

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

JULY 7, 2010

OAKHURST, NEW JERSEY

The Workshop Meeting was held in the Council Conference Room, Town Hall, 399 Monmouth Road, Oakhurst, NJ 07755 beginning at 4:00 p.m.

Present: Mayor Larkin
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga, Siciliano
(arrived at 4:15 p.m.)

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 and revised on July 2, 2010.

SUBJECT: Rezoning Request – Oakhurst Country Day

ACTION:

In addition to those mentioned above, the following were present for the discussion pertaining to the rezoning request for the Oakhurst Country Day School:

Marianne Wilensky, Director of Community Development
J. Thomas Means, Planning Board Chairman
Warren B. Goode, Board of Adjustment Chairman

Mayor Larkin introduced Jennifer Krimko, Esq., to discuss the rezoning request at the Oakhurst Country Day School.

- The proposed development will now have a 30 foot cartway as opposed to a 50 foot right-of-way, which was originally proposed
- The minimum lot size will be between 6,600 square feet and 14,000 square feet
- A Community Room/Clubhouse will be constructed
- The Developer will eliminate the proposed homes on lot 18 and lot 22
- With regard to auxiliary structures, none will be allowed except a patio, which must be internal to the home. Also, the owner will be allowed to construct a privacy fence around the patio but no other fences will be allowed.

Andrew Brannen, Township Manager, expressed concern with the location of the proposed retention basin. Mr. Brannen inquired if it could be moved and located on one of the vacant lots (#18 or #22). Ms. Krimko stated that it was not an issue and they would be willing to re-locate the basin.

Ms. Krimko distributed the traffic report and discussion followed.

Mayor Larkin inquired about whether it would be feasible to restrict the renting of these homes.

Ms. Krimko stated that the developer would put a restriction in the homeowner documents.

Councilmember Siciliano inquired as to why this property is not being developed as it is currently zoned.

Don Epstein, the property owner/developer explained that initially, he had anticipated operating this property as a camp and then subsequently developing it however, it is not financially feasible to do so. Mr. Epstein also stated that, through meetings with the surrounding residents, they want to see that property developed and are in favor of this proposal.

Martin Arbus, Township Attorney, inquired as to the differences between this development and the Rolling Meadows development. Also, Mr. Arbus inquired as to the height of each structure.

Ms. Krimko stated that each structure will be 2.5 stories and will have 35% lot coverage.

Marianne Wilensky, Director of Community Development, inquired about the homeowners adding on to the structures.

Mr. Epstein stated that the homeowners will not be allowed to do so and those requests will be controlled by the Homeowners Association.

Mayor Larkin requested that off-street parking be constructed, especially in light of the fact that a Community Room will be constructed.

J. Thomas Means, Planning Board Chairman, expressed concern over the 50 foot rear yard setback. Mr. Means also inquired about the square footage of the homes and whether they would have garages.

Ms. Krimko stated that the homes are approximately 2,200 square feet and they would all have 2-car garages.

Warren B. Goode, Zoning Board Chairman, expressed concern that the developer has requested a zone change from R-3 to R-6.5. Why not try something smaller?

Mr. Epstein explained that the surrounding neighbors did not support any development that would be based on larger lot sizes.

Deputy Mayor Hiers inquired about the prices of these homes?

Mr. Epstein stated that they will be around \$450,000.

Councilwoman Schepiga inquired if sidewalks will be constructed along Monmouth Road?

Mr. Epstein stated that sidewalks would be constructed on the south side only.

Ms. Krimko stated that she will amend the plans based on what was discussed at this meeting and will re-submit them to the Township. Once the Council is in agreement with them, the plans will be referred to the Planning Board for their review and comments.

SUBJECT: 2009 Audit Presentation

Stephen Gallagher, Director of Finance, joined the meeting for this item.

ACTION:

Mr. Brannen introduced Robert Swisher, Suplee Clooney, to discuss the 2009 Audit.

Mr. Swisher stated that the Audit Report contains an Unqualified Opinion, which means the financial condition, as well as the internal controls established by the Township, are in good shape.

