

MEETING MINUTES
NOVEMBER 13, 2023
BEACHWOOD MUNICIPAL COMPLEX
1600 PINEWALD RD.
7:00 PM

CALLED TO ORDER 7:10 PM by Mayor Roma

- Mayor Roma called the meeting to order

Mayor and Council Roll Call	Present	Absent	Excused Tardy
Mayor Ronald Roma, Jr.	X		
Council President William J. Cairns	X		
Councilwoman Beverly Clayton		X	
Councilman Gregory Feeney	X		X
Councilman Steven Komsa		X	
Councilman Gerald LaCrosse	X		X
Councilman Edward Zakar	X		

Quorum not fulfilled until 7:10 pm.

Also present were Michael McKenna, Esq. of Hiering, Gannon and McKenna; Jim Oris of Remington & Vernick Engineers and EMS Chief Chris Matyas

FLAG SALUTE led by Mayor Roma

Opening Public Statement and Remembrance Prayer read by Clerk/Administrator Minock

OPENING STATEMENT: Ladies and Gentlemen, pursuant to the applicable portions of the New Jersey Open Public Meetings Act, adequate notice of this meeting has been given. The schedule for this meeting of Mayor and Council of the Borough of Beachwood is listed in the notice of meetings posted on the Bulletin Board located in the Municipal Complex and transmitted to the Asbury Park Press, the Star Ledger and to the Borough website on January 9, 2023.

REMEMBRANCE PRAYER

While we pray for the safe return of our serving men and women, we must remember that servicemen and women from New Jersey have been killed in service for our country, Iraq, Afghanistan and around the world

Our war dead must always be remembered. Their Heroism deserves its glory, so too does the bravery of each who entered the unknown of conflict and gave their lives to the cause of Freedom.

The greatest tribute we can give is remembering our Honored Dead. In their memory, we ask for a moment of silence and prayer for all our disabled veterans, those missing in action and a call for the swift return of all our serving men and women.

BILLS AND CLAIMS

RESOLUTION 2023-324

RESOLUTION AUTHORIZING THE APPROVAL OF BILLS AND CLAIMS FOR THE BOROUGH OF BEACHWOOD

WHEREAS, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims;
and

WHEREAS, all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

WHEREAS, the required signatures of the Department Head and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached lists noted as List: **\$1,364,624.62.**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of Beachwood Borough that the voucher list submitted is hereby approved for payment in the total amount of \$1,364,624.620.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Susan A. Minock, Municipal Clerk
2. Jennifer A. Martin, Treasurer

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>			X			
<i>Councilman Zakar</i>	X		X			

ACCEPTANCE OF THE MINUTES

**RESOLUTION 2023-325
RESOLUTION AUTHORIZING THE ACCEPTANCE OF COUNCIL MINUTES**

BE IT RESOLVED THAT THE FOLLOWING MINUTES BE AND ARE HEREBY ACCEPTED AND FILED:

MAYOR AND BOROUGH COUNCIL

November 1, 2023

- Regular Session Meeting
- Executive Session Meeting

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>					X	
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>			X			
<i>Councilman Zakar</i>	X		X			

CONSENT RESOLUTIONS RESO 2023-326 TO 2023-331

**RESOLUTION #2023-326
RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING TRAINING-
SEMINAR-CONFERENCE ATTENDANCE**

RESOLVED by Mayor and Council to approve the following requests for "Conference -- Training -- Seminar"

FINANCE

Nov 9, 2023
J. Martin
Year End Accounting Procedures/Reminders
Webinar
\$50/pp

POLICE DEPARTMENT

Dec 7, 2023
Chief G DeMarco, Captain D Altman
NJ Assoc of Chiefs of Police Mid-Year Meeting
Ocean Place Resort - Long Branch, NJ
\$249/pp

Vehicle: Yes

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Susan A. Minock, Municipal Clerk
2. Jennifer A. Martin, Treasurer
3. Glen DeMarco, Police Chief

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2023-327

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN COUNTY, NEW JERSEY AUTHORIZING COMMUNITY CENTER AND MAYO PARK RENTALS

WHEREAS, the Community Center and or Mayo Park was rented by the following

members

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Beachwood to approved the following requests for the Community Center and Mayo Park

	<u>Community Center Rentals:</u>	<u>Fee</u>	<u>Deposit</u>
9-21-24	J Aiello – Wedding Reception	\$500.00	\$500.00
2-3-24	M Santomenna – Family Party	\$500.00	\$500.00
7-27-24	A Bianca – Engagement Party	\$500.00	\$500.00
7-13-24	R Fiore – Wedding	\$500.00	\$500.00
1-20-24	F Gere – Baby Shower	\$500.00	\$500.00
3-30-24	E Hartnett – Baby Shower	\$500.00	\$500.00
11-10-23	A Graciela – Graduation Party	\$500.00	\$500.00
	<u>Mayo Park Rentals:</u>	<u>Fee</u>	<u>Deposit</u>
1-20-24	C Richards – Birthday Party	\$200.00	\$100.00
1-14-24	J Joworski – Birthday Party	\$200.00	\$100.00

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby directed to provide copies to the following:

1. Susan A. Minock, Municipal Clerk
2. Jennifer A. Martin, Treasurer

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2023-328

RESOLUTION OF THE BOROUGH OF BEACHWOOD, OCEAN COUNTY, NEW JERSEY AUTHORIZING CANCELLATION OF THE MAYO PARK CENTER RENTAL FOR JANUARY 14, 2024

WHEREAS, Samantha Marino, made application to rent the Mayo Park Center for January 14, 2024 with a Deposit of \$100.00 and a Rental fee of \$200.00 in agreement with conditions and terms of the contract; and

WHEREAS, Ms. Marino canceled the January 14, 2024 Mayo Park Center rental knowledgeable of the \$50.00 cancellation fee which is advance of 60 days the date of the event;

