

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

SEPTEMBER 8, 2016

OAKHURST, NEW JERSEY

PRESENT: Mayor Siciliano
Councilmember(s) Acerra, Long, Schepiga
OTHERS: Martin J. Arbus, Township Attorney
Stephen O. Gallagher, Acting Township Manager
Jessie M. Joseph, Deputy Township Clerk
ABSENT: Deputy Mayor Garofalo

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 Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 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.

PUBLIC HEARING: Monmouth County Open Space – Wading/Activity
Pool Re-Construction at the Ocean Township Pool
and Tennis Facility

Mayor Siciliano asked Kathy Reiser, Recreation Director for the Township of Ocean, to explain the project that is being submitted by the Township for the Monmouth County Open Space Grant.

Kathy Reiser explained that this project will rehabilitate the Ocean Township Pool and tennis Facility. The existing wading pool will be removed and an activity pool will be constructed in its place. The activity pool will have zero depth entry for handicapped accessibility, multiple water features, lap lane and a continuous wall for supervision and seating. The construction will begin in September 2017 and be completed by Memorial Day 2018. The total estimated cost for the project is \$605,000.00. The Township is requesting \$250,000.00 from the Monmouth County Open Space Grant.

Mayor Siciliano asked for a motion to open the Public Hearing on the request by the Township of Ocean to secure a Grant from the Monmouth County open Space Trust Fund.

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 Comment(s):

Vincent Lepore asked if we receive the monies from the County can we re-apply for another Monmouth County Open Space Grant and use the money received towards the project.

Ms. Reiser explained that we can apply for another Monmouth County Open Space Grant but it cannot be used for this same project.

Paul Mayerowitz asked if the use of the pool could be restricted to Ocean Township residents only.

Ms. Reiser said the Pool Complex is open to residents and non-residents and will continue to be opened to residents and non-residents.

Seeing there were no additional comments, Mayor Siciliano asked for a motion to close the Public Hearing.

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				

COUNCIL COMMENTS:

Councilmember Schepiga reminded everyone that Fall Fest will be held on Saturday, September 24th at Joe Palaia Park.

Councilmember Long announced that he will be attending a workshop sponsored by the County with Police Chief Peters and Human Services Director Sharon Moleski entitled “Narcan – Now What?”

The following did not offer any report:

Mayor Siciliano
Councilmember Acerra
Stephen O. Gallagher, Acting Township Manager
Martin J. Arbus, Township Attorney

PROCLAMATION(S):

Honoring Jane Grabelle – 23 Years of Service on the Zoning Board of Adjustment

Mayor Siciliano introduced Jane Grabelle and presented her with the following:

PROCLAMATION

Honoring

Jane Grabelle

***Zoning Board of Adjustment Member
23 Years***

WHEREAS, *Jane Grabelle was appointed to the Township of Ocean Zoning Board of Adjustment on July 1, 1993 as the Alternate II member and she was appointed as Alternate I on July 1, 1994 and then as a Full Member on July 1, 1995; and*

WHEREAS, *Jane has served continuously on the Board for the past 23 years and has, over those years, been a sounding board and a voice of reason to the other members, especially those newer members; and*

WHEREAS, *throughout her tenure as a member of the Zoning Board of Adjustment, Jane has maintained a professionalism that belies the somewhat challenging times of growth and prosperity that has faced the Community of Gracious Living; and*

NOW, THEREFORE, BE IT PROCLAIMED that the Township of Ocean hereby extends our heartfelt appreciation to

Jane Grabelle

for her many years of service to the residents and businesses of the Township of Ocean and further offer our sincere appreciation to the role she has played in maintaining the quality of life for those who reside in the Township; and

FURTHER BE IT PROCLAIMED that we extend our sincere wishes that Jane enjoy much health and happiness for many years to come.

