

TOWNSHIP OF CHATHAM
TOWNSHIP COMMITTEE AGENDA

January 21, 2016
January 21, 2016 Draft

Meeting Called to Order

Adequate Notice of this meeting of the Township Committee was given as required by the Open Public Meetings Act as follows: Notice was given to both The Chatham Courier and the Morris County Daily Record on January 8, 2016; notice was posted on the bulletin board in the main hallway of the Municipal Building on January 8, 2016; and notice was filed with the Township Clerk on January 8, 2016.

Flag Salute – Jr Girl Scout Troop 5732

Roll call

Approval of Agenda

Reports:

1. Preliminary Budget Report

Hearing of Citizens/Petitions Note: This is an opportunity for any member of the public to be heard about issues which are not topics scheduled for Public Hearings tonight. To help facilitate an orderly meeting, and to permit all to be heard, speakers are asked to limit their comments to three minutes.

Introduction of Ordinances

1. Ordinance 2016-01 Liquor License Fees Amendment
2. Ordinance 2016-02 Accepting Conservation Easement
3. Ordinance 2016-03 Cap Bank Ordinance
4. Ordinance 2016-04 Creating a Unified Electronic Reporting System for Dealers in Precious Metals and Other Second Hand Goods
5. Ordinance 2016-05 Creating a Unified Electronic Reporting System for Dealers in Scrap Metal

Consent Agenda (routine items that may be passed by a single roll call vote; any Committee member may call for a separate discussion or vote on any item)

1. Resolution 2016-042 Receipt of Reports
2. Resolution 2016-043 Approving Meeting Minutes
3. Resolution 2016-044 Approving Executive Session Minutes
4. Resolution 2016-045 Appointing Committee Members
5. Resolution 2016-046 Authorizing Grant Application for MACC Funding for Fiscal Year 2017
6. Resolution 2016-047 Authorizing the Sale of Surplus Property
7. Resolution 2016-048 Approving Fire Department Memberships
8. Resolution 2016-049 Releasing Escrow Balances
9. Resolution 2016-050 Appointing Risk Management Consultant
10. Resolution 2016-051 Regarding Signatures on Checks
11. Resolution 2016-052 Refunding Permit Fees
12. Resolution 2016-053 Refunding Overpayment of Taxes

Discussion: possible ordinance or resolution

1. Spring Street Parking Regulations

Hearing of Citizens (Time Permitting)

Executive Session* – Resolution 2016-P-03

1. Lease negotiations: T-Mobile Lease
2. Collective Bargaining Agreement – Teamsters

Adjourn

*In accordance with the Open Public Meetings Act, items to be discussed in Executive Session will be made public as soon as known.

ORDINANCE 2016-01

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AMENDING CHAPTER VI OF THE TOWNSHIP CODE TO
AMEND THE ANNUAL RENEWAL FEE FOR LIQUOR LICENSES**

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that the Revised General Ordinances of the Township of Chatham, 1995, are hereby amended in pertinent part to modify subsection 6-3.7 of Chapter VI, Alcoholic Beverage Control, to increase the renewal fees for plenary retail consumption licenses and plenary retail distribution licenses as follows:

1. **6-3.7 License Fees, Maximum Number.**

The annual fees of licenses for the sale or distribution of alcoholic beverages in the Township shall be as follows:

<i>Class of License</i>	<i>Annual Fee</i>	<i>Number</i>
Plenary Retail Consumption License	\$2500.00	3
Plenary Retail Distribution License	\$1305.00	2

2. All other terms and provisions of subsection 6-3.7, Chapter VI, Alcoholic Beverage Control, of the Township Code shall remain unchanged.

3. This ordinance shall take effect as provided by law.

Introduced: January 21, 2016

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Curt Ritter , Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2016-01

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3. This ordinance shall take effect as provided by law.

