

**COMBINED MEETING  
OF THE  
TOWNSHIP COUNCIL  
OF THE  
TOWNSHIP OF OLD BRIDGE**

**March 9, 2015**

A Combined Meeting of the Township Council of the Township of Old Bridge was held on Monday, March 9, 2015 in the Municipal Complex. The meeting was called to order President Walker who asked all present to participate in a salute to the flag followed by a short prayer. President Walker asked for a moment of silence for our troops who are in harms way.

Clerk Ward advised that the meeting was being held in conformance with the Open Public Records Act, notice was given to the newspapers and posted in public places. The next meeting of the Council will be on Monday, March 23, 2015.

Roll call by Clerk Ward showed the following answering present: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor, President Walker. Councilman Greene was absent.

**PROCLAMATION CERTIFICATES**

Certificates of Excellence presented to the Old Bridge High School Varsity Cheerleaders achieving the title of 2015 New Jersey State Champions.

Prior to the presentation of the Certificates a video was shown of the team in their championship performance.

Mayor Owen Henry presented the coaches and team members their certificates and thanked all for their dedication and hard work that enabled them to achieve this recognition.

**APPROVAL OF MINUTES**

**RESOLUTION NO. 2015-95**

**APPROVAL OF MINUTES**

The following Minutes are approved:

Combined Meeting – February 9, 2015  
Executive Session – February 9, 2015

Moved by Councilwoman Sohor, seconded by President Walker and so ordered on the following roll call vote:

AYE: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None.

ABSENT: Councilman Greene

**RESOLUTION NO. 2015-96**

**BILL LIST**

WHEREAS, the Business Administrator has the responsibility of approving all vouchers subject to preaudit and control; and

WHEREAS, the Director of Finance is responsible for the preaudit, the disbursement of all monies and the control over all expenditures to ensure that the budget appropriations are not exceeded; and

WHEREAS, the finance committee of the Township Council has satisfied themselves in respect to the bill listing of March 9, 2015 that there exists a detailed bill or voucher supporting each payment and there is indication that goods or services have been received or rendered.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the bill listing of March 9, 2015 as approved by the Business Administrator after preaudit and control by the Director of Finance and after review by the finance committee be spread on the minutes in the amount of \$8,580,338.79 Accounts Payable.

Moved by Councilwoman Sohor, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

**RESOLUTION NO. 2015-97**

**BILL LIST**

WHEREAS, the Business Administrator has the responsibility of approving all vouchers subject to preaudit and control; and

WHEREAS, the Director of Finance is responsible for the preaudit, the disbursement of all monies and the control over all expenditures to ensure that the budget appropriations are not exceeded; and

WHEREAS, the finance committee of the Township Council has satisfied themselves in respect to the bill listing of March 9, 2015 that there exists a detailed bill or voucher supporting each payment and there is indication that goods or services have been received or rendered.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the bill listing of March 9, 2015 as approved by the Business Administrator after preaudit and control by the Director of Finance and after review by the finance committee be spread on the minutes in the amount of \$762,962.14 Payroll.

Moved by Councilwoman Sohor, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

**RESOLUTION NO. 2015-98**

**BILL LIST**

WHEREAS, the Business Administrator has the responsibility of approving all vouchers subject to preaudit and control; and

WHEREAS, the Director of Finance is responsible for the preaudit, the disbursement of all monies and the control over all expenditures to ensure that the budget appropriations are not exceeded; and

WHEREAS, the finance committee of the Township Council has satisfied themselves in respect to the bill listing of March 9, 2015 that there exists a detailed bill or voucher supporting each payment and there is indication that goods or services have been received or rendered.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the bill listing of March 9, 2015 as approved by the Business Administrator after preaudit and control by the Director of Finance and after review by the finance committee be spread on the minutes in the amount of \$69,635.28 Overtime

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

Prior to the roll call vote the following discussion took place:

Administrator Marion stated that the majority of the overtime was snow removal in the amount of \$30,176.79. Police Department overtime was for 561.2 man/woman hours or \$35,549.82. The major amount was due to snow and ice events. This amount less grants and earned time off the total police overtime is \$27,206.02.

#### **ORDINANCE FOR SECOND READING**

President Walker opened this matter to public.

Deborah Marques stated that when there is a zoning change are people within 200 feet notified?

President Walker responded that only the surrounding towns are notified.

Deborah Marques stated hypothetically if I owned piece of property after the zoning change and I met all the requirements would I be able to build residential housing on it?

Sam Rizzo responded that this amendment before the Council there is no housing development in it.

Deborah Marques when another amendment regarding the residential aspect is done, and the zoning is changed will everyone be notified?

Sam Rizzo responded I would have to defer to the Township Attorney on it. When individual zones change then property owners would be notified.

Attorney Lozier responded if it is done by Ordinance then everyone will be notified because it will be done in the meetings and it will be posted and in the newspaper.

Bill Cera I was not clear on the last question asked. Are the people going to be notified in advance that an Ordinance changing the EDO to include residential housing?

Attorney Lozier responded yes at the meetings and in the newspaper. You will not be notified individually by mail.

Seeing no further hands, President Walker closed the public portion

#### **ORDINANCE NO. 2015-01**

**AN ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE AMENDING CHAPTER 250 OF THE CODE OF THE TOWNSHIP OF OLD BRIDGE, ENTITLED "OLD BRIDGE TOWNSHIP LAND DEVELOPMENT ORDINANCE" BY AMENDING VARIOUS SECTIONS OF SAME PURSUANT TO 2011 MASTER PLAN LAND USE PLAN ELEMENT AND LAND USE PLAN ELEMENT AMENDMENT DATED MAY 2013 AMENDING THE 2011 OLD BRIDGE TOWNSHIP MASTER PLAN**

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of AN **ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE AMENDING CHAPTER 250** Middlesex and State of New Jersey as follows:

**SECTION 1: PURPOSE**

The purpose of this Ordinance is to revise certain sections and incorporate new sections to the Old Bridge Township Land Development Ordinance pursuant to the recommendations of the Planning Board set forth in the 2011 Master Plan Land Use Plan Element adopted by the Township Planning Board on July 12, 2011 and the 2013 Master Plan Amendment Land Use Plan Element adopted by the Township Planning Board on May 22, 2013.

**SECTION 2: AMENDMENT TO SECTION 250-35 “Zoning Map.”** §250-35, “Zoning Map,” of the Code of the Township of Old Bridge is hereby amended in its entirety to read as follows:

**§250-35 Zoning Map.** The official Zoning Map of the Township of Old Bridge dated September 13, 2013 is hereby amended by revised Map dated January 26, 2015 and incorporated herein by reference. Copies of the new Zoning Map are on file in the office of the Township Clerk.

**SECTION 3: AMENDMENT TO SECTION 250-37 “Establishment and purposes of zones.”** §Section 250-37, “Establishment and purposes of zones” of the Code of the Township of Old Bridge is hereby amended as follows (additions are underlined; deletions have strikethrough):

EDO-1 Economic Development Opportunity Zone – 1:  
The purpose of the EDO-1 zone (areas having a one acre minimum lot size) is to permit on a small scale a mix of office, retail, and light industrial uses to allow Old Bridge Township to attain the goals of accommodating market forces, increasing the local ratable base, expanding the local and regional jobs base, providing a more diverse mix of goods and services to residents and businesses within the municipality and region, achieving an improved balance of residential and non-residential development within the municipality, and utilizing suitable land for development in a more efficient, functional and aesthetic manner, while controlling and managing highway access and traffic congestion, minimizing impacts on adjacent and nearby residential development, and protecting environmentally sensitive areas

EDO-3 Economic Development Opportunity Zone – 3  
The purpose of the EDO-3 zone (areas having a three acre minimum lot size) is to permit a mix of office, retail, and light industrial uses to allow the Township to attain the goals of accommodating market forces, increasing the local ratable base, expanding the local and regional jobs base, providing a more diverse mix of goods and services to residents and businesses within the municipality and region, achieving an improved balance of residential and non-residential development within the municipality, and utilizing suitable land for development in a more efficient, functional and aesthetic manner, while controlling and managing highway access and traffic congestion, minimizing impacts on adjacent and nearby residential development, and protecting environmentally sensitive areas.

**SECTION 4: NEW SECTION: § 250-38.5. Economic Development Opportunity District Zoning and Design Standard.**

**A. EDO-1 Zoning District.**

**1. Purpose.** The purpose of the EDO-1 zone is to permit on a small scale a mix of office, retail, and light industrial uses to allow Old Bridge Township to attain the goals of accommodating market forces, increasing the local ratable base, expanding the local and regional jobs base, providing a more diverse mix of goods and services to residents and businesses within the municipality and region, achieving an improved balance of residential and non-residential development within the municipality, and utilizing suitable land for development in a more efficient, functional and aesthetic manner, while controlling and

managing highway access and traffic congestion, minimizing impacts on adjacent and nearby residential development, and protecting environmentally sensitive areas.

**2. Application of Land Development Ordinance.** The provisions and requirements of the Old Bridge Township Land Development Ordinance shall apply to the EDO-1 Zoning District, except as otherwise modified herein. Anything not covered under this section shall be governed by applicable regulations elsewhere in the Land Development Ordinance.

**3. Definitions.** General. The definitions of words used herein shall be common usage unless otherwise defined in the Land Development Ordinance or elsewhere herein.

**COMMERCIAL STREET:** A street that provides access from an adjoining highway to a commercial development within an Economic Development Opportunity (EDO) zoning district. A commercial street shall provide on-site access to commercial development and shall extend to side property lines to connect to future commercial development on adjoining parcels of land within an EDO zoning district. A commercial street shall have a width of at least thirty feet (30') and shall have concrete curbs and sidewalks and street trees in accordance with the provisions of this ordinance. The design of a commercial street shall employ traffic calming techniques, such as curb bump-outs at intersections and speed tables, where determined by the Township Engineer.

**CONVENIENCE STORE:** A retail establishment of greater than 2,000 square feet and up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, and freshly prepared foods such as sandwiches and salads for off-premises consumption.

**MINI MART:** A retail establishment of up to 2,000 square feet that is located on the same lot and is accessory to a gasoline station.

**4. Regulation of Uses.** Any use not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use. This provision shall be liberally construed as protective of the Township's zoning scheme and the public health, safety, morals and general welfare. Any doubt as to the permitted nature of any use shall be resolved in interpreting the doubtful use as prohibited.

**5. Permitted Uses.** The land uses permitted in the EDO-1 District (as established by the North American Industrial Classification System (NAICS)) are set forth herein below, except as otherwise indicated:

- a. **Manufacturing:** Retail Bakeries, Confectionery Manufacturing from Purchased Chocolate, Non-chocolate Confectionery Manufacturing, Jewelry (except Costume) Manufacturing, Costume Jewelry, Novelty Manufacturing, Cheese Manufacturing, Ice Cream and Frozen Dessert, Cookie and Cracker, Pasta, Tortilla, Snack Food, Coffee and Tea, Seasoning and Dressing, Soft Drink, Cut and Sew Apparel, Footwear, Printing and Related Support Activities, Pharmaceutical and Medicine and Micro Brewery, and Cut Stone and Stone Product that are operated in enclosed buildings and structures.
- b. **Retail Trade:** Furniture Stores, Home Furnishings Stores, Electronics and Appliance Stores, Building Material and Supplies Dealers, Lawn and Garden Equipment and Supplies Stores, Grocery Stores, Specialty Food Stores, Beer, Wine and Liquor Stores, Health and Personal Care Stores, Clothing Stores, Shoe Stores, Jewelry, Luggage and Leather Goods Stores, Sporting Goods, Hobby and Musical Instrument Stores, Book, Periodical and Music Stores, Other General Merchandise Stores, Florists, Office Supplies, Stationery and Gift Stores, Pet and Pet Supplies Stores, Art Dealers, Tobacco Stores, Automotive Parts and Accessories Stores, Tire Dealers, Floor Covering Stores, Window Treatment Stores, Home Centers, Paint and Wallpaper Stores, Hardware Stores, Convenience Stores, Meat Markets, Fish and Seafood Markets, Fruit and Vegetable Markets, Baked Goods Stores, Confectionary and Nut Stores, Pharmacies and Drug Stores, Cosmetics, Beauty Supplies, Perfume Stores, Optical Goods Stores, Food (Health) Supplement Stores, Department Stores, Warehouse Clubs and Supercenters, Brew Pub and Rental Cars.
- c. **Information:** Software Publishers, Motion Picture and Video Production, Sound Recording Industries, Data Processing, Hosting and Related Services, and Newspaper Publishing, Periodical Publishing and Book Publishing.

- d. **Finance and Insurance:** Depository Credit Intermediation, Activities Related to Credit Intermediation, Securities and Commodity Contracts Intermediation and Brokerage, Securities and Commodity Exchanges, Other Financial Investment Activities, Insurance Carriers, Agencies, Brokerages and Other Insurance Related Activities, Insurance and Employee Benefit Funds, Other Investment Pools and Funds, and Mortgage and Non-Mortgage Loan Brokers.
- e. **Real Estate and Rental and Leasing Services:** Offices of Real Estate Agents and Brokers, Consumer Goods Rental, General Rental Centers and Office of Real Estate Appraisers.
- f. **Professional, Scientific and Technical Services:** Legal Services, Accounting, Tax Preparation, Bookkeeping and Payroll Services, Architectural, Engineering and Related Services, Specialized Design Services, Computer Systems Design and Related Services, Management, Scientific and Technical Consulting, Scientific Research and Development Services, Advertising Agencies, Public Relations Agencies, Media Buying Agencies, Media Representatives, Landscape Architectural, Building Inspection Services, Surveying & Mapping Services, Administrative and General Management Consulting Services, Environmental Consulting Services, Photography Services, and Veterinary Services.
- g. **Management of Companies and Enterprises:** Management of Companies and Enterprises.
- h. **Administrative and Support and Waste Management:** Office Administrative Services, Employment Services, Business Support Services, Travel Arrangement and Reservation Services, Investigation and Security Services.
- i. **Health Care and Social Assistance:** Offices of Physicians, Offices of Dentists, Offices of Other Health Practitioners, Outpatient Care Centers, Medical and Diagnostic Laboratories, Home Health Care Services, Other Ambulatory Health Care Services, Nursing and Residential Care Facilities, Community Care Facilities for the Elderly, Individual and Family Services, Vocational Rehabilitation Services, Child Day Care Services.
- j. **Arts, Entertainment and Recreation:** Promoters of Performing Arts, Sports and Similar Events (This sector involves the service of promoting events and excludes the actual facility in which the event occurs, e.g. a theatre, an arena, etc.), Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures, and Theater Companies (excluding Adult Entertainment) and Museums.
- k. **Accommodation and Food Services:** Full-Service Restaurants, Limited-Service Eating Places, excluding fast-food drive-through restaurants.
- l. **Other Services (except Public Administration):** Electronic and Precision Equipment Repair and Maintenance, Personal Care Services, Coin-Operated Laundries and Drycleaners, Dry-cleaning and Laundry Services (except Coin-Operated), Pet Care (except Veterinary) Services, Photofinishing Laboratories (except One-Hour), One-Hour Photofinishing.
- m. **Tradesmen:** Electricians, Carpenters, Plumbers, Woodworking and Cabinet Makers and similar trades.
- n. **Wholesale Trade:** Professional and Commercial Equipment, Household Appliances and Electrical and Electronic Goods, Hardware, Heating and Plumbing Equipment, Sporting and Recreational Goods and Supplies, Toy and Hobby Goods and Supplies, Jewelry, Watch, Precious Stone, and Precious Metal, Stationary and Office Supplies, Drugs and Druggists' Sundries and Wholesale Electronic Markets and Agents.
- o. **Educational Services:** Cosmetology and Barber Schools, Fine Arts Schools, Language Schools, Exam Preparation and Tutoring, and Automobile Driving Schools.

**6. Conditionally Permitted Uses.** The land uses that are conditionally permitted in the EDO-1 District (As established by the North American Industrial Classification System (NAICS)) are set forth herein below, except as otherwise indicated:

**a. Accommodations and Food Services:** Hotels (except Casino Hotels) and Motels, provided that the following conditions are met:

- (i) Minimum lot size of three (3) acres;
- (ii) maximum building height of five (5) stories and sixty-five (65) feet, and
- (iii) The residential buffer shall be increased by five (5) feet for every five (5) feet that the proposed building exceeds thirty-five (35) feet, e.g., sixty-five (65) foot high building would require a residential buffer that is increased by thirty (30) feet.

**b. Retail:** Gasoline Stations, including Gasoline Station with Convenience Store or Mini Mart and Convenience Store serving gasoline, provided that the following conditions are met:

(i) For Gasoline Stations with Convenience Store or Convenience Store serving gasoline, a minimum lot size of three (3) acres.

(ii) The conditions set forth in the Land Development Ordinance, Chapter 250-41.H are met, except as modified herein below:

- (1) §250-41 H (1) shall not be required.
- (2) §250-41 H (6) shall not be required.
- (3) §250-41 H (11) shall not be required.

(iii) Gas pump islands are to serve both sides of an island simultaneously.

(iv) With respect to Gasoline Stations having a Convenience Store and Convenience Store serving gasoline, the parking requirements of §250 Attachment 6, Appendix F, Schedule of Required Parking Spaces, Category: Office and Commercial; Use or Occupancy: Retail and Services (5 or less stores) are to be met, except that areas designated for automobile parking at gasoline islands shall not be included in number of parking spaces provided.

(v) For purposes of determining the total number of parking spaces provided, areas designated as garage bays or areas where automobiles are parked on site awaiting repair or having been repaired, shall not be included as part of the calculation.

**c. Other Services (except Public Administration):** (1) Automotive Repair and Maintenance, provided that the following conditions are met:

(i) The conditions set forth in the Land Development Ordinance, Chapter 250-41.H are met except as modified herein below:

- (1) §250-41 H (1) shall not be required.
- (2) §250-41 H (6) shall not be required.
- (3) §250-41 H (11) shall not be required.

(ii) For purposes of determining the total number of parking spaces provided, areas designated as garage bays or areas where automobiles are parked on site awaiting repair or having been repaired, shall not be included as part of the calculation.

(2) Personal and Household Goods Repair and Maintenance provided that:

(i) All outside storage of materials and goods are appropriately screened from all property lines.

(3) Religious Organizations, Grantmaking and Giving Services, Social Advocacy Organizations, Civic and Social Organizations and Business, Professional, Labor, Political and Similar Organizations, provided that:

(i) A minimum lot size of two (2) acres is provided; and

(ii) The conditions set forth in the Land Development Ordinance, Chapter 250-41.O are met.

**7. Design Standards.** In addition to the Design Standards otherwise set forth in Article X of the Land Development Ordinance, the following design standards shall apply to all developments in the EDO-1 Zoning District. Where standards contained herein conflict with the standards otherwise set forth in Article X, the standards herein shall govern.

- (a) Orientation and Spacing of buildings:
  - (1) The longer of the front facades of commercial buildings shall be oriented, as reasonably as possible, to be parallel to adjoining highways, roads and commercial streets.
  - (2) The front facades of commercial buildings shall be aligned, as reasonably as possible, to one another.
  - (3) Commercial buildings shall be oriented toward adjoining public rights-of-way of highways and roads.
  - (4) Buildings shall be designed with architectural treatments (fenestration, porticos, recesses, porches, colonnades, brick/stone/masonry accents, etc.) so that every façade that can be easily seen from any street, public parking lot or public area will not contain a blank wall space greater than 40 feet in length.
  
- (b) Signage shall comply with section 250-52.D of the Land Development Ordinance, with the following exception:
  - (1) Freestanding signs shall be the monument type with a masonry base that is complemented with landscaping, shall not exceed twelve (12) feet in height, shall not exceed 144 square feet in area for each side of the sign that is limited to two (2) sides on which information is provided.
  
- (c) Site Lighting shall comply with section 250-75 of the Land Development Ordinance, with the following exceptions:
  - (1) All street lamps shall be of an antique style as depicted in the illustration entitled, Street Lamp Detail, no. TCD 19 of the Town Centre District. Box-type and cobra-head-type shall be prohibited.
  - (2) Pedestrian lighting shall have a maximum height of eight (8) feet.
  
- (d) Buffers and Landscaping:
  - (1) Buffers shall comply with section 250-54 of the Land Development Ordinance.
  - (2) Landscaping shall comply with section 250-74 of the Land Development Ordinance.
  
- (e) Street furniture:
  - (1) Benches, trash receptacles and planters shall be provided in common sitting areas and, when provided, at bus stops.
  - (2) Bicycle parking spaces for bicycle racks shall be provided at the following rates: minimum one (1) space per seven thousand five hundred square feet of gross floor area for non-residential uses.
  
- (f) Sidewalk, Street, Parking and Commercial Building Relationships:
  - (1) Sidewalks, which are at least five (5) feet wide, shall be integrated connecting all parking areas throughout the site.
  - (2) Sidewalks, which are at least five (5) feet wide, shall be provided along both sides of all commercial streets.
  - (3) Sidewalks, which are at least six (6) feet wide, shall be provided along the frontage of the site.
  - (4) Sidewalks, which are at least twelve (12) feet wide, shall be provided along the front access areas to commercial buildings.
  - (5) Parking areas and commercial buildings shall be separated by a minimum distance of fifteen (15) feet.
  - (6) Commercial streets shall extend to the side property line when adjoining sites are zoned EDO-1 so as to provide future street connections. In the event there are no adjoining sites zoned EDO, commercial streets may not be extended to the side property line unless the Board finds it advantageous to provide for a future street connection on an adjoining site.



**8. Yard Area and Bulk Requirements.** With regard to bulk and yard requirements for principal and accessory buildings associated with principal permitted and conditional uses in the EDO-1 district, the following requirements shall apply. Anything not covered under this section shall be governed by applicable regulations elsewhere in the Land Development Ordinance.

**Principal Buildings**

Minimum Lot Area	1 acre
Minimum Lot Width	125 feet
Minimum Front Yard	50 feet
Minimum Side Yard	25 feet
Minimum Total Two Side Yards	50 feet
Minimum Rear Yard	50 feet
Maximum Height	2 stories, 30 feet, except for hotels as set forth in Paragraph 6(a) herein.

**Accessory Buildings**

Minimum Side Yard	50 feet
Minimum Rear Yard	50 feet
Maximum Height	2 stories, 30 feet

**Floor Area Ratio (FAR) and Landscape Area Ratio (LAR)**

**Permitted Uses and Conditional Uses.** The FAR for principal permitted and conditional uses shall not exceed 0.30. The minimum LAR for permitted uses shall be 0.40.

**9. Accessory Uses.** Shall include accessory uses customarily incidental and ancillary to a permitted or conditional use.

**B. ECONOMIC DEVELOPMENT OPPORTUNITY ZONE-3 (EDO-3)**

**1. Purpose.** The purpose of the EDO-3 zone (areas having a three acre minimum lot size) is to permit a mix of office, retail, and light industrial uses to allow the Township to attain the goals of accommodating market forces, increasing the local ratable base, expanding the local and regional jobs base, providing a more diverse mix of goods and services to residents and businesses within the municipality and region, achieving an improved balance of residential and non-residential development within the municipality, and utilizing suitable land for development in a more efficient, functional and aesthetic manner, while controlling and managing highway access and traffic congestion, minimizing impacts on adjacent and nearby residential development, and protecting environmentally sensitive areas.

**2. Application of Land Development Ordinance.** The provisions and requirements of the Old Bridge Township Land Development Ordinance shall apply to the EDO-3 Zoning District, except as otherwise modified herein. Anything not covered under this section shall be governed by applicable regulations elsewhere in the Land Development Ordinance.

**3. Definitions.** General. The definitions of words used herein shall be common usage unless otherwise defined in the Land Development Ordinance or elsewhere herein.

**COMMERCIAL STREET:** A street that provides access from an adjoining highway to a commercial development within an Economic Development Opportunity (EDO) zoning district. A commercial street shall provide on-site access to commercial development and shall extend to side property lines to connect to future commercial development on adjoining parcels of land within an EDO zoning district. A commercial street shall have a width of at least thirty feet (30') and shall have concrete curbs and sidewalks and street trees in accordance with the provisions of this ordinance. The design of a commercial street shall employ traffic calming techniques, such as curb bump-outs at intersections and speed tables, where determined by the Township Engineer.

**CONVENIENCE STORE:** A retail establishment of greater than 2,000 square feet and up to 5,000 square feet selling primarily food products, household items, newspapers and magazines, candy, and beverages, and freshly prepared foods such as sandwiches and salads for off-premises consumption.

**MINI MART:** A retail establishment of up to 2,000 square feet that is located on the same lot and is accessory to a gasoline station.

**4. Regulation of Uses.** Any use not specifically listed as a permitted use, an accessory use or a conditional use shall be deemed a prohibited use. This provision shall be liberally construed as protective of the Township's zoning scheme and the public health, safety, morals and general welfare. Any doubt as to the permitted nature of any use shall be resolved in interpreting the doubtful use as prohibited.

**5. Permitted Uses.** The land uses permitted in the EDO-3 District (as established by the North American Industrial Classification System (NAICS)) are set forth herein below, except as otherwise indicated:

- a. Manufacturing:** Retail Bakeries, Confectionery Manufacturing from Purchased Chocolate, Non-chocolate Confectionery Manufacturing, Jewelry (except Costume) Manufacturing, Costume Jewelry, Novelty Manufacturing, Cheese Manufacturing, Ice Cream and Frozen Dessert, Cookie and Cracker, Pasta, Tortilla, Snack Food, Coffee and Tea, Seasoning and Dressing, Soft Drink, Cut and Sew Apparel, Footwear, Printing and Related Support Activities, Pharmaceutical and Medicine and Micro Brewery, and Cut Stone and Stone Product that are operated in enclosed buildings and structures.
- b. Retail Trade:** Furniture Stores, Home Furnishings Stores, Electronics and Appliance Stores, Building Material and Supplies Dealers, Lawn and Garden Equipment and Supplies Stores, Grocery Stores, Specialty Food Stores, Beer, Wine and Liquor Stores, Health and Personal Care Stores, Clothing Stores, Shoe Stores, Jewelry, Luggage and Leather Goods Stores, Sporting Goods, Hobby and Musical Instrument Stores, Book, Periodical and Music Stores, Department Stores, Other General Merchandise Stores, Florists, Office Supplies, Stationery and Gift Stores, Pet and Pet Supplies Stores, Art Dealer, Tobacco Stores, Automotive Parts and Accessories Stores, Tire Dealers, Floor Covering Stores, Window Treatment Stores, Home Centers, Paint and Wallpaper Stores, Hardware stores, Convenience Stores, Meat Markets, Fish and Seafood Markets, Fruit and Vegetable Markets, Baked Goods Stores, Confectionary and Nut stores, Pharmacies and Drug Stores, Cosmetics, Beauty Supplies, Perfume Stores, Optical Goods Stores, Food (Health) Supplement Stores, Department Stores, Warehouse Clubs and Supercenters, Brew Pub and Rental Cars.
- c. Information:** Software Publishers, Motion Picture and Video Production, Sound Recording Industries, Data Processing, Hosting and Related Services, Newspaper Publishing, and Periodicals Publishing and Book Publishing.
- d. Finance and Insurance:** Depository Credit Intermediation, Activities Related to Credit Intermediation, Securities and Commodity Contracts Intermediation and Brokerage, Securities and Commodity Exchanges, Other Financial Investment Activities, Insurance Carriers, Agencies, Brokerages and Other Insurance Related Activities, Insurance and Employee Benefit Funds, and Mortgage and Non-Mortgage Loan Brokers, and Other Investment Pools and Funds.
- e. Real Estate and Rental and Leasing Services:** Offices of Real Estate Agents and Brokers, Consumer Goods Rental, General Rental Centers, and Office of Real Estate Appraisers.
- f. Professional, Scientific and Technical Services:** Legal Services, Accounting, Tax Preparation, Bookkeeping and Payroll Services, Architectural, Engineering and Related Services, Specialized Design Services, Computer Systems Design and Related Services, Management, Scientific and Technical Consulting, Scientific Research and Development Services, Advertising Agencies, Public Relations Agencies, Media Buying Agencies, Media Representatives, Landscape Architectural, Building Inspection Services, Surveying & Mapping Services, Consulting Services, Photography Services and Veterinary Services.
- g. Management of Companies and Enterprises:** Management of Companies and Enterprises.
- h. Administrative and Support and Waste Management:** Office Administrative Services, Employment Services, Business Support Services, Travel Arrangement and Reservation Services, Investigation and Security Services.

- i. Health Care and Social Assistance:** Offices of Physicians, Offices of Dentists, Offices of Other Health Practitioners, Outpatient Care Centers, Medical and Diagnostic Laboratories, Home Health Care Services, Other Ambulatory Health Care Services, Nursing and Residential Care Facilities, Community Care Facilities for the Elderly, Individual and Family Services, Vocational Rehabilitation Services, Child Day Care Services.
  
- j. Arts, Entertainment and Recreation:** Promoters of Performing Arts, Sports and Similar Events (This sector involves the service of promoting events and excludes the actual facility in which the event occurs, e.g. a theatre, an arena, etc.), Agents and Managers for Artists, Athletes, Entertainers and Other Public Figures, Theater Companies (excluding Adult Entertainment) and Museums.
  
- k. Accommodation and Food Services:** Full-Service Restaurants, Limited-Service Eating Places.
  
- l. Other Services (except Public Administration):** Electronic and Precision Equipment Repair and Maintenance, Personal Care Services, Coin-Operated Laundries and Drycleaners, Dry-cleaning and Laundry Services (except Coin-Operated), Pet Care (except Veterinary) Services, Photofinishing Laboratories (except One-Hour), One-Hour Photofinishing.
  
- m. Wholesale Trade:** Professional and Commercial Equipment, Household Appliances and Electrical and Electronic Goods, Hardware, Heating and Plumbing Equipment, Sporting and Recreational Goods and Supplies, Toy and Hobby Goods and Supplies, Jewelry, Watch, Precious Stone, and Precious Metal, Stationary and Office Supplies, Drugs and Druggists' Sundries and Wholesale Electronic Markets and Agents.
  
- n. Educational Services:** Cosmetology and Barber Schools, Fine Arts Schools, Language Schools, Exam Preparation and Tutoring, and Automobile Driving Schools.

**6. Conditional Uses.** The land uses that are conditionally permitted in the EDO-3 District (For non-residential uses, as established by the North American Industrial Classification System (NAICS)) are set forth herein below, except as otherwise indicated:

- a. Retail:** (1) Gasoline Stations, including Gasoline Station with Convenience Store or Mini Mart and Convenience Store serving gasoline, provided that the following conditions are met:
  - (i) For Gasoline Stations with Convenience Store or Convenience Store serving gasoline, a minimum lot size of three (3) acres.
  - (ii) The conditions set forth in the Land Development Ordinance, Chapter 250-41 H are met, except as modified herein below:
    - (1) §250-41 H (1) shall not be required.
    - (2) §250-41 H (6) shall not be required.
    - (3) §250-41 H (11) shall not be required.
  - (iii) Gas pump islands are to serve both sides of an island simultaneously.
  - (iv) With respect to Gasoline Stations having a Convenience Store and Convenience Store serving gasoline, the parking requirements of §250 Attachment 6, Appendix F, Schedule of Required Parking Spaces, Category: Office and Commercial; Use or Occupancy: Retail and Services (5 or less stores) are to be met, except that areas designated for automobile parking at gasoline islands shall not be included in number of parking spaces provided.
  - (v) For purposes of determining the total number of parking spaces provided, areas designated as garage bays or areas where automobiles are parked on site awaiting repair or having been repaired, shall not be included as part of the calculation.
  
- (2) New Car Dealers, Used Car dealers and Recreational Vehicle Dealers, provided that:
  - (i) The conditions set forth in the Land Development Ordinance, Chapter 250-41.M are met.
  
- b. Educational Services:** Junior Colleges, Colleges, Universities and Professional Schools, Business Schools and Computer and Management Training, Technical and Trade Schools, Other Schools and Instruction, and Educational Support Services, provided that:

(i) A minimum lot size of five (5) acres.

**c. Health Care and Social Assistance:** General Medical and Surgical Hospitals, provided that:

(i) The conditions set forth in the Land Development Ordinance, Chapter 250-41.F are met.

**d. Accommodations and Food Services:** Hotels (excepting Casino Hotels) and Motels, provided that the following conditions are met:

(i) Minimum lot size of three (3) acres;  
(ii) Maximum building height of five (5) stories and sixty-five (65) feet, and  
(iii) The residential buffer shall be increased by five (5) feet for every five (5) feet that the proposed building exceeds thirty-five (35) feet, e.g., sixty-five (65) foot high building would require a residential buffer that is increased by thirty (30) feet.

**e. Other Services (except Public Administration):** (1) Automotive Repair and Maintenance, provided that the following conditions are met:

(i) The conditions set forth in the Land Development Ordinance, Chapter 250-41.H are met, except as modified herein below:

- (1) §250-41 H (1) shall not be required.
- (2) §250-41 H (6) shall not be required.
- (3) §250-41 H (11) shall not be required.

(ii) For purposes of determining the total number of parking spaces provided, areas designated as garage bays or areas where automobiles are parked on site awaiting repair or having been repaired, shall not be included as part of the calculation.

(2) Personal and Household Goods Repair and Maintenance, provided that:

(i) All outside storage of materials and goods are appropriately screened from all property lines.

(3) Religious Organizations, Grantmaking and Giving Services, Social Advocacy Organizations, Civic and Social Organizations and Business, Professional, Labor, Political and Similar Organizations, provided that:

(i) A minimum lot size of two (2) acres is provided; and  
(ii) The conditions set forth in the Land Development Ordinance, Chapter 250- 41.O are met.

**7. Design Standards.** In addition to the Design Standards otherwise set forth in Article X of the Land Development Ordinance, the following design standards shall apply to all developments in the EDO-3 Zoning District. Where standards contained herein conflict with the standards otherwise set forth in Article X, the standards herein shall govern.

(a) Orientation and Spacing of buildings:

- (1) The longer of the front facades of commercial buildings shall be oriented, as reasonably as possible, to be parallel to adjoining highways, roads and commercial streets.
- (2) The front facades of commercial buildings shall be aligned, as reasonably as possible, to one another.
- (3) Commercial buildings shall be oriented toward adjoining public rights-of-way of highways and roads.
- (4) Buildings shall be designed with architectural treatments (fenestration, porticos, recesses, porches, colonnades, brick/stone/masonry accents, etc.) so that every façade that can be easily seen from any street, public parking lot or public area will not contain a blank wall space greater than 40 feet in length.

(b) Signage shall comply with section 250-52.D of the Land Development Ordinance, with the following exception:

Freestanding signs shall be the monument type with a masonry base that is complemented with landscaping, shall not exceed twelve (12) feet in height, shall not exceed 144 square feet in area for each side of the sign that is limited to two (2) sides on which information is provided.

(c) Site Lighting shall comply with section 250-75 of the Land Development Ordinance, with the following exceptions:

- (1) All street lamps shall be of an antique style as depicted in the illustration entitled, Street Lamp Detail, no. TCD 19 of the Town Centre District. Box-type and cobra-head-type shall be prohibited
- (2) Pedestrian lighting shall have a maximum height of eight (8) feet.

(d) Buffers and Landscaping:

- (1) Buffers shall comply with section 250-54 of the Land Development Ordinance.
- (2) Landscaping shall comply with section 250-74 of the Land Development Ordinance.

(e) Street furniture:

- (1) Benches, trash receptacles and planters shall be provided in common sitting areas and, when provided, at bus stops.
- (2) Bicycle parking spaces for bicycle racks shall be provided at the following rates: minimum one (1) space per seven thousand five hundred square feet of gross floor area for non-residential uses.

(f) Sidewalk, Street, Parking and Commercial Building Relationships:

- (1) Sidewalks, which are at least five (5) feet wide, shall be integrated connecting all parking areas throughout the site.
- (2) Sidewalks, which are at least five (5) feet wide, shall be provided along both sides of all commercial streets.
- (3) Sidewalks, which are at least six (6) feet wide, shall be provided along the frontage of the site.
- (4) Sidewalks, which are at least twelve (12) feet wide, shall be provided along the front access areas to commercial buildings.
- (5) Parking areas and commercial buildings shall be separated by a minimum distance of fifteen (15) feet.
- (6) Commercial streets shall extend to the side property line of a site when adjoining sites are zoned EDO-3 so as to provide future street connections. In the event there are no adjoining sites zoned EDO, commercial streets may not be extended to the side property line unless the Board finds it advantageous to provide for a future street connection on an adjoining site.

**8. Yard Area and Bulk Requirements.** With regard to bulk and yard requirements for principal and accessory buildings associated with principal permitted and conditional uses in the EDO-3 district, the following requirements shall apply. Anything not covered under this section shall be governed by applicable regulations elsewhere in the Land Development Ordinance.

**Principal Buildings**

Minimum Lot Area	3 Acres
Minimum Lot Width	150 feet
Minimum Front Yard Setback	50 feet from state highways 25 feet from Commercial Streets
Minimum Side Yard Setback	25 feet
Minimum Total Two-Side Yard Setbacks	50 feet
Minimum Rear Yard Setback	50 feet for lots along the periphery of the tract/site
Maximum Height	4 stories and 48 feet, except for hotels as set forth in Paragraph 6(d) hereof.

**Accessory Buildings**

Minimum Side Yard Setback	25 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	2 stories and 30 feet

**Floor Area Ratio (FAR) and Landscape Area Ratio (LAR)**

a. **Permitted Uses.** The FAR for principal permitted uses shall not exceed 0.35. The minimum LAR for principal permitted uses shall be 0.40.

b. **Conditional Uses.** The maximum FAR for conditional uses shall not exceed .35. The minimum LAR for conditional uses shall be 0.40.

9. **Accessory Uses.** Shall include accessory uses customarily incidental and ancillary to a permitted or conditional use.

**SECTION 4: INCONSISTENT ORDINANCES**

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

**SECTION 5: PARTIAL INVALIDITY**

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

**SECTION 6: COPIES OF ORDINANCE**

At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

**SECTION 7: NOTICE**

The Township Clerk is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the County Planning Board, and to all others entitled thereto pursuant to the provisions of N.J.S. 40:55D-15. Upon adoption of this Ordinance, after public hearing thereon, the Township Clerk is further directed to publish notice of passage thereof and file a copy of this Ordinance as finally adopted with the County Planning Board as required by N.J.S. 40:55D-16 and with the Township Tax Assessor.

**SECTION 8: EFFECTIVE DATE**

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to N.J.S.A. 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to N.J.S.A. 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first. In addition, in accordance with the provisions of § 250-35(B) (1)(a) of the Township's Land Development Ordinance, this Ordinance amending the Township's zoning map shall not take effect until the Zoning Map has been amended in accordance with the provisions of § 250-35 of the Township's Land Development Ordinances.

B. If the Mayor vetoes the Ordinance (in the manner set forth at N.J.S.A. 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the council vote in favor of such resolution.

Moved by Councilwoman Panos, seconded by Councilwoman Sohor and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker.

NAYS: None.

Prior to the roll call vote the following discussion took place:

Attorney Lozier stated that there is a minor change to #7 of Page 13 of 16, Design Standards, it should read EDO-3 not 1.

### **ORDINANCE No. 2015-02**

#### **ORDINANCE AMENDING CHAPTER 429 OF THE CODE OF THE TOWNSHIP OF OLD BRIDGE, ENTITLED “SOLID WASTE”**

President Walker opened this matter to public. Seeing no hands she closed the public portion

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

#### **SECTION 1: PURPOSE**

The purpose of this Ordinance is to amend Chapter 429 entitled “Solid Waste” for purposes of establishing the hour of collection of Solid Waste for the Township of Old Bridge.

#### **SECTION 2: ORDINANCE**

I. Chapter 429, Article I, entitled Chapter 429, Article I, entitled “Garbage Collection; Recycling” of the Code of the Township of Old Bridge is hereby amended by including the following revision to section 429-4, entitled “Set-out time” as follows (additions are bolded and underlined and deletions have strikethrough):

All approved containers shall be placed for pickup not earlier than 5:00 p.m. of the day prior to collection: **and shall be removed not later than 10:00 p.m. of the day of** **collection.**

II. Chapter 429, Article I, entitled “Garbage Collection; Recycling” of the Code of the Township of Old Bridge is hereby amended by adding a new section 429-4.5, entitled “Hours of Collection” as follows:

§ 429-4.5 Hours and days of collection.

The collection of solid waste shall only occur between the hours of 6 a.m. to 7 p.m., Monday to Saturday.

#### **SECTION 3: INCONSISTENT ORDINANCES**

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

#### **SECTION 4: PARTIAL INVALIDITY**

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

#### **SECTION 5: EFFECTIVE DATE**

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the council vote in favor of such resolution.

Moved by Councilman Mollis, seconded by Councilman Anderson and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None.

ABSENT: Councilman Greene

Prior to the roll call vote the following discussion took place:

Councilwoman Panos asked to have hours clarified.

Attorney Lozier stated that the pick-up hours were changed to 6AM from 4AM. There is a modification that cans must be removed by 10PM on date of pick-up.

**TOWNSHIP OF OLD BRIDGE  
ORDINANCE NO. 2015-03  
CALENDAR YEAR 2015  
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO  
ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

President Walker opened this matter to public. Seeing no hands she closed the public portion.

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Council of the Township of Old Bridge in the County of Middlesex finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$1,452,429.04 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Township Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Old Bridge, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final appropriations of the Township of Old Bridge shall, in



accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$1,452,429.04 and that the CY 2015 municipal budget for the Township of Old Bridge be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Moved by Councilman Mollis, seconded by Councilman Cahill and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor, President Walker

NAYS: None

ABSENT: Councilman Greene

## ADMINISTRATIVE REPORT

### TOWNSHIP OF OLD BRIDGE *Administration Department*

#### MEMORANDUM

**TO:** Mayor and Members of Township Council  
**FROM:** Christopher R. Marion, Business Administrator  
**SUBJECT:** Administrative Report – February 9, 2015  
**DATE:** February 6, 2015

- 
1. **2015 WINTER WEATHER EVENTS AND RELATED COSTS.** Since January 1, 2015, sixteen winter weather events have impacted the Township of Old Bridge ranging from freezing rain and ice to eight inches of snow. To date, the Township has spent approximately \$476,900.00 on ice and snow removal-related operations which includes: bulk salt, employee overtime, outside contractors and repairs to equipment. Another summary report will be provided to Township Council at the February 23, 2015 Council Meeting.
  2. **TOWNSHIP WINTER WEATHER EVENT “REMINDERS”.** During winter storm events, it is extremely important for the streets in town to be free and clear of parked vehicles and/or other obstacles so that the snow plow drivers and emergency responders can safely and effectively perform their duties. Also, shoveling or blowing snow on to the streets is not permitted under Township Code and may create hazardous situations for motorists and pedestrians. For additional information, residents should contact the Department of Public Works at (732) 721-5600 ext. 6140 or visit the Township Website at [www.oldbridge.com](http://www.oldbridge.com).
  3. **JERSEY CENTRAL POWER & LIGHT FIRSTENERGY 24/7 POWER CENTER.** Old Bridge customers who lose power during a winter storm event should call JCP&L directly at **1-888-LIGHTS** (1-888-544-4877) to report the outage. For updated information on power outages, service issues, storm restoration or important safety tips, residents should also visit the JCP&L FirstEnergy 24/7 Power Center at [www.firstenergycorp.com](http://www.firstenergycorp.com).
  4. **JERSEY CENTRAL POWER & LIGHT NOTICE OF PENDING TRANSMISSION VEGETATION MANAGEMENT ACTIVITY.** JCP&L has notified the Township that over the course of the 2015 calendar year, JCP&L contractors will be performing various Transmission Vegetation Management (TVM) activities in Old Bridge including: removal of incompatible vegetation within transmission right-of-ways, trimming of limbs that encroach into transmission right-of-ways (including possible use of an aerial saw) and removal of hazard priority trees that pose an imminent risk to transmission facilities. Additional notice to the Township will be provided by JCP&L approximately two weeks prior to the start of each TVM activity.

5. **NEW BUSINESS GRAND OPENINGS.** During the month of January, Mayor Henry and staff welcomed three new businesses to Old Bridge including *Ravioli Fair*, *Walgreens* and the *Wireless Experience (AT&T)*. Grand openings for *Cross Cut KO* and *Gurlie Locks* are scheduled for February 11, 2015. For additional information on local businesses and related opportunities, residents should contact the Mayor's Office of Economic Development at (732) 721-5600 ext. 7920 or e-mail [obedo@oldbridge.com](mailto:obedo@oldbridge.com).
6. **NEW TREE REMOVAL ORDINANCE (NO. 2014-16).** The new instructions and forms for tree removal permits are now available online. For additional information, residents should contact the Division of Engineering at (732) 721-5600 ext. 2330 or visit the Township Website at [www.oldbridge.com](http://www.oldbridge.com).
7. **MIDDLESEX COUNTY IMPROVEMENT AUTHORITY (MCIA) CURBSIDE RECYCLING COLLECTION PROGRAM.** The MCIA has notified the Township that the authority will not be mailing out recycling brochures to residents this year. The 2015 curbside recycling schedule for Old Bridge is available on the MCIA Website at [www.mciauth.com](http://www.mciauth.com) and on the Township Website at [www.oldbridge.com](http://www.oldbridge.com).
8. **LINCOLN'S BIRTHDAY AND PRESIDENTS DAY HOLIDAYS.** On February 12, 2015 and February 16, 2015, all municipal offices will be closed for business in observance of the Lincoln's Birthday and Presidents Day Holidays, respectively.
9. **COMMUNITY EMERGENCY RESPONSE TEAM (CERT) TRAINING.** CERT is comprised of trained volunteers who provide critical support to first responders during emergency situations and also provide assistance with non-emergency activities and projects throughout the year. The next CERT Class is scheduled to begin on February 23, 2015 and will meet every Monday evening through April 20, 2015. For additional information, residents should contact the Middlesex County Office of Emergency Management at (732) 316-7152 or the Old Bridge Police Department at (732) 721-5600 ext. 3610.
10. **2015 SPRING RECREATION PROGRAM BROCHURE.** The 2015 Spring Recreation Program Brochure is now available and includes another exciting line up of classes, programs and events for residents of all ages. Online registration begins on February 16, 2015. For additional information, residents should contact the Department of Parks and Recreation at (732) 721-5600 ext. 4999 or visit the Township Website at [www.oldbridge.com](http://www.oldbridge.com).
11. **NEW JERSEY LEAGUE OF MUNICIPALITIES (NJLOM) LOUIS BAY ANNUAL FUTURE MUNICIPAL LEADERS SCHOLARSHIP COMPETITION.** The NJLOM Future Municipal Leaders Scholarship Competition is open to all high school juniors and seniors who are residents of New Jersey and plan to continue their education after high school. The deadline for the submission of essays to Mayor Henry is March 10, 2015. For additional information, residents should contact the Mayor's Office at (732) 721-5600 ext. 2040 or visit the Township Website at [www.oldbridge.com](http://www.oldbridge.com).
12. **OLD BRIDGE HIGH SCHOOL (OBHS) MARCHING KNIGHTS BAND TRIP TO NORMANDY, FRANCE.** The Old Bridge Marching Knights have been selected as one of five bands from the United States to perform at the D-Day Anniversary Parade in Normandy, France in June of this year. Over the next two months, Mayor Henry will be participating in several exciting local events in support of the OBHS parents', students' and teachers' fundraising efforts. For additional information, residents should contact the Mayor's Office at (732) 721-5600 ext. 2040 or visit the Township Website at [www.oldbridge.com](http://www.oldbridge.com). Residents can also visit the OBHS Marching Knights Website at [www.tkob.org](http://www.tkob.org) to learn more about the organization and/or make an online donation.

### MOTION

Motion to accept Administrative Report made by Councilwoman Sohor, seconded by Councilwoman Panos and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor, President Walker.

NAYS: None.

ABSENT: Councilman Greene

Prior to the roll call vote the following discussion took place:

Councilman Cahill stated that we have had 26 winter events which were significant. The Township's response was excellent. Not only did we have the money in place but the processes were put in place to make sure each event was covered. It was a really bad winter, but our crew did an excellent job. Also, with regard to the Energy Aggregation Program I would encourage all residents to come out and actually hear the facts about the program and hear the presentation and ask question.

Councilman Rosencranz inquired with regard to winter events, what portion of the budget do you feel was used so far?

Administrator Marion responded all of the snow budget has been used and as you can see this evening we made transfers into the snow emergency fund from salary and wages which had excess because we did not fill positions till later in the year so there was a surplus in that category. I will give you a full percentage breakout by next meeting. Thanks to our Recreation Department who assist in these events and who do a tremendous job, we have a great team. Also, thanks to our Police Department and the Office of Emergency Management for their assistance in keeping everyone apprised of the situation.

Councilwoman Panos I just want to say kudos to our township staff for all their hard work during these storms and to the Administration for having the foresight to budget accordingly and avoid shortages in this category. Also, Councilwoman Panos urged all to attend the upcoming Operation Beachhead Skating Event for our veterans coming on March 11, 2015. She also encouraged all to support the Old Bridge High School Marching Knights Band Trip to Normandy, France.

Councilman Mollis inquired if there was going to be an additional shredding event for the senior developments this year?

Administrator Marion responded he will check with the County and we will be following up and give you an update.

## **CONSENT AGENDA**

### **RESOLUTION NO. 2015-99**

#### **RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT #2014-ISPS WITH NETTA ARCHITECTS FOR THE JOHN PICCOLO ARENA FLAT ROOF REPAIR WITHIN THE TOWNSHIP OF OLD BRIDGE**

WHEREAS, by Resolution #111-14, the Township Council awarded a Contract for the repair of the Township Arena for Contract #2014-15PS (hereinafter "Contract") to Netta Architects (hereinafter "Contractor") pursuant to the Fair and Open Process required by Municipal Regulation 004-006 for purposes of repair of the John Piccolo Arena flat roof within the Township of Old Bridge; and

WHEREAS, pursuant to the terms of the Contract executed by the Contractor, the fee to be paid for services rendered by the Contractor totaled \$9,850.00 based on the services specified in the Contractor's proposal; and

WHEREAS, Christopher Marion, Business Administrator made a request recommending that the Mayor and Township Council approve an amendment to the contract for the additional work and thereby increasing the cost of the Contract by an additional \$1,500.00.

NOW, THEREFORE, BE IT RESOVED by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey that the Contract with Netta Architects in regard to the repair of the John Piccolo Arena flat roof for the Township of Old Bridge be amended and the fee to be paid shall be increased by \$1,500.00 for a total cost not to exceed \$11,350.00, under the same terms and conditions of the original contract.

BE IT FURTHER RESOLVED that this amendment to the contract is contingent upon the issuance of a Certification of Availability of Funds # certifying the existence of sufficient appropriation to fund the said contract.

BE IT FURTHER RESOLVED that the Township Council hereby approve of said amendment in the form attached hereto and that the Mayor and Township Clerk be and are hereby authorized to execute said amendment on behalf of the Township of Old Bridge.

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

**RESOLUTION NO. 2015-100**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT #2014-72 TO NEW JERSEY OVERHEAD DOORS FOR THE PURCHASE AND INSTALLATION OF THREE (3) ROLLING STEEL DOORS FOR THE DEPARTMENT OF PUBLIC WORKS OF THE TOWNSHIP OF OLD BRIDGE**

WHEREAS, the Township of Old Bridge publicly advertised in accordance with the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. for Contract #2014-72 for the purchase and installation of three rolling steel doors for the Department of Public Works on two separate occasions; and

WHEREAS, no bids were received on either occasion; and

WHEREAS, in accordance with N.J.S.A. 40A:11-5(3)(a), the Purchasing Department was authorized to negotiate bids for the procurement and installation of three rolling steel doors for the Department of Public Works; and

WHEREAS, the requirements of N.J.S.A. 40A:11-5 (3) (i)-(iii) were met; and

WHEREAS, two (2) quotes were received from the following vendors:

New Jersey Overhead Doors	\$ 9,025.00 per door
	\$25,725.00 three (3) doors
	\$ 4,500.00 10 yr. extended warranty for all doors
TOTAL	\$30,225.00
Edison Overhead Doors	\$ 9,768.00 per door
	\$ 29,304.00 three (3) doors
	\$3,500.00 10 yr. extended Warranty all doors
TOTAL	\$32,804.00

WHEREAS, the Township Council wishes to award the contract to New Jersey Overhead Doors based upon the quote dated January 23, 2014 and on file with Purchasing Department for the purchase and installation of three (3) rolling steel doors for the Department of Public Works within the Township of Old Bridge.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, as follows:

1. New Jersey Ovehead Doors having principal offices located at 1039 Route 9, Howell, New Jersey 07731 is hereby awarded a contract in the amount not to exceed \$30,225.00 for the purchase and installation of three (3) overhead rolling steel doors and ten year extended warranty for the Department of Public Works within the Township of Old Bridge, pursuant to its proposal dated January 23, 2014, a copy of which is on file with the Purchasing Department.

2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds #2257 certifying the existence of a sufficient appropriation to fund the said contract.
3. The Mayor and Township Clerk or such other appropriate Township officials are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review and approve any and all contractual documents prepared in furtherance of this award.

This Resolution is conditioned upon the following:

- A. Formal execution of contract documents approved by the Director of Law that is signed by Vendor and the Mayor and Township Clerk or such other appropriate Township official.
- B. Compliance by the Vendor with signing the mandatory affirmative action language required by law.
- C. Compliance by the vendor with signing the mandatory affirmative action language required by law.
- D. Compliance by the Vendor with filing of Affirmative Action Form AA302 or AA201, or otherwise complying with Affirmative Action employee information reporting.

No contract shall be considered awarded unless, and until, the above requirements are executed.

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

**RESOLUTION NO. 2015-101**

**RESOLUTIONS AUTHORIZING CONTRACT WITH COUNTRY ANIMAL CLINIC FOR  
TOWNSHIP VETERINARY SERVICES  
CONTRACT #2015-34PS**

WHEREAS, the Township of Old Bridge requires the services of a veterinary clinic to provide veterinarian services for the Township of Old Bridge for 2015; and

WHEREAS, the Township of Old Bridge issued publicly advertised Requests for Proposals for purposes of selecting a veterinary clinic and awarding a contract for the 2015 calendar year for said services; and

WHEREAS, Country Animal Clinic submitted its proposal, a copy of which is on file in the office of Municipal Clerk, and is a firm that is recognized as capable and available to undertake such work; and

WHEREAS, Country Animal Clinic is a licensed New Jersey veterinary clinic; and

WHEREAS, Country Animal Clinic has received the recommendation of the Fair and Open Process Review Committee pursuant to the Fair and Open Process in accordance with Municipal Regulation 004-2006; and

WHEREAS, the Township Council wishes to approve Contract #2015-34PS with Country Animal Clinic for purposes of providing the aforesaid professional veterinary services for the Township of Old Bridge for 2015 in an amount not to exceed \$3,600.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, as follows:

1. A contract for professional services is hereby approved for Country Animal Clinic located at 557 Englishtown Road, Suite 8, Monroe, New Jersey 08831 in an amount not to exceed \$3,600.00 in accordance with its proposal, a copy of which is on file in the office of the Township Clerk.
2. The award of contract is contingent upon the issuance of a Certificate of Availability of Funds #2258 certifying the existence of a sufficient appropriation to fund the said contract.
3. The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of this contract. The Township Attorney shall review any and all contractual documents prepared in furtherance of the award.
4. This is a contract for professional services and in accordance with New Jersey Public Contracts Law, the Township Clerk shall publish a statement of the reasons for awarding the contract, to wit: Township veterinarian for the Township of Old Bridge for 2015.

This Resolution is conditioned upon the following:

- A. Formal execution of a contract approved by the Director of Law which is signed by the Mayor and Township Clerk.
- B. Compliance by the vendor with signing the mandatory affirmative action language required by law.
- C. Compliance by the Vendor with filing of Affirmative Action Form AA302 or AA201, or otherwise complying with affirmative action employee information reporting.

No Contract shall be considered awarded unless, and until, the above requirements are met.

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

#### **RESOLUTION NO. 2015-102**

#### **BUDGET TRANSFER**

Be it Resolved, by the Township Council of the Township of Old Bridge, County of Middlesex, New Jersey, that:

Whereas, it has become necessary to expend for various purposes which are specified in the budget, an amount in excess of the respective sums appropriated therefore, and

Whereas, there is an excess in certain other appropriations which are specified in the budget which are legally available for transfer; and

Whereas, under the provisions of R.S. 40A:4-59, during the first three months of the fiscal year, the Governing Body has the authority to transfer the amount of such appropriations as may be deemed to be in excess to such appropriations as may require it.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Old Bridge Township that the transfer in the amount of \$150,000.00 be made between the Current 2014 Reserve Budget as follows:

**General Account**

<u>Department</u>	<u>From</u>	<u>To</u>
Office of Economic Development – Salary & Wages	\$40,000.00	
Office of Tax Assessor – Salary & Wages	\$25,000.00	
Division of Senior Services – Salary & Wages	\$40,000.00	
Social Security – Other Expenses	\$45,000.00	
Snow Removal – Other Expenses		\$150,000.00
	\$150,000.00	\$150,000.00

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker

NAYS: None

ABSENT: Councilman Greene

**RESOLUTION NO. 2015-103**

**RESOLUTION OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, PRE-AUTHORIZING THE AWARD OF A CONTRACT TO A THIRD PARTY POWER SUPPLIER TO PROVIDE ELECTRIC GENERATION SERVICE TO OLD BRIDGE COMMUNITY ENERGY AGGREGATION (OBCEA) PROGRAM PARTICIPANTS AND TO PROVIDE GOVERNMENT ENERGY AGGREGATION SERVICES IN CONNECTION WITH THE OBCEA PROGRAM PURSUANT TO N.J.A.C. 14:4-6**

**WHEREAS**, the Government Energy Aggregation Act of 2003 (PL. 2003, C24) governs the establishment of a government energy aggregation program, which is a government-operated purchasing cooperative through which multiple energy consumers join together for the purchase of electric utility services by a government aggregator; and

**WHEREAS**, the New Jersey Board of Public Utilities has promulgated rules (N.J.A.C. 14:4-6) for the implementation of government energy aggregation programs; and

**WHEREAS**, the Old Bridge Council passed an ordinance dated December 8, 2014 (Ordinance No. 2014-23) authorizing the formation of a Government Energy Aggregation in the Township of Old Bridge, New Jersey, named the Old Bridge Community Energy Aggregation (“OBCEA”) Program; and

**WHEREAS**, the Township of Old Bridge is acting as the Lead Agency of the Old Bridge Community Energy Aggregation; and

**WHEREAS**, the residents of Old Bridge Township are included in the OBCEA on an “opt-out” basis, as set forth in applicable rules (N.J.A.C. 14:4-6); and

**WHEREAS**, by virtue of Ordinance No. 2014-23 and in accordance with New Jersey Board of Public Utilities rules (N.J.A.C. 14:4-6) and applicable law (PL. 2003, C24), the

Township of Old Bridge is authorized to award a contract for electric generation service and government energy aggregation services on behalf of participating residential customers; and

**WHEREAS**, the Township of in its capacity as Lead Agency, publicly noticed and issued on March 2, 2015, a Request for Proposals (RFP) for the Provision of Electric Generation Service and Government Energy Aggregation Services for the OBCEA Program and solicited bids from qualified suppliers in New Jersey; and

**WHEREAS**, the RFP provided for a two-stage process that included: Stage 1 for the submission of supplier questions and comments and the submission of qualification documents by New Jersey Board of Public Utilities (NJBPU)-licensed electric power suppliers; and Stage 2 for the submission of bid prices; and

**WHEREAS**, the RFP provides for the submission of pricing for electric generation service for the Participating Residential Accounts bid group; and the RFP provides for the award of a contract for this bid group at the discretion of the Township of Old Bridge and in accordance with the evaluation criteria set forth in the RFP; and

**WHEREAS**, during Stage 1, non-binding Notices of Intent and other qualification documents will be received from NJBPU-licensed electric power suppliers on or before March 10, 2015; and

**WHEREAS**, a number of supplier questions and comments are anticipated to be received and, as a result, on March 11, 2015 an Addendum No.1 to the RFP will be issued and distributed to all suppliers that had submitted a Notice of Intent to Bid and were placed on the Bid Distribution List; and

**WHEREAS**, Stage 2 price bids and accompanying Transmittal Letters will be submitted on March 18, 2015 from any of the pre-qualified, NJBPU-licensed electric power suppliers by 11:00 a.m. as set forth in the RFP; and

**WHEREAS**, the volatility of energy markets requires that a bid award be made on the same day that bids are submitted in order to avoid a significant 'volatility risk premium' in the bid prices, and the New Jersey Local Public Contracts Law prohibits the receipt of bids on Mondays; and

**WHEREAS**, and the Old Bridge Township Council holds its regularly scheduled meetings on Monday evenings and therefore it is necessary for the Old Bridge Township Council to pre-authorize the appropriate Township Officials to sign an award letter and make an award of a contract to an electric power supplier on the Township's behalf, subject to specific, pre-determined parameters and otherwise in accordance with applicable law and regulations; and

**WHEREAS**, the appropriate members of the Township's Department of Administration, in consultation with the Township's energy agent, will conduct an extensive and in-depth evaluation of the qualifications of the bidders and analysis of bid prices, in accordance with the evaluation criteria set forth in the RFP and Addendum No.1; and

**WHEREAS**, the Township appointees will not award a contract unless and until an evaluation of the qualifications and proposals and analysis of bid prices submitted determines that the proposal submitted by one of the pre-qualified suppliers: 1) provides the most overall benefit for the Township and OBCEA participants; 2) provides for contract power supply prices that are at least 5% lower than the applicable Jersey Central Power and Light Co. Basic Generation Service tariff prices for power supply, and make it feasible to award a contract for the Residential Account bid group; and 3) provides the opportunity for residents currently receiving budget billing from JCP&L to continue to receive that service from the third party supplier.

**NOW, THEREFORE, BE IT RESOLVED** by the Old Bridge Township Council that it does hereby authorize the Township Business Administrator to issue an Award Letter awarding a contract for the provision of electric generation service to the Participating Residential Accounts bid group and the provision of government energy aggregation services in connection with the



OBCEA Program to one of the pre-qualified NJBPU-licensed suppliers in accordance with the terms and conditions of the RFP (including the form of Master Performance Agreement included therein), as amended pursuant to Addendum No. 1 to the RFP and this Resolution, and it does hereby further authorize the Mayor and Municipal Clerk to execute the Master Performance Agreement with the selected supplier; and be it

**FURTHER RESOLVED** that the appointee shall not make an award of a contract to an electric power supplier on the Township's behalf, unless and until a bid is received in response to an RFP that provides pricing for power supply for the Township's participating residents that provides at least 5% cost savings as compared to the cost of utility-supplier power, and is otherwise in the best interests of participating residents, and that is otherwise in compliance with applicable law and regulations; and be it

**FURTHER RESOLVED** that government energy aggregation services to be provided by the awarded supplier, including implementation of the opt-out process for residential customers as set forth in the RFP and applicable NJBPU rules, shall commence immediately upon execution of the Master Performance Agreement, and that electric generation service to be provided by the awarded supplier to the OBCEA-participating customers shall commence with either the June 2015 or September 2015 meter read date for each electric account served, and shall continue for a term defined in the award letter; and be it

**FURTHER RESOLVED** that the contract price that is awarded will be so noted in the Award Letter and Master Performance Agreement; and be it

**FURTHER RESOLVED** that the Mayor is authorized to execute and the Clerk to attest to the execution of the Master Performance Agreement, in the form included in the RFP (as amended pursuant to Addendum No. 1).

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

- AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker
- NAYS: None
- ABSENT: Councilman Greene

## **RESOLUTION TO FILE A TAX APPEAL**

### **RESOLUTION 2015-104**

WHEREAS, the Tax Assessor and the Special Tax Counsel of the Township of Old Bridge are hereby authorized to settle any case in which the refund/credit to the taxpayer is \$50,000 or less per tax year, or in which an increase in assessment results; and

WHEREAS, it is understood that all settlements which result in a refund/credit to the taxpayer of more than \$50,000 shall be presented to the Township Council for approval by formal resolution; and

WHEREAS, so long as the aforesaid procedures are followed, the Township Council will authorize the refund/credit of any settlement in accordance with this procedure.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Old Bridge, that the Tax Assessor of the Township of Old Bridge is given authority to authorize the Special Tax Counsel to file tax appeals in the Middlesex County Tax Board and the New Jersey Tax Court.

Moved by Councilwoman Sohor, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

- AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor,  
President Walker
- NAYS: None

ABSENT: Councilman Greene

**RESOLUTION NO. 105**

**RESOLUTION AUTHORIZING CANCELLATION OF  
MUNICIPAL LIEN CERTIFICATE**

WHEREAS, Certificate of Sale #13-0002 was stuck off to the Township of Old Bridge for delinquent utility charges on Block 1, Lot 10, also known as 10 Cliffwood Way, Laurence Harbor, New Jersey (hereinafter the “Property”) owned by Catherine Mosher (hereinafter “Property Owner”), at a Tax Sale held on December 18, 2013; and

WHEREAS, subsequent to the Tax Sale held on December 18, 2013, the Tax Collector received notification from the Old Bridge Municipal Utilities Authority (OBMUA) on January 20, 2015 advising that they wish to cancel the municipal lien due to the property being destroyed by Superstorm Sandy on October 29, 2012 and subsequently demolished due to a fire on June 27, 2013; and

WHEREAS, because Certificate of Sale #13-0002 was recorded in the Middlesex County Clerk’s Office, the Tax Collector must cancel the municipal lien certificate issued to the Township of Old Bridge.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Old Bridge that it does hereby authorize the Tax Collector to cancel Municipal Lien Certificate No. 13-0002 issued to Township of Old Bridge.

Moved by Councilman Mollis, seconded by Councilman Anderson and so ordered on the following roll call vote:

AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Rosencranz, Sohor, President Walker

NAYS: None

ABSENT PODIUM Councilwoman Panos

ABSENT: Councilman Greene

Prior to the roll call vote the following discussion took place:

Councilman Mollis wanted an explanation of a Tax Sale Certificate.

Dawn Swoboda stated that the MUA had sent over in 2013 for tax sale on this property for delinquent water and sewer. Their policy was any affected Sandy properties, you had to call and advise of same and they would remove the billing. This property besides being devastated by Sandy was also demolished after a fire in 2013. The lien was only for water and sewer so they removed it and reimbursed the township for any out-of-pocket expenses after the fire.

**ORDINANCES FOR FIRST READING**

**ORDINANCE # 2015-04**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,627,000 FOR VARIOUS IMPROVEMENTS IN AND BY THE TOWNSHIP OF OLD BRIDGE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,445,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Old Bridge, in the County of Middlesex, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$3,627,000. Such sum includes the sum of \$182,000 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 additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,445,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$3,445,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3:

(a) The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
(i) Acquisition of various equipment, including, but not limited to, data storage hardware and software, disaster recovery computers, computer switches, automated external defibrillators, large mower, trailer attenuator, diesel engine scan tool, fluid distribution system and skid steer attachments.	\$404,000	\$383,300	15 years
(ii) Various park improvements, including but not limited to basketball courts at Laurence Harbor Park, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk.	25,000	23,700	15 years
(iii) Various improvements, including (a) the following road improvements, Furman Boulevard, Summerfield Avenue, Outlook Boulevard, Nathan Drive, Ortleigh Court, Honeysuckle Lane, Willow Ridge Court, Woodmere Court, Portsmouth Drive, CR 516 Court, Gates Court, Highpointe Way, Park Circle, Washington Avenue, Michelle Avenue, Janis Court, Old Mill Road, Cheesequake Road, Wellesley Road, Bushnell Road, Prests Mill Road, Louis Street, Victorian Drive, Stoneybrook Drive, Schindler Drive North, Mariposa Place, Wyre Place, Meadow Lane, Hansen Road, Stoneybrook Drive and Elaine Court, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk; (b) installation of curb improvements along the following roads, Cressida Drive, Prests Mill Road, Balsam Court, Adelphi Court, Seneca Street, Tuscorora Circle, Pensacola Street and Onondaga Street, including all work and materials necessary therefor and incidental	2,678,000	2,544,000	15.66 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk, (c) various drainage improvements, including Furman Boulevard slope stabilization, Biondi Street, Greenwood Avenue, Surrey Drive, Anmar Drive, Leaf Lane, Tulip Drive, Piedmont Drive, Everly Street, Adams Street, Brook Street, Randolph Avenue, Marsad Drive, Eisenhower Drive, Tanforan Court, Carole Place, Timon Drive, Alpha Avenue, Stevens Avenue and Heather Drive, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk, (d) road improvements at Trans Old Bridge Road and (e) Jake Brown Road Extension feasibility study, including all work and materials necessary therefor and incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file in the Office of the Clerk.			
(iv) Acquisition of various vehicles, including but not limited to dump trucks, pick up trucks and sport utility vehicles.	520,000	494,000	5 years
<b>TOTAL</b>	<b>\$3,627,000</b>	<b>\$3,445,000</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$3,445,000.

(c) The estimated cost of the Improvement is \$3,627,000 which amount represents the initial appropriation made by the Township.

**SECTION 4:**

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (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 Township Council of the Township 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 Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Deputy Township Clerk and is available for public inspection.

SECTION 6:

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

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township 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 period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, according to the reasonable life thereof computed from the date of the Bonds authorized by this Bond Ordinance, is 14.05 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Deputy Township 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 Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$3,445,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$48,000 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 (including grants expected to be received in connection with Cindy Street and Ferry Road from the New Jersey Department of Transportation) 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 Township 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 Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$3,445,000.

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.

Moved by Councilwoman Sohor, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Council members Anderson, Butler, Cahill, Mollis, Rosencranz, Sohor,  
President Walker.

NAYS: None.

ABSENT: Councilman Greene.

ABSENT PODIUM: Councilwoman Panos.

**TOWNSHIP OF OLD BRIDGE**

**ORDINANCE # 2015-05**

**BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$367,000 FOR VARIOUS ARENA UTILITY IMPROVEMENTS IN AND BY THE TOWNSHIP OF OLD BRIDGE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$348,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION.**

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 11:

The improvement described in Section 3 of this Bond Ordinance (the “Improvement”) is hereby authorized to be undertaken by the Township of Old Bridge, in the County of Middlesex, New Jersey (the “Township”) as a general improvement. For the said Improvement there is hereby appropriated the amount of \$367,000. Such sum includes the sum of \$19,000 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 12:

In order to finance the additional cost of the Improvement not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$348,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said Improvement or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$348,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 13:

(a) The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
(i) Various arena utility improvements, including replacement of outside cooling tower and restoration of roof beams and trusses for Arena roof, including all work and materials necessary therefor and incidental thereto.	\$367,000	\$348,000	15 years
<b>TOTAL</b>	<b>\$367,000</b>	<b>\$348,000</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvement is \$348,000.

(c) The estimated cost of the Improvement is \$367,000 which amount represents the initial appropriation made by the Township.

SECTION 14:

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the municipal finance officer of the Township (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 Township Council of the Township 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 15:

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 16:

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

(a) The Improvement described in Section 3 of this Bond Ordinance is not a current expense, and is a capital improvement or property that the Township 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 period of usefulness of the Improvement, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for such purpose, 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 Township 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 Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this Bond Ordinance by \$348,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$7,000 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 17:

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance (including grants expected to be received in connection with Cindy Street and Ferry Road from the New Jersey Department of Transportation) 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 Township 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 Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 18:

The full faith and credit of the Township 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 Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 19:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvement prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the cost of the Improvement is \$348,000.

SECTION 20:

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

Moved by Councilman Butler, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

AYES: Council members Anderson, Butler, Cahill, Mollis, Rosencranz, Sohor,  
President Walker.

NAYS None.

ABSENT: Councilman Greene.

ABSENT PODIUM: Councilwoman Panos.

Administrator Marion stated that there would be a full presentation of the Budget and the Capital Budget on March 23, 2015 meeting.

**TOWNSHIP OF OLD BRIDGE**

**ORDINANCE NO. 2015-06**

**ORDINANCE AMENDING CHAPTER 247 OF THE CODE OF  
THE TOWNSHIP OF OLD BRIDGE,  
CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM  
FOR DEALERS IN SCRAP METAL  
SECTION 247-14**

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

**SECTION 1: PURPOSE and INTENT**

The purpose and intent of this chapter is to assist law enforcement officials and victims of crime in recovering scrap metal by requiring minimum identification, reporting, maintenance, and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of scrap metal without complying with the requirements of this chapter in the exact manner described herein.

**SECTION 2: ORDINANCE**



I. Chapter 247, entitled “JUNKYARDS” Chapter 247 SECTION 14, entitled “SCRAP METAL” of the Code of the Township of Old Bridge is hereby created

### **SECTION 3: DEFINITIONS**

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates a scrap metal business involving the buying and/or selling of scrap metal as defined herein, including itinerant businesses, and transient buyers as defined herein.

“ITINERANT BUSINESS” means any scrap metal dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and is duly appointed as municipal clerk of the Township of Old Bridge.”

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which scrap metal is purchased or pawned

“SCRAP METAL” means used, discarded, or previously owned items that consist predominantly of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel, or alloys.

“SCRAP METAL BUSINESS” means a commercial establishment, which, as one of its principal business purposes, purchases scrap metal for purposes of resale or processing including transient buyers of scrap metal and itinerant businesses, as defined herein.

“SELLER” means a member of the public who sells scrap metal to a dealer.

“TRANSIENT BUYER” means an operator of a scrap metal business, as defined herein, who has not been in the scrap metal business continuously for at least six (6) months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue the scrap metal business within six (6) months.

### **SECTION 4: LICENSE REQUIREMENTS for DEALERS**

No person, partnership, limited liability company, corporation, or other entity shall engage in a scrap metal business, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. 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. Advertising in any print or electronic media or by sign regarding the purchase of scrap metal at any location within the municipality shall constitute engaging in business as a dealer of scrap metal within the jurisdiction of the municipality 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 item(s) 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 §10.

### **SECTION 5 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 scrap metal, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
  - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
  - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
  - 4) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of scrap metal, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 7(D) of this chapter will be stored as well as the location where scrap metal goods purchased will be retained during the mandatory inspection period required under § 7(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the 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 ten (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 scrap metal business. 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 § 6, the retention and inspection requirements of § 7, 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 § 8 of this chapter.

- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a scrap metal business. Notice must be filed with the municipal clerk of Old Bridge Township
- F) No license shall be assignable by the dealer.

**SECTION 6: IDENTIFICATION of SELLER; RECORDKEEPING REQUIREMENTS for DEALERS**

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A) Require of each member of the public selling scrap metal acceptable identification as defined above in §2
- B) Require each seller to execute a “Declaration of Ownership,” which shall contain the following certification: *“My signature confirms that I am the sole legal owner of and am legally authorized to sell the goods being sold. By signing below I certify that I did not obtain and do not possess the identified goods through unlawful means. I am the full age of eighteen years and the identification presented is valid and correct.”*
- C) Record and issue to each person selling scrap metal on a sequentially numbered receipt:
  - a. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
  - b. the name, address, date of birth, and telephone number of the seller or sellers;
  - c. 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.;
  - d. a photographed recording of the seller’s presented acceptable identification, as set forth in § 2, in a format acceptable to the Chief of Police;
  - e. a photographed recording of all items sold in a format acceptable to the Chief of Police;
  - f. the receipt number;
  - g. a full description of the item(s) purchased, including but not limited to the manufacturer, type, amount, form, model, any identifying marks, numbers, dates, sizes, shapes, initials, monograms, and serial numbers;
  - h. the price paid for the item(s);
  - i. the make, model and license plate of the motor vehicle delivering the scrap metal;
  - j. the time and date of the transaction,
- D) The information outlined in subsection (C) above must additionally be documented through the use of an electronic database software system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase. 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 twenty-four 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 § 7.
- F) It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the police department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of scrap metal as well as the articles purchased and, where necessary, relinquish custody of those articles as provided in § 7. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where records and articles will be stored.
- G) For all reportable transactions between a dealer and a member of the public, the dealer may only accept delivery of scrap metal for purchase by motor vehicle and the license plate of the motor vehicle must be recorded as provided in subsection (C) above.
- H) No scrap metal business shall, except as provided in subsection (I) below, purchase:
  - i. any metal marked with identification of a telephone, cable, electric, water, other public utility, or other government entity;
  - ii. any utility access or water meter cover;
  - iii. any street light pole or fixture;
  - iv. any road or bridge guard rail;
  - v. an highway or street sign, traffic directional or control sign, or light signal;
  - vi. any metal beer keg that is clearly marked as being the property of the beer manufacturer;
  - vii. any historical marker, grave marker, or burial vase;
  - viii. any central air conditioner evaporator coils or condensers or catalytic converters that are not attached to a vehicle; or
  - ix. any metal bleachers or benches.
- I) The provisions of subsection (H) shall not apply to purchases of scrap metal from entities who manage such metal in the ordinary course of business. These entities include manufacturing, industrial, government, contractor, individual, or other commercial vendors or scrap metal businesses that generate or purchase or process scrap metal in the ordinary course of business.

**SECTION 7:RETENTION;SUSPENSION and REVOCATION;OTHER RESTRICTIONS**

- A) All scrap metal purchased by a dealer in a reportable transaction are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in § 6. All scrap metal subject to inspection must remain in the same condition as when purchased and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased scrap metal is 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 § 6(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception

and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

- C) It shall be an affirmative defense to any prosecution or administrative proceeding brought against a dealer for a violation of this section if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be a defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.
- D) In addition to all other reporting requirements, every dealer shall maintain for at least eight years, a written record of all purchases of scrap metal in the manner prescribed in § 6(C).
- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or his/her designee or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
- F) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 10 of this chapter.
- i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
  - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal, pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease all purchasing and/or selling of scrap metal in the municipality until reinstatement.
  - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).
- G) Revocation. A license issued under this chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under S10.
- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any regulations or local ordinances within this or any jurisdiction.
  - ii. 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. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating a scrap metal business within the municipality.

- H) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days with the Township of Old Bridge Municipal Clerk of receiving written notice of revocation or suspension of license.
- I) A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

#### **SECTION 8: BOND**

Each dealer covered under this chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Municipal Attorney, as defined in N.J.S.A. 40A: 9-139, and shall be in the penal sum of \$10,000, conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer licensed under this chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: “The obligation of this bond shall, in addition to the Township of Old Bridge, 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. Said Bond must be irrevocable for the entire one year period plus 30 days.

#### **SECTION 9 FEES; PERIOD of LICENSE VALIDITY**

A nonrefundable fee for initial application and license for an operator of a scrap metal business, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. These fees are separate from and in addition to any fees the dealer will be required to pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by § 6(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

#### **SECTION 10: VIOLATIONS and PENALTIES**

Violation of any provision of this chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of \$2,000.00 but no less than \$250.00 or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in § 7(F) and § 7(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in § 7(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

**SECTION 11 TIME LIMIT for CONFORMANCE**

- A) Any person, partnership, limited liability company, corporation, or other entity engaging in the scrap metal business shall conform to the provisions of this chapter within ninety (90) days following the effective date of this chapter.

**SECTION 12: INCONSISTENT ORDINANCES**

- A) All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 13: PARTIAL INVALIDITY**

- A) If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

**SECTION 14: EFFECTIVE DATE**

- A) Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

- B) If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40:69A-41), this Ordinance shall become effective upon the Township Council’s vote to override the Mayor’s veto.

- C). Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the council vote in favor of such resolution.

Moved by Councilwoman Panos, seconded by Councilwoman Sohor and so ordered on the following roll call vote:

AYES: Council members Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor, President Walker.

NAYS: None.

ABSENT: Councilman Greene.

Prior to the roll call vote the following discussion took place:

Captain Weiss stated that the two ordinances that are for discussion tonight establish a Countywide reporting requirement for three areas in two different ordinances for scrap metal collection and sales and the second is for precious metals and pawned goods. Often when objects are stolen, particularly with the changing prices of precious metals and you see Cash for Gold places or pawn shops, this stolen property ends up there and something stolen in Old Bridge may end up in Asbury Park location or somewhere else in Middlesex County. The goal statewide is to establish a series of ordinances in all the municipalities to establish a reporting system to post bond relating to that and to report via an electronic system. This will allow the police investigating a crime will be able to access the system and see any property that was posted or pawned in any establishment. It proves to be an effective tool for the police departments that are using it. We have a holding requirement now, but we will have a reporting requirement. I worked with the Township Attorney on this ordinance and if you have any questions we can answer them now.

Councilman Cahill inquired if the scrap metal ordinance was similar?

Captain Weiss stated that the ordinances are near identical. The system works as a digital photo is taken and uploaded to a server, which is then accessed by the police. The owner of the establishment is responsible for the payment of the server program.

Councilman Cahill inquired was the system statewide or just Middlesex County?

Captain Weiss stated the simplest way to explain this is that an access code will be given and any police department or legitimate law enforcement agency in New Jersey will be able to access the system. The vendor who must purchase an account with them in order to upload the information. There are other stipulations in the ordinance such as holding an item for a certain period of time.

Councilman Anderson how long do you think it will take for the State to adopt is statewide?

Captain Weiss responded he does not think it will be much longer as it has been in the works for over a year. One of the things prompting it is the heroin epidemic that has struck New Jersey. The heroin addict is a burglar extrodinnair and first place they take it is the pawn shops. Once our ordinances are in effect we will probably have one third of the county and the rest will come on board.

Councilman Rosenberg asked if family heirlooms, paintings were included in this ordinance?

Capt. Weiss responded anything stolen and with a value is included. With regard to scrap metal, all of the items are photographed and uploaded to the system for follow-up identification.

Mayor Henry stated he has spoken to several law enforcement officials and they all believe as does Capt. Weiss that this will be a valuable tool in solving crime here in town. The sooner it is enacted the quicker we will be in better position to solve these crimes.

President Walker inquired how soon after this ordinance is passed will we be able to implement it..

Capt. Weiss responded whatever the stipulations of the ordinance are satisfied then it will be implemented. Once it is enacted, we will be visiting the pawn shops, cash for gold and jewelry stores, we will ask them to purchase the system as soon as they can.

## **ORDINANCE NO. 2015-07**

### **ORDINANCE REPEALING AND REPLACING CHAPTER 242 OF THE CODE OF THE TOWNSHIP OF OLD BRIDGE ENTITLED “JEWELRY, SECONDHAND”, WITH A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS ENTITLED “PRECIOUS METALS AND SECONDHAND GOODS”**

**BE IT ORDAINED** by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

#### **SECTION 1: PURPOSE and INTENT**

The purpose and intent of this ordinance is to repeal and replace the current Chapter 242 with an updated ordinance addressing precious metals and secondhand goods in order to better 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.

In that regard, 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.

#### **SECTION 2: ORDINANCE**

I. Chapter 242 of the Code of the Township of Old Bridge, entitled “Jewelry, Secondhand” is hereby repealed and replace with the following new Chapter 242 entitled “Precious Metals and Secondhand Goods”, as follows:



Chapter 242: PRECIOUS METALS AND SECONDHAND GOODS

§242-1 Definitions.

“ACCEPTABLE IDENTIFICATION” means a current valid New Jersey Driver’s License or Identification Card, a current valid photo driver’s license issued by another US state, a valid United States Passport, or other verifiable US Government issued identification, which will be recorded on the receipt retained by the dealer and subsequently forwarded to the local police department on request.

“DEALER” means any person, partnership, limited liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this ordinance, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.

“ITINERANT BUSINESS” means a dealer who conducts business intermittently within the municipality or at varying locations.

“MUNICIPAL CLERK” means the statutory officer whose duties are defined in N.J.S.A. 40A:9-133 and may refer to the duly appointed clerk of the “city,” “town,” “township,” “village,” or “borough.”

“PAWNBROKER” means any person, partnership, association or corporation: lending money on deposit or pledge of personal property, other than choses in action, securities, or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.

“PRECIOUS METALS” means gold, silver, platinum, palladium, and their alloys as defined in N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq.

“PUBLIC” means individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.

“REPORTABLE TRANSACTION” means every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.

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

“SELLER” means a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.

“TRANSIENT BUYER” means a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

§242-2 License Requirement for Dealers.

No person, partnership, limited liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk. 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. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in §242-1 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 §242-8.

§242-3 Application process for dealers; approval or denial.

- B) Upon receipt of an application completed pursuant to this chapter, and payment of appropriate fee pursuant to §242-7, 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:
  - 5) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in §242-1 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
  - 6) 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;
  - 7) Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police may, as part of the application process, require a fingerprint criminal background check through the Federal Bureau of Investigation, Criminal Justice Information Services Division, which may require an additional fee from the applicant.
  - 8) The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature. This section shall not be construed to require denial of any license solely on the grounds that the business is not from a fixed location or that the applicant is a transient buyer or itinerant business, however applicants who fall under the category of a transient buyer or itinerant business must state with specificity on the license application the business address where transaction records required by § 242-5(D) of this chapter will be stored as well as the location where purchased goods will be retained during the mandatory inspection period required under §242-5(A).
- B) The Chief of Police shall complete any investigation pursuant to this chapter within thirty (30) days of the submission of the application to the 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 ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.

- E) 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 §242-4, the retention and inspection requirements of §242-5, 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 §242-8 of this chapter.
- E) Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before a three-person panel appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F) No license shall be assignable by the dealer.

§242-4 Identification of seller; recordkeeping requirements for dealers.

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- C) Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in §242-1.
- D) 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:
  - k. the name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
  - l. the name, address, date of birth, and telephone number of the seller or sellers;
  - m. 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.;
  - n. a photographed recording of the seller’s presented acceptable identification, as set forth in §242-1, in a format acceptable by the Chief of Police;
  - o. 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;

- p. the receipt number;
  - q. 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;
  - r. the price paid for the purchase or pawn of the item(s);
  - s. if precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1, N.J.S.A. 51:6-1 et seq.;
  - j. the time and date of the transaction.
- D) The information outlined in subsection (C) above, must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this chapter and licensing will be conditional upon compliance with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of their duty as set forth in subsection (F) below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, every dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment. The information entered must contain all pertinent information outlined in subsection (C) above.
- J) 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 twenty-four (24) hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in subsection (C) above into the database as soon as possible upon the 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 §242-5.
- K) 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 §242-5. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where these records and articles will be stored.

§242-5 Retention; revocation; other restrictions.

- D) All precious metals, jewelry, and other secondhand goods purchased, received for pawn, or received for consignment as described above, are to be made available for inspection by the Chief of Police or designee thereof at the designated business address for a period of at least seven (7) calendar days from the date the transaction information is actually reported to the Chief of Police in the approved manner described above in §242-4. All precious metal or other secondhand goods subject to inspection must remain in the same condition as when purchased or received for pawn and shall not be sold, disposed of, changed, modified, or melted by the dealer until the seven-day retention period has expired. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the location where the purchased item(s) are being held.
- E) Upon probable cause that goods held by a dealer are stolen, and provided that the seller signed the mandatory statement required by §242-4(B) upon the sale of those goods, a law enforcement officer with jurisdiction should charge the seller with theft by deception under N.J.S.A. 2C:20-4 on behalf of the dealer, who shall be considered the "victim" of the

offense for the purposes of N.J.S.A. 2C:43-3. The officer shall seize the goods, provide the dealer with a receipt, and issue a criminal complaint against the seller for theft by deception and any other criminal charges for which the officer has probable cause that the seller has committed. If convicted of theft by deception and if so found by an order of a court of valid jurisdiction, the seller will be responsible for providing restitution to the dealer under N.J.S.A. 2C:44-2 for the amount paid by the dealer to the seller for the stolen goods.

- F) It shall be an affirmative defense to any prosecution or administrative proceeding brought against a dealer for a violation of this section if retention for the time period required would have resulted in serious and substantial economic losses to the dealer, or the probability of such losses was significant due to rapid and highly fluctuating market conditions, provided that the persons so charged shall prove the existence of the market conditions giving rise to the aforesaid defense by a preponderance of the evidence. Market conditions, in order to be a defense hereunder, must be such that financial analysts would characterize trading as at or approaching a level or occurrence so as to clearly distinguish trading conditions from normal variations in market movement in response to economic news or other events.
  
- D) In addition to all other reporting requirements, every dealer shall maintain for at least five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in §242-4(C).
  
- E) No dealer shall purchase any item covered by this chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or business designee identifying the individual from whom such purchase is to be made and the item to be purchased.
  
- F) Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate there under. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to §242-8 of this chapter.
  - i. Grounds for suspension. The following shall constitute grounds for suspension: violation of any provisions of this chapter, including failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
  - ii. Procedure for suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to subsection (H). A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
  - iii. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Chief of Police or the Chief's designee, been cured, corrected, or appropriately rectified; or if reinstatement is deemed appropriate by the three-person panel appointed by the Chief of Police, upon the timely filing of an appeal as provided in subsection (H).
  
- I) 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 §242-8.
  - i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal

offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.

- ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police of the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

- H) Appeal. Any applicant wishing to appeal an issuance of a suspension or revocation shall be entitled to a hearing before a three-person panel, appointed by the Chief of Police, at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such suspension or revocation. Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- I) A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

#### §242-6 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 Township of Old Bridge, 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. Said Bond must be irrevocable for the entire one year period plus 30 days.

#### §242-7 Fees; period of license validity.

A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this chapter, is \$300. The annual renewal fee for a license is \$250. 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 §242-4(D) of this chapter. Payments are to be made in the manner directed by the Municipal Clerk. A license is valid for a one-year period from the date of its issuance.

#### §242-8 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 ninety (90) days in addition to a suspension or revocation of operating license as provided in §242-5(F) and §242-5(G) above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this chapter within one year of the date of a previous violation and

who was fined for the previous violation may be sentenced by the court to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided in §242-5(G). The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter.

§242-9 Time limit for conformance.

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

### **SECTION 3: INCONSISTENT ORDINANCES**

- A) All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

### **SECTION 4: PARTIAL INVALIDITY**

- A) If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

### **SECTION 5: EFFECTIVE DATE**

- A) Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

- B) If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

- C) Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the council vote in favor of such resolution.

Moved by Councilwoman Panos, seconded by Councilwoman Sohor and so ordered on the following roll call vote:

AYES: Council members Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor, President Walker.

NAYS: None.

ABSENT: Councilman Greene.

Prior to the roll call vote the following discussion took place:

Councilman Rosencranz inquired what type of equipment do they need to purchase and is there a time frame to have it done?

Captain Weiss responded that there really is no equipment purchase, they have to purchase their account from the Rapid System so they upload their information. The only thing they would need is a digital camera, which most have and a photocopy machine. Once the ordinance is in effect and they have not done it they will be in violation.

Administrator Marion responded there is a 20 day period after the second reading before the ordinance is in effect. We will do notifications to the two businesses here in town and there is a 90 day period allowed for these businesses to come into conformance.

## **DISCUSSION ORDINANCE**

### LDO Amendments

Nichole Shapiro thanked the Councilmembers for giving her and Sam Rizzo the time to present the Amendments to the Land Development Ordinance. We realize that you just received the documentation and have not had a chance to review it. Sam and I want to review some highlights. The changes are something that came about after Sam and I reviewed applications that come before the Planning and Zoning Boards. The items before you are minor in nature and consists of definitions added and one word changes, that is for clarification of our developers and to make applications easier to get through the Boards. There are also additions that require the developers to submit additional information in the application process. We are requiring lessor of a density requirement in our residential zones. Other revisions to the LDO consist of residential dwellings having a useable area within their property, for example we do not want a builder not giving enough backyard or useable space, so are trying to get a minimum requirement included. There are other provisions we are proposing the town center district and Sam will talk about that. If you have any questions, we can discuss it now.

Sam Rizzo stated that when we talked about this a month ago, regarding the EDO Zones I mentioned that another ordinance to clean up some of the small items would be coming. Our Township Attorney has prepared this ordinance to take a lot of the problem areas that we have noted over the years and fix same. To highlight some of these items, in Section 5 where it talks about the establishment of Zones and you see a number of minor changes, basically one section of the ordinance had one density and the appendix D in the back of the ordinance, had a different one, so we made them consistent. In Section 6 we talk about changes to Town Center and I just want to make the Council aware that this change does not affect the number of residential units it just changes the way they can be done in that zone. There are no additional units. We changed this to say that in some areas where the commercial does not work, on the first floor, the town would be better served if the commercial was in a separate building and the reasons are indicated. The purpose to make 1/3 of the building area commercial still applies so when you read through it, you will see how we keep the benefits for the town and the biggest reason why we are doing it is that we want to make sure we did not have some areas where we are building a first story of commercial or retail that will never be rented because it will not work. We wanted to make sure it works and we do not have vacant buildings. It gives the same results but in a more qualified way. There is a lot more changes, but I just wanted to give you the highlights now. With regard to conditional uses, what we did is go through all of the conditional uses in the ordinance and anything we felt was essential to be a conditional use, stay at a conditional use. Those things that were non-essential are removed from the list and we more desired but not essential, we moved them to design standards. Every town has to back through its conditional use standards to make sure that you are helping the town and it makes some of the applications easier to get approval. We are trying to go through our ordinance and make sure the essential conditions are listed in those sections. We are also looking at traffic items which refer to very small businesses and we are eliminating because it would have applicants doing traffic studies that would not be needed for these businesses. It is a waste of time and money for the Board. There are some errors and they have been marked with “~~strikethroughs~~”. There are some errors in the ordinance with regard to Home/Business Letter “P”, after the words home/business, the entire line should be stricken. The heading will be Home/Business and all the conditions will speak for themselves.

Councilwoman Panos stated that she intends to review this further, but there is no increased residential component to this ordinance. I just wanted that clarified.

Councilman Cahill with regard to the town center, can you clarify it.

Sam Rizzo stated basically the town center is set-up with the higher density in the core of the town center and that is the 1A Zone, and it permits retail on first floor and offices or residential above. As you move out the area the 1B Zone allows offices as well as retail on the first floor and offices and residential above. The only thing we changed was the 1B Zone, and it states if you have some reason or environmental constraints, if you can demonstrate that the retail does not work on first floor, this option provides the same amount of residential space.



President Walker stated that we have been given a lot of information to digest. I think we need time to review this and come back at another date and discuss it further. We thank you for coming this evening.

**COUNCIL MEMBER COMMENTS**

Councilwoman Sohor stated that she was pleased that the Ordinance for the Capital Improvements was passed. As a Ward Council, questions come to me as far as road resurfacing, drainage and curbing, This Administration has made an effort each year to do some of this work in all Wards. I think that is great that we are dedicating almost \$4 million dollars to the town and the administration.

Councilman Cahill stated that we had some children here tonight who visited with the Mayor. We hope you learned a little about local government. Thank you for coming.

Councilwoman Panos stated she spoke with someone this evening who commented that he was glad to see action on the LDO finally taking place after almost 15 years.

**MOTION**

Motion to adjourn made by Councilman Rosencranz, seconded by Councilman Butler and so ordered on the following roll call vote:

- AYES: Councilmembers Anderson, Butler, Cahill, Mollis, Panos, Rosencranz, Sohor, President Walker.
- NAYS: None
- ABSENT: Councilman Greene

\_\_\_\_\_  
President Walker

\_\_\_\_\_  
Stella Ward, Township Clerk

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dist.



