

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

SEPTEMBER 21, 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) Schepiga, Siciliano
Absent: Councilmember Garofalo
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 (*):

PROCLAMATION: *Recovery Month*
September 2009

CONSENT AGENDA:

MINUTES:

August 17, 2009 – Workshop, Public and Closed
August 28, 2009 – Special Public Meeting

RESOLUTIONS:

09-139 Accept the Performance Guarantee for the following:

- a. Block 20, Lot 16 – 282 Park Avenue – Essential Homes, LLC
- b. Block 75, Lot 7 – 606 Beechwood Avenue – T.B.C. Construction Group, Inc.

09-140 Authorize the Reduction of Performance Guarantees for the following:

- a. Block 1.02, Lot 73 – 1033 West Park Avenue – St. George Greek Orthodox Church

09-141 Authorize the release of various 2007 and 2008 Closed Session Minutes

09-142 Authorize the receipt of bids for the following items:

- a. Various Road Construction Materials; Motor Oil and Lubricants; Public Works Uniforms (3 year contract); and Recap Tires and Accessories and Road Service

Andrew Brannen, Township Manager, reported that the uniform bid will be for the Township DPW employees as well as those employees from the Board of Education and the Sewerage Authority.

09-143 Authorize the Mayor and Municipal Clerk to execute the following Traffic Light Installation Agreements with Monmouth County:

- a. Intersection of County Route 15 (Monmouth Road) and Deal Road
- b. Intersection of County Route 15 (Monmouth Road and County Route 14 (West Park Avenue)

Mr. Brannen stated that the Township Engineer had issued a response, on behalf of the Township, explaining concerns that the Township had regarding the proposed improvements to both intersections.

09-144 Authorize the Release of Performance Guarantees for the following:

- a. Block 9, Lot 11 – 205 Park Avenue – Chemtob Construction
- b. Block 33, Lot 54 – 1607 Holbrook Street – Carlos A. Ortiz, Sr.
- c. Block 115, Lot 4 – 1404 Vina Avenue – Noah Kolarsick Builders, Inc.
- d. Block 140.18, Lot 9 – 725 Highway 35 – Elrac, Inc./Enterprise Rent-A-Car

09-145 Authorize the Release of Maintenance Guarantees for the following:

- a. Block 25.34, Lot 3 – 401 Brookside Avenue – Capital Real Estate Management, LLC
- b. Block 1.02, Lot 72 – 20 Hidden Meadows Drive – Fieldstone Associates, L.P.

09-146 Authorize the Developers Agreement for the following:

- a. Block 3, Lots 7, 8 & 9 – 2121-2123 Highway 35 – Gold Coast Automotive, LLC

INDIVIDUAL ACTION:

VOUCHERS: \$ 5,875,743.60

RESOLUTIONS:

09-147 Authorize the refund of overpayment of taxes for Block 20, Lot 10

Mr. Brannen reported that this refund was a result of an overpayment and not a tax appeal

09-148 Authorize the waiver of the fees associated with the Planning Board application for the construction of sodium hypochlorite building along a portion of Block 22, Lot 75 (224 Roosevelt Avenue)

09-149 Execute the Agreement with Expense Reduction Analysts

09-150 Authorize the Director of Finance to sell all municipal liens at a Tax Sale and establish associated fees to accompany said sale.

Mr. Brannen reported that currently there are 57 properties on the list for tax sale, however, that number should be significantly reduced by the day of the sale.

09-151 Authorizing a Road Opening Permit for Deal Road, at the intersection of Logan Road, with penalty

09-152 Authorize the award of a contract for the following bids/proposals

- a. Subassembly components for field conversion of the Scarab Windrow Turner
- b. Class A Recycling Material Recover Facility to accept Class A Single Stream Recyclable Materials

- c. Class B Recycling Material Recovery Facility to accept certain Class B Recyclable Yard Waste Materials
- d. Bulk Material Recovery Facility to accept Construction and Demolition Waste and other Type #13 and #13C Waste Materials

09-153 Approve a Chapter 159 for the following Grant:

- a. Over the Limit Under Arrest 2009 Grant

Mr. Brannen explained that this Grant was for DUI Enforcement

09-154 Authorize the refund of overpayment of taxes resulting from a favorable tax appeal judgment

09-155 Approve Final Change Order for the 2008 Road Improvement Program reducing the final contract amount by \$108,409.00 due to reductions in As-built quantities.

Mr. Brannen explained that the Township previously passed a change order increasing the amount of the contract and this change order essentially reduces the total contract amount by a similar amount.