Introduced: January 21, 2016

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Curt Ritter , Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2016-02

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING ACCEPTANCE OF A CONSERVATION EASEMENT FROM SUSAN DR. INC FOR BLOCK 20, LOT 17, 35 SUSAN DRIVE

WHEREAS, the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, wishes to accept a Sanitary Sewer Easement conveyed to the Township by Susan Dr. Inc., for Lot 17, Block 20 as shown on the Tax Map of the Township of Chatham and commonly known as 35 Susan Drive; and

WHEREAS, Susan Dr. Inc., agreed to donate the Conservation Easement at no cost to the Township; and

WHEREAS, the Township Attorney for the Township of Chatham reviewed the Conservation Easement in the form attached and finds it acceptable in all respects.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, that it hereby authorizes acceptance of the Conservation Easement attached hereto and directs its appropriate officials to execute and record such documents as may be necessary.

This Ordinance shall become effective according to law.

Introduced: January 21, 2016

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

ORDINANCE 2016-03

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS,
STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to the cost of living adjustment or 0% whichever is less, unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain expectations; and

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

WHEREAS, the Township Committee of the Township of Chatham in the County of Morris finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$379,273.62 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law is advisable and necessary; and

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

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Chatham in the County of Morris, a majority of the full authorized membership of this governing body affirmatively concurring that in the CY 2016 budget year, the final appropriations of the Township of Chatham shall, in accordance with the ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$379,273.62 and that the CY 2016 municipal budget for the Township of Chatham be approved and adopted in accordance with this ordinance; and

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

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

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

Introduced: January 21, 2016

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

Adopted:

Attest:

BY: _____
Curt Ritter, Mayor

Gregory LaConte, Clerk

ORDINANCE 2016-04

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN PRECIOUS METALS AND OTHER SECONDHAND GOODS

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

§ 1 Purpose and Intent

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

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.

§ 2 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.

§ 3 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 person’s 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 § 2 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 § 9.

§ 4 Application process for dealers; approval or denial

- A) Upon receipt of an application completed pursuant to this chapter, the Municipal Clerk shall refer such application to the Chief of Police, who shall make an investigation of the prospective licensee, pursuant to this chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to the following:
- 1) The experience of the applicant in the business of purchase and sale of those articles or goods referred to in § 2 above, although nothing in this section shall be construed to warrant denial of a license solely on the basis of lack of experience;
 - 2) The reputation of the applicant for fair dealing in the community, which shall be made among credible sources, which sources shall be disclosed to the applicant in the event of a denial of any license;
 - 3) Any criminal record of the applicant including any past convictions for any crime(s), disorderly person's 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 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 § 6(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 § 6(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 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 § 5, the retention and inspection requirements of § 6, 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 dealer of secondhand goods.

- F) No license shall be assignable by the dealer.

§ 5 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 person selling or pawning precious metals or other secondhand goods 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 or pawning such goods 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 by the Chief of Police;
 - e. 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;
 - f. the receipt number;

secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in § 6. 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.

§6 Retention; revocation; other restrictions

- A) All precious metals 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 § 5 except for jewelry, which must be maintained for at least ten (10) business days or for the statutory period provided in N.J.S.A. 2C:21-36(d). 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.
- B) Upon probable cause that goods held by a dealer are stolen, and providing that the seller signed the mandatory statement required by § 5(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) If market conditions would create a hardship on the dealer by holding precious metals or other secondhand goods for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.

Alternative Option Paragraph (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 five years, a written record of all purchases of precious metals and other secondhand goods in the form prescribed in § 5(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 § 9 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).
- 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 § 9.

- i. Grounds for revocation. The following shall constitute grounds for revocation: a third violation under this chapter; a second violation under this chapter less than one year after an earlier violation under this chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
- ii. Procedure for revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police of the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and automatically issue, if one is not already in effect, pending the outcome of the charge. A three-person panel, appointed by the Chief of Police, shall review the stated grounds for revocation and the panel shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If the panel determines that revocation is the appropriate disposition, it shall set forth the grounds for the same in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If the panel determines that suspension is the appropriate disposition, it shall provide the dealer with a notice of suspension that shall advise the dealer of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

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

§ 7 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 [party municipality], 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.

