

**WORKSHOP MEETING MINUTES
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN**

OCTOBER 19, 2009

OAKHURST, NEW JERSEY

The Workshop Meeting was held in the Council Conference Room, Town Hall, 399 Monmouth Road, Oakhurst, NJ 07755 beginning at 5:30 p.m.

Present: Mayor Larkin
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga, Siciliano

Others: Martin Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager
Vincent Buttiglieri, Township Clerk

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 16, 2008, and revised on June 15, 2009.

REVIEW OF ALL REGULAR MEETING MATERIAL:

The following items were reviewed by the Governing Body and held for the Regular Meeting of September 21, 2009, unless otherwise noted (*):

CERTIFICATES OF ACCOMPLISHMENT:

*Clean Communities Advisory Committee
Coloring and Poetry Contest Winners*

CONSENT AGENDA:

MINUTES:

September 21, 2009 – Workshop, Public and Closed
October 13, 2009 – Workshop

RESOLUTIONS:

09-158 Accept the Performance Guarantee for the following:

- a. Block 10, Lot 25 – 200 Park Avenue – Abe M. Cohen

09-159 Authorize the Reduction of Performance Guarantees for the following:

- a. Block 54, Lot 3 – 104 Crosby Avenue – A.S. Builders
- b. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Hillel School of the Shore Area
- c. Block 1.05, Lot 2 – 2108 Kings Highway – Metro PCS New York, LLC
- d. Block 1.05, Lot 2 – 2108 Kings Highway – Omnipoint Communications, Inc.
- e. Block 33.42, Lot 3 – 1633-1635 Bellmore Street – Bellmore, LLC
- f. Block 35, Lot 88 – 38 Brandywine Road – MGO Group, Inc.

Andrew Brannen, Township Manager, explained that this lot was turned over to the Township by the Developer, as part of the development.

09-160 Authorize the Release of Maintenance Bond(s) for the following:

- a. Block 67, Lot 2 – 512 Myrtle Avenue – Alan and Michelle Karp

09-161 Authorize the Developers Agreement for the following:

- a. Block 3, Lots 13, 14 & 15 – 2105 Highway 35 – 2105 Highway 35 Associates, LLC

09-162 Authorize ***Put the Brakes on Fatalities*** Day in the Township of Ocean

09-163 Authorize the execution of the following

- a. Mayor and Municipal Clerk to execute the OPRS – RIM with the County of Monmouth

Mr. Brannen explained that the funding for this program/equipment came from a PARIS Grant and is being facilitated through Monmouth County

- b. Sustainable Energy

Mr. Brannen stated that Natural Gas bids will be received in December 2009 and Electricity will be received in the early part of 2010.

- c. Fiber Telecommunications for the Ocean Township Board of Education

09-164 Authorize the release of various 2007 and 2008 Closed Session Minutes

09-165 Authorize the submission of the following Grant:

- a. Federal Emergency Management Grant for Hazard Mitigation

Mr. Brannen explained that, depending on the funds received, this Grant could cause the relocation of between 16 and 32 buildings.

09-166 Authorize the Manager and Township Clerk to execute documents related to the submission of the Planning Board application related to the effect of a subdivision of Block 139, Lot 1 and Block 140, Lots 65.02, 67.01 and 69

INDIVIDUAL ACTION:

VOUCHERS: \$ 5,455,871.48

RESOLUTIONS:

09-167 Authorizing the Township to Execute an Amendment to the Agreement with the New Jersey Department of Environmental Protection, Green Acres Program known as Ocean Township Incentive Program 1337-97-111

Mr. Brannen explained that these funds will be utilized for the Colonial Terrace Golf Course. The Township, will be receiving \$205,429.50

09-168 Authorize a contract with Jeffrey R. Surenian, Esq., and the Firm Jeffrey R. Surenian and Associates, LLC to assist the Township with its affordable housing responsibilities at a cost not to exceed \$15,000.00

09-169 Consideration of the following bid:

- a. Compost Leaves from Joe Palaia Park (2 years)

09-170 Authorize the Township Manager to execute and submit a grant application to the Monmouth County Historical Commission.

Mr. Brannen reported that these funds, which require a 100% match from the Township, will be utilized for shutters at the Eden Woolley House.

09-171 Confirming the Private Sale of Real Property to Bruce Horn for property located on Logan Road and Thomas Avenue, Block 211, Lot 1

09-172 Approve a Chapter 159 for the following Grants:

- a. Federal Bulletproof Vest Partnership 2009 Grant
- b. Emergency Management Assistance Grant 2009

Mr. Brannen reported that these funds, which require a 100% match from the Township, will be utilized for flood mitigation.

- c. Edward Byrne Memorial Justice Assistance Grant 2009

Mr. Brannen reported that these funds are going to be utilized towards the purchase of six portable radios utilized by the Police Department.

