

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

JUNE 23, 2016

OAKHURST, NEW JERSEY

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 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.

COUNCIL COMMENTS:

Councilmember Schepiga reminded all that the Fourth of July Parade will be held on July 3, 2016. All marchers are to arrive at 4:30p.m. They will march east on Dow Avenue then south on Whale Pond then into Joe Palaia Park fairgrounds. There will be food vendors along with 10 to 12 vendors and both Fire Departments.

Mayor Siciliano reported that the No Knock policy will take effect on or about July 1, 2016. Stickers will be issued and it will be up to the homeowner as to whether they make them visible.

The following did not offer any report:

Councilmember(s) Acerra and Long
Andrew Brannen, Township Manager
Martin J. Arbus, Esq., Township Attorney

Mayor's Statement: Public Portion of any Questions as to Resolutions and Vouchers

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 COMMENTS:

Paul Mayerowitz inquired as follows:

- Are there any liquor licensees that have not renewed their license

Mayor Siciliano said that for the first time in many years, all licenses have been renewed.

- With regard to Resolution No. 16-125, Mr. Mayerowitz stated that with print newspapers becoming obsolete, the Township should look into other options for advertising. He also
-

suggested the Township place their legal notices on the Township website instead of the newspapers.

There were no additional comments at this time.

CONSENT AGENDA:

MINUTES:

June 9, 2016 - Workshop and Public Meetings

RESOLUTIONS:

16-119 Accept the Performance Guarantee for the following:

a. Block 22, Lot 46 - 243 Overbrook Avenue - Silmar Oliveira

WHEREAS, the Township of Ocean has approved a development project on Block 22, Lot 46 also known as 243 Overbrook Avenue; and

WHEREAS, the performance guarantees for this project total less than \$20,000.00; and

WHEREAS, Silmar Oliveira has posted cash performance guarantees totaling \$7,848.00 along with inspection fees totaling \$2,090.00 and the required certificate of insurance.

NOW, THEREFORE, BE I RESOLVED by the Mayor and Council of the Township of Ocean, County of Monmouth, that all requirements for entering into a developer's agreement are hereby waived; and

BE IT FURTHER RESOLVED that the performance guarantees are hereby accepted.

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Silmar Oliveira

16-120 Authorize the Release of Performance Guarantee(s) for the following:

a. Block 13, Lot 19 - 244 Norwood Avenue - Deal Sephardic Youth Center

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by Developer's when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated April 17, 2014 with the Deal Sephardic Youth Center, Inc. for Approval of Use (D-1) Variance, Preliminary and Final Site Plan Approval and Approval of Bulk Variance, to construct an addition of interior, mezzanine space within an existing commercial building so as to utilize 29,151 square feet of the building space as a parochial community center described as Block 13, Lot 19 located at 244 Norwood Avenue; and

WHEREAS, the Deal Sephardic Youth Center, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$29,520.00 by way of Cash to guarantee the completion of all improvements on premises known as Block 13, Lot 19 located at 244 Norwood Avenue; and

WHEREAS, the Township Clerk is in receipt of a letter from Jennifer S. Krimko, Esq., on behalf of the Deal Sephardic Youth Center, Inc., requesting the release of the performance guarantees; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated May 26, 2016 and made apart hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$29,520.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$3,690.00, said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
2. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Deal Sephardic Youth Center, Inc.

b. Block 13, Lot 19 - 244 Norwood Avenue - Deal Sephardic Youth Center (Playground)

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by Developer's when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated April 17, 2014 with the Deal Sephardic Youth Center, Inc. for Approval of Use (D-1) Variance, Preliminary and Final Site Plan Approval and Approval of Bulk Variance, to construct an addition of interior, mezzanine space within an existing commercial building so as to utilize 29,151 square feet of the building space as a parochial community center described as Block 13, Lot 19 located at 244 Norwood Avenue; and

WHEREAS, the Deal Sephardic Youth Center, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$29,520.00 by way of Cash to guarantee the completion of all improvements on premises known as Block 13, Lot 19 located at 244 Norwood Avenue; and

WHEREAS, the Township Clerk is in receipt of a letter from Jennifer S. Krimko, Esq., on behalf of the Deal Sephardic Youth Center, Inc., requesting the release of the performance guarantees; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated May 26, 2016 and made apart hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the

performance guarantees in the amount of \$29,520.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$3,690.00, said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
2. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Deal Sephardic Youth Center, Inc.

c. Block 25.15, Lots 12 & 53 - Ocean Woods - Benjamin R. Harvey, Jr.

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by Developer's when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated May 8, 1996 with Benjamin R Harvey, Jr. and George W. Harvey, for Final Major Subdivision Approval with Variances on premises known as Block 25.15, Lots 12 & 53 located at 456 West Lincoln Avenue; and

WHEREAS, Benjamin R. Harvey, Jr. and George W. Harvey has heretofore deposited with the Township of Ocean performance guarantees totaling \$330,526.80 in the form of Performance Bond No. 11127466925 issued by the Fireman's Fund Insurance Co. in the amount of \$297,474.12 and cash in the amount of \$33,052.68, to guarantee the completion of all improvements on premises known as Block 25.15, Lots 12 & 53 located at 456 West Lincoln Avenue; and

WHEREAS, the Township Council granted a reduction of the performance guarantees to \$99,158.04 by way of Resolution dated July 19, 2000; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated June 8, 2016, a copy of which is on file in the Office of the Township Clerk and made a part hereof, recommending the release of the aforementioned performance guarantees and the waiver of the maintenance guarantees since the improvements were installed over twelve (12) years ago; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the performance guarantees hereinbefore referred to be and the same are hereby released, canceled and discharged as per the aforesaid memorandum from Gregory S. Blash, P.E., subject to the payment of any outstanding engineering and administrative fees.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Benjamin R. Harvey, Jr.
6. Fireman's Fund Insurance Co.

16-121 Authorize the Release of Maintenance Guarantee(s) for the following:**a. Block 34, Lot 15 - 1712 Highway 35 - 1712 Highway 35, LLC**

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated April 19, 2010 with 1712 Route 35, LLC for Site Plan Approval and Approval of Bulk © Variances to make modifications to circulation and building for existing tunnel carwash facility for property described as Block 34, Lot 15 located at 1712 Highway 35 Southbound; and

WHEREAS, performance guarantees totaling \$165,000.00 were posted in the form of a Letter of Credit No. S040466 issued by The Bank in the amount of \$148,500.00 and cash in the amount of \$16,500.00 to guarantee the completion of all improvements on premises known as Block 34, Lot 15 located at 1712 Highway 35 Southbound; and

WHEREAS, the Township Council did authorize the release of the performance guarantees by way of Resolution dated December 5, 2011; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, 1712 Route 35, LLC has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$20,625.00 for premises known as Block 34, Lot 15 located at 1712 Highway 35 Southbound; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated June 8, 2016, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the maintenance guarantee in the amount of \$20,625.00 is hereby released, canceled and discharged subject to the payment of any outstanding engineering and administrative fees.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. 1712 Route 35, LLC

16-122 Authorize the release of Closed Session Minutes from June 9, 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:

June 9, 2016

16-123 Authorize the fireworks for the Italian American Association of the Township of Ocean for August 12, 2016 (rain dates August 13th or August 14th)

WHEREAS, N.J.S.A. 21:3-3 permits the governing body of a municipality to “grant a permit for the public display of fireworks by fraternal or civic... or other organizations...” after application has been made; and

WHEREAS, the Italian American Association of the Township of Ocean has made an application for a public display of fireworks at 9:45 p.m. on August 12, 2016 (rain dates are August 13, 2016 and August 14, 2016) at Joe Palaia Park; and

WHEREAS, the Chief of Police and Fire Marshall of Fire District Number One have approved said application;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the aforementioned public display of fireworks by the Italian American Association of the Township of Ocean at Joe Palaia Park on August 12, 2016 (rain dates August 13, 2016 and August 14, 2016); and

BE IT FURTHER RESOLVED, that the Township Manager is hereby authorized to execute said permit upon receipt of the following by the Township:

1. Copy of the contract between the pyrotechnic operator and the Italian American Association of the Township of Ocean.
2. Certificate of Insurance with Comprehensive General Liability coverage, including Contractual, Automobile and Workers Compensation.
 - a. Liability Limits of \$1,000,000 CSL and Statutory Workers' Compensation;
 - b. Municipality as additional named insured;
 - c. Specifically mentioned hold harmless contract.
3. An executed hold harmless agreement in favor of the municipality must be signed by the fireworks contractor.

16-124 Authorize the renewal of the 2016-2017 liquor licenses for all licensees who have met all Township and State requirements and paid all applicable fees

WHEREAS, the Retail Renewal Application forms for the 2016-2017 license term has been deemed complete in all respects, the annual fees have been paid to both the Township of Ocean and the State of New Jersey, Division of ABC; and

WHEREAS, the Mayor and Council of the Township of Ocean, County of Monmouth, hereby authorizes the renewal of the following Retail Alcoholic Beverage Licenses for the 2016-2017 license term:

CLUB LICENSES

- #1337-31-017-001 Deal Golf & Country Club
t/a Deal Golf & Country Club
Halfway House – Monmouth Road, Ocean, NJ 07723
- #1337-31-018-002 Hollywood Golf Club
t/a Hollywood Golf Club
West Roseld Avenue, Deal, NJ 07723
- #1337-31-019-001 Gimbel Lehy Quirk VFW Post 2226
t/a VFW Post 2226
212 Norwood Avenue, Oakhurst, NJ 07755

PLENARY RETAIL CONSUMPTION

- #1337-33-001-002 RET Caterers, Inc.
t/a The English Manor
One English Lane, Ocean, NJ 07712
- #1337-33-002-013 Deal 35 Liquors, LLC
Pocket License
1195 Route 70, Lakewood, NJ 08701
- #1337-33-003-010 Gualtieri Group, LLC
t/a Piccola Italia
837 West Park Avenue, Ocean, NJ 07712
- #1337-33-004-008 2132 Ichiban, LLC
t/a Ichiban Japanese Restaurant
2132 Highway 35, Ocean, NJ 07712
- #1337-33-006-015 2105 Liquors, LLC
t/a Nino's Coal Fire Pizza
2105 Highway 35 North, Ocean, NJ 07712
- #1337-33-007-009 Akshay Enterprise, Inc.
t/a Middlebrook Bar and Liquors
1464 Highway 35, Ocean, NJ 07712
- #1337-33-009-008 Apple Food Service of Ocean, LLC
t/a Applebee's Neighborhood Grill & Bar
2301 Route 66, Ocean, NJ 07712
- #1337-33-010-012 Espinosa, Inc.
t/a Posillipo Italian Restaurant
1647 Highway 35 N, Ocean, NJ 07712
- #1337-33-013-012 Coach's Enterprises, LLC
t/a Coach's Bar and Grill
1610 Route 35 South, Ocean, NJ 07712
- #1337-33-014-004 Brykar Corporation
t/a Main Street Bar & Grill
732 Highway 35, Ocean, NJ 07712
- #1337-33-016-006 Takara Sushi Group, Inc.
t/a Takara Japanese Steak House
1610 Route 35 S, Oakhurst, NJ 07755

#1337-33-020-003 Red Lobster Restaurants, LLC
 t/a Red Lobster #244
 2200 Highway 35, Ocean, NJ 07712

PLENARY RETAIL DISTRIBUTION

#1337-44-005-010 Chirag Enterprises, Inc.
 t/a Save Rite Liquors
 855 West Park Avenue, Ocean, NJ 07712

#1337-44-008-008 Shree Hanuman, LLC
 t/a Cobblestone Wine & Spirits
 2114 Highway 35, Ocean, NJ 07712

#1337-44-011-010 Ocean Wine & Spirits, Inc.
 t/a Wegmans Wine, Liquor & Beer
 1104 Highway 35, Ocean, NJ 07712

#1337-44-012-003 Ralph A. Real Jr.
 t/a Monmouth Bottle Shop
 201 Monmouth Road, Oakhurst, NJ 07755

#1337-44-015-004 Wanamassa Liquors, Inc.
 t/a Wanamassa Liquors
 2201 Sunset Avenue, Ocean, NJ 07712

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that authorization is hereby given to renew, effective July 1, 2016, the aforesaid liquor licenses for the license term 2016-2017; and

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

1. Chief of Police
2. Director of Finance
3. Division of Alcoholic Beverage Control

16-125 Authorize the naming of the Official Newspapers for the Township of Ocean for the period July 1, 2016 through June 30, 2017

WHEREAS, N.J.S.A. 10:4-18 authorizes a municipality to designate an official newspaper for the Township of Ocean; and

WHEREAS, "Official Newspaper" means paid, published and circulated in the municipality. If there is no such newspaper, then at least one published in the county in which the municipality is located and said newspaper is circulated;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, in the County of Monmouth that the following newspapers be and are hereby designated as the "official newspapers" in the Township of Ocean in which any and all legal notices of the Township are authorized to be published:

The Asbury Park Press
The Coaster

16-129 Authorize a Developer's Agreement for the following:

a. Block 209, Lot 14 - 1115 Highway 35 - Manasquan Bank

WHEREAS, Manasquan Bank (hereinafter "Developer") is the lessee of certain property known as Block 209, Lot 14, as shown on the official tax map of the Township of Ocean, which property is located at 1115 Highway 35 in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted Site Plan Approval from the Township of Ocean Planning Board by way of Resolution dated November 23, 2015 to raze an existing auto repair facility and construct a 3,062 square foot bank building with two (2) drive-through lanes and twenty-one (21) parking spaces; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plan for Manasquan Bank, Block 209, Lot 14, Tax Map Sheet #57, 1115 NJSH Route 35, Township of Ocean, Monmouth County, New Jersey by John A. Palus, P.E. of Dynamic Engineering Consultants, P.C., consisting of fifteen (15) pages dated June 10, 2015 and last updated May 24, 2016; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated June 3, 2016 prepared by the Township Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Ocean and Manasquan Bank, subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting of Performance Guarantees in the total amount of \$384,120.00 and Inspection Fees in the amount of \$17,505.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Jennifer S. Krimko, Esq.
5. Manasquan Bank

16-130 Authorize the following appointment(s):**a. Prosecutor**

BE IT RESOLVED by the Governing Body of the Township of Ocean in the County of Monmouth that the following person(s) be and are hereby appointed for the terms hereinafter provided:

| PROSECUTOR | Member | Starting | Ending |
|--------------------|--|-----------------|---------------|
| <i>1 year term</i> | Mario Delano and the Firm Campbell, Foley Delano & Adams, LLC <i>Prosecutor</i> | July 1, 2016 | June 30, 2017 |
| | Brian Wilton <i>Alternate Prosecutor</i> | July 1, 2016 | June 30, 2017 |
| | Gerald Massell <i>Alternate Prosecutor</i> | July 1, 2016 | June 30, 2017 |

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

1. Board/Committee or Department
2. Administrative Assistant to the Township Manager
3. Public Agency Compliance Officer
4. Municipal Court

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:

RESOLUTIONS:

16-126 Authorize the acceptance of replacement payment for the 1st quarter 2016 property taxes from the owner of Block 150.07, Lot 6

WHEREAS, the Township of Ocean received a tax payment from the property owner of Block 150.07, Lot 60 for the 1st quarter 2016 taxes; and

WHEREAS, said payment was destroyed during the mail opening process and said instrument was rendered non-negotiable; and

WHEREAS, the Township informed the property owner, who in turn sent in a replacement payment; and

WHEREAS, said replacement payment was received by the Tax Department and credited to the account utilizing the original receipt date;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to accept the replacement payment as submitted by said property owner; and

BE IT FURTHER RESOLVED that a certified copy of this 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 | | | | |

16-127 Authorize the one-year extension of the maintenance agreement for emergency generators located at various Township facilities with Cooper Power Systems for the period May 1, 2016 through April 30, 2017

WHEREAS, the Township of Ocean awarded a contract to Cooper Power Systems for generator maintenance for the emergency generators located at Town Hall, the West Park Avenue Recreation Center and the Sunset Avenue Garage for the one-year period May 1, 2015 through April 30, 2016, with the option to renew said contract for two additional one-year terms on May 7, 2015 (Resolution 15-099); and

WHEREAS, the Township of Ocean would like to renew said maintenance agreement with Cooper Power Systems for the one year period May 1, 2016 through April 30, 2017 at the following costs:

| | Town Hall | West Park Recreation Center | Sunset Avenue Garage |
|----------------------|-----------|--------------------------------|-------------------------|
| Cooper Power Systems | \$ 770.00 | \$ 770.00 | \$ 770.00 |

WHEREAS, the Director of Finance has certified that funds for said maintenance agreement is available in the following account: Capital Improvement Fund, Maintenance of Equipment under \$10,000, account #C-04-55-939-931;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given to renew the maintenance agreement for the emergency generators located in Town Hall, the West Park Avenue Recreation Center and the Sunset Avenue Garage for the one-year period May 1, 2016 through April 30, 2017 with Cooper Power Systems at a cost of \$770.00 per location, not to exceed \$5,000.00; and

BE IT FURTHER RESOLVED, by the Township Council that certified copies of this resolution be forwarded to the following:

1. Director of Public Works
2. Director of Finance
3. Cooper Power Systems

| 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 | | | | |

16-128 Authorize a Professional Services contract for the period July 1, 2016 through June 30, 2017 with the following:

a. Martin J. Arbus, Esq., and the Firm of Arbus, Maybruch and Goode, LLC - Township Attorney

WHEREAS, Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” provides for the appointment of a Township Attorney and further defines their powers and duties which are incorporated herein by reference as through set forth in length; and

WHEREAS, the Township Council of the Township of Ocean desires to enter into a contract for said position within the dollar limits as provided by the 2016 Municipal Budget containing appropriations for legal services and/or a salary established annually through the salary ordinance; and;

WHEREAS, Martin J. Arbus, Esq., and the Firm Arbus, Maybruch & Goode, LLC. submitted a proposal for the position of Township Attorney for the one year term from July 1, 2016 through June 30, 2017, at the following hourly rates:

| | |
|------------------------|-------------------|
| General Legal Services | |
| Martin J. Arbus, Esq. | \$180.00 per hour |
| Samuel Maybruch, Esq. | \$180.00 per hour |
| Matthew Goode, Esq. | \$150.00 per hour |
| Defense of Tax Appeals | \$150.00 per hour |

WHEREAS, the Township Manager has recommended that a contract be awarded to Martin J. Arbus, Esq., and the Firm of Arbus, Maybruch & Goode, LLC, at a cost not to exceed \$125,000.00 and a retainer of \$36,000.00 for attendance at meetings and other items as set forth in the agreement; and

WHEREAS, the Township Council of the Township of Ocean has elected to utilize the “non-fair and open” process in making this appointment pursuant to the provisions of N.J.S.A. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-to-Play Law; and

WHEREAS, as required by law, Martin J. Arbus, and the Firm Arbus, Maybruch & Goode, LLC, has competed and submitted a Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form which will certify that he has not made and reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit Martin J. Arbus, Esq., and the Firm Arbus, Maybruch & Goode, LLC, from making any reportable contributions to a political and/or candidate committee in the Township of Ocean throughout the term of this contract; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for the purpose of this award, specifically under the aforementioned appropriations; Legal Services & Costs – O/E, Defense of Tax Appeals – account #6-01-20-710-219 and various General Capital Ordinances ; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bids, as well as the contract itself, shall be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that Martin J. Arbus, Esq., and the Firm Arbus, Maybruch & Goode, LLC, is hereby appointed to the position of Township Attorney in accordance with the provisions above for the period July 1, 2016 through June 30, 2017 at a cost not to exceed \$125,000.00, as well as a retainer in the amount of \$36,000.00; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with Martin J. Arbus, Esq., and the Firm Arbus, Maybruch & Goode, LLC, as Township Attorney; and

BE IT FURTHER RESOLVED, that this resolution shall be advertised according to law; and

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

1. Martin J. Arbus, Esq., and the Firm Arbus, Maybruch & Goode, LLC
2. Director of Finance
3. Township Auditor
4. Public Agency Compliance Officer

| 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 | | | | |

16-131 Authorize a contract for the purchase and installation of two (2) stand-by emergency generators to be located at the Township of Ocean High School and the Senior Center from Pat Maggio & Son Electric, Inc. at a cost not to exceed \$138,000.00

WHEREAS, the Township of Ocean authorized the receipt of bids for the purchase and installation of two (2) Stand-by Emergency Generators to be located at the Township of Ocean High School and the Township of Ocean Senior Center on February 19, 2016; and

WHEREAS, the Township Clerk did duly advertise in the Asbury Park Press on June 7, 2016 to receive bids for said project; and

WHEREAS, in connection therewith the following five (5) bids were received by the Township of Ocean on June 21, 2016:

| | |
|---------------------------------------|--------------|
| Pat Maggio & Son Electric, Inc. | \$138,000.00 |
| Manor II Electric, Inc. | \$174,000.00 |
| Breaker Electric, Inc. | \$174,200.00 |
| ABG Electric Company, Inc.-Fax | \$193,000.00 |
| Electric Design & Construction, Corp. | \$198,000.00 |

WHEREAS, it was determined that the lowest responsible bidder meeting specifications for the bid was Pat Maggio & Son Electric, Inc., Neptune, NJ at a cost of \$138,000.00; and

WHEREAS, the Township Manager and the Township Engineer have recommended that a contract be awarded to Pat Maggio & Son Electric, Inc., Neptune, NJ as per their bid proposal for the purchase and installation of two (2) Stand-by Emergency Generators to be located at the Township of Ocean High School and the Township of Ocean Senior Center at a cost of \$138,000.00; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the following accounts: Hazard Mitigation Grant – 2014, account #G-02-41-904-301 and Ordinance No. 2219, account #C-04-55-942-912;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Pat Maggio & Son Electric, Inc., Neptune, NJ as per their bid proposal for the purchase and installation of two (2) Stand-by Emergency Generators to be located at the Township of Ocean High School and the Township of Ocean Senior Center at a cost of \$138,000.00; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon the delivery and execution thereof within ten (10) days from the date of the within resolution accompanied by such appropriate insurance certificate, Affirmative Action certificate and performance bonds as may be required by the specifications; and

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

1. Township Engineer
2. Director of Finance
3. Pat Maggio & Son Electric, 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 | | | | |

ORDINANCES:

Adoption(s):

Ord #2273 – (Coaster)

A Bond Ordinance providing for various capital improvements and the acquisition of various capital equipment, appropriating \$2,499,375 and authorizing the issuance of \$2,092,375 bonds or notes to furnish a portion of the costs

The following vote was taken to open the Public Hearing on Ordinance #2273

| 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:

Paul Mayerowitz asked about what happens to the IT equipment the Township is replacing.

Mr. Brannen said the Township auctions off the old equipment through an approved on-line auction site.

Mr. Mayerowitz asked for an explanation of the 2016 Route 35 Traffic Study

Mr. Brannen said the Township wishes to address certain traffic items along the Route 35 corridor so that those concepts can be brought to the State of New Jersey as they are planning to perform improvements along Route 35.

Mr. Mayerowitz asked if the State has approved the Route 35 improvements

Mayor Siciliano said the Township wants to get the State its requests prior to the finalization of the improvement plan.

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2273

| 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 #2273 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 | | | | |

Introduction(s):

Ord #2274 – (P.H. 7/14 Coaster)

A Bond Ordinance providing for various capital improvements, appropriating \$450,000 and authorizing the issuance of \$427,500 bonds or notes to furnish a portion of the costs and directing the Special Assessment of the cost

TOWNSHIP OF OCEAN COUNTY OF MONMOUTH

BOND ORDINANCE NO. 2274

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS, APPROPRIATING \$450,000 THEREFOR, AUTHORIZING THE ISSUANCE OF \$427,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AND DIRECTING THE SPECIAL ASSESSMENT OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the MUNICIPAL COUNCIL OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as local improvements to be undertaken in and by the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"), pursuant to N.J.S.A. 40:65-1 et seq. For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$450,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$22,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in

the principal amount not to exceed \$427,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The local improvements hereby authorized to be undertaken and the purposes for which the obligations are to be issued consist of improvements to sidewalks, driveway aprons and curbing along the following streets: Almark Terrace, Appleby Drive, Bowne Road, Brook Drive, Devon Court, Dover Avenue, Ellen Court, Fairway Lane, Freehold Street, Garwood Street, Green Grove Road, Highway 35, Jerome Avenue, Jerome Smith Drive, Lambert Johnson Drive, Lancaster Drive, Larchwood Avenue, Lockwood Place, Monmouth Road, N. Wanamassa Drive, Norwood Avenue, Park Avenue, Parker Avenue, Seaview Avenue, Springhouse Road, Spruce Avenue, Stonehenge Drive, Sunset Avenue, Tilton Drive, Vina Avenue, Waycake Drive, and Whalepond Road. The affected properties, listed by block and lot, include, but are not limited to, the following:

| | |
|-----------------------------------|---|
| Almark Terrace | |
| Block | Lot(s) |
| 37.01 | 1 |
| 37.02 | 2 |
| Appleby Drive | |
| Block | Lot(s) |
| 106 | 1 |
| 107 | 3 |
| Bowne Road | |
| Block | Lot(s) |
| 35 | 18; 19; 20; 21; 22; 23 |
| 36 | 1; 2; 4 |
| Brook Drive | |
| Block | Lot(s) |
| 40 | 77; 78; 79; 80; 81; 85 |
| 40.05 | 1; 6; 7; 8; 9; 10 |
| Colonial Terr. Golf Course | |
| Block | Lot(s) |
| 40 | 82 |
| Devon Court | |
| Block | Lot(s) |
| 153 | 16; 21 |
| Dover Avenue | |
| Block | Lot(s) |
| 33.04 | 5 |
| Easement | |
| Block | Lot(s) |
| 17 | 44 |
| Ellen Court | |
| Block | Lot(s) |
| 153 | 1; 23; 24; 25; 26; 27; 28; 29; 30; 31; 32 |
| 157 | 3; 4; 5; 6; 7 |
| Fairway Lane | |
| Block | Lot(s) |
| 40 | 86 |
| Freehold Street | |
| Block | Lot(s) |
| 25.06 | 7 |
| Garwood Street | |
| Block | Lot(s) |
| 25.06 | 1 |

| | |
|---------------------------------|--|
| | |
| Green Grove Road | |
| Block | Lot(s) |
| 35 | 17 |
| 37 | 40 |
| 37.01 | 2; 10 |
| Highway 35 | |
| Block | Lot(s) |
| 141 | 12 |
| 187 | 5 |
| Jerome Avenue | |
| Block | Lot(s) |
| 17 | 43; 44; 45; 46 |
| Jerome Smith Drive | |
| Block | Lot(s) |
| 157 | 14; 15; 16; 17; 18; 19; 20; 21 |
| 158 | 9; 10; 11; 12; 13 |
| Lambert Johnson Drive | |
| Block | Lot(s) |
| 158 | 8 |
| Lancaster Drive | |
| Block | Lot(s) |
| 153 | 13 |
| Larchwood Avenue | |
| Block | Lot(s) |
| 17 | 42; 47 |
| 20 | 17 |
| Lockwood Place | |
| Block | Lot(s) |
| 11 | 7; 8 |
| 11.01 | 5; 6 |
| Monmouth Road | |
| Block | Lot(s) |
| 40 | 8 |
| N. Wanamassa Drive | |
| Block | Lot(s) |
| 115 | 5 |
| Norwood Avenue | |
| Block | Lot(s) |
| 11 | 9 |
| 11.01 | 4 |
| Open Space Twp. of Ocean | |
| Block | Lot(s) |
| 153 | 28 |
| Park Avenue | |
| Block | Lot(s) |
| 20 | 16 |
| Parker Avenue | |
| Block | Lot(s) |
| 40 | 5; 6; 7; 11; 14; 15 |
| Seaview Avenue | |
| Block | Lot(s) |
| 141 | 19 |
| Springhouse Road | |
| Block | Lot(s) |
| 158 | 14 |
| Spruce Avenue | |
| Block | Lot(s) |
| 106 | 3; 4; 5; 6; 7; 8; 9; 10; 11 |
| 107 | 12; 13; 14; 15; 16; 17; 18; 19; 20; 21 |
| Stonehenge Drive | |
| Block | Lot(s) |

| | |
|-----------------------|---|
| 153 | 14; 15; 22; 28 |
| 163 | 11; 12; 13; 14; 15; 16; 17; 18; 19 |
| Sunset Avenue | |
| Block | Lot(s) |
| 106 | 12 |
| 107 | 11 |
| 114 | 1 |
| 115 | 3 |
| 141 | 13; 14; 18; 20 |
| 184 | 11 |
| 187 | 6; 10; 11 |
| Tilton Drive | |
| Block | Lot(s) |
| 37 | 23; 24; 25; 26; 27; 28; 29; 30; 31; 32; 33; 34; 35; 36; 37; 38; 39 |
| 37.01 | 11; 12; 13; 14 |
| 37.02 | 1; 8; 9; 10; 11; 12 |
| Vina Avenue | |
| Block | Lot(s) |
| 114 | 9; 11 |
| 115 | 4.01; 4.02 |
| Waycake Drive | |
| Block | Lot(s) |
| 39.04 | 4; 5 |
| 39.05 | 1; 14 |
| Whalepond Road | |
| Block | Lot(s) |
| 25.06 | 2; 3; 4; 5; 6 |
| 33 | 11; 11.01; 12; 13; 14; 15 |
| 33.04 | 4 |
| 33.06 | 12; 13 |

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$427,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$450,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$450,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$22,500 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3(a) of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as local improvements of the Township, and all of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$427,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$22,500 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

(f) The cost of the local improvements described in Section 3(a) hereof shall be paid by special assessments which shall be levied on property specially benefited thereby, in accordance with law.

(g) The number of annual installments within which the special assessments are to be paid by the owners of the lots and parcels of real estate benefited by the local improvements and specially assessed, shall not exceed ten (10). The assessments shall be levied and collected in accordance with law. The estimated maximum amount of special assessments of the local improvement described in §3 hereof is \$450,000.

Section 6. Notice is hereby given to the owners of the properties described in Section 3(a) herein, that the improvements described there shall be undertaken as sidewalk improvements and the entire cost thereof shall be assessed in the following manner. An accurate account of the cost of construction of the sidewalks shall be kept, and such cost shall be assessed upon the property fronting on the improvements pursuant to and in accordance with N.J.S.A. 40:65-1 et seq. Unless notice of the pendency of this ordinance is given in accordance with N.J.S.A. 40:65-6, the Municipal Clerk shall cause notice of the proposed sidewalk improvements to be given to the owner or owners of real estate affected thereby prior to the making of the sidewalk improvements described in said Section 3(a) or the awarding of any contract for such sidewalk improvements. The notice shall contain a description of the property affected sufficient to identify it, a description of the improvement and a statement that unless the owner or owners complete the improvements within 30 days after service thereof, the Township will make the improvements at the expense of the owner or owners. Such Notice shall be served in accordance with the provisions of N.J.S.A. 40:65-2 to 40:65-5, and the proof of service shall be filed with the officer of the Township in charge of the records of tax liens of the Township within ten days after service thereof. The owner of any land upon which any assessment for the local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of the installments shall be due and payable two months after the confirmation of the assessment, and each subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the governing body shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time. Whenever any such installment shall remain unpaid for thirty (30) days from and after the time it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearage of taxes in the Township and shall be collected in the same manner as provided by law for other past-due assessments. Such assessment shall remain a lien upon the land described herein until the assessment with all installments and accrued interest thereon shall be paid and

satisfied. Notwithstanding anything herein to the contrary, the Township shall have the right to waive default as may be permitted by law.

Section 7. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 8. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 9. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

| 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 | | | | |

Ord #2276 - (P.H. 7/14 Coaster)

An Ordinance amending and supplementing Chapter 21 of the Comprehensive Land Development Ordinance of the Township of Ocean

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

Chapter 21, The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:

1. **Article II Subsection 21-44.1.I. Residential** shall be amended in its entirety as follows:
 - I. Stationary. Except as permitted in Section “m.” below, all signs shall be stationary with no moving parts. Signs with a digital message which change more than once every 24 hours shall be considered as signs with moving parts and signs with a digital message that change no more than once every 24 hours shall not be considered to have moving parts. This timing restriction can be waived by the Township of Ocean Chief of Police when required for a public emergency.

2. **Article II Subsection 21-44.1.m. Residential** shall be amended in its entirety as follows:
- m. Residential. On a lot in a residential district, one sign shall be permitted not to exceed two square feet in area. If illuminated, the direct source of light shall be shielded in such a manner that it is not visible from the street or any adjoining residential property, unless originating from a porch light or lamp post light. In addition:
- (1) A church, public or parochial school, or library may have a monument sign of not more than 60 square feet. Up to 20 square feet of that monument sign may be used as a bulletin board sign, provided that the bulletin board sign is not internally illuminated. If not attached to the building, all such freestanding signs shall be at least 15 feet from all property lines.
 - (2) Government Buildings and Services may have one monument sign of not more than 60 square feet, including all supporting members.

Up to 32 square feet of that monument sign may be used as an electronic message sign with a changing message that shall not change more than once every 8 seconds. If not attached to the building, all such freestanding signs shall be at least 15 feet from all property lines.

The Municipal Agency shall have the discretion to limit the hours of operation of the electronic message sign and all other lighted elements of the monument sign to the hours of 7 AM to 11 PM, giving consideration to the impact of such lighted signage on adjacent residential properties.
 - (3) A church, public or parochial school, or Government Buildings and Services may be permitted one facade sign per street frontage, provided that the area of such facade sign does not exceed 10% of the area of the facade on which the sign is located, up to a maximum of 85 sq. ft. in area. Such signs may be backlit, or may be internally illuminated subject to Planning Board approval if the applicant can demonstrate that the illumination will not adversely impact adjacent residential properties. Any such sign, whether internally lighted or backlit, shall only be illuminated between the hours of 7 AM and 11 PM.
3. **Article IV Subsection 21-44.7 Exempt Signs** shall be amended as to delete:
- Item e.
4. **Article IV Subsection 21-51.1 Government Buildings and Services** shall be amended to add:
- d. Maximum Permitted Building Height - 45'.
5. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.
6. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
7. This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

| 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:

Paul Mayerowitz inquired as follows:

- Ordinance No. 2274 – wants the Township to install sidewalks between Darlene Avenue and Grassmere Avenue.
- Ordinance No. 2276 – are any of the changes related to the proposed tennis facility on West Park Avenue?

Mr. Arbus said that the changes do deal with the height and signage requirements of the new tennis facility.

- With regard to the Workshop meeting, Mr. Mayerowitz asked for clarification on the following items:

1. Item C2 – Litigation Zoning Board of Adjustment

Mr. Arbus said this matter has to do with the Yeshiva on Logan Road

2. Item C6 – Litigation – Gohar Update

Mr. Arbus explained this matter deals with the claims case the Township has against those individuals convicted of bribery many years ago.

Susan Borea asked if all Township residents will receive a No Knock sticker

Mayor Siciliano said that they will not be sent to everyone.

Marwin Meller reported on the happenings at Cedar Village. They collected over 500 items that were donated for people to utilize when they go on job interviews.

F.K. Hudson stated that having the Council Comments at the beginning of the meeting is certainly helpful.

Mr. Hudson asked for clarification on the following items:

- Item D2 (Workshop Meeting) – TOSA Warranty Program

Councilmember Long said it pertained to a letter the residents received concerning insurance on their sewer lines. The Township will be discussing this matter with the company that sent the letter out in conjunction with the sewer authority.

- Item D6 (Workshop Meeting) – COAH Spending Plan

Mr. Brannen explained that the Township is now beginning to collect non-residential development fees and we need to have our spending plan approved prior to being able to spend any of the collected funds.

- Item D7 (Workshop Meeting) – Special Meeting Procedures

Mr. Brannen explained this deals with when an applicant requests to have their application heard by one of the boards at a special meeting, they are required to pay for the various Township professionals.

- Various Legal Issues:

Stop & Shop – a complaint has been refiled and the Township has filed their response to said complaint.

COAH – a Court decision has just changed the concept of the Catalyst for Change. This was the concept the Township utilized successfully to remove certain litigants.

Yeshiva – the applicant has filed an application before the Court to allow them to begin interior renovations while the litigation is still ongoing so that they may be able to begin operating in September 2016.

Paul Mayerowitz inquired if the property owner, Zebra Holdings, was current in their property taxes?

Mr. Brannen will look in to this matter and respond directly to Mr. Mayerowitz.

Councilmember Long congratulated Don Stein who is a member of the Asbury Park Historical Society on a very successful event that was recently held.

Mayor Siciliano noted that he will be giving his State of the Township Address at the July 14, 2016 meeting.

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