§ 8 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 § 5(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.

§ 9 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 § 6(F) and § 6(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 § 6(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.

§ 10 Time limit for conformance; repealer; severability

- 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.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing pawnbrokers, as in N.J.S.A. 45:22-1 et seq., the sale of

precious metals as in N.J.S.A. 51:6A-1 et seq., the sale of secondhand jewelry as in N.J.S.A. 2C:21-36 et seq., or any other statutory provision regarding any subject matter discussed herein.

- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Introduced: January 21, 2016

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Curt Ritter, Mayor

Gregory LaConte, Clerk

ORDINANCE 2016-05

ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY CREATING A UNIFIED ELECTRONIC REPORTING SYSTEM FOR DEALERS IN SCRAP METAL

BE IT ORDAINED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

§ 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.

§ 2 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 may refer to the duly appointed clerk of the “city,” “town,” “township,” “village,” or “borough.”

“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.

§ 3 License Requirement 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 § 9.

§ 4 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 § 6(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 § 6(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 § 5, the retention and inspection requirements of § 6, 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.
- F) No license shall be assignable by the dealer.

§ 5 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 § 6.
- 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 § 6. Itinerant businesses and transient buyers will be responsible for notifying the Chief of Police of the address where records and articles will be stored.

- G) For all reportable transactions between a dealer and a member of the public, the dealer may only accept delivery of scrap metal for purchase by motor vehicle and the license plate of the motor vehicle must be recorded as provided in subsection (C) above.
- H) No scrap metal business shall, except as provided in subsection (I) below, purchase:
 - i. any metal marked with identification of a telephone, cable, electric, water, other public utility, or other government entity;
 - ii. any utility access or water meter cover;
 - iii. any street light pole or fixture;
 - iv. any road or bridge guard rail;
 - v. an highway or street sign, traffic directional or control sign, or light signal;
 - vi. any metal beer keg that is clearly marked as being the property of the beer manufacturer;
 - vii. any historical marker, grave marker, or burial vase;
 - viii. any central air conditioner evaporator coils or condensers or catalytic converters that are not attached to a vehicle; or
 - ix. any metal bleachers or benches.
- I) The provisions of subsection (H) shall not apply to purchases of scrap metal from entities who manage such metal in the ordinary course of business. These entities include manufacturing, industrial, government, contractor, individual, or other commercial vendors or scrap metal businesses that generate or purchase or process scrap metal in the ordinary course of business.

§6 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 § 5. 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 § 5(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) If market conditions would create a hardship on the dealer by holding scrap metal for such period, the dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation may be implemented. The Chief of Police shall have the authority to grant the dealer a waiver of the requirement under this section.
- Alternative Paragraph (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 five years, a written record of all purchases of scrap metal in the manner prescribed in § 5(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 thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to § 9 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 § 9.

- 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 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.

§ 7 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 [party municipality], 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.

§ 8 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 § 5(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.

§ 9 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 § 6(F) and § 6(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 § 6(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.

§ 10 Time limit for conformance; repealer; severability

- 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.
- B) All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
- C) Nothing contained in this chapter is intended to replace any pre-existing statutory requirements governing scrap metal businesses, as in N.J.S.A. 45:28-1 et seq., or any other statutory provision regarding any subject matter discussed herein.
- D) If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Introduced: January 21, 2016

Adopted:

Attest:

TOWNSHIP OF CHATHAM, COUNTY OF
MORRIS, STATE OF NEW JERSEY

BY: _____
Curt Ritter, Mayor

Gregory LaConte, Clerk

RESOLUTION 2016-042

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, ACKNOWLEDGING RECEIPT OF REPORTS**

BE IT RESOLVED by the Township Committee of the Township of Chatham that the following monthly reports of departments be acknowledged as received:

Construction Official – December
CFO – December
Vital Statistics – 4th Quarter
State Training Fees – 4th Quarter
Licensing Official – 4th Quarter
Police Department – November, December

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-043

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING MINUTES OF MEETINGS

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves the minutes of the Township Committee meeting held on January 7, 2016 and January 13, 2016.

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-044

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF CHATHAM APPROVING EXECUTIVE SESSION MINUTES OF MEETINGS**

BE IT RESOLVED that the Township Committee of the Township of Chatham acknowledges receipt of and approves Executive Session minutes of the Township Committee meeting held on January 7, 2016 and January 13, 2016.

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

DRAFT

RESOLUTION 2016-046

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING MACC BUDGET

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Council of the Township of Chatham, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED by the Township of Chatham, County of Morris, State of New Jersey hereby recognizes the following:

1. The Township Council does hereby authorize submission of a strategic plan for the Municipal Alliance Committee of the Chathams grant for fiscal year 2017 in the amount of:

DEDR	\$10, 036.50
Cash Match	\$2,509.13
In-Kind	\$ 7,527.37

2. The Township Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-047

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM AUTHORIZING THE SALE OF SURPLUS MUNICIPAL EQUIPMENT

WHEREAS, the Township of Chatham has determined that certain personal property as described below is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40A:11-36 requires that all such personal property be sold at public sale to the highest bidder.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris and State of New Jersey as follows:

1. The following schedule of Township property is hereby declared to be surplus, no longer needed for public purposes;

<u>YEAR</u>	<u>ITEM</u>	<u>VIN or MODEL No.</u>
	Sun VAT-40 Diagnostic Machine	
	Toro Snowblower Model 524	
	Toro CCR 2000 Snowblower	
	Walk-Behind Leaf Vacuum	
	Toro Groundsmaster 327 Riding Mower	
	Toro Proline Mower (Qty: 2)	
	Blower w/Briggs and Stratton 8 HP Engine	
	Little Wonder Power Blower	
2001	Freightliner FL70	1FVABTAKX1HG77079
	Salt Spreader	
2001	Ford Expedition Eddie Bauer 4WD	1FMPU18L91LB80226
2007	Ford Crown Victoria Police Interceptor	2FAFP71W77X162288
2007	Ford Crown Victoria Police Interceptor	2FAFP71W57X162287
2007	Ford Crown Victoria Police Interceptor	2FAFP71W87X103640
2007	Ford Crown Victoria Police Interceptor	2FAFP71W17X103639
2004	Ford Crown Victoria Police Interceptor	2FAFP71W04X175265
1999	GMC Sierra Classic 2500 Pickup 4WD	1GTGK24RXXF063398
1999	Chevrolet Blazer 2-Door 2WD	1GNCS18W6XK215832
2000	Ford F-250	1FTNF21L0YEE06786
2005	Ford Explorer	1FMZU72K65UB31707
1985	GMC C/K 2500 Utility Truck 2WD	1GDGC24M7FS530098
	Trail Flite Dump Trailer (5' x 9')	
1999	GMC Sierra Classic 2500 Pickup 4WD	1GTGK24R0XF062373

2. The Administrator is hereby authorized and directed to advertise a public sale of said property, and said sale to be held at the Public Works Building at 405 Southern Boulevard, Chatham, NJ.
3. The Township reserves the right to reject any and all bids if it determines such rejection to be in the public interest.
4. Said auction sale shall be conducted by the Township Administrator in accordance with the provisions of 40A:11-36.