Mr. Swisher also stated that there are three (3) Recommendations noted. They are:

1. Supplemental Debt Statements be approved by the Division of Local Government Services prior to the adoption of all Capital Ordinances
2. Form C.271 Political Contribution Disclosure Form be obtained prior to the award of any Professional service Contracts under the "Non-Fair and Open" format
3. All contracts in excess of the Bid Threshold be awarded by resolution and that those awards state either a specific price or a maximum amount to be expended

Mr. Swisher explained that all of these recommendations appear to have been corrected already and other than these few minor findings, the Township is in good shape.

Mr. Swisher also explained that there are a few control items that could be implemented, although they are not mandatory, but would improve the comfort level of all parties. They are:

1. At least once a year, payroll should be distributed from one central location
2. Some sort of statistical reporting should be done with regard to any programs the Township runs

Mr. Brannen stated that this will be accomplished with the recent approval to purchase CapturePoint.

Mr. Swisher also discussed the Township's Surplus levels, which have been decreasing over the past few years.

Mr. Swisher concluded by reiterating that the Township is being run very well and he appreciated the manner in which he, and his staff were treated by the Township departments.

Deputy Mayor Hiers inquired about the option of paying down the Township's debt by raising taxes a little higher.

Mr. Swisher stated that, while he would always be in favor of decreasing debt, the Township's debt levels are fairly minimal and most municipalities are doing what they can to minimize the tax increases. Mr. Swisher believes that most towns are going to begin operating on a "pay as you go" premise and stop relying on debt, since the proposed limits are going to be very restrictive.

Mr. Gallagher inquired if the Township should explore the option of creating a separate garbage utility.

Mr. Swisher stated that there was no benefit to creating the utility but the charges for garbage collection could be run through the municipal budget.

Mr. Arbus inquired if the Township keeps a running total of how much is spent on any of the professional appointees and should they set a policy that when the amount spent reaches a certain percentage of the total encumbered amount, a resolution can be passed encumbering additional funds.

Mr. Swisher responded that, essentially, the Township does keep a running total of the amount expended and does amend the contracts as need be however, the issue is that sometimes there is a lag time between when the work is done and when the bill gets submitted.

REVIEW OF ALL REGULAR MEETING MATERIAL:

The following items were reviewed by the Governing Body and held for the Regular Meeting of July 7, 2010, unless otherwise noted (*):

OATHS OF OFFICE:

Police Hires: Thomas C. Rant
Timothy P. Kolodziej
Christopher R. Clune
Nicholas J. Castellano

Promotions: Gregory A. Schenck
Paul A. Flammia

CONSENT AGENDA:**MINUTES:**

June 14, 2010 – Workshop, Public and Closed Meeting

June 30, 2010 – Public Meeting

RESOLUTIONS:

10-095 Authorize the Stormwater Management Easement and Escrow Fund Agreement for the following:

a. Block 1.02, Lot 72 – 20 Hidden Meadows Drive – Ocean Seniors, LLC

Mr. Brannen explained that this agreement pertains to the 20 new units that are being built, of which 19 units will be affordable.

10-096 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, Citizens for Gracious Living

Mr. Brannen stated that although many are being re-appointed, there are two new members being appointed to the Clean Communities Board and three new members being appointed to the Alliance.

b. Prosecutor and Alternate Prosecutor

10-097 Naming of the Official Newspapers for the period of July 1, 2010 through June 30, 2011

10-098 Approve the Cash Management Plan for the Township of Ocean

10-099 Authorize the display of fireworks for the Italian American Association of the Township of Ocean on August 13, 2010 (rain dates August 14, 2010 and August 15, 2010)

10-100 Stating Compliance with Promulgation of Local Finance Board of the State of New Jersey accepting the 2009 Township of Ocean Audit

Mr. Brannen commended Suplee Clooney for a job well done.

10-101 Authorize the receipt of bids for the following:

- a. 25 Cubic Yard Leaf Vacuum Unit
- b. Abandoned Vehicles

10-102 Approve the Corrective Action Plan for the Township of Ocean

10-103 Authorize the Developer's Agreement for the following:

- a. Block 34, Lot 6 – 1604 Highway 35 South – Lumber Liquidators, Inc.
- b. Block 189, Lots 6 & 9 – 1110 Highway 35 – Italian American Association of the Township of Ocean, Inc.

10-104 Accept the Performance Guarantees for the following:

- a. Block 68, Lot 21 – 500 Corlies Avenue – T.B.C. Construction Group, Inc.

10-105 Authorize the Reduction of the Performance Guarantee for the following:

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

Mr. Brannen reported that this reduction was the second one for this development.

10-106 Authorize the Release of the Performance Guarantee for the following:

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

INDIVIDUAL ACTION:

VOUCHERS: 1,008,821.90

Mr. Brannen stated that the voucher list includes payments to Ruderman & Glickman dealing with various employee grievances, and Jeffrey Surenian, dealing with COAH.

RESOLUTIONS:

10-107 Authorize the Tax Collector to place a lien on the following Township properties:

- a. Block 111, Lot 17 – 2103 Appleby Drive - \$91.36
- b. Block 22, Lot 93 – 214 West Morgan Avenue - \$182.73
- c. Block 25.18, Lot 1 – 198 Elmwood Road - \$182.73
- d. Block 38, Lot 82 – 19 Sharon Drive - \$340.12

10-108 Approve a Chapter 159 for the following Grants:

- a. Monmouth County Alcohol and Drug Abuse Grant
- b. 2010 Clean Communities Grant
- c. DYFS Parent Child Visitation Grant
- d. Alcohol Education and Rehabilitation Grant
- e. COPS in Shops Summer Shore Initiative Grant

Mr. Brannen stated that these items pertain to grants that were not included in the budget or the amounts received differ from what was put in the budget.

- 10-109 Authorize the Inter-local Services Agreement between the Township of Ocean and City of Long Branch for animal control services

Mr. Brannen reported that this agreement has been long-standing and both municipalities wish to extend it for another three years.

- 10-110 Authorize the purchase of radio communications equipment from Motorola through WPCS International, Inc., Lakewood, NJ, under State Contract A53804, in the amount of \$25,212.00

Mr. Brannen informed the Governing Body that the funds for this purchase come from the JAG Grant and is not costing the Township any money.

- 10-111 Authorize the Mayor and Municipal Clerk to execute the Shared Services Agreement with the Borough of Eatontown to provide Emergency Dispatch Services for the three year period July 1, 2010 through June 30, 2013

- 10-112 Authorize the Tax Collector to issue a refund to property owners who have received a favorable tax appeal

- 10-113 Authorize the Tax Collector to sell all municipal liens at a Tax Sale and establish associated fees to accompany said sale.

Mr. Brannen stated that the tax sale will be held on October 20, 2010.

- 10-114 Setting the 2010 Interest Rates and Penalties for Delinquent Taxes.

- 10-115 Amend the confirming resolution for Howard Avenue, Wilson Avenue, Overbrook, Avenue, Hillcrest Avenue, Maple Avenue, Carole Drive, Lloyd Place and Robin Drive curbing, sidewalk and apron improvements

Mr. Brannen stated that this resolution was necessary due to the fact that one of the properties had been subdivided and therefore, the assessment needs to be split between both lots.

- 10-116 Authorize the extension of the deadline for payment of delinquent assessments until July 30, 2010

Mr. Brannen reported that the owner of a property had two separate assessments. They made a payment that should have been credited against the older assessment but instead, went towards the newer assessment, forcing the older one to become delinquent. When that happens, the property owner must pay the amount due in full. Once this issue was realized, an extension of time was necessary, giving the property owner extra time to pay off the assessment.

- 10-117 Appoint McLaughlin, Gelson, D'Apolito, Stauffer & Shaklee, LLC as Township Bond Counsel for the year July 1, 2010 through June 30, 2011

- 10-118 Authorizing Professional Services Agreement with Leon S. Avakian, Inc. as the Township Engineer for the period July 1, 2010 through June 30, 2011

With regard to Resolution #10-117 and #10-118, Mr. Brannen stated that the rates have remained the same as the previous year.