09-173 Declare Township of Ocean's intent to comply with its Mount Laurel obligation

ORDINANCES:

Adoption(s):

Ordinance #2139 – An Ordinance amending Chapter XI of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Health”
(Coaster)

Mr. Brannen explained that the Township is working with the Sewerage Authority to make the inspection of any grease traps located at any Township businesses mandatory. There will also be a fee associated with said inspection.

Introduction(s):

Ordinance #2130 - An ordinance amending and supplementing Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Department of Administration to remove Civil Defense and Disaster Control Council and replace it with Emergency Management
(P.H. 11/9/09 Coaster)

Ordinance #2140 - An ordinance amending and supplementing Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean
(P.H. 11/9/09 Coaster)

Mr. Brannen explained that this ordinance makes some minor adjustments to the fees and zoning setbacks.

ITEMS FOR DISCUSSION:

Subject: 2010 Municipal Budget Update

Action: Andrew Brannen, Township Manager, distributed a Revenue Enhancing Recommendation worksheet that explains the various steps being taken by the different departments to enhance their revenue sources for 2010. Mr. Brannen explained Ordinance #2139, that was scheduled for adoption later that evening, would bring in approximately \$15,000 in additional revenue to the Township. Mr. Brannen explained that there are still many hurdles that must be overcome but he assured the Council that the departments were working hard to submit a budget for their department that does not result in an overall increase in expenditures.

Subject: ABC Violation Procedures

Action: Vincent Buttiglieri, Township Clerk, reported that he had been notified by the Ocean Township Police Department that one of the liquor license holders had been cited for an ABC violation. Mr. Buttiglieri explained what the procedure was to deal with this, including assigning a prosecutor to handle this matter, the notification requirements, the penalties for said violation, and timeframe for resolution of the matter. It was determined that Mr. Buttiglieri will ask that Township Prosecutor, Timothy McGoughran, represent the Township in this matter.

Subject: Police Communications

Action: Mr. Brannen reported to the Council that he is recommending that the information regarding the new police communications tower be sent to Jim Higgins, Township Planner, for his review. Once that has been done, the Council will need to decide what process they wish to utilize in order to proceed with this upgrade.

Subject: Temporary Sign Request

Action: The Council agreed to honor the dual signage requests for five (5) locations between October 9, 2009 – November 4, 2009.

Subject: Ocean Greenway Project

Action: Mr. Brannen reported that he had met with Township resident, Al Kerecman who has some ideas that may assist in alleviating the traffic woes throughout the Township. Mr. Brannen stated that Mr. Kerecman would be discussing this matter at the Public Meeting later that evening and would like to attend a meeting to go into much more detail about his ideas.

Subject: Post-retirement Benefits

Action: Mr. Brannen reported that an article appeared in The Link regarding the post-retirement benefits paid to some municipal employees in surrounding communities. The Township did receive a call regarding this matter. Mr. Brannen stated that Finance Director, Stephen Gallagher, told him that the Township had minimal liability due to the stringent policy the Township had adopted.

Subject: St. George Greek Orthodox Church

Action: Mr. Brannen reported that St. George has requested an exemption on certain fees associated with their development on West Park Avenue. After discussion, it was determined to have Martin Arbus, Township Attorney, discuss this matter with representatives from the church.

Subject: Nobility Crest

Action: Mr. Brannen reported that he had received a request from the attorney representing the developer requesting a release of the performance bond posted for said development, even though there is still an open item that must be addressed. They had previously requested a reduction in the bond, which was granted. After discussion, it was decided that this bond should remain in effect until all the work has been completed.

Subject: College Rentals

Action: Andrew Brannen reported that the owner of a rental property has sent a letter to the renters stating that if he gets any additional summonses for that property, they will be evicted. Mr. Brannen stated that it appears that the message is getting out to the owners of the various rentals and hopefully, it will spread to other owners and they will take the same approach.

COMMENTS:

Councilmember Schepiga reported that Operation Clean Sweep will be held on October 25, 2009 beginning at 11:30 a.m.

The following individuals did not issue a report at this meeting:

Councilmember(s) Garofalo, Hiers, Siciliano
Andrew Brannen, Township Manager
Martin Arbus, Esq., Township Attorney

PUBLIC COMMENTS:

There were no public comments at this time.

**RESOLUTION
DECLARING CLOSED SESSION**

Councilmember Siciliano offered the following Resolution and moved its adoption, seconded by Councilmember Hiers

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, 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 the Township Council of the Township of Ocean, County of Monmouth as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Litigation - COAH
Contract – Land Sale
3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the Township of Ocean and make a recommendation to the Governing Body, which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential but may be seen and copied by any person(s) in the same manner as any meeting minutes of the Township of Ocean.
4. This resolution shall take effect immediately.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

On a motion by Councilmember Garofalo and seconded by Councilmember Hiers, it was moved to adjourn the meeting.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

Respectfully submitted,

Vincent Buttiglieri, RMC/CMC
Township Clerk