Adopted: January 13, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-048

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM APPROVING FIRE DEPARTMENT MEMBERSHIPS

WHEREAS, the Township of Chatham has designated the Green Village Volunteer Fire Department and the Chatham Township Volunteer Fire Department as the official fire companies for the Township; and

WHEREAS, members of both departments are eligible for membership in N.J. State Firemen's Association as provided by applicable law; and

WHEREAS, in order to become members of the association, the Township is required to certify that each applicant is an active member of the respective Fire Department;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey that the following named individual has been admitted to active membership in the respective department as approved by the Township Committee.

<u>NAME</u>	<u>FIRE DEPARTMENT</u>
Conor T. McGee	Green Village Fire Department
Ibrahim Salomon	Green Village Fire Department
Alfred A. Hand	Green Village Fire Department

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2016-049

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, RELEASING DEVELOPER ESCROW ACCOUNT AND/OR PERFORMANCE BOND BALANCES

WHEREAS, developers are required to deposit monies with the Township for the purposes of offsetting Township professional costs to review plans or to inspect approved development and for the purpose of ensuring the satisfactory completion of public or private improvements; and

WHEREAS, these deposited monies, following all necessary withdrawals to cover Township expenses or costs, may be released upon satisfactory completion of work, receipt of review board decisions, or completion of guaranteed work, upon passage of a Township resolution authorizing such release.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following guarantee amount or account balances, with interest adjustments as prescribed by state and local laws, may be released to the depositor of record:

<u>NAME</u>	<u>Project</u>	<u>A/C NUMBER</u>	<u>AMOUNT</u>
Board of Education 58 Meyersville Road Chatham, NJ 07928	PLBD 11-95-19	7761692628	\$450.00
W. Steven Nash Yardville Supply Company 650 Shunpike Road Chatham, NJ 07928	BOA 14-135-22	7763179271	\$445.00
Carole Roche 34 University Ave Chatham, NJ 07928	BOA 07-122-11	7760011176	\$150.50
St. Hubert's Giralda Vanda Angelillo PO Box 159 Madison, NJ 07940	BOH 09-142-4.01 Re: 575 Woodland Ave	7760011253	\$265.21
Anthony Piscioti 42 Southern Blvd Chatham, NJ 07928	BOA 09-68-2.03	7760011272	\$120.00
Alexander & Kimberly McWilliams 34 Edgewood Road Chatham, NJ 07928	BOA 14-93-15	7763179403	\$240.00

New Cingular PCS LLC Wireless c/o Judith A. Fairweather, ESQ Pinilis Halpern 160 Morris Street Morristown, NJ 07960	BOA 13-62-105	7761693378	\$880.00
Chatham Day School 700 Shunpike Road Chatham, NJ 07928	BOA 14-135-1-9	7763179461	\$120.00
Dan Stratmeier 17 Overlook Road Chatham, NJ 07928	ROI 14-124-36	7763179338	\$733.33
Douglas Oare 42 Hilltop Terrace Chatham, NJ 07928	BOA 07-68-8	7760011187	\$120.00
Stephen Kupperheimer 316 Lafayette Ave Chatham, NJ 07928	BOA 07-106-13	7760011201	\$47.50

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2016-050

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY
APPOINTING A RISK MANAGEMENT CONSULTANT**

WHEREAS, the Township of Chatham has resolved to join the Morris County Municipal Joint Insurance Fund, following a detailed analysis; and

WHEREAS, the bylaws of said funds require that each Governing Body appoint a RISK MANAGEMENT CONSULTANT to perform various professional services as detailed in the bylaws; and

WHEREAS, the Board of Fund Commissioners established a fee equal to six percent (6%) of the Municipal assessment which expenditure represents reasonable compensation for the services required and was included in the cost considered by the Governing Body; and

WHEREAS, the judgmental nature of the Risk Management Consultant's duties renders comparative bidding impractical;

NOW THEREFORE, be it resolved that the Township of Chatham does hereby appoint David J. Sgalia of Anthony S. Cupo Insurance Agency as its Risk Management Consultant in accordance with the Fund's bylaws; and

BE IT FURTHER resolved that the governing Body is hereby authorized and directed to execute the Risk Management Consultant's Agreement annexed hereto and to cause a notice of this decision to be published according to N.J.S.A. 40A:11-5(1)(a)(i).

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RISK MANAGEMENT CONSULTANT'S AGREEMENT

THIS AGREEMENT entered into this 1st day of January 2016 between the Township of Chatham (hereinafter referred to as "MUNICIPALITY") and David J. Sgalia of Anthony S. Cupo Insurance Agency (hereinafter referred to as the "CONSULTANT").

WHEREAS, the CONSULTANT has offered to the MUNICIPALITY professional risk management consulting services as required in the bylaws of the Morris County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund; and

WHEREAS, the MUNICIPALITY desires these professional services pursuant to the resolution adopted by the governing body of the MUNICIPALITY at a meeting held January 6, 2016; and

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - a. Assist the MUNICIPALITY in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss.
 - b. Assist the MUNICIPALITY in understanding the various coverages available from the Morris County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund.
 - c. Review with the MUNICIPALITY any additional coverages that the CONSULTANT feels should be carried but are not available from the FUND and subject to the MUNICIPALITY's authorization, place such coverages outside the FUND.
 - d. Assist the MUNICIPALITY in the preparation of applications, statements of values, and similar documents requested by the FUND, it being understood that this Agreement does not include any appraisal work by the CONSULTANT.
 - e. Review Certificates of Insurance from contractors, vendors and professionals when requested by the MUNICIPALITY.
 - f. Review the MUNICIPALITY's assessment as prepared by the FUND and assist the MUNICIPALITY in the preparation of its annual insurance budget.
 - g. Review the loss and engineering reports and generally assist the safety committee in its loss containment objectives. Also, attend no less than one (1) municipal safety committee meeting per annum to promote the safety objectives and goals of the MUNICIPALITY and the FUND.
 - h. Assist where needed in the settlement of claims, with the understanding that the scope of the CONSULTANT's involvement does not include the work normally done by a public adjuster.
 - i. Perform any other risk management related services required by the FUND'S bylaws.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:
 - a. The CONSULTANT shall be paid by the MUNICIPALITY a fee as compensation for services rendered, an amount equal to six percent (6%) of the MUNICIPALITY's annual assessment as promulgated by the FUNDS. Said fee shall be paid to the CONSULTANT within thirty (30) days of payment of the MUNICIPALITY's assessment.
 - b. For any insurance coverages authorized by the MUNICIPALITY to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND'S assessment in computing the fee outlined in 2(a).

RESOLUTION 2016-051

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REGARDING
SIGNATURES ON TOWNSHIP CHECKS**

BE IT RESOLVED that TD Bank, N.A., is designated as a depository of Township funds, which may be withdrawn on checks, drafts, advices of debit, notes or other orders for the payment of monies (including electronic orders) bearing the signature of, or as otherwise authorized by, any one (1) of the following officers, employees, or agents of the Township of Chatham:

<u>Title</u>	<u>Name</u>
Treasurer, Chief Financial Officer	Debra A. King
Finance Committee Member	Curt Ritter
Finance Committee Member	Karen M. Swartz

BE IT FURTHER RESOLVED, the agents whose names appear above, are hereby authorized to open and maintain a deposit account or accounts of the Township of Chatham with TD Bank, N.A., subject to the terms and conditions of the Business Deposit Account Agreement, as it may be amended from time to time (the "Account Agreement").

BE IT FURTHER RESOLVED, that TD Bank, N.A. is hereby directed to accept and pay without further inquiry any item or payment order drawn against any of the Township of Chatham's accounts with TD Bank, N.A. bearing the signature of or as otherwise authorized by any such Agents even though drawn or endorsed to the order of any Agent signing or tendered by such Agent for cashing - or in payment of the individual obligation of such Agent or for deposit to the Agent's personal account, and TD Bank, N.A. shall not be required or be under any obligation to inquire as to the circumstances of the issue or use of any item signed, or payment order authorized, in accordance with the resolutions contained herein or the application or disposition of such item or payment order or the proceeds of the item or payment order.

BE IT FURTHER RESOLVED, that any one of such Agents is authorized to endorse all checks, drafts, notes and other items payable to or owned by the Township of Chatham for deposit with TD Bank, N.A. or for collection or discount by TD Bank, N.A., and to accept drafts and other items payable at TD Bank, N.A..

BE IT FURTHER RESOLVED, that the above named agents are authorized and empowered to execute such other agreements, including, but not limited to. special depository agreements and arrangements regarding the manner, conditions or purposes for which funds,

checks or items of the Governmental Entity may be deposited, collected, or withdrawn and to perform such other acts as they deem reasonably necessary to carry out the provisions of these resolutions.

BE IT FURTHER RESOLVED, that the authority hereby conferred upon the above named Agents shall be and remains in full force and effect until written notice of the revocation thereof shall have been delivered to and received by TD Bank, N.A. at the location where an account of the Township of Chatham is maintained and Financial Institution has had a reasonable period of time to act upon such notice.

BE IT FURTHER RESOLVED, TD Bank, N.A. shall be authorized to honor and charge the Township of Chatham for such checks, drafts, or other orders, regardless of by whom or by what means the actual or purported facsimile signature thereon may have been affixed thereto, if such signature resembles the facsimile signature duly certified to or filed with TD Bank, N.A. by the Township Clerk. Further, TD Bank, N.A. shall be indemnified and saved harmless from any claims, demands, expenses, loss or damage resulting from or growing out of honoring the facsimile signature duly certified to or on file with TD Bank, N.A.

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor

RESOLUTION 2016-052

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM REFUNDING OVERPAYMENT OF CONSTRUCTION PERMIT FEE

WHEREAS, the Township Committee has considered the request submitted by the Construction Official with regard to fees that was paid for construction permit updates that were submitted in error;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following amount be refunded to the depositor of record:

<u>NAME</u>	<u>PERMIT #</u>	<u>AMOUNT</u>
BTS Landscaping 2 Golmine Road Flanders, NJ 07836	14-0498+G	\$75.00
Glenn Miller Electrical Contractor, Inc PO Box 552 Gladstone, NJ 07934	14-0498+F	\$75.00

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-053

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of property taxes or sewer utility fees has been made for the following properties; and

WHEREAS, the Tax Collector has recommended the refund of such overpayment,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chatham that the following refunds be made:

<u>BLOCK</u>	<u>LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
102.01	2.01	Brown, Erika McCord & Timothy c/o Ms. Jennifer R. Jacobus, Esq. 301 South Livingston Avenue Livingston, NJ 07039 Re: 2A Robert Drive Chatham, NJ 07928	\$533.64 State Court Judgment –Year 2015

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

By _____
Curt Ritter, Mayor

Gregory J. LaConte, Clerk

RESOLUTION 2016-P-03

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CHATHAM IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING CONFERENCE OF THE TOWNSHIP COMMITTEE WITH THE PUBLIC EXCLUDED

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

WHEREAS, the Township Committee of the Township of Chatham is of the opinion that such circumstances presently exist.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

1. The public shall be excluded from discussion of the specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:
 - a. Lease negotiations: T-Mobile Lease
 - b. Collective Bargaining Agreement: Teamsters
3. It is anticipated that the minutes on the subject matter of the Executive Session will be made public upon conclusion of the matter under discussion; and in any event, when appropriate pursuant to N.J.S.A. 10:4-7 and 4-13.
4. The Committee will come back into Regular Session and may take further action.
5. This Resolution shall take effect immediately.

Adopted: January 21, 2016

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

Attest:

Gregory J. LaConte, Clerk

By _____
Curt Ritter, Mayor