- 10-119 Authorize the renewal of the 2009-2010 liquor licenses that have met all Township and State requirements and paid all applicable fees

- 10-120 Authorize the renewal of the 2010-2011 liquor licenses that have met all Township and State requirements and paid all applicable fees

10-121 Authorizing Professional Services Agreement for Appraisal Services:

- a. Gagliano Appraisal, L.L.C. - Tax Appeal Litigation, and General Real Estate Appraisal Services with Gagliano Appraisal, L.L.C.

10-122 Award Professional Services Contract to Leon S. Avakian, Inc. to provide engineering services associated with the 2010 road program at a cost not to exceed \$156,649.05

10-123 Award Professional Services Contract to Concord Engineering Group, Inc. to provide an engineering evaluation on the existing air-cooled chillers located atop the roof of Town Hall at a cost not to exceed \$7,160.00

10-124 Appoint Martin J. Arbus, Esq., as Township Attorney for the year July 1, 2010 through June 30, 2011.

10-125 Appoint David A. Krenkel, Esq., as Assistant Township Attorney for the year July 1, 2010 through June 30, 2011.

ORDINANCES:

Introduction(s):

Ordinance #2148 – An ordinance amending Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” regulating parking along Roller Road East
(P.H. 6/14/10 Coaster)

Ordinance #2149 – An ordinance amending Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” regulating parking along South Roller Road
(P.H. 6/14/10 Coaster)

Ordinance #2150 – An Ordinance authorizing the private sale of non-conforming real property known as Block 40, Lot 54 to contiguous property owners pursuant to N.J.S.A. 40A:12-13 (B)(5)
(Coaster)

Mr. Brannen stated that this property is a 40' by 100' property located on Grove Avenue and the asking price is \$17,200. After discussion, Ordinance #2150 will be removed from the Agenda and not voted on at this meeting.

COMMENTS:

Councilmember Garofalo asked if the Township can enforce a “no concrete on roadway” policy.

Mayor Larkin stated that the Chamber of Commerce inquired about placing information on the Township website.

Mr. Brannen stated that the Township has a policy that it is for Township information only, therefore, the Chamber would not be able to use it to disseminate information.

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

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

ITEM FOR DISCUSSION:**SUBJECT:** Transportation Issues**ACTION:** Mr. Brannen discussed the following:**a. Colonial Avenue**

Mr. Brannen reported that the repaving of this street has not been fully supported by the residents. He was looking for some direction from the Governing Body.

After discussion, it was deemed that Mr. Brannen will notify those residents who have not replied to do so and if the vote to repave is negative, then scratch it off the list of roads to be repaved in 2010.

b. Armstrong Boulevard Project

Mr. Brannen reported that it was determined that the Township does not own any property and if they wish to proceed with the installation of a traffic signal at Armstrong Boulevard and Route 35, the Township would need to purchase it or the signal would need to be installed on private property.

c. Sunset Avenue Bridge

Mr. Brannen stated that it appears all the issues have been resolved with the property owners that were affected with the proposed improvements. The Township will need to prepare a resolution of support for the project, which will be done at the August 9 meeting.

d. Active Transit Network

Mr. Brannen informed everyone that the kickoff meeting for this project was held and the first official meeting will be held during the first week of August. He anticipates that this project will look quite different from what was originally proposed, but worthwhile nonetheless.

SUBJECT: Ocean Township Newsletter Procedures**ACTION:** After discussion, it was decided that there will be one more regular mailing of the Township Newsletter and then it will be available in electronic format. Certain locations will still receive hard copies for those who wish to get a hard copy. Also, notification of this change will be placed on Ocean 77.**SUBJECT:** Professional Development Opportunities**ACTION:** With regard to the 2010 League of Municipalities Convention, it was decided that one night accommodations would be provided for certain Township employees and officials. For any stay longer than the one night, the individual would be required to pay themselves.**PUBLIC COMMENTS:**

There were no comments at this time.

Seeing that there were no additional 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. Contract – Local 701 and Local 177
 - C2. Contract – TOSA Services
 - C3. Contract – Sale of Real Estate
 - C4. Contract – Police Services
 - C4. Litigation - COAH
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 | 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 | | | | | |

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