

**Combined Meeting
of the
Township Council
of the
Township of Old Bridge**

March 23, 2015

A Combined Meeting of the Township Council of the Township of Old Bridge was held on Monday, March 23, 2015 in the Municipal Complex. The meeting was called to order at 7:30 p.m. by President Walker, who invited all to participate in a Salute to the Flag which was followed by a short prayer.

Moment of Silence.

President Walker requested a moment of silence in honor of those presently serving in the Armed Forces.

Stella Ward, Township Clerk, announced that pursuant to Section 5 of the Open Public Meetings Act this meeting has been advertised in the Home News Tribune and that the next public meeting would be held on April 13, 2015 at 7:30 p.m. in the municipal complex.

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

Presentation.

Mayor Henry presented Certificates of Commendation to the Camp Robin Speed Saking Team and Staff.

Mayor Henry presented Certificates to the Volunteer Fire & First Aid Squads who serve the Township of Old Bridge.

Approval of Minutes.

RESOLUTION NO. 106-15

***BE IT RESOLVED** by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:*

the following minutes are hereby approved:

Reorganization Meeting	-	January 5, 2015
Combined Meeting	-	February 23, 2015

moved by Councilman Rosencranz, seconded by Councilman Anderson and so ordered on the following roll call vote:

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

NAYS: None.

ABSENT: Councilman Mollis

Bill List.

**RESOLUTION NO. 107-15
BILL LIST**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

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 23, 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 23, 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 \$3,358,802.36 (Accounts Payable) .

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

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

NAYS: None.

ABSENT: Councilman Mollis.

**RESOLUTION NO. 108-15
BILL LIST**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

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 23, 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 23, 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 \$763,703.64 (Payroll).

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

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

NAYS: None.

ABSENT: Councilman Mollis.

**RESOLUTION NO. 109-15
BILL LIST**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

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 23, 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 23, 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 \$87,453.44 (Overtime).

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

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

NAYS: None.

ABSENT: Councilman Mollis.

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

Mr. Marion stated for the payroll period ending March 13, 2015, of the total amount of overtime \$40,112 is attributable to snow and ice removal. There is additional overtime in other departments on a minor level. Also included is a DUI grant for police and a recycling grant which is used to offset the cost of covering the recycling station on the weekends.

With respect to the police department for the payroll ending March 13, 2015 represents 674.50 man/woman hours for a total amount of \$40,363.68. With respect to sworn officers, the police overtime is \$39,311.74 minus grants in the amount of \$1,122.30 and deduct ETO in the amount of \$6,158.77, the total overtime for the police department sworn officers is \$32,030.67. The cost driver for this pay period has been approximately six officers out of work.

Budget Adoption.

Mr. Marion offered a budget slide presentation to the members of council and the residents of Old Bridge. He stated that the budget represents twenty percent of the total tax rate, and is the only portion of the tax bill that the township officials can directly control. This twenty percent covers the majority of municipal services provided to the

residents of Old Bridge which include code enforcement, community development, health, senior services, parks and facilities (recreation programs), public safety and public works.

The remaining eighty percent of the tax bill funds the Old Bridge public schools, the library, Middlesex County government, the open space program and the four fire districts (Cheesequake, Laurence Harbor, Madison Park and South Old Bridge).

Mr. Marion continued his presentation by highlighting the many facets of the budget including departmental budget requests, administrative/departmental meetings and budget workshops that are held prior to the adoption of the budget.

The 2015 proposed municipal budget calls for \$50,282,302 in expenditures. Revenue include \$6,270,857.00 /municipal state aid; \$1,550,000 / uniform code enforcement fees; \$2,941,919.00/ miscellaneous revenue; \$500,000.00/ court fines and costs; \$70,000.00/interest from deposits and investments; \$30,000/delinquent taxes; and \$32,419,526.00/amount to be raised by taxation. In anticipation of \$6,500,000 from fund balance will be required to bring the 2015 budget into balance which leaves \$3,285,954.18 in the cash fund balance to help stabilize taxes for 2016. The proposed municipal tax rate is estimated to be .949 in 2015 which reflects no change in the tax rate from 2014. For an average home in Old Bridge assessed at \$152,500, the proposed municipal tax would be the same as it was in 2014 - \$1,447.00.

The 2015 library budget is included as an appropriation in the municipal budget. Since 2011, the amount is deducted from the municipal tax levy in the calculation of the amount to be raised by taxation. The 2015 minimum state required funding for the library is \$2,317,520.00. The associated tax rate is estimated to be .068 for 2015 which reflects an increase of .002 in the tax rate over 2014 or .066. For the average home in Old Bridge assessed at \$152,500, the municipal library tax would be \$3.00 from \$101.00 in 2014 to \$104.00 in 2015. The total budget summary appropriation for the 2015 municipal and library is \$52,599,822 compared to \$53,948,529 in 2014. The proposed tax rate is estimated to be 1.010% which reflects a tax increase of 1/20 of \$.01 over 2014. For an average home in Old Bridge assessed at \$152,500, the proposed municipal and library tax increase is \$3.00.

Mayor Henry stated that he has proven that it can be done. Spending has been reduced; better services have been provided; and the Township of Old Bridge is being managed like a business. He thanked Messrs. Marion and Shah and the department heads and every employee in the Township of Old Bridge who has taken his lead and produced results. Old Bridge is in much better shape than other towns. His only special interest group is the residents of the Township of Old Bridge.

Mr. Allison stated that the Township of Old Bridge is doing better than many other towns and much better than the State of New Jersey. The bond rating for the Township of Old Bridge has been upgraded from AA2 with a neutral outlook to AA2 with a positive outlook which reflects Moody's belief "that the Township's financial position will continue to improve without reliance on one-time revenues, strong management, conservative budget assumptions and comprehensive financial planning."

Mr. Shah stated that the State of New Jersey has approved the adoption of the CY 2015 budget.

Councilman Cahill reminded the administration to reflect on the "mess" that was inherited in 2011. He is proud of the stance that the administration has taken by not using non-recurring revenues. Expenditures have been cut and better services are available to the residents of Old Bridge. From his prospective, this is an outstanding budget.

Councilman Rosencranz stated that spending is done wisely. The residents expect a fair tax rate which has been provided with no increase in property taxes. The department heads and employees are to be commended for their hard work in providing services to the residents. He is proud of the bond rating.

Councilman Butler inquired when the balance of the employees would be receiving an salary increase.

Mr. Marion stated that the crossing guards are about to sign their contract; the PBA is in arbitration; and the teamsters professionals are in mediation. The unaffiliated employees have been given increases over the last couple of years.

Councilman Butler asked how court revenues could be increased.

Mr. Marion stated that the budget cannot be balanced on the backs of the residents of the Township of Old Bridge. Although the aggressive driving program served a purpose, it had to be challenged. Many are subjective and non-subjective items which are included in court fines and costs. The budget has been managed in accordance with a conservative and appropriate level of revenues across categories.

Councilman Anderson inquired whether that the actual tax collection rate vs. the projected rate is a conservative decrease.

Mr. Marion stated that when the tax rate is set, and perform an accelerated tax sale at 98.85% is conservative. Conservative, long-term strategy is what the administration has strived for.

Councilman Anderson asked what the dollar amount is that has earned \$70,000 in interest income.

Mr. Shah stated that the amount varies from month to month. Any excess funds are fully invested in the bank in interest bearing accounts. He would be willing to provide the councilman with a cash flow analysis.

Councilman Anderson echoed Councilmen Cahill and Rosencranz's sentiments with respect to the budget.

President Walker emphasized that the Township of Old Bridge only receives twenty percent of the taxes charged to residents. Most of the tax burden is directed to the Board of Education.

Councilwoman Panos stated that although she acknowledged the administration and the department heads for the preparation of the budget, the backbone of this township is its employees.

In response to Councilman Cahill's question, Mr. Shah responded that during his tenure, this is the first time that the budget was adopted within the statutory deadline.

**President Walker opened a public portion.
Seeing no hands President Walker closed the public portion.**

**RESOLUTION NO. 110-15
ADOPTING CY 2015 BUDGET**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- | | | |
|-----|-----------------|---|
| (a) | \$32,419,525.86 | (Item 2 below) for municipal purposes, and |
| (b) | \$ 0 | (Item 3 below) for school purposes in Type I school Districts <i>only</i> (N.J.S.A. 18A:9-2) to be raised by taxation and |
| (c) | \$ 0 | (Item 4 below) to be added to the certificate amount to be raised by taxation for local school purposes in Type II School Districts <i>only</i> (N.J.S.A.18A:9-3) and certification |

(d) *to the County Board of Taxation of the following summary
of general revenues and appropriations
(Sheet 43) Open Space, Recreation, Farmland and Historic
Preservation*

(e) \$ 2,317,520.00 *Trust Fund Levy
(Item 5 below) Minimum Library Tax*

Summary of Revenues

1. General Revenues		
<i>Surplus Anticipated</i>		08-100 \$6,500,000.00
<i>Miscellaneous Revenues Anticipated</i>		13-099 \$11,332,776.14
<i>Receipts from Delinquent Taxes</i>	15-499	\$ 30,000.00
2. Amount to be Raised by Taxation for Municipal Purposes (Item 6(a), Sheet 11)		
	07-190	\$32,419,525.86
3. Amount to be raised by taxation for Schools in Type I School Districts only:		
<i>Item 6, Sheet 42</i>	07-195	\$
<i>Item 6(b), Sheet 13 (NJSA 40A:4-14)</i>	07-191	\$
		\$
Total amount to be raised by taxation for Schools in Type I School Districts only		\$
4. To be added to the Certificate for amount to be raised by taxation for schools in Type II School Districts only:		
<i>Item 6(b), Sheet 13 (NJSA 40A:4-14)</i>	07-191	
5. Amount to be raised by taxation minimum		
<i>library levy</i>	07-192	\$ 2,317,520.00
Total Revenues	40000-10	\$52,599,822.00

Summary of Appropriations

5. General Appropriations		
Within "CAPS" (a&b)	Operations including contingent	\$37,302,113.00
(e) Deferred charges and statutory expenditures - municipal		4,028,160.00
(f) Judgments		100.00
Excluded from "CAPS"		
(a) Operations - total operations excluded from "CAPS"		\$ 3,673,980.00
(c) Capital Improvements		200,000.00
(d) Municipal Debt Service		5,182,993.00
(e) Deferred Charges – Municipal		392,476.00
(n) Transferred to Board of Education for Use of Local Schools		
(g) Cash Deficit		
(k) For Local District School Purposes		
(m) Reserve for Uncollected Taxes (include other reserves if any)		1,820,000.00
6. School appropriations - Type I School Districts Only (NJSA 40A:4-13)		
TOTAL APPROPRIATIONS		\$52,599,822

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

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

NAYS: None.

ABSENT: Councilman Mollis.

Capital Budget Presentation.

Mr. Marion stated that a capital improvement program is a multi-year plan and schedule for capital projects which have a useful life of five or more years. The capital projects have a cumulative annual cost of \$25,000 or more which may include the acquisition of land, major equipment or personal property; the acquisition, construction or improvement of roads, utilities and other structures; improvements of public works and any other matter described within the applicable NJ statute regardless of the financing sources.

The annual capital budget is prepared and adopted in conjunction with the annual operating budget. The preparation of the annual capital budget includes a rigorous review of each departmental request in terms of need, justification, scheduling, cost, effects on operating budget; method of financing; and impact on municipal debt structure. The capital budget does not directly appropriate funds. This is made a part of the capital improvements section of the budget and by the adoption of a multiple number of bond ordinances during the course of the year.

Mr. Marion outlined the amount of the capital budget and projects completed for the years 2012, 2013 and 2014.

Mr. Shah stated that the Township of Old Bridge has an excellent bond rating with a stable amortization of about ten to twelve percent which has a significant impact on the budget. When the Township Council adopts a bond ordinance, temporary financing is issued which allows the project to be funded. The long term financing amount will depend on the completed project and the final cost. The BAN's are renewed over a two or three year period with a cumulative amount on which debt may be issued. Throughout this process some of the notes are paid off. The BAN's are converted into long-term bonds with the goal being to maintain an excellent bond rating which allows more banks to bid on the bonds.

Amortization is approximately ten percent of the budget which does not create a huge budgetary burden. Borrowing is based on amortization. In 2018 the amortization will decrease by less than one half of what it is now.

Mr. Marion added that administration undertook a multi-year review of capital projects and cancellation of certain projects. The capital budget has increased from \$2 million to a \$4 million annually to be sure that proper investments were being made in equipment, etc. He thanked the department heads for the time and effort in prioritizing projects.

Mayor Henry stated that in 2011 "zero" was invested in the neighborhoods of Old Bridge. He thanked the department heads for their cooperation.

Councilman Cahill asked for an explanation of the expense component in the capital budget.

Mr. Shah stated that 2011 was a difficult budget period. A down payment is required for bonding, and this money would have to be taken from the budget. There was no bonding that year.

Councilman stated that the capital budget is being stabilized. He emphasized that it is imperative to have a balanced municipal budget in order to have a capital budget.

Mr. Shah stated that adopting a capital budget so close in time to the adoption of the municipal budget allows the projects to be completed during the year.

