

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

DECEMBER 6, 2010

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 9, 2009.

REVIEW OF ALL REGULAR MEETING MATERIAL:

The following items were reviewed by the Governing Body and held for the Regular Meeting of December 6, 2010, unless otherwise noted (*):

CONSENT AGENDA:

MINUTES:

November 8, 2010 – Workshop, Public and Closed Meeting

RESOLUTIONS:

10-194 Authorize the Release of Performance Guarantee for the following:

- a. Block 1.02, Lot 39 – 2128 Kings Highway – Central Jersey Radiologists
- b. Block 7, Lot 12 – 13 Woodrow Street – Juana & Jason Penta
- c. Block 12.03, Lot 4 – 155 Larchwood Avenue – Monmouth Custom Builders

Andrew Brannen, Township Manager, stated that the funds posted by this developer were necessary in order for them to get their Certification of Occupancy.

- d. Block 20, Lot 16 – 282 Park Avenue – Essential Homes, LLC
- e. Block 26.08, Lot 15.03 – 311 Crimson Circle – Coastal Development Co., LLC
- f. Block 33.28, Lot 9 – 1804 Fanwood street – Coastal Development Co., LLC
- g. Block 35.02, Lot 13 – 25 Framingham Road – Wayside Hills, LLC
- h. Block 75, lot 7 – 606 Beechwood Avenue – T.B.C. Construction Group, Inc.
- i. Block 105, Lot 22 – 1304 Maple Avenue – Kolarsick Builders, Inc.
- j. Block 138, Lot 81 – 7 Woods End – Waterford Properties, Inc.
- k. Block 3.03, Lot 38 – 511 West Park Avenue – Craig Kappmeier
- l. Block 33.10, Lot 19.01 – 2000 Linden Street – Alfred Slinger
- m. Block 47, Lot 3 – 222 Runyan Avenue – Ashira Builders, Inc.
- n. Block 36, Lot 33 – 1219 Deal Road – Richard Thetgyi

10-195 Authorize the Release of Maintenance Guarantees for the following:

- a. Block 3, Lots 2.01 & 3 – Lexus of Monmouth (Additional Parking Area) – Ray Catena Lexus of Monmouth
- b. Block 10, Lot 24.01 – 18 Saxony Drive – Steven & Carolyn Dayon
- c. Block 34, Lot 24 – 802 West Park Avenue – Commerce Bank

- d. Block 35, Lot 113.01 – 1175 Deal Road – Todd Morgano Builders
- e. Block 40.11, Lot 9 – 1001 Roseld Avenue – Four Star Builders
- f. Block 54, Lot 3 – 104 Crosby Avenue – A.S. Builders
- g. Block 60.02, Lot 9.01 – 35 Bruns Road – Olde Monmouth Builders, LLC
- h. Block 130, Lot 6.01 – 1320 Vina Avenue – Palatial Homes, Inc.
- i. Block 22, Lot 82 – 266 Norwood Avenue – JP Morgan Chase Bank, N.A.
- j. Block 37, Lot 18 – 2901 Asbury Avenue – Motiva Enterprises
- k. Block 182, Lots 85 & 86 – 1500 Highway 35 – Ocean's trident, Inc./Steven's Furniture-LazyBoy/Sealy

10-196 Accept the Performance Guarantees for the following:

- a. Block 56, Lot 5 – 200 Roseld Avenue – Simon & Renee Abadi
- b. Block 53, Lot 5 – 228 Crosby Avenue – Monmouth Custom Builders, Inc.
- c. Block 37.07, Lot 5 – 1 Jackson Circle – Eric Bosniak and M. Charli Bohm

10-197 Approve the 2011 Township Council Meeting schedule

Mr. Brannen stated that this schedule could always be revised, should there be a need.

10-199 Authorization to accept bids for the following:

- a. Vehicle Maintenance

Mr. Brannen explained that the Township is in the information gathering phase to see if contracting this service out makes sense both financially and procedurally. Once this information is obtained, he'll report on the findings before making a final decision.

INDIVIDUAL ACTION:

VOUCHERS: \$

RESOLUTIONS:

10-200 Authorize the Tax Collector to refund tax overpayments made by the owner of Block 18, Lot 14 (209 Cedar Avenue)

Mr. Brannen reported that this refund was due to a duplicate payment resulting from the sale of the property.

10-201 Accept award of the 2011 Community Development Block Grant, in the amount of \$12,783.00, for ADA Improvements to the Senior Center

Mr. Brannen reported that the Township's project was the last that was approved for funding. Although the Township did not receive the full amount that was requested, should additional funding be made available, the Township could be granted additional funds.

10-202 Approve the extension of the contract with AFLAC

10-203 Approve a Road Opening Permit for New Jersey Natural Gas on Berkeley Avenue to serve work being done at 731 Highway 35 for a fee of \$551.76

10-204 Ratify the Collective Bargaining Agreements with the PBA and SOA for the years 2008 through 2011

Mr. Brannen reported that the salary adjustments were 3% for 2008, 2.75% for 2009, 2.5% for 2010 and 2.25% for 2011. There was also an additional step added for patrol and a \$50.00 increase in the differential. Also, the Township did receive givebacks in the areas of health benefits.

10-205 Approve a salary adjustment for non-union Township personnel

10-206 Amend Resolution #10-185b, approved at the November 8, 2010, approving the maintenance contract for Colonial Terrace Golf Course that was awarded to Valleycrest Golf Course Maintenance

10-207 Consideration of Bids:

a. Recap Tires, Accessories and Road Service

Mr. Brannen reported that the Township is recommending the award to the second lowest bidder, as the Township had very bad experience with the low bidder, and in fact, had to terminate the contract with same in 2010.

10-208 Authorize the Tax Collector to issue a refund to property owners who have received a favorable State Tax Appeal judgments

Mr. Brannen reported that the property owner will be receiving one-half of the amount as a refund and one-half will be credited to their 2011 taxes.

10-209 Authorize the Transfer of Funds in accordance with N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a.

Mr. Brannen stated that a majority of the transfer was necessitated by overtime due to snow removal and the transfer of various employees within the Township.

ORDINANCES:

Adoption(s):

Ordinance #2159 – An Ordinance amending Ordinance #1895, #2004 and #2120 (Coaster) entitled: “An Ordinance fixing salaries and compensation of certain offices, positions and employees in the Township of Ocean, County of Monmouth, State of New Jersey

Ordinance #2161 – Amend Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” entitled “Personnel Policies, Practices and Procedures”. (Coaster)

Mr. Brannen stated that this policy revision will only affect new employees in the Clerical /technical group.

Introduction(s):

Ordinance #2162 – An Ordinance amending Chapter II, Section 5.5 of the “Revised (P.H. 1/10/11 Coaster) General Ordinance of the Township of Ocean, 1965” entitled: Department of Law

Mr. Brannen stated that this ordinance addresses the issue with the appointment of an Assistant Township Attorney as well as cleaning up some outdated language.

Ordinance #2164 – An Ordinance amending and supplementing Chapter 21 of the (P/H 1/10/11 Coaster) Comprehensive Land Development Ordinance of the Township of Ocean creating the “R-2HD” Overlay Zone

Mr. Brannen stated that this revision is due to the settlement with Martelli Development.

PUBLIC COMMENTS:

Councilmember Garofalo stated that he was no longer employed by Matawan Borough.

Councilmember Schepiga reminded all that the Italian American Association was having their Annual Holiday Dinner on December 8, 2010 at 7:00 p.m.

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

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

ITEM FOR DISCUSSION:

SUBJECT: Lease of Land – Advanced Fiber Works

ACTION: Martin Arbus, Township Attorney, reported that any action with regard to reduction in rental fee must be done in a public bid, as that is how the contract was awarded. Additionally, the contract is unclear as to whom is responsible for repairs to the building. At this juncture, the Governing Body will not agree to reduce the rent, as requested by the leasee.

SUBJECT: EEBG/Direct Install

ACTION: Mr. Brannen stated that the Township has made an application for funding for the West Park Recreation Center, Town Hall and the Cablevision Property. The Township will also look into doing some repairs at the Sunset Avenue Garage and at Beecroft Garage. Additionally, in the Spring 2011, the Township will solicit bids to replace the main boiler and one chiller on the roof of Town Hall.

SUBJECT: Administrative Review for Planning/Zoning Applications

ACTION: Mr. Brannen stated that a meeting will be set up with all pertinent Township professionals in January to discuss the process and whether it can be improved.

SUBJECT: FEMA Grant

ACTION: Mr. Brannen stated that the Township was awarded funding for the acquisition of 32 units at Poplar Village closest to the brook. Poplar Village can, should they choose, apply for funding to build these additional units. The Township will also receive some COAH credit for the building of these new units, where they did not receive credit with the old units as they were built prior to the cutoff date.

SUBJECT: 2011 Municipal Budget

ACTION: Mr. Brannen stated that the budget process is moving along and it appears that the Salary and Wages will actually be lower in 2011 than in 2010.

PUBLIC COMMENTS:

Seeing that there were no Public Comments, Mayor Larkin read the following :

**RESOLUTION
DECLARING CLOSED SESSION**

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:
 - C1. Litigation – COAH
 - C2. Litigation – Loch Arbour
 - C3. Contract – Local 701 and Local 177
 - C4. Personnel – Council Interviews
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.

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second		X			
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Seeing that there were no additional comments, the meeting was adjourned.

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

Vincent Buttiglieri, RMC/CMC
Township Clerk