

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

**MARCH 10, 2016**

**OAKHURST, NEW JERSEY**

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The Regular Meeting of the Township Council was held in the Public Meeting Room, First Floor, 399 Monmouth Road, Oakhurst, NJ 07755 at 7:00 p.m.

**Present:** Mayor Siciliano  
Councilmember(s) Acerra, Long and Schepiga

**Absent:** Deputy Mayor Garofalo

**Others:** Martin J. Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk

**Statement of Compliance with the Open Public Meetings Act:**

Mayor Siciliano announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Meeting 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 29, 2015.

**NOTICE:**

All cell telephones must be turned off. If you need to make a call, please make your call outside the meeting room.

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**CEREMONY:**

**Oath of Office – Administered by Mayor Christopher P. Siciliano**

**Police Officer Jeffrey C. Allgor, Jr.  
Police Officer Glennis del Carmen Polanco**

Steven R. Peters, Police Chief, spoke about the qualifications and experiences that each officer brings to the department and he knows that they will serve the residents well in their new positions.

Mayor Siciliano, on behalf of the Governing Body, wished them well and reminded them to listen, learn and, most importantly, to be safe.

**COUNCIL COMMENTS:**

**Councilmember Schepiga** reminded all of the St. Patrick's Day dinner being held at the Renaissance on March 11, 2016. There will be food and music and it promises to be a festive evening.

Councilmember Schepiga spoke about all the festivities that are planned for Memorial Day, including bringing back the parade. It will also include floats and bands and promises to be the best ever.

**Councilmember Long** mentioned that he is a member of both the Human Services Council and the Drug and Alcohol Alliance.

At the last meeting, a presentation was made by Judi Johnson about all the new recreation programs that are available including a meditation program and a power yoga class.

Councilmember Long also noted the passing of Rose Puleo who worked many years in parent outreach at the Intermediate School. She will be missed.

**Councilmember Acerra** noted that he and Councilmember Long attended the Monmouth County Local Government seminar. The topics included purchasing, legal, planning and budget.

Councilman Acerra also mentioned that the Planning Board heard a case from Toll Brothers for their proposed development called The Enclave at Ocean, a 75 unit development whose starting price for the homes is \$600,000.00

**Andrew Brannen**, Township Manager, reported the next Township newsletter will go out sometime in April.

Mr. Brannen also said the updates to the Township website will be completed in April.

The following did not offer any report:

Martin J. Arbus, Township Attorney

### **Mayor's Statement: Public Portion of any Questions as to Resolutions**

The purpose of this public portion is solely to ask questions to understand Resolutions and Vouchers that appear on this Agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

### **Public Questions on Resolutions:**

**Don Geiger** inquired as follows:

1. Resolution #16-062 – what adjustments were made to the previous contract?

Mayor Siciliano said the adjustments have to do with a number of items including salary and wages and health benefits.

2. Resolution #16-065 – what is the cost anticipated to be?

Mayor Siciliano stated the Township may actually not utilize their services but needed to have a contract in place should we need them.

3. Resolution #16-068 – where are the generators going to be installed?

Mayor Siciliano said one will be at the High School and one will be placed at the Gym and Sports Complex.

4. Resolution #16-071 – is there a projected increase in the taxes?

Mayor Siciliano said the tax levy has remained the same, as promised.

Mr. Geiger also inquired about a number of payments included on the Voucher list including but not limited to: Armstrong Tree Service, Banish Associates, Inc., Bob Nelson Plumbing & Heating, CDW Government, LLC, Combat Sports, LLC, Deptcor, Dreyer's Lumber & Hardware, Inc., Four Directions, Inc., Glenco Supply, Inc., Gramco Business Communications, Jamm Printing, Kinematic Consultant, Lanigan Associates, Inc., M3 Collision Center, Monmouth County Police Academy, New Jersey Forest Nursery, NJRPA, Inc., Powerphone, Inc., Rotole Group, Inc., Shi International Corp., Turn Out Fire & Safety, Inc.

### **CONSENT AGENDA:**

### **MINUTES:**

February 25, 2016 - Workshop and Public Meetings

**RESOLUTIONS:****16-056 Authorize the release of Closed Session Minutes from February 25, 2016**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Ch. 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstance; and

**WHEREAS**, the public shall be excluded from discussions of and actions upon specified subject matters including:

1. Personnel
2. Pending litigation matters involving the Township, its employees and/or agents
3. Pending or future land acquisitions
4. Pending or future contract negotiations

**WHEREAS**, the Township of Ocean adopted procedures to make closed session minutes available for public inspection; and

**WHEREAS**, the Municipal Clerk, on a periodic basis shall review the minutes of the closed sessions of the Township of Ocean and make a recommendation to the Township Council which minutes should be made available for public inspection. The minutes which are made public shall not thereafter be treated as confidential but may be viewed by and copies issued to any person so requesting them; and

**WHEREAS**, the release of the below noted closed session minutes are subject to certain item(s) being redacted prior to the release due to the fact that the matter has not been concluded, and therefore, are not subject to release;

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to release the following closed session minutes, subject to any appropriate redaction:

February 25, 2016

**16-057 Authorize the participation in an on-line auction for the sale of certain surplus Items through PropertyRoom.com**

**WHEREAS**, the Division of Purchasing has requested that the Township Council of the Township of Ocean has authorize the participation in a contractual relationship with PropertyRoom.com for the sale of certain surplus items currently in possession of the Township of Ocean: and

**WHEREAS**, such items may be sold at public auction to the highest bidder in accordance with N.J.S.A. 40A:14-157; and

**WHEREAS**, it is not the intention of the Township Council to deprive any person their right to retrieve any personal items which may have become part of this accumulated property as the result of loss, theft, or some other reason; and

**WHEREAS**, the Township of Ocean has attached said list of items that will be sold at auction; and

**WHEREAS**, the Township of Ocean will advertise each time property is picked up by Propertyroom.com for auction;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, as follows:

1. That the Township of Ocean or its designee, be and hereby is authorized to participate in a contractual relationship with Propertyroom.com to sell over the internet to the highest bidder, any and all surplus items.
2. The Township of Ocean reserves the right to reject any and all bids if it determines such rejection to be in the public interest
3. That notice of these sales shall be published at least once in a newspaper circulating in the Township of Ocean not less than ten (10) days prior to the sale.

**16-058 Authorize the submission of the following Grant(s):**

**a. Flood Hazard Risk Reduction & Resiliency Grant Program**

**WHEREAS**, the Township of Ocean wishes to address the flooding issues in and around the Township and provide relief to those affected by flooding; and

**WHEREAS**, the New Jersey Department of Environmental Protection has made funding available through the US Department of Housing and Urban Development's Community Development Block Grant in a grant entitled Flood Hazard Risk Reduction & Resiliency Grant Program; and

**WHEREAS**, in order to be eligible for funding, a project must address the impact caused by Superstorm Sandy, reduce flooding risk, improve flood resiliency and meet an unmet funding need; and

**WHEREAS**, the Township of Ocean wishes to apply for funding under said Grant;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given for the Township of Ocean to submit a grant application for the Flood Hazard Risk Reduction & Resiliency Grant Program through the New Jersey Department of Environmental Protection Agency in order to address the flooding issues in and around the Township of Ocean; and

**BE IT FURTHER RESOLVED** that authorization is hereby given for the appropriate Municipal Officials to execute any and all documents related to said Grant; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. Township Manager
2. Township Engineer
3. Director of Public Works

**16-059 Authorize the Mayor and Municipal Clerk to execute the Addendum to the Lease Agreement between the Township of Ocean and the Township of Ocean Historical Museum Association, Inc.**

**WHEREAS**, the Township of Ocean and the Township of Ocean Historical Museum Association, Inc. entered into an Agreement dated August 24, 2005; and

**WHEREAS**, said Agreement included the premises known as the Eden Woolley House, located at 701 Deal Road, Township of Ocean, County of Monmouth; and

**WHEREAS**, the Township of Ocean Historical Museum Association, Inc. has requested that the Agreement be amended to include the Stucile Farms Water Tower, which is located on the property known as 701 Deal Road; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that the Agreement between the Township

of Ocean and the Township of Ocean Historical Museum Association, Inc. be and is hereby amended as per the attached Addendum to the Lease of August 24, 2005; and

**BE IT FURTHER RESOLVED** that the Mayor, and/or his designee, and the Township Clerk shall execute the Addendum to the Lease Agreement between the Township of Ocean and the Township of Ocean Historical Museum Association, Inc.; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

1. Township Manager
2. Township Attorney
3. Township of Ocean Historical Museum Association, Inc.

**Vote on All Consent Items:**

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

**INDIVIDUAL ACTION:**

**Introduction(s):**

**Ord #2263 – (P.H. 3/24 Coaster)**

**An ordinance establishing the CAP Bank for the Calendar Year 2016**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.00% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

**WHEREAS**, a municipality may, by ordinance, bank the difference between its final budget appropriations subject to the 0% cap or the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

**WHEREAS**, the Township Council of the Township of Ocean, County of Monmouth, hereby determines that this difference in the amount of \$942,064.27 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, that any amount authorized herein above that which is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

**VOUCHERS: \$ 16,846,607.05**

**See below for full list of vouchers.**

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

**RESOLUTIONS:**

**16-060 Authorize the Acceptance of the following Grant(s):**

**a. 2015 Recycling Tonnage Grant**

**WHEREAS**, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Township of Ocean to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of Township of Ocean that the Township of Ocean hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas Crochet, Director of Public Works, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

**b. Level I Outpatient Services for Adolescents Grant**

**WHEREAS**, the Township of Ocean is recognized as a model of community response to the problems of alcoholism and drug abuse; and

**WHEREAS**, the people of the Township of Ocean wish to continue their strong support of chemical health efforts through the support of the treatment and prevention programs offered by Department of Human Services; and

**WHEREAS**, there is a need in the County of Monmouth for effective, accessible, and affordable outpatient services for adults and adolescents; and

**WHEREAS**, the Department of Human Services of the Township of Ocean has demonstrated effectiveness in providing Level I outpatient treatment for residents of Monmouth County; and

**WHEREAS**, funds are available through the Monmouth County Department of Human Services for the provision of Level I Outpatient Services for Adolescents, **Grant #16S-13**; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given for the Community Services Director to prepare and submit the 2016 application for funding to the Monmouth County Department of Human Services, Division of Mental Health and Addiction Services for the receipt of funding in the amount of \$58,333.33 to be utilized for **Level I Outpatient Services for Adolescents**; and

**BE IT FURTHER RESOLVED** that authorization is hereby given for the appropriate Municipal Officials to execute any agreement(s) to effectuate the receipt of funds in the amount of \$58,333.33 to be utilized for **Level I Outpatient Services for Adolescents**; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. Monmouth County Board of Alcohol and Drug Abuse Services
2. Township of Ocean Alliance to Prevent Drug and Alcohol Abuse
3. Community Services Director

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

**16-061 Authorize the Tax Collector to issue a refund for a taxpayer who has received a favorable County Tax Appeal judgment**

**AUTHORIZING ADJUSTMENTS TO YEAR 2015 TAX LEVY AND REFUNDS FOR TAX OVERPAYMENTS RESULTING FROM MONMOUTH COUNTY TAX APPEAL JUDGMENTS**

**WHEREAS**, the County of Monmouth has rendered judgment on added and omitted tax appeals made by tax payers regarding the property assessment of certain properties and,

**WHEREAS**, added and omitted property assessments were reduced by the County of Monmouth resulting in a reduction in the total taxes to be paid to the Township of Ocean for the year 2015, and,

**WHEREAS**, proper procedures require that an adjustment to the tax levy be made to the fourth quarter 2015 taxes and if necessary, third quarter taxes for reductions in property assessments which lower total taxes and do not result in the overpayment of taxes for the year, and tax refunds if tax levy reductions result in an overpayment of total taxes due for the year

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Tax Collector and the Director of Finance to apply said tax reductions to the 4<sup>th</sup> quarter 2015 taxes and refunds of tax overpayments as per the following.

Block/Lot	Property Owner	Property Address	2015	Total Refund
117 19	Rainer, Leo J. & JI Ping	1403 UNAMI AVE	2,249.91	2,249.91
Totals			2,249.91	2,249.91

**BE IT FURTHER RESOLVED**, that a copy of the within resolution be forwarded to the following:

1. Tax Collector
2. Director of Finance
3. Township Auditor

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

**16-062 Ratify the Collective Bargaining Agreements with the PBA and SOA for the Period January 1, 2016 through December 31, 2017**

**WHEREAS**, the Township of Ocean desires to enter into a two (2) year agreement with both PBA Local #57 and the Superior Officers Association for the period January 1, 2016 through December 31, 2017; and

**WHEREAS**, said agreements shall be entitled as follows: "Agreement between Township of Ocean, County of Monmouth and the PBA Local #57 of the Ocean Township Police Department" and "Agreement between Township of Ocean, County of Monmouth and the Superior Officers Association of the Ocean Township Police Department" shall be incorporated herein by reference; and

**WHEREAS**, the Director of Finance has certified that funds are available in the 2016 Budget and will be made available in subsequent years budgets;

**NOW THEREFORE, BE IT FURTHER RESOLVED**, by the Township Council of the Township of Ocean that it does hereby approve the aforementioned labor agreement between the Township of Ocean and PBA Local #57 and the Superior Officers Association of the Police Department for the period January 1, 2016 through December 31, 2017; and

**BE IT FURTHER RESOLVED** that authorization is hereby given for the Mayor and Municipal Clerk to execute the aforementioned Agreements; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the following:

1. Township Manager
2. Director of Finance
3. Chief of Police
4. President, PBA Local #57
5. President, Superior Officers Association

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

**16-063 Approve the renewal of a contract with Delta Dental for the one-year period Ending April 30, 2017**

**WHEREAS**, the Township of Ocean presently provides dental insurance coverage to its employees through a contract with Delta Dental Plan of New Jersey, Inc.; and

**WHEREAS**, the current agreement is set to expire on April 30, 2016; and

**WHEREAS**, Delta Dental of New Jersey, Inc. has provided a proposal to the Township of Ocean (Group 3268) to renew the Premier Plan and the Preferred Plan portions of the contract through April 30, 2017 with the following rate structure:

Premier Plan	Single	\$43.30
	Family	\$104.27
Preferred Plan	Single	\$36.11
	Family	\$85.93

**WHEREAS**, Delta Dental of New Jersey, Inc. has provided a proposal to the Township of Ocean (Group 3268) to renew the Delta Care (Flagship) Plan portion of the contract to extend through April 30, 2017 with the following rate structure:

Delta Care Plan	Single	\$29.24
	Two Party	\$55.81
	Three Party	\$92.06

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute the renewal agreements with Delta Dental of New Jersey, Inc., as described above; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution will be provided to the following:

1. Commerce Insurance Services
2. Delta Dental of New Jersey, Inc./Flagship Health Systems, Inc.

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

**16-064 Authorize the confirmation of the Assessments for curb, sidewalk and driveway aprons along portions of Jeffrey Avenue, Darlene Avenue, Interlaken Avenue, Logan Road, Roseld Avenue, Franklin Avenue, Dwight Drive, James Drive, Brookside Avenue, Corlies Avenue, Laurel Avenue, North and South Edgemere Drives, Palmer Avenue and Highwood Road**

**WHEREAS,** Ordinance 2189 authorized the installation of curbs, sidewalks and driveway aprons along portions of Jeffrey Avenue, Darlene Avenue, Interlaken Avenue, Logan Road, Roseld Avenue, Franklin Avenue, Dwight Avenue, James Drive, Brookside Avenue, Corlies Avenue, Laurel Avenue, South Edgemere Drive, North Edgemere Drive, Palmer Avenue And Highwood Road; and

**WHEREAS,** The Township Engineer did make a physical inspection of the improvements installed and the Director of Finance has compiled the costs involved for each property owner affected, a copy of which is attached,

**NOW, THEREFORE BE IT RESOLVED,** by the Governing Body of the Township of Ocean, County of Monmouth, State of New Jersey, that the report as submitted be and the same is hereby adopted and confirmed for Jeffrey Avenue, Darlene Avenue, Interlaken Avenue, Logan Road, Roseld Avenue, Franklin Avenue, Dwight Avenue, James Drive, Brookside Avenue, Corlies Avenue, Laurel Avenue, South Edgemere Drive, North Edgemere Drive, Palmer Avenue And Highwood Road in the amount of \$130,000.00 and that such report be forthwith filed with the Collector of Taxes of the Township of Ocean.

**BE IT FURTHER RESOLVED,** that the amount shown by the said apportionment of such cost and expense of said improvement be and the same is hereby assessed upon the owners of lands and real estate actually, peculiarly and specifically benefited by such improvements as set forth in the report.

**BE IT FURTHER RESOLVED,** that the due date for the first payment is April 1, 2016 with a sixty day grace period ending June 1, 2016 in which either a lump sum payment or the first (1<sup>st</sup>) installment be made. Subsequent payments for those electing the installment plan shall be April 1<sup>st</sup> of each of the following four (9) years.

**BE IT FURTHER RESOLVED,** that pursuant to N.J.S.A. 40:56:32 that when any assessment shall not be paid within the 2 month grace period ending June 1, 2016 interest shall be imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance.

**BE IT FURTHER RESOLVED,** that pursuant to N.J.S.A. 40:56:35 that the owners of any real estate which any assessments shall have been made herein may pay such installments in ten (10) yearly installments at the rate of the Bond Anticipation Notes borrowed by the Township to finance said improvements which are renewed annually in December. In the event that any installment shall remain unpaid for 30 days after the due date, the entire balance of the assessment due shall become and be immediately due with interest imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded the following:

1. Director of Finance
2. Tax Collector

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

**16-065 Authorize a contract with Econsult Solutions, Inc. to prepare an expert report in the Declaratory Judgment litigation related to COAH**

**WHEREAS**, the Township Council of the Township of Ocean entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained to prepare an expert report (the “Burchell Report”); and

**WHEREAS**, the Township of Ocean contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and,

**WHEREAS**, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification and said Amendment was entered into by the Township of Ocean; and

**WHEREAS**, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepare its own revised report; and

**WHEREAS**, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

**WHEREAS**, the MSSDA as amended, entitled members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

**WHEREAS**, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

**WHEREAS**, the purpose of this resolution is to retain ESI individually; and

**WHEREAS**, the proposed individual agreement, attached hereto, envisions that ESI will split its work if it prepares a report that benefits multiple municipalities; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, as follows:

1. The Township of Ocean hereby authorizes its attorney to sign the agreement, attached hereto, on its behalf.
2. This Resolution shall take effect immediately.

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

**16-066 Authorize the Tax Collector to cancel the 2013 and 2014 taxes and refund the tax overpayment resulting from a favorable State Tax Appeal judgment**

**AUTHORIZING THE CANCELATION OF YEAR 2013 and 2014 TAXES AND REFUNDING OR CREDITING THE TAX OVERPAYMENTS RESULTING FROM NEW JERSEY STATE TAX COURT JUDGMENT TO THE TAXPAYER**

**WHEREAS**, the State of New Jersey Tax Court has rendered judgments on appeals made by a taxpayer regarding the assessment of their property, and,

**WHEREAS**, the property had the assessment reduced by the State of New Jersey Tax Court resulting in a reduction in the total taxes to be paid to the Township of Ocean for the years 2013 and 2014 and,

**WHEREAS**, proper procedures require that the tax assessments for the year 2013 and 2014 be adjusted and refunds or credits to unpaid taxes be made for taxes overpaid in those years that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor’s Field Book.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township council of the Township of Ocean, County of Monmouth and State of New Jersey that it does hereby authorize the Tax Collector to adjust the year 2013 and 2014 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4<sup>th</sup> quarter taxes for those years’ taxes on the attached listing

**BE IT FURTHER RESOLVED** That a copy of the within resolution be forwarded to the following:

1. Tax Collector
2. Township Auditor

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

Block/Lot	Property Owner/Address	2013	2014	Total Refund
189 4	A.C.S. VALLEY ROAD ASSOCIATES LLC 1701 VALLEY RD	3,904.78	5,180.89	9,085.67
Totals		3,904.78	5,180.89	9,085.67

**16-067 Authorize a contract with Precise Construction, Inc. to install guide rail along portions of Cold Indian Springs Road at a cost not to exceed \$9,650.00**

**WHEREAS**, the Township of Ocean is in need of installing guide rail along a portion of Cold Indian Springs Road; and

**WHEREAS**, the Township of Ocean has solicited price quotes for the installation of said guide rail and received the following three (3) responses:

Precise Construction, Inc., Freehold, NJ	\$ 9,650.00
J. Fletcher Creamer & Son, Inc., Folsom, NJ	\$11,700.00
Monmouth County Public Works, Freehold, NJ	\$14,463.30

**WHEREAS**, the Township Manager and Township Engineer have recommended that a contract be awarded to Precise Construction, Inc., Freehold, NJ for the installation of guide rail along a portion of Cold Indian Springs Road at a cost not to exceed \$9,650.00; and

**WHEREAS**, the Director of Finance has certified that funds for said purchase are available in the Capital Improvement Fund - account # C-04-55-800-805

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize a contract with Precise Construction, Inc., Freehold, NJ for the installation of guide rail along portions of Cold Indian Springs Road at a cost not to exceed \$9,650.00; and

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the following:

1. Director of Finance
2. Director of Public Works
3. Township Engineer
4. Precise Construction, Inc.

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

**16-068 Authorize a Professional Services contract with Leon S. Avakian, Inc. to provide engineering services associated with the bid preparation and inspection of the installation of two (2) emergency generators at a cost not to exceed \$10,500.00**

**WHEREAS**, the Township of Ocean is in need of the services of an engineering firm to provide engineering services associated with the bid preparation and inspection of the installation of two (2) emergency generators; and

**WHEREAS**, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of

imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ, is an experienced firm in this field who is available to provide the necessary engineering services for the Township of Ocean at a cost not to exceed \$10,500.00 for engineering services associated with the bid preparation and inspection of the installation of two (2) emergency generators; and,

**WHEREAS**, the Township Manager has determined that the value of the services Leon S. Avakian, Inc., Neptune, NJ, will provide to the Township will exceed \$17,500.00 for the calendar year 2016; and

**WHEREAS**, the Director of Finance has certified that there are available sufficient funds for the purpose of the award of this contract in the Grant Fund – 2014 Hazard Mitigation Grant, account #G-02-41-904-301; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ has previously submitted a Business Entity Disclosure Certification and the C. 271 Political Contribution Disclosure Form certifying that Leon S. Avakian, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes the Township Manager to enter into a contract with Leon S. Avakian, Inc., Neptune, NJ, as described herein with a not to exceed provision of \$10,500.00; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be published according to law; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to:

1. Director of Finance
2. Township Manager
3. Leon S. Avakian, Inc.

16-069

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

**Authorize a Professional Services contract with Leon S. Avakian, Inc. to provide testing for existing stormwater outfalls at a cost not to exceed \$31,000.00**

**WHEREAS**, the New Jersey Department of Environmental Protection performed a Compliance Evaluation and Assistance Inspection of the Townships stormwater outfalls; and

**WHEREAS**, the Township wishes to have a licensed professional perform testing of the existing stormwater outfalls to determine if any illegal connections exist; and

**WHEREAS**, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ, is an experienced firm in this field who is available to provide the necessary engineering services for the Township of Ocean at a cost not to exceed \$31,000.00 for engineering services associated with the testing of various stormwater outfalls; and,

**WHEREAS**, the Township Manager has determined that the value of the services Leon S. Avakian, Inc., Neptune, NJ, will provide to the Township will exceed \$17,500.00 for the calendar year 2016; and

**WHEREAS**, the Director of Finance has certified that there are available sufficient funds for the purpose of the award of this contract in the Department of Public Works, Buildings & Grounds, account #6-01-26-772-252; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ has previously submitted a Business Entity Disclosure Certification and the C. 271 Political Contribution Disclosure Form certifying that Leon S. Avakian, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes the Township Manager to enter into a contract with Leon S. Avakian, Inc., Neptune, NJ, as described herein with a not to exceed provision of \$31,000.00; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be published according to law; and

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to:

1. Director of Finance
2. Township Manager
3. Leon S. Avakian, Inc.

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

**16-070 Approve the termination of all previous Agreements and the entering into a new Interlocal Services Agreement between the Township of Ocean and the Township of Ocean Sewerage Authority**

**WHEREAS**, the Township of Ocean Sewerage Authority (the “Authority”) and the Township of Ocean (the “Township”) entered into an Interlocal Services Agreement on November 21, 2005 (“Agreement I”), which was most recently amended on March 21, 2013, wherein the Township assumed the full billing and collection function of the Authority (the “Billing Services Agreement”); and

**WHEREAS**, the Township and the Authority entered into an Interlocal Services Agreement for back-up financial services (“Agreement II”) on or about October 1, 2011; and

**WHEREAS**, the Township and the Authority entered into an Interlocal Services Agreement for the use of the Cablevision Tower located on Block 142, Lot 36 (“Agreement III”) on or about December 4, 2014; and

**WHEREAS**, the Township and the Authority are interested into entering into a single Interlocal Agreement covering the above services, and to extend the type of services covered in an interlocal agreement between the parties;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, in consideration of the mutual promises and covenants herein contained, the parties agree to amend the Agreement as per the attached Interlocal Services Agreement; and

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be forwarded to the following:

1. Township Manager
2. Director of Finance
3. Township of Ocean Sewerage Authority

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

**16-071 Authorize the Introduction of the 2016 Municipal Budget**

**MUNICIPAL BUDGET NOTICE**

**SECTION 1.**

**Municipal Budget for the TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH for the Fiscal Year 2016**

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016

Be it Further Resolved, that said Budget be published in the **COASTER** in the issue of **MARCH 31, 2016**. The Governing Body of the TOWNSHIP OF OCEAN does hereby approve the following Budget for the year 2015:

RECORDED VOTE

(Insert last name)	{ Evans	{	ABSTAINED	{
	{ Schepiga	{		
AYES	{ Long	NAYS	{	
	{ Siciliano	{	ABSENT	{ Garofalo
	{	{		

Notice is hereby given that the Budget and Tax resolution was approved by the Township Council of the Township of Ocean, County of Monmouth on March 10, 2016.

A Hearing on the Budget and Tax resolution will be held at the MUNICIPAL BUILDING on April 14, 2016 at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2016 may be presented by taxpayers and other interested persons.

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

**ORDINANCES:**

**Adoption(s):**

**Ord #2253 – (Coaster)**

**An ordinance amending and supplementing Chapters II-B, VII and X of the "Revised General Ordinances of the Township of Ocean, 1965"**

The following vote was taken to open the Public Hearing on Ordinance #2253

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

**Public Comments:**

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2253

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

The following vote was taken to adopt Ordinance #2253 and advertise according to law:

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

**Ord #2261 – (Coaster)**

**An ordinance amending Chapter XIV and Chapter XVI of the "Revised General Ordinances of the Township of Ocean, 1965" creating a No Smoking Policy at Township Recreation Facilities**

The following vote was taken to open the Public Hearing on Ordinance #2261

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

Public Comments:

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2261

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

The following vote was taken to adopt Ordinance #2261 and advertise according to law:

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

**Ord #2262 – (Coaster)**

**An ordinance amending and supplementing Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean**

The following vote was taken to open the Public Hearing on Ordinance #2262

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

Public Comments:

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2262

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

The following vote was taken to adopt Ordinance #2262 and advertise according to law:

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

**PUBLIC COMMENTS:**

**Barbara Surmonte** discussed her frustration over the unsightly conditions of the vacant houses and summer rentals in the Oakhurst section of the Township. There are bulk items left at the curb for weeks. Most of these properties tend to be absentee landlords.

Mayor Siciliano will have the Police and Public Works Department give more attention to that area.

**Jim Bey** inquired about the Townships insurance and if the other Township authorities/entities could jump on board with our policies so they may save additional tax dollars.

**Don Geiger** spoke about the following items:

1. Pot hole repairs are needed at the intersection of Deal Road and Whale Pond Road, on Sunset Avenue by the Route 35 jug-handle and on Ring Road.
2. He inquired about various foreclosed/abandoned homes on Logan Road and at the West Park Avenue and Hope Road intersection.
3. Is there anything the Township can do to assist with the vacant buildings on Route 35?

Mr. Brannen said the Township could waive application fees as a means to entice businesses.

**Barbara Hudson** wants the Township to archive the recorded meetings so the public can continue to view them in the future.

**F.K. Hudson** inquired about the following:

1. Wants the Governing Body to contemplate expanding open government even further and provide full disclosure of all important issues.

2. Attended the Sewerage Authority meeting on March 1 in which they passed a similar inter-local services agreement resolution. Mr. Hudson inquired as to how the services and costs were decided.

Mr. Brannen said both are continually evaluated and could be modified if both entities agree it is beneficial.

Mr. Hudson inquired as to what savings does the Sewerage Authority realize.

Mr. Brannen and Mayor Siciliano both elaborated on the various savings including the billing and collection function which is now done by the Township.

3. Mr. Hudson asked for an update on the Township’s continuing matters of litigation

Martin Arbus, Esq., Township Attorney, responded as follows:

- a. COAH – nothing to report
- b. Yeshiva on Logan Road – motions have been filed and are pending. All parties will be in Federal Court on Tuesday, March 22
- c. Stop & Shop – a new motion has been filed.

Barbara Hudson asked what the owner of the Stop & Shop property wants?

Mr. Arbus stated they want the property to be developed so they can sell it.

Seeing there were no other questions, the meeting was adjourned.

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

Respectfully submitted,

Christopher P. Siciliano  
Mayor

Vincent Buttiglieri, RMC/CMC/MMC  
Township Clerk