09-156 Approve a contract with Realty Appraisal Co to perform Re-assessment services for the Township at a cost not to exceed \$235,000.00.

Mr. Brannen stated that the Township had allocated \$270,000 for this but quotes received came in lower than the allocated amount.

09-157 Approve a contract with Speed of Service, Inc. to provide an ATM machine in the Municipal Building at no cost to the Township.

Mr. Brannen stated that this ATM would be placed in the lobby of the Police Department

ORDINANCES:

Adoption(s):

Ordinance #2129 – An Ordinance authorizing the private sale of non-conforming real property known as Block 211, Lot 1 to contiguous property owners pursuant to N.J.S.A. 40A:12-13 (B)(5)
(Coaster)

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 include the Office of Emergency Management
(Coaster)

Ordinance #2136 - A Bond Ordinance amending Bond Ordinance #2131 adopted on July 13, 2009, which provided for curb and sidewalk improvements in order to appropriate an additional \$8,000 therefor and authorizing the issuance of \$7,600 bonds and notes to finance a portion of the cost thereof and expand the scope of improvements
(Coaster)

Ordinance #2137 – An Ordinance amending Chapter XXVI (Flood Damage Prevention Plan) of the Township of Ocean, County of Monmouth, State of New Jersey
(Coaster)

Introduction(s):

Ordinance #2138 – An Ordinance amending Chapter IX of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Soil and Tree Removal”
(P.H. 10/19/09 Coaster)

Mr. Brannen reported that this action is just moving this section from the Land Development Ordinance to the Revised General Ordinances to enable the Township to enforce these regulations in a more expeditious manner.

Ordinance #2139 – An Ordinance amending Chapter XI of the “Revised General (P.H. 10/19/09 Coaster) Ordinances of the Township of Ocean, 1965” entitled: “Health”

REPORTS:

Councilmember Hiers reported that he was very concerned about recent actions of some residents lately and asked that the Police investigate this action further.

Mr. Brannen reported that with the upgrades to the Nat Geo program, these establishments will be tracked more closely.

Councilmember Schepiga inquired about the status of the motel on Route 35. Councilmember Schepiga also reminded everyone that Fall Fest will be held on September 26, 2009 at Palaia Park between 10 am-4 pm.

Mayor Larkin reported that the MRI establishment on Route 35 is being purchased by an architect.

At this juncture, Mr. Brannen introduced Craig Bartner from Expense reduction Analysts to explain what their company was going to do for the Township, including the process and their fee structure. Mr. Bartner explained that they will be reviewing the office supplies account and believes that they can help the Township gain at least a 10 % savings.

Mr. Bartner explained that they are successful because of three factors: they have the time to delve into the items/companies the items are purchased from, they have the internal resources and the expertise in all facets of business.

The fee paid to Expense Reduction Analysts is derived from 50% of the savings after a 2-year period. They will also audit the savings and deal with whatever issues arise from the existing vendors.

ITEMS FOR DISCUSSION:

Subject: Municipal Sustainable Energy Fund Grant
Action: Mr. Brannen explained that the premise for this Grant is the same as a Joint Insurance Fund, where many entities come together to purchase an item and therefore, based on volume, they get a better price. Mr. Brannen will keep the Council apprised of the status.

Subject: Performance Bond Update – 1633/1635 Bellmore Street
Action: Mr. Brannen gave an update of the status of the refund.

Subject: Armstrong Boulevard Update
Action: Mr. Brannen reported that the Scoping Hearing was held on September 16th and those in attendance were not in favor of the project, as it is proposed currently. Most attendees felt that the project would not alleviate the traffic problem. Some even felt that there was no problem with the traffic at the West Park Avenue/Route 35 intersection. Mr. Brannen reported that the Township is in the process of having a transcript prepared and all entities (Township, Monmouth County and Green Acres) will determine if the Township should move forward and in what capacity.

Subject: FEMA Grant
Action: Mr. Brannen explained the potential use for any funds received from this Grant. He also stated that he will be attending a meeting regarding this matter on September 22, 2009.

Subject: Animal House Update
Action: Martin Arbus, Township Attorney, reported that there are two properties that are being looked at in terms of being in violation of said ordinance. He will update the Council with any future developments.

RESOLUTION
DECLARING CLOSED SESSION

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

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:
 1. Litigation – COAH
 2. Litigation – Land Development
 3. Contract – Land Sale
 4. Contract – Local 701
 5. Litigation – Loch Arbour Board of Education
 6. Contract – Land Swap
 7. Contract – Loch Arbour Police Services
 8. Litigation – West Wing Project
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: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo