

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

AUGUST 17, 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: Peter Krenkel, Esq., Township Attorney (filling in for M. Arbus)
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 August 17, 2009, unless otherwise noted (*):

PROCLAMATIONS:

Honoring Girl Scout Gold Award Recipients: Gillian Gayliard
Mariah Guy
Georgia Fickes

Honoring Retired Employees: Police Officer Leslie N. Laffan (25 years)
Charles Betz, Sr. (32 years)

PUBLIC HEARING: Taxicab License
SEMOM-TOV TAXI, LLC
1306 Brielle Avenue, Ocean, NJ

CONSENT AGENDA:

MINUTES:

July 13, 2009 – Workshop and Public
July 24, 2009 – Special Public Meeting

RESOLUTIONS:

09-123 Authorize the Release of Performance Guarantee for the following:

- a. Block 25, Lot 101 – 258 Delaware Avenue – George Parlamas
- b. Block 5.03, Lot 22.02 – 412 Lake Avenue – Jose M. Borges
- c. Block 35.02, Lot 12 – 27 Framingham Road – Wayside Hills, LLC
- d. Block 199, Lots 3.01, 4 & 5 – 1203 Bloomfield Avenue – Padula Builders, Inc.
- e. Block 13, Lot 19 – 246 Norwood Avenue – Norwood Avenue CVS, LLC
- f. Block 35, Lot 53 – 12 Carbury Road – MGO Group, Inc
- g. Block 35, Lot 79 – 41 Northwoods Road – MGO Group, Inc.
- h. Block 35.02, Lot 4 – 26 Northwoods Road – MGO Group, Inc.

09-124 Accept the Performance Guarantee for the following:

- a. Block 129, Lot 10 – 1310 Laurel Avenue – Bomarc, LLC
- b. Block 33.01, Lot 8 – 537 West Lincoln Avenue – Mimma Maggio
- c. Block 25.34, Lot 31.01 – 406 Redmond Avenue – E-3 Developers, Inc.

09-125 Authorize the Release of Maintenance Guarantees for the following:

- a. Block 10, Lot 3.01 – 110 Norwood Avenue – A.S. Builders, Inc.
- b. Block 33.42, Lot 4 – 1631 Bellmore Street – Gladys M. Gonzalez

09-126 Authorize the submission of the following Grant applications:

- a. 2010 Monmouth County Board of Alcohol and Drug Abuse Services Grant

09-127 Authorize the Mayor and Municipal Clerk to execute the following Stormwater Management Agreements:

- a. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Congregation Sons of Israel
- b. Block 13, Lot 16 – 201 Jerome Avenue – Shore Area Mikvah

Andrew Brannen, Township Manager, explained that these Agreements generally deal with water retention issues.

09-128 Authorize the closure of Sunset Avenue between Woodlock Avenue and Laurel Avenue from September 14, 2009 through October 16, 2009.

Mr. Brannen explained that this resolution pertains to Phase II of the Sunset Avenue Road Improvement project and the road closure will be minimal, although a time-frame needed to be determined.

INDIVIDUAL ACTION:

VOUCHERS: \$ 8,926,884.68

Mr. Brannen reviewed invoices that were submitted for payment, specifically for the law firm of Ruderman & Glickman, PC.

RESOLUTIONS:

09-129 Approve a Chapter 159 for the following Grants:

- a. Obey the Signs or Pay the Fines Grant 2009
- b. Mid Jersey Municipal Joint Insurance Fund Safety Awareness Program – 2009 Grant
- c. Design Grant for Intersection Improvements to Armstrong Boulevard and State Highway 35

09-130 Authorize the purchase of radio equipment for the Police Department Communication System from Motorola (State Contract #A53804)

09-131 Authorize the installation of radio system equipment for the Police Department from Quality Communications (State Contract #A53766)

Mr. Brannen explained that Resolution #130 and #131 were for replacements/upgrades to both the hand-held radios and mobile units for the police vehicles and this was not for anything to do with the new communications center.

09-132 Authorize the waiver of all construction permit fees for roof repairs for Fire District No. 1, Station No. 2 located on Deal Road

Deputy Mayor Hiers inquired if there was something the Township could do to make the waiver of these fees permanent for the volunteers instead of having to pass a resolution every time a request is submitted. Mr. Brannen will review this with the appropriate Township officials.

09-133 Award a Professional Services contract to Leon S. Avakian for the review of specifications and on-site observation association with the Police Communications Tower at a fee not to exceed \$3,500.00.

09-134 Consideration of Bids:

a. Abandoned Vehicles to Central Towing Company, Red Bank, NJ

Mr. Brannen explained that no bids were received for these vehicles.

09-135 Execute the Agreement with Expense Reduction Analysts

Mr. Brannen requested that this resolution be pulled off the Agenda and not voted on at tonight's meeting.

09-136 Emergency resolution to update and make current the 2002 revaluation of real properties within the Township of Ocean pursuant to N.J.S.A. 4A:4-53, 55.1 and 55.13

09-137 Authorize adjustments to 3rd and 4th quarter tax levy and refunds for overpayments resulting from favorable judgments from Monmouth County Tax Board and New Jersey Tax Court.

Mr. Brannen explained that there were 120 appeals that this resolution pertains to and that it does not include any commercial properties.

09-138 Authorize the refund of overpayment of taxes resulting from a favorable tax appeal judgment

ORDINANCES:

Adoption(s):

Ordinance #2124 – An Ordinance amending Ch. XIII of the “Revised General Ordinances (Coaster) of the Township of Ocean, 1965” entitled: “Excavation and Construction of Public Streets

Mr. Brannen explained that this ordinance pertains to the maintenance of fire hydrants located throughout the Township.

Ordinance #2132 – An Ordinance establishes the positions eligible for the Defined (Coaster) Contribution Retirement Program provided by the Pension Reform Act of 2007, N.J.S.A. 43:15C-1 et seq.

Mr. Brannen reported that this ordinance has been mandated by the State and merely outlines the positions eligible for PERS vs the newly created Defined Contribution Retirement Plan.

Ordinance #2133 – A Bond Ordinance providing for the acquisition of machinery and (P.H. (Coaster) equipment for the Department of Public Works appropriating \$802,000 therefor authorizing the issuance of \$761,900 bonds and notes to finance a portion of the cost thereof

Mr. Brannen stated that this ordinance pertains to the automated garbage collection that will be implemented throughout the Township.

Ordinance #2134 – An Ordinance amending Ordinance 2101 to provide an additional appropriation of \$44,155.00 from the Capital improvement Fund for the purchase of equipment
(Coaster)

Ordinance #2135 – An Ordinance authorizing an emergency appropriation according to N.J.S.A. 40A:4-53b to update and make current the 2002 revaluation of real property for use of the local assessor
(Coaster)

Mr. Brannen explained that this ordinance deals with the revaluation/reassessment of Township properties.

Introduction(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)
(P.H. 9/21/09 Coaster)

Mr. Brannen reported that this ordinance was previously adopted but the prospective bidders missed the deadline to submit a bid and have requested we initiate the process again.

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
(P.H. 9/21/09 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
(P.H. 9/21/09 Coaster)

Mr. Brannen explained that this was amending the assessment district ordinance to include additional areas.

REPORTS:

Councilmember Siciliano inquired whether the stores located at Norwood Avenue and Roosevelt Avenue are licensed to do business in the Township.

Councilmember Hiers reported that he had been approached by a resident who has some struggles and is in need of assistance from the Township.

Councilmember Schepiga inquired if and when the water tower located at Sunset Avenue and Brielle Avenue was going to be painted, as it has become an eyesore. Mr. Brannen replied that it is slated for painting in 2011.

Councilmember Garofalo inquired about the status of any animal control at Joe Palaia Park and the surrounding areas. Mr. Brannen explained that he is still researching all our options.

ITEMS FOR DISCUSSION:

Subject: Animal Control

Action: Mr. Brannen distributed copies of letters that are utilized by Monmouth County in dealing with animal control issues. Mr. Brannen is working with the Environmental Commission to gather as much information as possible to assist in making an informed decision on how to proceed.

- Subject:** NAT GEO Update
Action: Mr. Brannen explained that the program has undergone a complete makeover and is much more user friendly. It is operational and all appropriate Township officials are utilizing this program.
- Subject:** FEMA Grant
Action: Mr. Brannen reported that there is a FEMA Grant available that he believes the Township can be successful in obtaining, which will assist in flood mitigation in the Township. Mr. Brannen will submit the application and will also contact Congressman Pallone to let him know of the Township's desire to receive this funding and that his support would be greatly appreciated.
- Subject:** 2009 Budget Status
Action: Mr. Brannen distributed status reports for both Colonial Terrace Golf Course and the Township, in general. He reported that the golf course was doing well and, on the Township side, UCC and Court fees were down.
- Subject:** Update on Township Website
Action: Mr. Brannen reported that the website is fully operational and at this time, the Township does not plan on making any content changes.
- Subject:** Automated Garbage Collection
Action: Mr. Brannen reported that he and Bill McMahon, Public Works Director, canvassed the Township during the first go-round of the new collection schedule. Mr. Brannen stated that nothing unexpected was encountered and the volume was about what was expected.
- Subject:** Shared Facilities – Board of Education
Action: Mr. Brannen reported that the inter-local agreement between the Township and the Board of Education had commenced. Mr. Brannen discussed possibly having a shared facility with the Board. He will pursue discussion and report back.
- Subject:** Sign Request
Action: Approval was granted for the temporary sign request for three (3) locations from September 16, 2009 through September 22, 2009.

RESOLUTION
DECLARING CLOSED SESSION

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

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 – Loch Arbour
 2. Personnel – Planning and Zoning Boards
 3. Litigation – Rezoning/COAH

4. Personnel – Public Works
 5. Personnel - Administration
 6. Contract – Local 701
 7. Litigation – Unsolicited Newspaper Delivery
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