NOW THEREFORE BE IT RESOLVED by the Borough of Beachwood Mayor and Council hereby January 14, 2024 rental date with full understanding to relinquish the \$50.00 cancellation fee to the Borough leaving a \$250.00 balance payable to said applicant.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Susan A. Minock, Municipal Clerk
2. Jennifer A. Martin, Treasurer

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2023-329

RESOLUTION OF THE BOROUGH OF BEACHWOOD COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF OLD ARREAR ACCOUNTS

BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to authorize the Tax Collector to cancel old arrear balances as follows:

- Block 11.28 Lot 4 for 2010 in the amount of \$1,764.10
- Block 3.01 Lot 10.01 for 2009 and 2010 in the amount of \$4,858.28

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Susan A. Minock, Municipal Clerk
2. Jennifer A. Martin, Treasurer
3. Wendy Prior, Tax Collector

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2023-330

RESOLUTION OF THE BOROUGH OF BEACHWOOD COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A REFUND FOR OVERPAYMENT OF 2023 PROPERTY TAXES ON BLOCK 11.38 LOT 4.01 TO CORELOGIC IN THE AMOUNT OF \$2,807.17

WHEREAS, the Mortgage Company overpaid the 4th quarter property taxes for the property known as Block 11.38 Lot 4.02;

WHEREAS, CORELOGIC is requesting said monies to be refunded;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Beachwood, in the County of Ocean, State of New Jersey to authorize the refund to CORELOGIC in the amount of \$2,807.17.

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2023-331

RESOLUTION AUTHORIZING MUNICIPAL BUDGET TRANSFERS DURING THE LAST (2) MONTHS OF THE FISCAL YEAR 2023

WHEREAS, transfers are permitted between budget appropriations during the last two months of the fiscal year; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Beachwood in the County of Ocean, New Jersey, that transfers between 2023 Budget Appropriations are made as follows:

Current Fund	Transfers	
	To	From
Mayor & Council - Salaries and Wages	\$ 3,500.00	
Advertising And Public Relation - Other Expenses	1,000.00	
Postage - Other Expenses	5,000.00	
Financial Administration - Other Expenses	20,000.00	
Revenue Administration - Salaries and Wages	3,600.00	
Legal - Other Expenses		\$ 8,000.00
Planning Board - Salaries and Wages	10,000.00	
Planning Board - Other Expenses	4,000.00	
Uniform Construction Code - Salaries and Wages		75,000.00
Code Enforcement and Zoning Officer - Salaries and Wages	98,000.00	
Employees Group Insurance		30,200.00
Police Department - Other Expenses	25,000.00	
Police Vehicle Acquisition - Other Expenses	17,500.00	
Street & Roads Maintenance - Salaries and Wages	7,000.00	
Solid Waste Collection - Salaries and Wages		17,500.00
Recycling - Salaries and Wages		4,000.00
Recycling - Other Expenses	15,000.00	

Buildings & Grounds - Other Expenses		5,000.00
Vehicle Maintenance - Salaries and Wages	10,000.00	
Vehicle Maintenance - Other Expenses		27,500.00
Environmental Commission - Other Expenses	600.00	
Board of Recreation Commissioners - Other Expenses	5,000.00	
Lifeguards and Special Officers - Salaries and Wages		14,000.00
Electricity - Other Expenses		10,000.00
Gasoline, Diesel Fuel, and Oil - Other Expenses		22,500.00
Social Security System (O.A.S.I.)		14,500.00
Municipal Court - Other Expenses	3,000.00	
Total Current Fund Transfers	\$ 228,200.00	\$ 228,200.00

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

NON-CONSENT RESOLUTION(S)- 2022 AUDIT ACCEPTANCE

RESOLUTION 2023-332

RESOLUTION OF THE BOROUGH OF BEACHWOOD GOVERNING BODY ACCEPTING CERTIFICATION OF THE ANNUAL AUDIT

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

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

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

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

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

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

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

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

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

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

ACCEPTANCE VIA ROLL CALL ON NOVEMBER 13, 2023

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

RESOLUTION 2023-333

RESOLUTION AUTHORIZING THE BEACHWOOD BOROUGH GOVERNING BODY'S ACCEPTANCE OF THE 2022 CORRECTIVE ACTION REPORT

RESOLVED by Mayor and Council to accept the following Corrective Action Report in connection with the 2022 Audit Report:

CORRECTIVE ACTION REPORT

BOROUGH OF BEACHWOOD OCEAN COUNTY

DECEMBER 31, 2022

Finding #22-01

1. **Finding:** The Analysis of Utility Capital Fund Cash includes cash deficits for ordinances over 5 years old.
2. **Criteria:** Upon authorization of utility capital projects, the Borough establishes deferred charges for the cost of the utility capital projects to be raised by future taxation and/or the issuance of debt. Funded deferred charges relate to permanent debt issued, whereas unfunded deferred charges relate to temporary or non-funding of the authorized cost of water capital projects. According to N.J.S. 40A:2-4, the Borough may levy taxes on all taxable property within its jurisdiction, or in this case, set water rates accordingly, to repay its debt. The Borough raises the debt requirements for its debt in its current budget and/or utility budget as funds are raised thereby reducing the deferred charges.
3. **Recommendation:** That the utility capital cash deficit over five years old for ordinance 2006-14/2008-07 be raised in the upcoming 2024 budget cycle.

4. **Corrective Action:** All cash deficits older than 5 years have been raised in the 2023 Adopted budget.

Implementation Date: - The Borough's 2023 budget was adopted August 16th, 2023.

Finding #22-02

1. **Finding:** Taxes Receivable on the Current Fund Balance Sheet include items dating back to 2008.
2. **Criteria:** Pursuant to R.S. 54:4-91 and 91.1, the Tax Collector shall file with the Governing Body a list of all delinquent taxes that are deemed to be uncollectible. There are items dating back to the year 2008 that are labeled as bankruptcies in the tax collectors records. While these delinquencies may relate to a bankruptcy, it appears that no attempt has been made to collect these delinquencies through all means necessary.
3. **Recommendation:** That uncollectible taxes be investigated and purged from the books.
4. **Corrective Action:** The Borough will cancel the respective delinquent tax receivables from its records by resolution.

Implementation Date: - November 13th, 2023

Finding #22-03

1. **Finding:** Interfund receivables and payables appear on the balance sheets of the various funds as of December 31.
2. **Criteria:** Interfunds have an effect on cash flow and with respect to the current fund, interfund receivables impact upon the amount of fund balance that can be utilized in a budget cycle. The Interfunds in existence at December 31, 2022 are material in nature.
3. **Recommendation:** That interfund receivables and payables be liquidated prior to year-end.
4. **Corrective Action:** The Borough will liquidate interfunds prior to year-end.

Implementation Date: - November 13th, 2023

Finding #22-04

1. **Finding:** Problems relating to payroll have occurred
2. **Criteria:** Late payments of payroll related items such as monthly pension remittances and health benefit premiums have occurred which have resulted in the government charging late payment penalties and interest. The compensated absence figures are also questionable. In addition, there was a stale dated wire transfer appearing on the bank reconciliation in the current fund for state health benefits which apparently had never been made.
3. **Recommendation:** The monthly remittances for pension and benefits be made timely and that duplicate uncleared wire transfers be purged from the current fund bank reconciliation.
4. **Corrective Action:** During 2023 the Borough has reconciled the payroll agency account in a timely manner. Payroll agency balances have been regularly reviewed and related liabilities have been liquidated.

Implementation Date: - April 2023

Finding #22-05

1. **Finding:** Some certificates as to availability of funds were either incomplete or prepared incorrectly.
2. **Criteria:** Local public contracts regulations require the preparation of a certificate as to availability of funds prior to the awarding of each contract. The certificate would indicate the source of the funding for the contract that was about to be awarded. In one instance a contract was awarded by resolution and the certificate of availability of funds was not prepared. Upon further investigation, no funding source existed as of the date of the audit from which the contract could be charged. It should however be noted that no expenditure was charged against this contract since no funding source existed.
3. **Recommendation:** That no contract be awarded without a funding source being available and that certificates of availability of funds be properly prepared in connection with all contracts awarded.
4. **Corrective Action:** The Borough will include certifications that funds are available prior to awarding all contracts.

Implementation Date: - November 13th, 2023

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Jennifer A. Martin, Treasurer
2. Wayne Sibilia, Fee Accountant
3. Division of Local Government Services

ROLL CALL November 13, 2023

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

SECOND READING FOR ORDINANCE(S)

ORDINANCE 2023-13

AN ORDINANCE AUTHORIZING CHAPTER 4, ENTITLED "GENERAL LICENSING", OF THE CODE OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN AND STATE OF NEW JERSEY TO INCLUDE SECTION § 4-13, "NEW JERSEY FILM READY"

SECTION I. Definitions:

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

FILMING

The taking of still or motion pictures either on film or videotape or similar recording medium, for commercial or educational purposes intended for viewing on television, in theaters or for institutional uses. The provision so of this chapter shall not be deemed to include the "filming" of news stories within the municipality.

MAJOR MOTION PICTURE

Any film which is financed and/or distributed by a major motion picture studio, including but not limited to the following:

- A. Universal Pictures.
- B. Warner brothers, including New Line Cinema, Castle Rock Cinema, Village Road Show and Bel-Aire.
- C. Paramount, including MTV Films and Nickelodeon Movie.

- D. 20th Center Fox, Including Fox Searchlight.
- E. Sony/Columbia.
- F. Disney/Miramax.
- G. MGM/United Artists.
- H. Dreamworks.
- I. Any major streaming services, such as Netflix, Hulu or Amazon Prime Video.
- J. Any film for which the budget is at least \$5,000,000.00
- K. Recurrent weekly television series programming.

PUBLIC LANDS

Any and every public street, highway, sidewalk, square, public park or playground or any other public place within the municipality which is within the jurisdiction and control of the municipality.

SECTION II. Permit required:

- A. No person or organization shall film or permit filming on public or on private property where such filming involves the use of public property for the operation, placement or temporary storage of vehicles or equipment utilized in such filming, including, but not limited to, any temporary structure, barricade or device intended to restrict or block off pedestrian or vehicular traffic, without first having obtained a permit from the office of the Municipal Clerk, which permit shall set forth the approved location of such filming and the approved duration of such filming by specific reference to day or dates. Said permit must be readily available for inspection by the Borough officials at all times at the site of filming.
- B. All permits shall be applied for and obtained from the office of the Municipal Clerk during normal business hours. Applications for such permits shall be in a form approved by the Municipal Clerk and be accompanied by a permit fee in the amount established by this chapter in Section 10 herein.
- C. If a permit is issued and, due to inclement weather or other good cause, filming does not in fact take place on the dates specified, the Municipal Clerk may, at the request of the applicant, issue a new permit for filming on other dates subject to full compliance with all other provisions of this chapter. No additional fee shall be paid for this permit.

SECTION III. Permit required:

- A. No permits will be issued by the Municipal Clerk unless applied for prior to three (3) days before the requested shooting date; provided, however, that the Borough Council, may waive the three-day period if, in their judgement, the applicant has obtained all related approvals and adjacent property owners or tenants do not need to be notified.
- B. No permit shall be issued for filming upon public lands unless the applicant shall provide the municipality with satisfactory proof of the following:
 - 1. Proof of insurance coverage as follows:
 - a) For bodily injury to any one person in the amount of \$500,000.00 and any occurrence in the aggregate amount of \$1,000,000.00.
 - b) For property damage for each occurrences in the aggregate amount of \$300,000.00.
 - 2. An agreement, in writing, whereby the applicant agrees to indemnify and save harmless the municipality from any and all liability, expense, claim or damages resulting from the use of public lands.
 - 3. The hiring of a Police Officer for the times indicated on the permit shall be authorized by the Borough Police Chief and shall be directed to the Police Department's service provider, "Extra Duty Solutions".
- C. The holder of the permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by the Police

SECTION IV. Interference with public activity; notice of filming

- A. The holder of a permit shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles associated with such filming off the public streets.
- B. The holder shall avoid any interference with previously scheduled activities upon public lands and limit, to the extent possible, any interference with normal public activity on such public lands. Where the applicant's production activity, by reason of location or otherwise, will directly involve and/or affect any businesses, merchants or residents, these parties shall be given written notice of the filming at least three (3) days prior to the requested shooting date and be informed that objections may be filed with the Municipal Clerk, said objections to form a part of the applicant's application and be considered in the review of the same. Proof of service of notification to adjacent owners shall be submitted to the Municipal Clerk within two (2) days of the requested shooting date.

SECTION V. Refusal to issue permit; employment of patrolmen and electrician:

- A. The Borough Council may refuse to issued a permit whenever it is determined, on the basis of objective facts and after a review of the application and a report thereon by the Police Department and by any other Borough departments involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate any law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic or otherwise endanger the public's health, safety or welfare.
- B. Further, the Borough reserves the right to require one or more on-site patrolmen in situations where the proposed production may impede the proper flow of traffic, the cost of said patrolmen to be borne by the applicant as a cost of production. Where existing electrical power lines are to be utilized by the production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

SECTION VI. Appeals:

- A. Any person aggrieved by a decision of the Borough Council denying or revoking a permit or a person requesting relief may appeal to the Borough Council. A written notice of appeal setting forth the reasons for the appeal shall be filed with the Municipal Clerk for review of the Borough Council.
- B. An appeal from the decision of the Borough Council shall be filed within 10 days of the Council's decision. The Borough Council shall set the matter down for a hearing within 30 days of the day on which the notice of appeal was filed. The decision of the Borough Council shall be in the form of a resolution supporting the decision of the Council at the first regularly scheduled public meeting of the Council after the hearing on the appeal, unless the appellant agrees in writing to a later date for the decision. If such a resolution is not adopted within the time required, the decision of the Council shall be deemed to be reversed, and a permit shall be issued in conformity with the application or the relief shall be deemed denied.

SECTION VII. Waiver of requirements of chapter by the Borough Council:

- A. The Borough Council may authorize a waiver of any of the requirements, provisions or restrictions of this chapter if the Council determines that a waiver thereof may be granted without endangering the public health, safety and welfare. In determining whether to issue a waiver, the Council shall consider the following factors
 1. Potential Traffic congestion at the location.
 2. The applicant's ability to remove the applicant's vehicles and equipment from the public streets or other public property.
 3. The extent to which the applicant is requesting restrictions on the use of public streets or public parking facilities during filming.

4. The extent to which the filming may affect adjoining and nearby property owners and occupants
5. The nature of filming, including whether filming will take place indoors or outdoors, and the proposed hours of filming.
6. The Borough's experience with the applicant, if any.

SECTION VIII. Copies of permit; inspections:

Copies of the approved permit will be sent to the Police and Fire Departments before filming takes place to the New Jersey Film Commission. The applicant shall permit the Fire Prevention Bureau or other Borough inspectors to inspect the site and the equipment to be used, if deemed necessary. The applicant shall comply with all safety instruction issued by the Fire Prevention Bureau or other Borough inspectors.

SECTION IX. Reimbursement of certain costs:

In addition to other fees or costs mentioned in this chapter, the applicant shall reimburse the Borough for any lost revenue, such as parking meter revenue, repairs to public property or other revenues that the Borough was prevented from earning because of filming.

SECTION X. Fees:

The schedule of fees for the issuance of permits authorized by this chapter are as follows;

- A. Basic filming permit: \$100.00. Where an applicant requests a waiver of the provision of Section 3A requiring expedited processing of a permit application within 24 hours of the filming date, the basic filming permit fee for processing the application on an expedited basis shall be \$150.00.
- B. Daily filming fee payable in addition to the basic filming permit when filming entirely on public property: \$200.00 per day
- C. Daily filming fee payable for major motion picture when filming entirely on public property: \$1,000.00
- D. Filming permit for nonprofit applicants filming for education purposes, including student films (no daily rate required): \$25.00
- E. Filming on private property: no daily filming fee will be imposed.

SECTION XI. Violations and penalties:

Any person who violates any provision of this chapter shall, upon conviction thereof, be punished by a fine not exceeding \$2,000.00, imprisonment in the county/municipal jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof as determined by a Municipal Court Judge. Each day on which a violation of an ordinance exists shall be considered a separate and distinct violation and shall be subject to imposition of a separate penalty for each of the violation as the Municipal Court Judge may determine.

SECTION XII. Effective Date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Open Public Hearing Ord 2023-13

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>	X		X			
<i>Councilwoman Clayton</i>						
<i>Councilman Feeney</i>			X			X

Ensure the difficulty of disposing of stolen property and aid in the recovery of stolen property.

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

B. Definitions

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

ACCEPTABLE IDENTIFICATION

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

ANTIQUÉ OR ANTIQUES

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

ANTIQUÉ DEALER

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

ARTICLE

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

BUSINESS ENTITY

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

CHIEF OF POLICE

The Chief of Police of the Borough of Beachwood or his designee/representative.

DATABASE

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

DEALER

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

DESIGNATED VENDOR

A person or entity who is appointed or designated by the Chief of Police who is authorized to collect and maintain precious metal transaction information or other purchase information as defined herein, for the Borough of Beachwood.

GARAGE SALE

Includes all sales entitled "garage sale," "lawn sale," "attic sale," "rummage sale," "flea market sale," "auction sale" or "yard sale" or any similar casual sale of used tangible personal property which is advertised by any means whereby the public at large is or can be made aware of the sale. [Amended 5-27-77 by Ord. No. 0-77-14 Amended 8-24-87 by Ord, 0-87-27.] As Defined in Beachwood Borough Code § 54-1.

GIFT CARD

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

LICENSEE

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

MINOR

Any person under the age of 18 years.

PAWNBROKER

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

PAWN BROKING LAW

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

PERSON

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

PRECIOUS METALS

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

PLEDGE

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

PLEDGOR

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

PURCHASE

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

PURCHASE

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

REPORTABLE TRANSACTION

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

SECONDHAND DEALER OR DEALER IN SECOND-HAND GOODS

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

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

for at least five (5) years from the date of such sale or transfer and shall be open for inspection during all business hours by the Ocean County Prosecutor or the prosecutor's duly appointed representative;

2) Its case, serial numbers or movement numbers or other distinguishing numbers or identification marks shall be erased, defaced, removed, altered or covered; or

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

TRANSIENT BUYER

A Dealer who has not been in any retail business continuously for at least six (6) months at that address in the municipality where the Dealer is required to register or who intends to close out or discontinue all retail business in the Borough of Beachwood within six (6) months. Or as so defined in N.J.S.A. 51:6A-5 and N.J.A.C. 13:47C-1.1.

C. Compliance with state and federal laws required.

Any licensee operating as a pawnshop or pawnbroker shall comply with all applicable state and federal laws and regulations that govern the same. Specifically, businesses dealing in the purchasing of precious metals will comply with the laws outlined in N.J.S.A. 51:6A-1.

Notwithstanding anything in Chapter-4 ("Mercantile licensing ") to the contrary, except where otherwise stated in this chapter, the provisions of this chapter shall govern pawnbrokers, pawn broking activities, dealers in secondhand goods and precious metal dealers with respect to the issuance, term, renewal and effect of licenses issued pursuant to this chapter and the violations and penalties set forth in this chapter. It is the express intent of the Borough of Beachwood that any conflict between this chapter and Chapter-4 of the Code of the Borough of Beachwood, entitled "Mercantile licensing," be resolved in favor of this chapter.

SECTION II. License required.

No person, either as owner, manager, lessee, officer or agent, or in any other business, within the Borough of Beachwood, shall operate or permit to operate as a pawnbroker/secondhand dealership without first having obtained a license from the Borough of Beachwood to do so.

If an individual is deemed a pawnbroker or business deemed a pawn shop, then a license from the Commissioner of Banking and Insurance is required. [N.J.S.A. 45:22-21]

A. Exemptions.

The following are exempt from the requirements of this chapter:

Garage sales. As used in this section, a "garage sale" is defined in above definitions pursuant to Borough Code § 54-1.

Sales conducted by governmental, civic, patriotic, fraternal, educational, religious or benevolent organizations which have been in active and continuous existence for at least one year prior to the holding of the sale or which are incorporated as a not-for-profit corporation by the state.

Sales or purchases which are regulated by the licensing laws of the state, including automobile dealers, used parts dealers and automotive parts recyclers.

Antique dealers. As used in this section, an antique dealer is defined as one who derives 75% of his gross sales each year from the sale of antiques and/or primitives. As used in this section, an "antique" or "primitive" is defined as an old and valuable art object or article no longer in production that is at least 50 years old. As used in this section, the term "sale" does not include an exchange, trade, or swap of items

B. Application.

An application for a license required shall be made in writing to the Borough of Beachwood Borough Clerk which shall minimally set forth the following:

The name of the individual, partnership, corporation or association applying for a license;

The residence, phone number, date of birth, driver's license number, and social security number or federal tax identification number of the applicant or partners or, if a corporation or association, the residence, phone number and driver's license number of the officers and all shareholders owning more than 5% of the outstanding shares of stock;

The location for which the license is requested;

Whether the applicant, its partners, officers or listed shareholders have been convicted of any criminal offense or ordinance violation (other than traffic or parking offenses) in any jurisdiction and, if so, a list of such convictions with date and prosecuting jurisdiction; and

Whether the applicant, its partners, officers or listed shareholders have held a license or had an interest in a license issued by this or any other jurisdiction regulating the purchase or sale of secondhand property revoked for cause and, if so, list the date of revocation and jurisdiction.

In the case of a pawnbroker, the applicant's name, address, fingerprints and written consent for a criminal history record must be forwarded to the Commissioner.

C. Fees.

Any pawnbroker or secondhand dealer shall, before engaging in business within the Borough of Beachwood, apply for and secure a license to engage in, conduct, and transact such a business, the fee for which license shall be the sum of (\$300) three hundred dollars. The license shall be renewed each year. Application for renewal of License shall be made to the Borough Clerk on or before January 31st of each year, and shall be submitted to the Borough Council for approval. The annual renewal fee shall be (\$250.00) Two Hundred Fifty Dollars. Should the license be denied, the license fee shall be refunded to the applicant.

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

D. Issuance.

The Borough Clerk shall issue the license requested unless the Borough of Beachwood Borough Clerk shall find:

The applicant is under the age of 18;

The location requested is not in a permanent structure;

The applicant, its partners, officers or listed shareholders have been convicted of or have pleaded guilty to any offense related to theft, burglary, or purchasing or receiving stolen items under the laws of this state, Borough of Beachwood or any other jurisdiction within the past 10 years, or have forfeited a bond to appear in court to answer for charges for such offenses during said time;

That the location requested and structure to be used would not comply with all applicable laws, including the Zoning Code of the Borough of Beachwood;

That the applicant, its partners, officers or listed shareholders have held a license or had an interest in a license issued by the Borough of Beachwood or any other jurisdiction regulating the purchase or sale of secondhand property which was revoked for cause; or

That the applicant, its partners, officers or listed shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this chapter or any investigation into any application.

E. Posting.

Every license issued under the provisions of this chapter shall, at all times during the period for which it is effective, be posted in a conspicuous place at or near the principal entrance to the premises for which the license is issued.

F. Revocation.

Any license issued for a secondhand dealer may be revoked or suspended for a period not to exceed 30 days by the Mayor and Council if they shall find after hearing:

That the licensee, its officers, agents or employees have violated any of the provisions of this chapter, the laws of the state or ordinances of the Borough of Beachwood in the operation of the business; or

That the licensee, its partners, officers or shareholders have been convicted of any offense set forth in this chapter; or

That the licensee, partners, officers or shareholders have knowingly furnished false or misleading information or withheld relevant information on any application for a license required by this chapter or any investigation into any application. The licensee shall be responsible for the acts of its agents, servants and employees in the operation of the business. Prior to holding a hearing concerning the question of whether a license shall be revoked or suspended, the Mayor shall give at least 10 days written notice to the licensee setting forth the alleged violation. The licensee may present evidence and cross-examine witnesses at such hearing.

G. False or misleading application.

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

H. Transfer.

No license issued under this chapter may be transferred to any other person, partnership, corporation or association.

I. Change of location.

No licensee shall carry on any business required to be licensed under this chapter except at the location designated on the license. Should the licensee wish to change the location, application shall be made to the Borough of Beachwood Borough Clerk for such change in writing.

SECTION III. Operation.

A. Hours of operation.

No licensee shall purchase any goods, wares, articles or things, whatsoever, or lend any money to any person between the hours of 11:00 p.m. (2300) and 7:00 a.m. (0700) the next day.

B. Prohibited purchases.

No licensee shall purchase or accept any goods, wares, articles, or things under any of the following circumstances:

Where the seller is less than the age of 18;

A pawnbroker may not accept a pledge from any person who is under the age of 16. [N.J.S.A. 45:22-31]

Where the seller is intoxicated, "intoxicated" is defined as a seller whose mental or physical functioning is substantially impaired as a result of the use of alcohol or drugs.

Where the seller fails to present a valid New Jersey driver's license or at least two forms of identification of which at least one contains the seller's full legal name, date of birth, a photograph or full physical description, and an identification number.

Where the article to be purchased had an original manufacturer's serial number at the time it was new but no longer legibly exhibits said number.

C. Purchasing, selling, or displaying weapons prohibited.

No licensee shall deal in, buy or sell, or display in his shop any pistol, revolver, Derringer, Bowie knife, dirk or other deadly weapon of like character, capable of being secreted upon the person, unless such licensee shall also possess valid and current licenses or permits as required by applicable federal, state, or local laws, ordinances, rules or regulations.

D. Pawnbrokers' and Secondhand Dealers' responsibilities and requirements.

Each pawnbroker or secondhand dealer within the Borough of Beachwood shall, upon the purchase of any precious metals, or second hand goods from the public, be required to do as follows:

Each pawnbroker or secondhand dealer shall operate and maintain a computer system with internet access and photographic or video capability sufficient for the electronic reporting requirements of this chapter. Any failure or malfunction of such equipment on the part of the licensee shall not exempt the licensee from the below reporting requirements. The licensee shall immediately notify the police department of any such failure or malfunction, and shall have such resolved as soon as practicable. Failure by the licensee to resolve any failure or malfunction of equipment in a reasonable amount of time will lead to license revocation.

Record on a numbered receipt the name, address and telephone number of the purchaser; the name, address and telephone number of the seller or sellers; the time and date of the transaction; the net weight in terms of pounds Troy, pennyweight (Troy) or kilograms/grams of the precious metals; and fineness in terms of karats for gold, and sterling or coin for silver, in accordance with N.J.S.A. 51:5-1 et seq. and N.J.S.A. 51:6-1 et seq. This information is to be documented through use of an electronic database software system as designated by the Chief of Police. These records shall be subject to the inspection of any authorized police officer of the Borough of Beachwood Police Department.

Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of Police, enter all transactions into the electronic database within forty-eight (48) hours from the date of purchase. The information contained in Subsection B above, plus the following:

- 1) A physical description of the seller.
- 2) The receipt number.
- 3) A full description of the item or items purchased, including but not limited to marks, numbers, dates, sizes, shapes, initials and monograms.
- 4) The price paid for the item.
- 5) The form must be signed by the seller and initialed by the Clerk who made the transaction.

The precious metals are to be made available for inspection by the Chief of Police of the borough of Beachwood or his designated representative for a period of ten days from the date the information required above is received by the Chief of Police or his designated representative, on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the purchaser until the ten-day period has expired. During this ten-day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the pawnbroker by holding the precious metals for such period,

the pawnbroker may present the property to the Chief of Police or his representative in order that it may be photographed and, if deemed necessary by the Chief of Police or his designated representative, an investigation be implemented. The Chief of Police or his designated representative has the authority to grant the pawnbroker a waiver of the requirement under this section. [Amended 8-14-2014 by Ord. O-14-12]

In addition to the information required to be reported above, each pawnbroker or secondhand dealer doing business in the Borough of Beachwood shall obtain a photographic image of a photo ID card of the seller, sufficiently clear to allow the information on the ID to be read. The photo ID must be currently valid (not expired) card issued by a government entity of the United States, and must include the pawn/seller's first and last name, current address, date of birth and physical descriptors. In the event the card is valid but does not contain the seller's current address, the licensee must separately record and report the current address.

Any property exchanged in a transaction shall be digitally photographed and reported as required by the Chief of Police, unless such property bears a valid and unique serial number that is permanently inscribed on the property. It is unlawful to do business with persons failing to supply required information.

It is unlawful to receive or purchase in any manner any goods or articles or make any advance or loan whatever on the same if the person or persons pawning, pledging, depositing or selling the same shall refuse to make known his, her, or their names, to submit to a general description, or shall refuse to make known the name or names of the person or persons for whom the same were pawned, pledged, deposited or sold, or knowingly make any false entry of any matter or thing required to be made in said book or cause or permit the same to be made.

Dealer payment to sellers in cash shall be limited to two (2) transactions during a seven (7) day period for the same seller. The seven (7) day period will commence on the day of the first transaction and end seven days after the transaction, i.e. if transaction #1 occurs on Monday the seven (7) day period ends on Sunday. Furthermore, no cash payments shall be made to the same sellers who make more than five (5) transactions in any given thirty (30) day period. Sellers making transactions over the number of proscribed weekly and monthly periods will be paid by the Dealer by means of a bank check drawn from the Dealer's business account.

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 Borough of Beachwood Police Department to examine any database, book, ledger, or any other record on the premises relating to the purchase of precious metals from the public, as well as the articles purchased or received, , and to take possession of any article known by the police officer or official to be missing or to have been stolen, or where the officer or official has probable cause to believe the article is missing or stolen.

E. Non-Applicability.

This chapter shall not apply to purchases made by jewelers or other pawnbrokers from wholesalers or other suppliers, but shall only apply to those purchases made from the public or other retail purchases. The pawnbroker shall keep records of all wholesale purchases for a period of six months from the date of such purchase, which records shall be opened to investigation by the Borough of Beachwood Police Department.

F. Inspection of premises; seizures.

Every licensee and every person employed by the licensee in the conduct of business shall admit to any and every part of the premises designated in the license, during normal business hours, any law enforcement officer to examine any goods, articles, things, pledges, pawns, or books or other records on the premises dealing with purchase or sale of used property and to search for and to take into possession without compensation to the licensee any article known or for which such officer has reasonable grounds to believe to have been stolen. Such law enforcement officer may make any such search or seizure as is provided for in this section and property so seized shall be receipted for by such officer, who shall fully describe the seized property and sign the receipt. Should the officer determine the property not to be stolen, the officer shall promptly return same to the licensee and obtain a receipt therefore, as aforesaid. In the case of property obtained in the case of a domestic theft, the victim shall make restitution for the amount paid to obtain said property. Other restitution will be made by way of criminal complaints against the seller of said items

SECTION IV. Secondhand Watches.

A. Secondhand watches to be clearly marked.

Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell or exchange, or offer for sale or exchange, expose for sale or exchange, possess with the intent to sell or exchange, or display with the intent to sell or exchange any secondhand watch, shall affix and keep affixed to the same a tag with the words "second-hand" clearly and legibly written or printed thereon, and the said tag shall be so placed that the words "second-hand" shall be in plain sight at all times.

B. Special invoice for secondhand watches.

Any person or business entity engaged in the business of buying or selling watches, or any agent or servant thereof, who may sell a secondhand watch or in any other way pass title thereto shall deliver to the vendee a written invoice bearing the words "secondhand watch" in bold letters, larger than any of the other written matter upon said invoice, which invoice shall also set forth the following:

- 1) The name and address of the vendor;
- 2) The name and address of the vendee;
- 3) The date of the sale;
- 4) The name of the watch or its makers;
- 5) The serial numbers, if any; and
- 6) Any other distinguishing numbers or identification marks upon its case and movement; or, if the serial numbers or other distinguishing numbers or identification marks shall have been erased, defaced, removed, altered or covered, the invoice shall so state.

The vendor shall keep on file a duplicate of said invoice for at least five (5) years from the date of the sale thereof, which shall be open to inspection during all business hours by the Ocean County Prosecutor or his duly authorized representative.

C. Advertising second hand watches.

Any pawnbroker, secondhand dealer or other person or business entity or any agent thereof, who may advertise or display in any manner a second hand watch for sale or exchange shall state clearly in such advertisement or display that said watch is a second hand watch.

D. Violations and penalties.

Violation of any provision of this chapter shall, upon conviction thereof, be punished by a minimum fine of \$100 or a maximum of \$1,000, or by imprisonment for a term not exceeding 90 days, or by a period of community service not exceeding 90 days. Each and every violation shall be considered a separate violation. Every day that a violation continues shall be a separate violation. Each violation shall result in an additional ten (10) day suspension. Any person who is convicted 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 fee as a repeat offender. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this chapter. For a third or subsequent violation under this chapter, the mercantile license of said business may be revoked upon notification by Mayor and Council.

SECTION V. Effective Date.

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced November 13, 2023 ROLL CALL:

Council	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>	X		X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>		X	X			
<i>Councilman Zakar</i>			X			

Municipal Clerk announced "PUBLIC HEARING FOR ORDINANCE 2023-14 WILL TAKE PLACE ON MONDAY, DECMEBER 6, 2023 - 7:00 PM OR SHORTLY THEREAFTER AT BOROUGH HALL LOCATED AT 1600 PINEWALD ROAD, BEACHWOOD, NJ"

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Beachwood, in the County of Ocean, held on the 13th day of November, 2023 and will be considered for second reading and final passage at a regular meeting of said governing body to be held on the 6th day of December, 2023 at 7:00 p.m. at the Beachwood Municipal Complex, 1600 Pinewald Road, Beachwood, New Jersey at which time and place any person desiring to be heard upon the same will be given an opportunity to be so heard.

CORRESPONDENCE

- None

MAYOR & COUNCIL REPORTS

Mayor Roma

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa, and Council-Elect Prince.
- Mentioned the watermain break on November 5th which disrupted the service for several hours resulted in a cautionary water advisory. Thanked the Water Department and Police Department and several Council members for assisting in the water distribution to the residents in the isolated area of the advisory.
- Happy Thanksgiving Day!
- Mayor called for motion for a Personnel issue that warranted a resolution:

RESOLUTION 2023-333a

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE FILING OF AN APPLICATION WITH THE NEW JERSEY POLICE AND FIREMAN'S RETIREMENT SYSTEM ("PFRS") FOR AN INVOLUNTARY DISABILITY RETIREMENT FOR DEREK MUSSARI.

WHEREAS, by Order of Glen A. DeMarco, Chief of Police of the Borough of Beachwood, Sgt. Derek Mussari appeared for fitness-for-duty testing on October 2, 2023, and a fitness-for-duty evaluation on October 3, 2023, performed by Dr. Lewis Z. Schlosser, PhD., ABPP, Licensed Psychologist, Oakland, N.J., who issued a report dated October 5, 2023, expressing his professional opinion that Derek Mussari was and is psychologically unfit for duty with little chance of recovery; and

WHEREAS, based on the findings of Dr. Schlosser that Derek Mussari is psychologically unfit for duty with little chance of recovery, and based upon the recommendation of the Chief of Police, the Mayor and Borough Council of the Borough of Beachwood have determined that it is in the best interests of the Borough of Beachwood for the Borough to file an application for Involuntary Disability Retirement with the New Jersey Police and Fireman's Retirement System (PFRS"), regarding Derek Mussari.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Beachwood, County of Ocean, and

State of New Jersey, as follows:

1. Mayor Roma, or Mayor-Elect/Mayor Cairns, is/are hereby authorized to sign and/or oversee the filing and processing of the application for an Involuntary Disability Retirement with the New Jersey Police and Fireman's Retirement System ("PFRS") regarding Derek Mussari.
2. Mayor Roma, or Mayor-Elect/Mayor Cairns, is hereby authorized to designate an appropriate employee to assist in the filing and processing of the PFRS application.
3. Labor Counsel for the Borough of Beachwood is hereby authorized to take the necessary steps to assist in the filing and processing of the PFRS application.

BE IT FURTHER RESOLVED that a copy of this approval be forwarded to the following:

1. Susan A. Minock, Municipal Clerk
2. Glen DeMarco, Police Chief
3. James Holzapfel, Labor Counsel
4. Jennifer A. Martin, Treasurer

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>		X	X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>	X		X			
<i>Councilman Zakar</i>			X			

Council President Cairns

- Thanked Mayor-Elect's running mates and will do his best to fill the shoes of Mayor Roma.
- Thanked the support of the residents.

Councilman LaCrosse

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.
- Thanked Mayor Roma for his service.
- Thanked Borough Engineer Jim Oris for the assistance with the watermain break on 11/5/23.

Councilman Feeney

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.

Councilman Zakar

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.
- The same as last year's claims for Risk Management.

EMS Chief Chris Matyas

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.

Engineer Jim Oris

- The State of New Jersey announced the 2024 NJDOT grant award for Beachwood to be \$235,865 for the 2024 NJDOT Road Reconstruction for Neptune Ave. and Oak St. project. The Borough has up to 24 months to award to a contractor.
- Hydrant flushing has begun and will take approximately 2 weeks. Notice has been posted on the Borough website. Residents may see some color in their water due to the flushing.
- The water advisory was strictly precautionary due to the watermain break.
- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.

Attorney Mike McKenna

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.

Municipal Clerk/Administrator Sue Minock

- Congratulated Mayor-Elect Cairns, Council-Elect Komsa and Council-Elect Prince.

Mayor called for motion to open the floor to public comment.

PUBLIC COMMENT

OPENED PUBLIC COMMENT

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>			X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>		X	X			
<i>Councilman Zakar</i>	X		X			

Being no one came forth, Mayor called for motion to close Public Comment

CLOSED PUBLIC COMMENT

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X
<i>Councilman LaCrosse</i>			X			
<i>Councilman Zakar</i>	X		X			

EXECUTIVE SESSION CANCELLED

RESOLUTION 2023-334

RESOLUTION OF THE BOROUGH OF BEACHWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE BOROUGH COUNCIL TO ENTER INTO EXECUTIVE SESSION

WHEREAS, Section 8 of the Open Public Meetings Act N.J.S.A.10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

The public shall be excluded from discussions of and action upon the hereinafter specified subject matter It is anticipated that the subject matter discussed may be made public in 90 days.

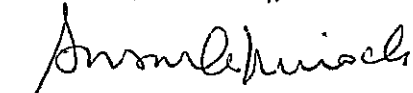
1. Personnel – Flex Time policy; PFRS Disability Retirement
2. Contractual – 2024 Professional Services

ADJOURNMENT at 7:24 pm

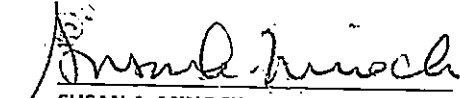
COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Council President Cairns</i>			X			
<i>Councilwoman Clayton</i>						X
<i>Councilman Feeney</i>		X	X			
<i>Councilman Komsa</i>						X

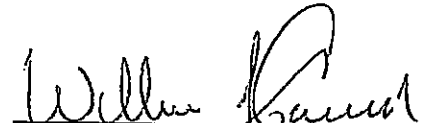
Councilman LaCrosse			X			
Councilman Zakar	X		X			

Respectively submitted by,


 Susan A. Minock, RMC
 Municipal Clerk/Administrator

ATTESTED BY:


 SUSAN A. MINOCK, RMC.
 MUNICIPAL CLERK/ADMINISTRATOR


 WILLIAM J. CAIRNS
 COUNCIL PRESIDENT