Ordinance for Second Reading.

President Walker opened a public portion.

Seeing no hands President Walker closed the public portion.

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:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Average Period of Usefulness</u>
(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	25,000	23,700	15 years

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Average Period of Usefulness</u>
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.			
(iii) Various improvements, including (a) the following road improvements, Furman Boulevard, Summerfield Avenue, Outlook Boulevard, Nathan Drive, Ortle 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 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.	2,678,000	2,544,000	15.66 years
(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
TOTAL	\$3,627,000	\$3,445,000	

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

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

NAYS: None.

ABSENT: Councilman Mollis.

Ordinance for Second Reading.

President Walker opened a public portion.

Seeing no hands President Walker closed the public portion.

**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
TOTAL	\$367,000	\$348,000	

(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 Greene, seconded by Councilman Cahill and so ordered on the following roll call vote:

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

NAYS: None.

ABSENT: Councilman Mollis.

Ordinance for Second Reading.

President Walker opened a public portion.

Seeing no hands President Walker closed the public portion.

**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.

- D) 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 Councilman Rosencranz, seconded Councilman Greene and so ordered on the following roll call vote:

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

NAYS: None.

ABSENT: Councilman Mollis.

Ordinance for Second Reading.

President Walker opened a public portion.

Seeing no hands President Walker closed the public portion.

**TOWNSHIP OF OLD BRIDGE
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 replaced 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.;
- t. 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 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 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 Councilman Rosencranz, seconded by Councilman Greene and so ordered on the following roll call vote:

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

NAYS: None.

ABSENT: Councilman Mollis.

Preliminary public portion.

Seeing no hands President Walker closed the public portion.

Council Member Comments.

None.

Report of the Township Clerk.

None.

Report of the Attorney.

None.

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 – March 23, 2015

DATE: March 20, 2015

1. **U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) 2015-2019 CONSOLIDATED PLAN AND 2015 ACTION PLAN.**

The Township of Old Bridge is in the process of updating its five year strategic planning document and preparing the annual action plan for CDBG Program Year 2015. The first public hearing was held on March 9, 2015. A second public hearing is scheduled for April 20, 2015. Hard copies of the draft plan documents are available for public inspection in the Department of Community Development, Office of the Business Administrator and Old Bridge Public Library. It is anticipated that the final Consolidated Plan and 2015 Action Plan

will be authorized by the Township Council at the May 4, 2015 Council Meeting and submitted to the Middlesex County HOME Program Consortium and HUD Regional Office on May 15, 2015.

2. **ANNUAL CURB REPLACEMENT PROGRAM.** On March 10, 2015, the Township received five bids for the annual curb replacement program. A resolution awarding a contract in the amount of \$408,135.15 to Lancha Construction of South River, NJ will be included on the Consent Agenda for next week's Council Meeting. Construction is tentatively scheduled to begin during the week of April 27, 2015. This project is funded through the 2014 capital bond ordinance.
3. **POLICE DEPARTMENT PARKING LOT IMPROVEMENTS.** On March 17, 2015, the Township received six bids for the the resurfacing of the Police Department Parking Lot. A resolution awarding a contract in the amount of \$170,853.30 to DeSantis Construction, Inc. of Somerset, NJ will be included on the Consent Agenda for next week's Council Meeting. Construction is tentatively scheduled to begin during the week of April 27, 2015. This project is funded through the 2008 and 2010 capital bond ordinances.
4. **NEW JERSEY GOVERNMENT ENERGY AGGREGATION (GEA) PROGRAM.** On March 18, 2015, the Township and Gabel Associates received two bids from qualified suppliers for *The Township of Old Bridge Community Energy Aggregation (OBCEA) Program*. The low bid (\$0.1003 per kilowatt hour) did not result in sufficient savings when compared to the average utility tariff price (\$0.1015 per kilowatt hour) so both bids were subsequently rejected. Another update will be provided to Council at the April 13, 2015 Council Meeting.
5. **NEW JERSEY NATURAL GAS DISTRIBUTION AND SERVICE LINE RENEWAL PROJECT.** On March 19, 2015, New Jersey Natural Gas (NJNG) and J.F. Kiely Construction Company held a construction meeting with the Township to discuss the renewal of gas mains and services in Cliffwood Beach over the next several months. Specific agenda items included: project overview, construction plan, temporary and final restoration, safety considerations and notification prior to construction. Hard copies of the NJNG meeting handouts have been forwarded to the Township Clerk's Office for distribution to Council Members.
6. **ANNUAL ROAD RESURFACING PROGRAM.** On March 19, 2015, the Township held a preconstruction meeting with Lucas Brothers, Inc. The contractor is scheduled to begin work during the week of April 13, 2015.
7. **NEW BUSINESS GRAND OPENINGS.** Grand openings for *Excel Urgent Care* and *Sleepy's* are scheduled for March 25, 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.
8. **CONSUMER ELECTRONICS RECYCLING.** For information on local collection sites for computers, laptops, monitors, televisions and other electronic goods, residents should call the New Jersey Department of Environmental Protection (NJDEP) at 1-866-DEPKNOW or visit the NJDEP Website at www.nj.gov/dep.

9. **RECREATION EASTER “EGGSTRAVAGANZA”**. On March 28, 2015, the Township Department of Parks and Recreation will be holding the 2015 *Eggstravaganza* at Geick Park. The event will include games, prizes and an egg hunting patch. No registration is necessary. For additional information about this event or other upcoming recreation activities and programs, residents should contact the Department of Parks and Recreation at (732) 721-5600 ext. 4999 or visit the Township Website at www.oldbridge.com.
10. **2012 HOMESTEAD REBATE PROGRAM**. The 2012 Homestead Rebate will be applied to the second quarter tax payment due in May of 2015. Revised tax bills for qualified homeowners will be mailed out during the first week in April. For additional information, residents should contact the New Jersey Division of Taxation at (888) 238-1233 or the Office of the Tax Collector at (732) 721-5600 ext. 2999.
11. **GOOD FRIDAY HOLIDAY**. On April 3, 2015, all municipal offices will be closed for business in observance of the Good Friday Holiday.
12. **NATIONAL AUTISM AWARENESS MONTH**. April is National Autism Awareness Month and the Township of Old Bridge strongly encourages and supports the promotion of autism awareness and autism acceptance for the tens of thousands of people facing an autism diagnosis each year. On April 17, 2015, the Saint Thomas Knights of Columbus is sponsoring an *Autism Awareness Basket Raffle* at the Knights of Columbus Hall on Pine Street from 6:30 PM to 11:00 PM. A portion of the proceeds from this event will go directly to the Academy Learning Center in Monroe, NJ which specializes in classroom instruction for students with autism or autistic-like behavior. For additional information, residents should visit the Autism Society Website at www.autism-society.org.
13. **EMPLOYMENT PRACTICES LIABILITY TRAINING**. On April 20, 2015, a MEL JIF attorney is scheduled to conduct an on-site training session for Old Bridge Township Council Members at 6:30 PM in the Council Chamber. The MEL JIF will reduce each member’s 2015 liability claims premium by \$250 for each municipal elected official who completes the course by June 1, 2015.
14. **NINETY’S BIRTHDAY BASH CELEBRATION & LUNCHEON**. On May 7, 2015, the Old Bridge Senior Center, in conjunction with the Middlesex County Office on Aging & Disabled Services, will be hosting the *Ninety’s Birthday Bash Celebration & Luncheon* to “kick off” Older Americans Month. The program will start at 11:00 AM. For additional information, residents should contact the Senior Center at (732) 721-5600 ext. 6600.
15. **OLD BRIDGE HIGH SCHOOL (OBHS) MARCHING KNIGHTS BAND TRIP TO NORMANDY**. 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. For additional information on the band and/or to make an online donation, residents should visit the OBHS Marching Knights Website at www.tkob.org.

Motion

to approve the Administrative Report was made by Councilman Cahill, seconded by Councilman Rosencranz and so ordered on the following roll call vote:

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

NAYS: None.

ABSENT: Councilman Mollis.

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

Councilman Cahill stated that he attended the energy aggregation public meeting and was impressed with the presentation made by Gable to the residents. Although this program has not come to fruition, bids will continue to be sought to save the residents money.

Councilwoman Sohor echoed the sentiments of Councilman Cahill.

Councilman Rosencranz questioned how the curb replacement schedule was set.

Mr. Marion stated that the schedule is located on the backup as included in the “packages”. The streets will be repaired in the order created in prior bond ordinances. A list of improvements for 2015 will be coming shortly.

Mr. Marion added that as the Qualified Purchasing Agent, he has awarded two contracts over \$17,500 – one to QED in the amount of \$23,478 for a software maintenance agreement (police department system); and another in the amount of \$31,799.20 to Hertrich Fleet for a police four-wheel drive vehicle.

Consent Agenda.

President Walker announced that Item C-7 - Temporary Budget has been removed and opened a public portion.

Seeing no hands President Walker closed the public portion.

**RESOLUTION NO. 111-15
AUTHORIZING AWARD OF CONTRACT #2015-30 FOR
2014 CURB REPLACEMENT CONTRACT – PHASE 2
(2014 BOND ORDINANCE) TO LANCHA CONSTRUCTION CORP.**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, the Township of Old Bridge advertised and received bids for Contract #2015-30 for Phase 2 of the curb replacement contract for the Township of Old Bridge; and

WHEREAS, bids were received and opened on March 10, 2015; and

WHEREAS, bids were received from the following vendors:

Lancha Construction Corp.	\$408,135.15
A Team Concrete	\$469,048.00
Precise Construction	\$493,093.25
Pioneer General Contracting	\$506,742.10
JTG Construction	\$522,293.80

WHEREAS, the Township Engineer, Nicole Shapiro, PE, PP, CME, has reviewed past experience of the low bidder, Lancha Construction Corp., and has determined that their performance was satisfactory; and

WHEREAS, the Township Engineer, Nicole Shapiro, PE, PP, CME recommends that a contract be awarded to Lancha Construction Corp. as they are the lowest responsible bidder; and

WHEREAS, the Township Business Administrator and Township Attorney have reviewed the bids and recommend that a contract be awarded to Lancha Construction Corp. as the lowest responsible bidder; and

WHEREAS, the Township Council wishes to award the contract for curb construction within the Township of Old Bridge to continue the curb replacement program - Phase 2 in the year 2015.

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. Lancha Construction Corp. with principal offices located at 49 West Grochowiak Street, South River, New Jersey 08882 is hereby awarded a contract in the amount not to exceed \$408,135.15 for curb construction Phase 2 within the Township of Old Bridge
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds # 2261 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 prepare any and all contractual documents required in furtherance of this award.

This Resolution is conditioned upon the following:

- A. Formal execution of a contract prepared and 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 executed.

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

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

NAYS: None.

ABSENT: Councilman Mollis

**RESOLUTION NO. 112-15
MEMORIALIZING RELEASE OF PERFORMANCE GUARANTEE FOR
LINDA GRIGGS' DANCE STUDIOBLOCK 17004, LOT 11.11
APPLICATION #20-00Z**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, LINDA GRIGGS' DANCE STUDIO, Block 17004, Lot 11.11 is now seeking a release of the performance guarantee for improvements constructed therein; and

WHEREAS, Township Engineer, Nicole Shapiro, by memorandum dated March 6, 2015 recommended that the release of the performance guarantee requested for Linda Griggs' Dance Studio, Block 17004, Lot 11.11 be granted as follows:

Total Performance Bond	\$ 80,014.77
Cash Deposit	\$ 8,890.53
Deduct for Deficient Inspection Escrow	<u>\$ 4,489.34</u>
Cash Deposit to be Returned	\$ 4,401.19

WHEREAS, the Engineering Department performed an inspection of the site improvement works. All site improvement work has been completed satisfactorily; and

WHEREAS, there have not been any complaints from adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Performance Bond as indicated above be released.

BE IT FURTHER RESOLVED that the posting of the Maintenance Bond in the amount of \$13,335.80 be waived due to the length of time elapsed since the completion of the work and issuance of the certificate of occupancy.

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

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

NAYS: None.

ABSENT: Councilman Mollis.

RESOLUTION NO. 113-15
MEMORIALIZING RELEASE OF PERFORMANCE GUARANTEE FOR DR.
GRIGGS' DENTIST OFFICE BLOCK 18066.11 LOT 48

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, DR. GRIGGS' DENTIST OFFICE, Block 18066, Lot 48, is now seeking a release of the performance guarantee for improvements constructed therein; and

WHEREAS, Township Engineer, Nicole Shapiro, by memorandum dated March 5, 2015 recommended that the release of the performance guarantee requested for Dr. Griggs' Dentist Office, Block 18066.11 Lot 48 be granted as follows:

Total Performance Bond	\$ 41,288.13
Cash Deposit	<u>\$ 4,587.57</u>
Total	\$ 45,875.70

WHEREAS, the Engineering Department performed an inspection of the site improvement works. All site improvement work has been completed satisfactorily; and

WHEREAS, there have not been any complaints from adjoining property owners.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Performance Bond as indicated above be released.

BE IT FURTHER RESOLVED that the posting of the Maintenance Bond be waived due to the length of time elapsed since the completion of the work and issuance of the certificate of occupancy.

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

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

NAYS: None.

ABSENT: Councilman Mollis

**RESOLUTION NO. 114-15
AUTHORIZING AWARD OF CONTRACT #2015-31 FOR
POLICE PARKING LOT RESURFACING TO
DE SANTIS CONSTRUCTION, INC.**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, the Township of Old Bridge advertised and received bids for Contract #2015-31 for the Police Parking Lot Resurfacing project for the Township of Old Bridge; and

WHEREAS, bids were received and opened on March 17, 2015; and

WHEREAS, bids were received from the following vendors:

DeSantis Construction, Inc.	\$170,853.30
Richard T. Barrett Paving Co.	\$178,892.80
Meco, Inc.	\$182,284.35
Halecon, Inc.	\$194,662.00
Top Line Construction Corp.	\$207,002.47
Black Rock Enterprises, LLC	\$226,515.05

WHEREAS, the Township Engineer, Nicole Shapiro, PE, PP, CME, has reviewed past experience of the low bidder, DeSantis Construction, Inc. and has determined that their performance is satisfactory; and

WHEREAS, the Township Engineer, Nicole Shapiro, PE, PP, CME recommends that a contract be awarded to DeSantis Construction, Inc. as they are the lowest responsible bidder; and

WHEREAS, the Township Business Administrator and Township Attorney have reviewed the bids and recommend that a contract be awarded to DeSantis Construction, Inc. as the lowest responsible bidder; and

WHEREAS, the Township Council wishes to award the contract for the Police Parking Lot resurfacing 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. DeSantis Construction, Inc. with principal offices located at 491 Elizabeth Avenue, Somerset, New Jersey 08873 is hereby awarded a contract in the

amount not to exceed \$170,853.30 for the Police Parking Lot Resurfacing within the Township of Old Bridge

2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds #2262 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 prepare any and all contractual documents required in furtherance of this award.

This Resolution is conditioned upon the following:

- A. Formal execution of a contract prepared and 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 executed.

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

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

NAYS: None.

ABSENT: Councilman Mollis

**RESOLUTION NO. 115-15
AUTHORIZING A BUDGET TRANSFER IN THE AMOUNT OF \$165,000**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of 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 \$165,000.00 be made between the Current 2014 Reserve Budget as follows:

General Account

<u>Department</u>	<u>From</u>	<u>To</u>
Office of Business Administrator – Salary & Wages		
Office of Economic Development – Salary & Wages	\$ 7,000.00	
Office of the Clerk – Other Expenses	9,000.00	
Elections – Other Expenses	20,000.00	
Office of Tax Assessor – Salary & Wages	10,000.00	
Division of Treasury – Salary & Wages	10,000.00	
Division of Tax Collection – Salary & Wages	2,000.00	
Division of Purchasing – Salary & Wages	2,000.00	
	1,000.00	
	8,000.00	
Municipal Court – Salary & Wages		
Division of Senior Services – Salary & Wages		
Division of Engineering – Salary & Wages		
Planning Board – Salary & Wages		
Division of Recycling – Other Expenses		
Gasoline – Other Expenses		
Social Security – Other Expenses	8,000.00	
	10,000.00	
	4,000.00	
	20,000.00	
	20,000.00	
	34,000.00	
Snow Removal – Other Expenses		\$165,000.00
	\$165,000.00	\$165,000.00

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

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

NAYS: None.

ABSENT: Councilman Mollis

RESOLUTION NO. 116-15
AUTHORIZING THE PURCHASE AND INSTALLATION OF VARIOUS EQUIPMENT FOR POLICE VEHICLES UNDER STATE CONTRACT #A81330 FROM GENERAL SALES ADMINISTRATION T/A MAJOR POLICE SUPPLY

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, the Township of Old Bridge wishes to purchase and have installed various equipment under State Contract for use by the Township Police Department in police vehicles; and

WHEREAS, the Township of Old Bridge has been provided with a quote from General Sales Administration t/a Major Police Supply, 47 North Dell Avenue, Kenil, New Jersey 07847 dated March 17, 2015 and that the total purchase price with installation for the aforesaid various equipment is \$55,348.00; and

WHEREAS, General Sales Administration t/a Major Police Supply has been awarded State Contract #A81330.

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

1. General Sales Administration t/a Major Police Supply is hereby awarded a contract in the amount of \$55,348.00 for the sale and installation of various equipment as set forth in the March 17, 2015 quotation received by the Township, and the Township Police Department is hereby authorized to purchase said equipment subject to the availability of funds for said purchase under State Contract #A81330 (Trust).
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds #2260 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 this award.

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. Issuance of a Certificate of Availability of Funds as aforesaid.

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

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

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

NAYS: None.

ABSENT: Councilman Mollis.

**RESOLUTION NO. 117-15
APPROVING OLD BRIDGE TOWNSHIP POLICE DEPARTMENT'S
PARTICIPATION IN THE DISTRACTED DRIVING GRANT
U DRIVE, U TEXT, U PAY**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, the National Highway Traffic Safety Administration, has requested law enforcement agencies throughout the country to participate in the "National Distracted Driver Program" for the period commencing on April 1, 2015 and terminating on April 21, 2015; and

WHEREAS, the purpose of the program is to raise awareness about the dangers of distracted driving, to offer deterrence through visible enforcement, and to issue summonses for relevant motor vehicle violations; and

WHEREAS, the National Highway Traffic Safety Administration has approved a grant in the amount of \$5,000.00 (100 hours overtime @ \$50.00 per hour) for the Old Bridge Township Police Department for the Distracted Driving Grant to allow the Township to participate in the program; and

WHEREAS, the Township of Old Bridge Police Department wishes to participate in the program and therefore wishes to apply for the "Distracted Driving U Drive, U Text, U Pay" grant.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Township of Old Bridge Police Department is authorized to apply for and accept the grant for the “Distracted Driving Program U Drive, U Text, U Pay” in the amount of \$5,000.00 (100 hours overtime @ \$50.00 per hour). Said grant is to be used for overtime enforcement funding for the period commencing on April 1, 2015 and terminating on April 21, 2015.

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

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

NAYS: None.

ABSENT: Councilman Mollis.

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

Councilwoman Panos asked for an explanation of the “driving grant description”.

Councilman Cahill read the description as “no cell phone use, grooming, reading, etc.”

**RESOLUTION NO. 118-15
AUTHORIZING THE MAYOR AND THE TOWNSHIP CLERK
TO ENTER INTO AN INTERLOCAL SERVICE CONTRACT WITH
MIDDLESEX COUNTY IMPROVEMENT AUTHORITY FOR THE
COLLECTION OF RESIDENTIAL CURBSIDE RECYCLABLES AND
MARKETING SERVICES**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, that:

WHEREAS, pursuant to the Solid Waste Management Act, N.J.S.A. 13:1E-1, et seq., each county within the State of New Jersey is deemed a solid waste management district; and

WHEREAS, in order to ensure uniform recycling collection and marketing services of recyclables and thereby increase the percentage of those materials recycled and marketed, the Authority sponsors a County-wide recycling collection and marketing program, which may be utilized by the municipalities in the County on a voluntary basis; and

WHEREAS, such recycling collection and marketing services of recyclables will be provided by the Authority by a private contractor, who has been selected pursuant to a competitive bidding process initiated by the Authority; and

WHEREAS, the Township of Old Bridge desires to permit the Authority to assume responsibility for the collection of certain specified recyclables and for the preparation for market and marketing of such materials under the terms and conditions set in the Agreement attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey that the Mayor and Township Clerk are hereby authorized to enter into the Interlocal Service Contract with the Middlesex County Improvement Authority for the collection of residential curbside recyclables and marketing services for the period March 30, 2015 to March 30, 2018.

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

AYE: Councilmembers Anderson, Butler, Cahill, Greene, Rosencranz, Sohor,
President Walker.

NAYS: None.

ABSTAIN: Councilwoman Panos.

ABSENT: Councilman Mollis.

**Public comments on any subject matter.
Seeing no hands President Walker closed the public portion.**

Executive Session – 9:30 p.m.

**RESOLUTION NO. 119-15
AUTHORIZING EXECUTIVE SESSION**

BE IT RESOLVED by the Township Council of the Township of Old Bridge, that the public shall be excluded from this meeting pursuant to N.J.S.A 10:4-13 for attorney client privileged matters and/or contract negotiations for the discussion of the following matter or matters.

Labor Negotiations Update

BE IT FURTHER RESOLVED that this meeting

- (x) Shall not reconvene this evening or
- () Shall reconvene in public session upon conclusions of the discussions.

And that the minutes or other record of these discussions shall be available to be disclosed to the public when the need for its exclusion from the public no longer exists as determined by vote of the governing body at a public session.

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

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

NAYS: None

ABSENT: Councilman Mollis.

Eleanor Walker, Council President

Stella Ward, Township Clerk

PG
Distributed: