

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

JULY 1, 2011

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 Siciliano
Councilmember(s) Evans, Garofalo, Schepiga

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 6, 2010.

REVIEW OF ALL REGULAR MEETING MATERIAL:

The following items were reviewed by the Governing Body and held for the Regular Meeting of June 13, 2011, unless otherwise noted (*):

CONSENT AGENDA:

MINUTES:

June 8, 2011 – Workshop and Closed Meeting
June 13, 2011 – Workshop, Public and Closed Meeting

RESOLUTIONS:

11-112 Authorize a Performance Guarantee for the following:

- a. Block 33.13, Lot 15 – 15 Tudor Drive – Manuel Sanpedro

Andrew Brannen, Township manager, explained that the funds posted by the developer will be utilized for improvements needed in order to sell the property. Township Engineer will monitor the work.

11-113 Authorize the Release of Performance Guarantees for the following:

- a. Block 182, Lot 73 – 1502 Highway 35 – Middlebrook Shopping Center/Kohls
- b. Block 34, Lot 6 – 1604 Highway 35 – Lumber Liquidators, Inc.

11-114 Authorize the Acceptance of Developers Agreements for the following:

- a. Block 141, Lot 17 – 1 North Mall Drive – Daniel Betesh

Mr. Brannen stated that the property referenced is the Goodwill Store of Ocean

- b. Block 22, Lot 107, 107, 108 – Grant Avenue – G.S. Realty Corp./ Amboy Bank

Mr. Brannen stated that this property was taken over by Amboy Bank and the funds deposited will be utilized by Amboy Bank to pay for the inspection fees.

- c. Block 33.33, Lot 6 – 1806 Bellmore Street – Marcelo Gruberg

11-115 Authorize the Release of Maintenance Guarantees for the following:

- a. Block 34, Lot 24 – 802 West Park Avenue – Little Silver Investors, LLC

Mr. Brannen stated that the property referenced is that of the TD Bank located on West Park Avenue.

- b. Block 35, Lots Various – Rear Yards/Easement Storm Sewer – MGO Group, Inc. – Wayside Woods, Section 6

11-116 Authorize the following appointments:

- a. Zoning Board of Adjustment, Environmental Commission, Planning Board, Multiple Dwelling Emergency Board, Monmouth County Office on Aging, Municipal Alliance to Prevent Alcohol and Drug Abuse, Clean Communities, Sewerage Authority
- b. Prosecutor and Alternate Prosecutor

11-117 Authorize the naming of the Official Newspapers for the Township of Ocean for the period July 1, 2011 through June 30, 2012

11-118 Authorize fireworks for the Italian American Association of the Township of Ocean on August 12, 2011 (raindates August 13, 2011 and August 14, 2011)

INDIVIDUAL ACTION:

VOUCHERS: \$ 758,819.96

RESOLUTIONS:

11-119 Authorize a contract with Seacoast Chevrolet to perform various vehicles repairs for the period July 1 through December 31, 2011 (State Contract #A76415)

Mr. Brannen reported that this is the third time a resolution for Seacoast Chevrolet was passed and their services are only utilized by the Township where there is a backlog of work. To date, the mechanics have been doing a good job keeping up with the work.

11-120 Endorse the Amended Housing Element and Fair Share Plan

11-121 Authorize the Tax Collector to issue a refund to property owner(s) who have received a favorable State Tax Appeal judgments

Mr. Brannen stated that the overpayments must be refunded since they pertain to prior years taxes. Crediting current years taxes is not an option in these circumstances.

11-122 Approve a Chapter 159 for the following Grants:

- a. Community Hope Fund D.A.R.E. Grant

11-123 Appoint McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC as Township Bond Counsel for the year July 1, 2011 through June 30, 2012

Mr. Brannen informed the Governing Body that the fees being paid to Bond Counsel have remained constant over the past few years, and 2011/2012 will be the same as in past years.

11-124 Authorize the Consideration for the following Bids:

a. Removal of Composted Leaves

Mr. Brannen stated that the fee being paid to the Township during this contract is actually more than the previous contract awarded.

b. Bulk Material Recovery Facility to accept Construction and Demolition Waste and other Type #13 and #13C Waste Materials as Delivered

Mr. Brannen reported that the cost for these services have also decreased from the prior contract.

c. Bituminous Concrete Mix I-2, I-4 and I-5

11-125 Appoint Leon S. Avakian, Inc. as Township Engineer for the year July 1, 2011 through June 30, 2012.

Mr. Brannen stated that the rates had remained steady for the previous three years but the contract for 2011/2012 will show a slight increase in some of those fees.

11-126 Appoint Martin J. Arbus, Esq., as Township Attorney for the year July 1, 2011 through June 30, 2012.

Mr. Brannen stated that the hourly rate has been increased by \$10.00 per hour and the retainer has remained the same.

11-127 Appoint David A. Krenkel, Esq., as Assistant Township Attorney for the year July 1, 2011 through June 30, 2012

11-128 Authorize the acceptance of the following Grants:

a. 2011 Sustainable Land Use Planning Grant

Mr. Brannen reported that this Grant will be used to continue the Township's sidewalk project around the three elementary schools.

b. FY2010 Flood Mitigation Assistance Grant

Mr. Brannen informed the Governing Body that this Grant will be used to acquire 32 units at Poplar Village.

11-129 Authorize the acceptance of bids for the following:

a. 2011 Road Improvements

11-130 Authorize the waiver of all construction permit fees for floor repairs for Fire District No. 1 located on Larkin Place

ORDINANCES:

Introduction(s):

Ordinance #2170 - An Ordinance amending in part Bond Ordinance No. 2127 adopted (P.H. 8/8/11 Coaster) on November 9, 2009, providing for various improvements in order to more fully describe the improvements and equipment authorized thereby, authorized in and by the Township of Ocean, in the County of Monmouth, New Jersey

Ordinance #2172 – An Ordinance to amend Chapter XII of the “Revised General ordinances of the Township of Ocean, 1965” by adding Section 12-14A entitled: “Traffic Control Signal Monitoring System”
(P.H. 8/8/11 Coaster)

PUBLIC COMMENTS:

Councilmember Evans asked Mr. Brannen to inform Code Enforcement that the fencing around the home on Maple Avenue that was damaged by a fire has been removed and needs to be replaced.

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

Councilmember(s) Garofalo, Schepiga, Siciliano

Andrew Brannen, Township Manager

Martin Arbus, Esq., Township Attorney

ITEM FOR DISCUSSION:

SUBJECT: 2011 CDBG Project Update

ACTION: Mr. Brannen reported that the Township was slated to receive a nominal grant. Due to the fact that the funds would not cover the project, therefore, he is requested that we forego the grant this year and re-apply in 2012.

SUBJECT: NJ/US Pension/Health Benefit Legislation

ACTION: Mr. Brannen discussed the various aspects of the Pension and Health Benefits legislation that was recently signed by Governor Christie. The items discussed were as follows:

Pension –

Non-Police employee’s pension contribution will increase to 6.5% on October 1, 2011 and will continue to increase at a rate of 1/7 of 1% each year until it reached a maximum contribution of 7.5%.

Police’s contribution will increase from 8.5% to 10% on October 1, 2011

Health Benefits –

Employees will be required contribute 1.5% of salary for this. Currently, the Township employees pay 9% of the premium and the state is currently mandating a payment of 8.5% but in no case, less than the 1.5%. If an employee’s salary exceeds \$95,000, they will be required to pay as much as 35% of the premium.

Mr. Brannen stated that he and Stephen Gallagher, Director of Finance, will be attending a seminar to gather more clarification on all the various provisions and then Mr. Brannen will meet with the employees to explain the changes.

Mr. Brannen also stated that he reviewed the Universal Single-Payer Health Care Program that was discussed by Lynn Petrovich at the June 13, 2011 Council Meeting. Mr. Brannen stated that he believed that the Township should not proceed at this time with any endorsement.

SUBJECT: Sustainable Jersey Certification

ACTION: Mr. Brannen informed the Governing Body that the Township was proceeding with the certification efforts. A number of resolutions are needed in order to receive the certification. Emily Martin, who has been working with the Township during the summer months, has submitted the application on June 30, 2011 and the Township is waiting for a response.

SUBJECT: FEMA Reimbursement – December 2010 Storm

ACTION: Mr. Brannen informed the Governing Body that the Township has received \$190,189.00 reimbursement for the December 2010 snow storm. It requested \$252,000.00. To date, the Township has not received anything for the March 2010 snow storm.

SUBJECT: Outstanding Municipal Court Debt

ACTION: Mr. Brannen and Mayor Larkin met with the AOC to discuss various security options for the Municipal Court, which the AOC is mandating.

Mr. Brannen also discussed the possibility of contracting with a collection agency to actively go after uncollected court fines. Jacqueline Dowd has written to the AOC for approval to proceed, as it is anticipated that there could be as much as several hundred thousand dollars outstanding.

SUBJECT: COAH Legislation/developer Fee Ordinance

ACTION: Mr. Brannen informed the Governing Body that Governor Christie has suspended the Developer Fee regulation and that the legislature is still trying to come up with new COAH regulations.

PUBLIC COMMENTS:

None at this juncture

Seeing that there were no Public Comments, Mayor Larkin Siciliano 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. Contract – Local 701/Local 177
 - C3. Contract – Purchase of Real Estate
 - C4. Litigation – COMART Realty
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 Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	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	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	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