter or any investigation into any application. The licensee shall be responsible for the acts of its agents, servants, and employees in the operation of the business. Prior to holding a hearing concerning the question of whether a license shall be revoked or suspended, at least 10 days written notice shall be provided to the licensee setting forth the alleged violation. The licensee may present evidence and cross-examine witnesses at such hearing.
- D. Transfer. No license issued under this chapter may be transferred to any other person, partnership, corporation, or association.
- E. Change of location. No licensee shall carry on any business required to be licensed under this Chapter except at the location designated on the license. Should the licensee wish to change the location, application shall be made to the Municipal Clerk for such change in writing.

§5.60.070 Operation.

 - A. Hours of operation. No licensee shall purchase any goods, wares, articles, or things whatsoever, or lend any money to any person between the hours of 11 :00 p.m. (2300) and 7 :00 a.m. (0700) the next day.
 - B. Prohibited purchases. No licensee shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:
 - 1. Where the seller is less than the age of 18.
 - 2. A pawnbroker may not accept a pledge from any person who is under the age of 16 (N.J.S.A. 45:22-31).
 - 3. Where the seller is intoxicated, defined as a seller whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.
 - 4. Where the seller fails to present a valid New Jersey driver's license or at least 2 forms of identification of which at least 1 contains the seller's full legal name, date of birth, a photograph or full physical description, and an identification number.
 - 5. Where the article to be purchased had an original manufacturer's serial number at the time it was

MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM

new but no longer legibly exhibits said number.

- C. Purchasing, selling, or displaying weapons prohibited. No licensee shall deal in, buy or sell, or display in his shop any pistol, revolver, Derringer, Bowie knife, dirk, or other deadly weapon of like character capable of being secreted upon the person, unless such licensee shall also possess valid and current licenses or permits as required by applicable federal, state, or local laws, ordinances, rules or regulations.
- D. Pawnbrokers' and Secondhand Dealers' responsibilities and requirements. Each pawnbroker or secondhand dealer shall, upon the purchase of any precious metals or secondhand goods from the public, be required to do as follows.
1. Shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements of this Chapter. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the below reporting requirements. The licensee shall immediately notify the Police Department of any such failure or malfunction and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation.
 2. Record on a numbered receipt the name, address and telephone number of the purchaser, the name, address and telephone number of the seller or sellers, the time and date of the transaction, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals, and fineness in terms of karats for gold and sterling or coin for silver in accordance with N.J.S.A. 51:5-1, et seq., and N.J.S.A. 51 :6-1, et seq. This information is to be documented through use of an electronic database software system as designated by the Chief of Police. These records shall be subject to the inspection of any authorized police officer.
 3. Through the use of applicably required computer equipment and using the electronic format approved by the Chief of Police enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information contained in Subsection 2 above, plus the following.
 - a. A physical description of the seller.
 - b. The receipt number.
 - c. A full description of the item or items purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms.
 - d. The price paid for the item.
 - e. The form must be signed by the seller and initialed by the clerk who made the transaction.
 4. The precious metals are to be made available for inspection by the Chief of Police or his designated representative for a period of 10 days from the date the information required above is received by the Chief of Police or his designated representative on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted, or disposed of by the purchaser until the 10-day period has expired. During this 10-day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the pawnbroker by holding the precious metals for such period, the pawnbroker may present the property to the Chief of Police or his representative in order

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

that it may be photographed and, if deemed necessary by the Chief of Police or his designated representative, an investigation be implemented. The Chief of Police or his designated representative has the authority to grant the pawnbroker a waiver of the requirement under this section.

5. In addition to the information required to be reported above, each pawnbroker or secondhand dealer shall obtain a photographic image of a photo ID card of the seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be currently valid (not expired) card issued by a government entity of the United States and must include the pawn/seller's first and last name, current address, date of birth, and physical descriptors. In the event the card is valid but does not contain the seller's current address, the licensee must separately record and report the current address.
6. Any property exchanged in a transaction shall be digitally photographed and reported as required by the Chief of Police, unless such property bears a valid and unique serial number that is permanently inscribed on the property. It is unlawful to do business with persons failing to supply required information.
7. It is unlawful to receive or purchase in any manner any goods or articles or make any advance or loan whatever on the same if the person or persons pawning, pledging, depositing, or selling the same shall refuse to make known his, her, or their names, to submit to a general description, or shall refuse to make known the name or names of the person or persons for whom the same were pawned, pledged, deposited, or sold, or knowingly make any false entry of any matter or thing required to be made in said book or cause or permit the same to be made.
8. Dealer payment to sellers in cash shall be limited to 2 transactions during a 7-day period for the same seller. The 7-day period will commence on the day of the first transaction and end 7 days after the transaction, i.e. if transaction #1 occurs on Monday the 7-day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than 5 transactions in any given 30-day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.
9. 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 purchase of precious metals from the public, as well as the articles purchased or received, and to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen.

§5.60.080 Non-Applicability and Inspections.

- A. Non-Applicability. This Chapter shall not apply to purchases made by jewelers or other pawnbrokers from wholesalers or other suppliers but shall only apply to those purchases made from the public or other retail purchases. The pawnbroker shall keep records of all wholesale purchases for a period of 6 months from the date of such purchase, which records shall be opened to investigation by the Police Department.
- B. Inspections. Every licensee and every person employed by the licensee in the conduct of business shall admit to any and every part of the premises designated in the license, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the

MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM

premises dealing with purchase or sale of used property and to search for and to take into possession without compensation to the licensee any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this section and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall promptly return same to the licensee and obtain a receipt therefore, as aforesaid. In the case of property obtained in the case of a domestic theft, the victim shall make restitution for the amount paid to obtain said property. Other restitution will be made by way of criminal complaints against the seller of said items.

§5.60.090 Secondhand Watches

- A. Secondhand watches to be clearly marked. Any person or business entity engaged in the business of buying or selling watches or any agent or servant thereof who may sell, exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "second-hand" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "second-hand" shall be in plain sight at all times.
- B. Special invoice for secondhand watches. Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon said invoice, which invoice shall also set forth the following:

1. The name and address of the vendor;
 2. The name and address of the vendee;
 3. The date of the sale;
 4. The name of the watch or its makers;
 5. The serial numbers, if any; and
 6. Any other distinguishing numbers or identification marks upon its case and movement; or, if the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered, or covered, the invoice shall so state.
- C. Record retention. The vendor shall keep on file a duplicate of said invoice for at least 5 years from the date of the sale thereof, which shall be open to inspection during all business hours by the Ocean County Prosecutor or his duly authorized representative.
- D. Advertising secondhand watches. Any pawnbroker, secondhand dealer, or other person or business entity or any agent thereof, who may advertise or display in any manner a secondhand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a secondhand watch.

§5.60.100 Violations and penalties.

- A. Violation of any provision of this Chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$1,000, or by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days.
- B. Each and every violation shall be considered a separate violation. Every day that a violation continues shall

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

be a separate violation. Each violation shall result in an additional 10-day suspension. Any person who is convicted of violating the provisions of this Chapter within 1 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 fee as a repeat offender. 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. For a third or subsequent violation under this Chapter, the mercantile license of said business may be revoked.

- C. In addition to being subject to penalty as hereinafter set forth, any person who obtains a license as herein provided with a false or misleading application shall, upon the discovery thereof, suffer an immediate revocation of such license and forfeiture of all fees paid.

SECTION II

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

SECTION III

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.

Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, February 27, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on March 26, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

I, KRISTY DEBOER, RMC, Municipal Clerk for the Borough of Ship Bottom do hereby certify that the foregoing Ordinance 2024-09 was duly adopted by the Mayor and Council at the meeting held on March 26, 2024, at 6:30 p.m.

CERTIFICATION

Kristy DeBoer, RMC
Municipal Clerk

William Huelsenbeck
Mayor

3. 2024-10 Bond Ordinance

The Mayor opened the floor for public comment on a motion and second by Councilman Burkus and Rossi and an all in favor vote. With no one wishing to speak the Mayor closed the floor for comment with a first and second by Councilmen Rossi and English and an all in favor vote. The ordinance was finalized on a motion by Councilman Tallon, seconded by Councilman Hartman. A rollecall vote was heard with six in the affirmative, none opposed.

**BOROUGH OF SHIP BOTTOM
COUNTY OF OCEAN
BOND ORDINANCE NO. 2024-10
BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2023-06 ADOPTED ON MARCH 28, 2023, PROVIDING FOR THE CONSTRUCTION OF THE NEW BOROUGH HALL - PHASE IV, IN ORDER TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS PERMITTED UNDER N.J.S.A. 40A:2-20, AUTHORIZED IN AND BY THE BOROUGH OF SHIP BOTTOM, IN THE COUNTY OF OCEAN, NEW JERSEY**

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

WHEREAS, the Borough of Ship Bottom, in the County of Ocean, New Jersey (the “Borough”) adopted Bond Ordinance No. 2023-06 on March 28, 2023 (the “Prior Ordinance”), authorizing the construction of the new Borough Hall - Phase IV; and

WHEREAS, the Borough has determined that the \$400,000 allocation of the \$2,000,000 appropriation authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$100,000, to an aggregate amount of \$500,000, without increasing the aggregate appropriation or debt authorization for said purposes, by amendment of the Prior Ordinance.

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

Section One. Section 5(d) of the Prior Ordinance is hereby amended to read as follows:

(d) An aggregate amount not exceeding \$500,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

Section Two. The aggregate appropriation of \$2,000,000, the aggregate debt authorization of \$1,900,000, and other authorizations of the Prior Ordinance remain unchanged and are hereby confirmed.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty (20) days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq.

NOTICE

Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Borough of Ship Bottom, County of Ocean, State of New Jersey, held on Tuesday, February 27, 2024, at 6:30 p.m.

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on March 26, 2024, at 6:30 p.m. at the Municipal Building, 1621 Long Beach Boulevard, Ship Bottom, New Jersey 08008.

Kristy DeBoer, RMC
Municipal Clerk

CERTIFICATE AS TO BOND ORDINANCE

I, KRISTY DEBOER, Borough Clerk of the Borough of Ship Bottom, in the County of Ocean, New Jersey, HEREBY CERTIFY that annexed hereto is a true and complete copy of Bond Ordinance No. 2024-10 which was introduced at a duly convened meeting of the Borough Council on February, 2024, and finally adopted at a duly convened meeting of the Borough Council on March 26, 2024.

IN WITNESS WHEREOF, I hereby set my hand and the seal of the Borough this 26th day of March, 2024.

BOROUGH OF SHIP BOTTOM, IN THE
COUNTY OF OCEAN, NEW JERSEY

KRISTY DEBOER, Borough Clerk
(SEAL)

WILLIAM HUELSENBECK, Mayor

10. CORRESPONDENCE

1. Wedding Figueroa/Laconetti, 22nd St. Beach, May 3, 2024 @2:00pm

The Mayor called for a motion to approve the correspondence on a motion and second by Councilman Tallon and Butkus. All were in favor and the correspondence was approved.

11. COMMITTEE REPORTS

**MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM**

Mayor's Report

Revenue and Finance/Treasurer's Report Councilman David Hartman
Councilman Hartman read the Treasurer's Report and asked that the report be spread in the minutes. Our 2024 Tax Sale will be held on April 22nd at 10:00 AM in the Borough Hall Council Meeting room. To date, there is only one property on that list, and the list is posted here on our bulletin board. Our collection rate for this year is 98%. There are thirty-three properties to date that have not paid their 1st quarter taxes. All have been mailed delinquent notices. Ship Bottom's Assessed Value to Tru Value Equalized Ration has dropped considerably for 2023, to 61.58%. Property owners can submit an appeal of their property taxes up to April 1st. Questions can be made to the Assessor's Office, Monday-Wednesday 9:00am-12pm. The tax revenue for the month was \$180,449.62.

Public Safety

Councilman Tom Tallon

Mr. Tallon reported the following:

There were 3,778 vehicle miles
704 reported activities
289 beach, business and building checks
189 traffic stops and seven motor vehicle accidents without injuries
Councilman Tallon read the SBVFC Report
There were 15 incidents, 50 alarm response daybook items for a total of 27.58 man hours. There were also 25 company day book training items for a total of 50 man hours.

Parks and Recreation

Councilman Edward English

Seasonal beach badges for the 2024 season will be available soon in Borough Hall and sold on weekends throughout May for \$35.00.
Lifeguard tryouts will be held on June 1 and 8 at the St. Frances Community Center Pool from 5-8pm. Drug urinalysis testing is scheduled for May 18 and 25 and June 1 and 8 from 10 am to 12 pm at the lifeguard headquarters building. Necessary purchases for the upcoming season are underway. Lifeguard-in-Training (LIT) Program information has been posted on the borough website. The lifeguard, badge checker, and LIT uniform bid specifications have been turned in to the Borough Finance Department and should be posted soon. Thank you to the Department of Public Works for all their hard work repairing the lifeguard headquarters building. all information regarding summer employment with the Beach Operations Department can be found on the borough website.

Public Property & Community Affairs

Councilman Joseph Valyo

Councilman Valyo made note that the construction and zoning reports were not available and that he would report at the next council meeting.
He then reported the Code Enforcement Report.

CODE ENFORCEMENT	Verbal Warnings	Written Warnings	Summons
Unfit Properties	0	1	0
Garbage Container	8	27	0
Recycling Container	11	32	0
Trailer on Street	1	11	0
Illegal Signs/Cones	0	2	0
Temporary Storage Containers	0	4	0
Pavers, Fiberglass	0	0	0
Construction Equipment			
On Street	5	2	0
TOTALS:	25	79	0

CERTIFICATE OF OCCUPANCY INSPECTIONS

4 TOTAL ALL PASSED

Water/Sewer

Councilman Robert Butkus

Councilman Butkus reported that all properties that do not have water meters installed should have received their 2024 water/sewer bills in the mail. The first installment is due May 1st and the second installment is due October 1st. Properties that are metered will receive their 1st quarter bill on or about April 1st, those payments are due April 20th. Anyone who has not received a bill should call the water/sewer department. Hydrant flushing is done early in the month. Anyone who may have experienced discolored water is reminded to run only the cold water from your strongest spigot.

Total amount collected for water/sewer was \$50,595.48.

MINUTES
REGULAR MEETING
BOROUGH OF SHIP BOTTOM
MARCH 26, 2024
6:30 PM

Public Works

Councilman Peter Rossi

Councilman Rossi read the Department of Public Works Report.

Cleaned sand from beach walkways, picked up metal and brush, picked up letter on street ends, repairs done on Lifeguard House, DPW Loader repairs done, repaired 19th Street plaza lights, and replaced wire that was tripping the breaker, installed roof on 25th St. pavilion, worked on lifeguard boxes, painted beach trash drums, playground inspection, painted rust spots on playground equipment, painted inside of restrooms at Bay Beach and Boat Ramp, PD car repairs, DPW truck repairs, put shelf up in Mayor's Office, serviced and repaired lifeguard quads, Ralf did Stormwater Training, serviced Code Enforcement Truck, took two trucks for NJ inspection, 3rd St. DPW yard fence repairs, installed shelving at PD, took used tires to Lakewood for recycling, cleaned off storm drains, cleaned up storm debris, repaired cat walk at boat ramp, fertilized 20th St. park and tennis court, moved more boxes bake to archive room, ran generators, fire extinguisher inspection.

12. PUBLIC COMMENT

Mayor Huelsenbeck opened the floor for public comment on a motion by Councilman Hartman, seconded by Councilman English and an all in favor vote.

William Fenimore, Robert Drive, expressed that a "constituent" had approached him about an issue that he felt was worth investigating. He referenced that he had requested documents via OPRA, and received the completed request the day of the meeting. Accusations were made regarding a disagreement with Councilman Tallon prior to the meeting. Mr. Fenimore was disgruntled because he felt he was not given his time to speak. The Mayor and Council felt his accusations were hearsay, and the Mayor stated that if he had a valid claim this was not the venue to address it.

Kathy Leftis, 30th Street from Ship Bottom tax Payer's Association wanted to thank the Mayor and Council for approving the Chalk Art Event and mentioned that she had a flyer for anyone interested in attending.

Jackie Valerio, Ocean Avenue asked if there was any movement on the new pickleball courts.

With no one further wishing to speak, the Mayor closed the public portion on a motion and second by Councilman Ross and English and an all in favor vote.

13. ADJOURNMENT

The Mayor made a motion to adjourn the meeting. Councilman Rossi made a motion, seconded Councilman Valyo and an all in favor vote at 7:37pm.



Kristy DeBoer
Municipal Clerk



William Huelsenbeck
Mayor

