

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

OCTOBER 4, 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
(arrived 5:40 pm)

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 September 24, 2010.

REVIEW OF ALL REGULAR MEETING MATERIAL:

The following items were reviewed by the Governing Body and held for the Regular Meeting of October 4, 2010, unless otherwise noted (*):

PROCLAMATION: *Put the Brakes On Fatalities Day*
October 10, 2010

CONSENT AGENDA:

MINUTES:

September 13, 2010 – Workshop, Public and Closed Meeting

RESOLUTIONS:

10-152 Authorize Developer's Agreement for the following:

- a. Block 140, Lot 108 – 735 Highway 35 North – K & D associates/Renuka Sheth

Martin Arbus, Township Attorney, explained that an Addendum has been added that stipulates penalties for non-performance of the required tasks. Work is scheduled to commence on October 22, 2010.

10-157 Authorize Developer's Agreement for the following:

- a. Block 33.16, Lot 3 – 1915 Highway 35 – Manolakis Professional Plaza, LLC

10-158 Authorize the time extension to the Developer's Agreement for the following:

- a. Block 137, Lot 30 – 909 Highway 35 – Imported Cars of Ocean, Inc. / Acura of Ocean
- b. Block 33, Lots 20 & 21 – 1621 Highway 35 – Ocean Party, LLC

10-159 Authorize the Release of Performance/Maintenance Guarantees for the following:

- a. Block 83, Lot 11.01 – 1003 Grassmere Avenue – Team Venture's Inc. / Chris Ilvento
(Maintenance)
- b. Block 13, Lots 17, 18 & 21 – Norwood & Jerome Avenues – Gerechoff-Scheer, LLC
(Performance)

Andrew Brannen, Township Manager, explained that a time extension was approved at the September 13, 2010 meeting for this same property. It is now ready for release.

10-160 Authorize receipt of bids for the following:

a. Township Traffic Control Signal Monitoring System

Mr. Brannen explained that this authorization is for the “red light” signals, which will be located at three different locations throughout the Township.

b. Abandoned Vehicles

10-161 Authorize the Release of Performance Guarantee for the following:

a. Block 141, Lots 1 & 23 – Seaview Square Mall, Office Building Phase – Starwood Heller Seaview, LLC

Mr. Brannen explained that this release is necessary due to a change in ownership, with the new owners having posted the required replacement guarantees.

10-162 Approve the Person-to-Person Transfer of Liquor License #1337-44-011-008 from TOCF., LLC to Ocean Wine and Spirits, Inc. effective October 5, 2010

10-163 Authorize the renewal of the liquor license for JMichael Holdings, LLC for the license term 2010/2011

INDIVIDUAL ACTION:

RESOLUTIONS:

10-164 Authorize the consideration of the following bids:

a. 33 Cubic Yard Automated Garbage Truck with Plow

Mr. Brannen reported with the approval of this resolution, the Township has purchased four automated garbage trucks

b. Truck Mounted, Self-Contained, Leaf Vacuum Unit, 25 Cubic Yard

Mr. Brannen stated that this equipment is designed to be operated by a single person, which will free up personnel for other tasks.

10-165 Authorize the Tax Collector to place a lien on the following Township properties:

a. Block 111, Lot 17 – 2103 Appleby Drive - \$77.49

b. Block 3, Lot 21 – 601 West Park Avenue - \$337.65

10-166 Amend the Professional Services contract with Jeffrey R. Surenian, Esq.

Mr. Brannen reported that there may need to be additional amendments to this contract due to the prolonged litigation.

ORDINANCES:

Adoption(s):

Ordinance #2154 – An Ordinance establishing Chapter XXVIII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Third-Party Payroll Disbursement”
(Coaster)

Mr. Brannen stated that the passage of this ordinance will give the Township the ability to have a third party handle the Township's payroll function.

Ordinance #2155 – An Ordinance amending Chapter III of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Police Regulations” providing for the licensing of Alarm Permits and related services
(Coaster)

Mr. Brannen stated that this ordinance will change the alarm fee from one-time to annual, as well as amending the false alarm fee.

Mr. Brannen requested that the Public Hearing be carried to the October 18, 2010 meeting, as some additional review is being conducted.

Ordinance #2156 – A Bond Ordinance providing for various improvements and appropriating \$410,000 therefor and authorizing the issuance of \$389,500 bonds or notes to finance a portion of the costs
(Coaster)

Mr. Brannen stated that the funds from this ordinance will be utilized for repairs to the Cablevision Building, improvements to the Police Dispatch area and for the installation of irrigation wells at Joe Palaia Park.

Introduction(s):

Ordinance #2157 – An Ordinance amending Chapter VIII of the “Revised General Ordinances of the Township of Ocean, 1965” adding Section 8-6 entitled: Private Storm Drain Inlet Retrofitting
(P.H. 10/18/10 Coaster)

Mr. Brannen informed the Governing Body that this ordinance is required by the NJDEP.

Ordinance #2158 - An ordinance amending and supplementing various sections of Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” dealing with fees collected by the Township of Ocean
(P.H. 10/18/10 Coaster)

PUBLIC COMMENTS:

Deputy Mayor Hiers inquired about the installation of test wells at Fireman's Field.

Mr. Brannen stated that this has not been approved to date. Tom Caruso will review.

Councilmember Schepiga expressed her concern about the activities of certain day spas located in Ocean Township. Councilmember Schepiga expressed her concern about vehicle sale being conducted on various properties in the Township.

Mr. Brannen will look into both of these issues and report back at a subsequent meeting.

Councilmember Garofalo thanked everyone for their expeditious cleanup of the overgrowth around the islands located at the Seaview Square Mall.

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

Councilmember Siciliano

Andrew Brannen, Township Manager

Martin Arbus, Esq., Township Attorney

ITEM FOR DISCUSSION:

Mayor Larkin requested that Item D6 be discussed first, as Jennifer S. Krimko, Esq., attorney for Oakhurst Country Day was present. All agreed.

SUBJECT: Rezoning Request – Oakhurst Country Day

ACTION: Updated plans were reviewed and discussion occurred with regard to said zone change request. Additionally, the Governing Body reviewed the proposed development and concurred with the amendments made subsequent to the prior meeting. The new plans show a reduction in the number of structures, larger front-yard setbacks, 2 car driveways for all structures.

The matter will be sent to the Planning Board for their review.

SUBJECT: Dual Sign Request

ACTION: The Governing Body concurred with the requests, as noted.

SUBJECT: Non Partisan Election

ACTION: The Governing Body decided to leave the Municipal Election in May, as opposed to moving it to the November General Election.

SUBJECT: Police Communication Tower

ACTION: Mr. Brannen discussed the fact that the Township does have space on the Police Communication Tower and the possibility of the Township going out for RFP's in order to see if leasing the space would be financially beneficial to the Township.

Deputy Mayor Hiers suggested that Mr. Brannen inquire from the other Township Services whether or not they have a need. Mr. Brannen will do so.

SUBJECT: 2011 Budget/Best Practices Checklist

ACTION: Mr. Brannen and Steve Gallagher, Director of Finance, discussed the current budget projections. Mr. Gallagher explained that there are a number of drivers that the Township already knows about that is making the 2011 budget extremely challenging. They are:

1. Pension are projected to increase \$300,000.00
2. Health Benefits projected to increase \$190,000.00
3. State Aid is still unknown at this time.

Mr. Brannen stated that the Township is hoping to use less surplus than used in 2010. In 2010, the total appropriations were \$28 million and the Township utilized \$7.5 million in surplus. In 2011, the Township is hoping to have total appropriations of \$27 million and is hoping to use only \$6.6 million in surplus.

The challenge comes about by where the projected tax levy for 2011 is \$19,300,000.00 and with a 2% cap on increases in expenditures, the Township would only be able to have an additional \$370,000.00 in appropriations. With the \$490,000.00 increase to both pension and health benefit costs, the Township is \$120,000.00 short already, which would cause us to utilize more surplus.

Both Mr. Brannen and Mr. Gallagher repeated that the budget process has just begun and the numbers are very preliminary. They fully anticipate receiving cooperation from the employees but the challenges are real.

SUBJECT: Alternative Energy Options

ACTION: Mr. Brannen informed the Governing Body that the Township has explored the use of solar panels as a means of alternative energy. However, the Township will continue to explore other locations and the feasibility of installing solar panels to help offset the increase in utility charges.

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 – Comart Realty Corp.
 - C3. Contract – Sale of Land
 - C4. Personnel – Employee Benefits
 - C5. Contract – Local 701
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