Childhood Cancer Awareness Month – September 2016

PROCLAMATION

WHEREAS, September of each year is recognized as Childhood Cancer Awareness Month throughout the nation; and

WHEREAS, cancer is the leading cause of death by disease in U.S. children under 15 years of age killing more than AIDS, asthma, cystic fibrosis, diabetes and muscular dystrophy combined; and

WHEREAS, every school day, 46 children or two classrooms of students will be diagnosed with cancer – 7 of them will die; and

WHEREAS, in the last 25 years, only 2 drugs have been specifically developed for children's cancer and two-thirds of childhood cancer patients will develop long-lasting chronic conditions resulting from treatment; and

WHEREAS, the childhood cancer rates have been rising for the past few decades and approximately 15,000 children in the U.S. under the age of 15 will be diagnosed with cancer in 2016; and

WHEREAS, The Ashley Lauren Foundation has operated as a 501 (c) (3) non-profit organization since July, 2005 and the Mission of the Ashley Lauren Foundation is to bring hope and help to children in New Jersey who have been diagnosed with cancer through financial, material and emotional assistance, parties, birthdays, outings, "Making Dreams Come True," and anything else that is needed to make their lives easier, free-of-charge; and

WHEREAS, the Ashley Lauren Foundation has developed partnerships with health care centers throughout the State of New Jersey and others in the fight against pediatric cancer in all forms; and

WHEREAS, the Township of Ocean in the State of New Jersey joins in recognizing September as Childhood Cancer Awareness Month to increase awareness and understanding of children with cancer.

NOW, THEREFORE, BE IT PROCLAIMED that I, Christopher P. Siciliano, Mayor of the Township of Ocean in the State of New Jersey, along with the entire Governing Body, do hereby proclaim September 2016 as "*Childhood Cancer Awareness Month*" and urge all Ocean Township citizens to "Go Gold" for September.

Mayor's Statement: Public Questions on 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 Questions on Resolutions and Voucher List:

Don Geiger inquired about a number of payments that appeared on the Voucher List including but not limited to: Aim To Drain, Armstrong Tree Service, LLC, ASCAP – American Society Composers, Andrew G. Brannen, Vincent Buttiglieri, CMC, Capturepoint.com, CCP Industries,

MEETING MINUTES

September 8, 2016

Cooper Power Systems, East Coast Emergency Lighting, ELSAG North America, Facilitydude.com, FBI-LEEDA, Darryl Hunter, IIMC, JAMAR Technologies, Inc., NJ State Association Chiefs of Police, Samuel A. Quainoo, Rutgers The State University, Rutgers Youth Sports Research, Sherwin Williams, The Monmouth Museum, United Cleaning Contractors, Inc., Vic Gerard Golf Cars, Zone Striping, Inc.

Mr. Gallagher responded as needed.

With reference to Resolution No. 16-163, Mr. Geiger asked how much this will cost the Township.

Mr. Gallagher said New Jersey Transit is going to install and maintain the two new bus shelters with no cost to the Township.

Mr. Geiger asked where the location of the sidewalk easement is regarding Resolution No. 16-175.

Mr. Gallagher explained that this is the sidewalk by the Post Office.

Paul Mayerowitz asked for an explanation of the street light reimbursements that appear on the Voucher list.

Mr. Gallagher explained that it is done quarterly as is the trash removal reimbursements.

There were no additional comments at this time.

CONSENT AGENDA:**MINUTES:**

July 21, 2016 – Workshop Meeting

August 9, 2016 – Workshop and Public Meeting(s)

RESOLUTIONS:**16-160 Authorize the Developer's Agreement with the following****a. Block 182, Lot 4 – 3413 Rose Avenue – 3413 Rose Avenue, LLC**

WHEREAS, 3413 Rose Avenue, LLC (hereinafter "Developer") is the owner of certain property known as Block 182, Lot 4, as shown on the official tax map of the Township of Ocean, which property is located at 3413 Rose Avenue in the I-1 (Light Industrial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted Preliminary and Final Site Plan and Variance Approvals from the Township of Ocean Planning Board by way of Resolution dated December 12, 2011 to modify the ratio of office space to warehouse in an existing building by increasing the amount of office space to 3,590 square feet and reducing the warehouse space to 6,910 square feet, provide seventeen (17) parking spaces and "greenbank" an additional eleven (11) spaces, create a fenced and screened equipment storage area behind the building and provide additional landscaping; and

WHEREAS, this Agreement relates to a Site Plan of the property entitled Preliminary and Final Site Plans, Sunnyfield Corporation, Tax Block 182, Tax Lot 4, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc. consisting of seven (7) sheets dated May 9, 2011 and last updated January 10, 2012; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated February 7, 2012 prepared by the Township of Ocean 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 3413 Rose Avenue, LLC, 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 \$43,620.00 and Inspection Fees in the amount of \$3,017.50

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided by the Township Clerk to each of the following:

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. 3413 Rose Avenue, LLC

16-161 Approve the release of various Closed Session Minutes

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:

July 21, 2016
August 9, 2016

16-162 Authorize the submission of the following Grant(s):

a. Monmouth County Open Space

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Township of Ocean desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the Wading/Activity Pool Re-Construction Project at the Ocean Community Pool & Tennis Facility, 615 West Park Ave., Oakhurst, Block 3 Lot 17; and

WHEREAS, the total cost of the project including all matching funds is \$605,000.00; and

WHEREAS, the Township of Ocean is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that

1. Andrew G. Brannen or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Ocean is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Andrew G. Brannen, Township Manager or his successor is hereby authorized to sign and execute any required documents, agreements and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

16-163 Authorize the Mayor and Municipal Clerk to execute an Agreement with New Jersey Transit for the installation of two (2) new bus shelters

WHEREAS, NJ TRANSIT has funds for the purchase of bus shelters throughout the State of New Jersey; and

WHEREAS, the governing body of a municipality in New Jersey or the Board of Chosen Freeholders of a county may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and

WHEREAS, the **Township of Ocean**, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

NOW, THEREFORE, be it resolved, that the application is hereby made by the Township of Ocean to the New Jersey Transit Corporation for the purchase and installation of **two** bus shelter(s) as set forth in Exhibit A, made a part hereof.

FURTHER, be it resolved that the Mayor and the Municipal Clerk be authorized to execute an agreement or agreements with NJ Transit to arrange for the purchase and installation of the shelters.

16-175 Authorize the Township Attorney to prepare and the Mayor and Municipal Clerk to execute, a sidewalk easement along a portion of Block 3, Lot 16.01

WHEREAS, the Township of Ocean wishes to create a sidewalk easement along a portion of Block 3, Lot 16.01, owned by ABAB Enterprises, LLC in order to construct a walkway between said property and various Township facilities ; and

WHEREAS, the Governing Body of the Township of Ocean authorizes Martin J. Arbus, Esq., Township Attorney, to prepare a sidewalk easement agreement on a portion of Block 3, Lot 16.01; and

WHEREAS, said drainage easement agreement has been prepared and is ready for execution by all parties;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, in the County of Monmouth, that authorization is hereby given for the preparation of a sidewalk easement along a portion of Block 3, Lot 16.01 and further authorizes the Mayor and Municipal Clerk to execute said easement; and

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

1. Director of Finance
2. Township Attorney
3. Township Engineer
4. ABAB Enterprises, LLC

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:

VOUCHERS: \$11,167,532.68

See next page for complete list

Vote on 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:

16-164 Authorize the Tax Collector to issue a refund of property taxes paid for the 3rd Quarter 2016 for Block 1.22, Lot 29

WHEREAS, a duplicate payment was made by Wells Fargo Real Estate Tax Services for the 3rd quarter 2016 property taxes in the amount of \$1,813.14 for Block 1.22, Lot 29; and

WHEREAS, the tax overpayment should be refunded to Wells Fargo Real Estate Tax Services, LLC, 1 Home Campus, Des Moines, IA 50328;

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 refund the said tax overpayment to the payer listed below.

Block	Lot	Owner/Payer Name	Amount	Reason
1.22	29	Wells Fargo Real Estate Tax Services	\$1,813.14	Duplicate Payment made by Wells Fargo Real Estate Tax Services for 3 rd Quarter 2016 taxes.
Total Taxes Overpaid			\$1,813.14	

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				

16-165 Approve Change Order No. 1 for the contract awarded to Zone Striping, Inc. for line striping and pavement marking on various Township roads decreasing the total contract amount by \$712.40 from \$103,133.77 to \$102,421.37

WHEREAS, the Township Council of the Township of Ocean awarded a contract to Zone Striping, Inc., Glassboro, NJ for traffic striping and pavement marking on December 3, 2015; and

WHEREAS, subsequent to that award, various revisions to as-built quantities resulting in a \$712.40 decrease in the total contract amount from \$103,133.77 to \$102,421.37; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby approve Change Order No. 1 decreasing the overall contract amount by \$712.40, from \$103,133.77 to \$102,421.37 for line striping and pavement marking that was awarded to Zone Striping, Inc., Glassboro, NJ; and

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

1. Director of Finance
2. Township Engineer
3. Director of Public Works
4. Zone Striping, 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				

16-168 Authorize the execution of a contract with GluckWalrath, LLP as Bond Counsel for the Township of Ocean

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds or notes of the Township of Ocean in the County of Monmouth, State of New Jersey, including the review of such procedures and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, the Township Manager has determined and certified in writing that the anticipated value of the contract will exceed \$17,500; and

WHEREAS, although the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., authorizes the award of contracts for "Professional Services" without competitive bids, the Township issued a request for proposals for professional service contracts in compliance with N.J.S.A. 19:44A-20.7; and

WHEREAS, upon completion of the above-described competitive process, a contract for the provision of bond counsel services for calendar year 2016 was previously entered into between the Township and Meghan Bennett Clark of Dilworth Paxson, LLP; and

WHEREAS, Meghan Bennett Clark, Esq. will become affiliated with the firm of GluckWalrath, LLP. as of September 1, 2016; and

WHEREAS, such special legal services can be provided only by a recognized bond counsel firm and the law firm of GluckWalrath, LLP. is so recognized by the financial community; and

WHEREAS, the governing body desires to amend the appointment of Bond Counsel and to enter into an agreement to reflect the affiliation of Meghan Bennett Clark with GluckWalrath, LLP.

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

1. That Meghan Bennett Clark of the law firm of GluckWalrath, LLP is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds or notes by the Township of Ocean, in accordance with an agreement for the provision of bond counsel services for the balance of the one-year term ending June 30, 2017, which agreement shall be in a form acceptable to the Township Attorney and shall include the same terms, fees and conditions of the agreement previously authorized for the provision of bond counsel services for calendar year 2016.
2. That the Mayor is hereby authorized to execute and the Township Clerk to attest to, respectively, the execution of said agreement for professional services in connection with the preparation of all bond ordinances and the authorization and issuance of all bonds, bond anticipation notes, tax anticipation notes or similar obligations and related matters of capital and debt financing by the Township.
3. That the contract is awarded in compliance with N.J.S.A. 19:44A-20.7 and shall be an open-ended contract with funds being encumbered contingent upon the availability of funds in the budget year. No services shall be rendered under the contract until the Chief Financial Officer has certified the availability of funds for such services.
4. That a notice of the amended contract shall, in accordance with the Local Public Contracts Law of New Jersey, be published in an official newspaper of the Township of Ocean.
5. This resolution shall take effect September 1, 2016.
6. That a certified copy of this resolution shall be forwarded by the Township Clerk to the Chief Financial Officer and to Meghan Bennett Clark.

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				

16-169 Authorize the renewal of the contract for the Emergency Notification System with CodeRed Emergency Notification System at a total three-year cost of \$36,717.00 (\$12,239.00 per year) resulting in a savings of \$8,600.00

WHEREAS, the Township of Ocean had entered into a contract with Emergency Communications Network, Inc., Ormond Beach, Florida for a service identified as "CodeRed" Emergency Notification System in December 2012 and it was renewed each subsequent year through the present; and

WHEREAS, the current contract was due to expire in July 2017, however, due to available savings, the Township of Ocean renegotiated the remainder of the existing contract with Emergency Communications Network, Inc.; and

WHEREAS, said renegotiation has resulted in a new three-year Agreement running from July 22, 2016 through July 22, 2019 at a total cost of \$36,717 which will be paid in three (3) yearly installments of \$12,239.00; and

WHEREAS, said renegotiation with Emergency Communications Network, Inc. has resulted in a saving of \$8,600.00; and

WHEREAS, said contract shall be automatically renewable upon consent of both parties or until terminated in accordance with the terms and conditions as noted in Section 4 and Section 6 of said contract;

WHEREAS, the Director of Finance has certified that funds for the extension of said Agreement are available in the Police Department Telecommunications budget, account #6-01-25-745-277;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the renewal of the contract for the CodeRed Emergency Notification System as provided by Emergency Communications Network, Inc., Ormond Beach, Florida at a cost not to exceed \$12,239.00.00; and

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

1. Chief of Police.
2. Director of Finance
3. Township of 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				

16-170 Approve a Professional Services contract with the following:

a. CME Associates, Parlin, NJ – Conflict Township Engineer

WHEREAS, the Township of Ocean solicited proposals for said engineering services and received responses from the following Firms: Hatch Mott McDonald, Freehold, NJ, CME Associates, Parlin, NJ, and Leon S. Avakian, Inc., Neptune, NJ; and

WHEREAS, the Township of Ocean awarded a contract for engineering services to Gregory Blash, P.E., P.P., and the firm Leon S. Avakian, Inc., as the Township Engineer for a term of July 1, 2016 through June 30, 2017; and

WHEREAS, from time to time, a conflict exists with either Gregory Blash, P.E., P.P., and/or the firm of Leon S. Avakian, Inc. necessitating the Township of Ocean must solicit the services of another engineering firm to perform certain engineering functions; and

WHEREAS, it is the recommendation of the Township Manager to utilize the services of the firm of CME Associates, Parlin, NJ when said conflict(s) arise; 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, the firm CME Associates will be required has completed and submitted the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that CME Associates. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit CME Associates from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

WHEREAS, the Director of Finance has certified that there are funds available for this purpose specifically under Engineering Services and Costs, O.E., Trust Other Fund - Reserve for Inspection Fees, General Capital Fund - various ordinances subject to adequate funds under 40A:2-20, which account will be properly charged and which funds shall not be available for more than one purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with CME Associates for conflict engineering services for the period July 1, 2016 through June 30, 2017 in accordance with the Schedule of Billable Hourly Rates as submitted with a total not to exceed amount of \$50,000.00 exclusive of any independent professional service contracts that may be authorized.
2. It is further understood that there will be a rate freeze for the duration of the appointment with annual contracts setting forth the total estimated payments for the subsequent twelve months.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because engineering service is professional in nature and performed by persons authorized by law to practice a recognized profession.
4. A notice of this action shall be published as required by law.
5. A copy of this resolution shall be forwarded to the following:
 1. CME Associates
 2. Director of Finance
 3. Township Attorney

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. Maser Consulting, P.A., Red Bank, NJ – Redevelopment/Rehabilitation Planner

WHEREAS, the Township of Ocean wishes engage the services of a licensed engineer to provide planning services in connection with the investigation of various areas in the Township which may be in need of rehabilitation/redevelopment; and

WHEREAS, the Township of Ocean has identified the following three areas as potential rehabilitation/redevelopment zones: Route 35 Corridor, Monmouth Road at West Park Avenue Commercial Area, and Ocean Township Industrial Park; and

WHEREAS, the Township of Ocean has solicited a proposal from Maser Consulting, P.A., Red Bank, NJ to provide said engineering services at a total cost not to exceed \$51,500.00; and

WHEREAS, it is the recommendation of the Township Manager that a contract be awarded to Maser Consulting, P.A., Red Bank, NJ at a cost not to exceed \$51,500.00; 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, Maser Consulting, P.A. will be required to complete and submitted the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that Maser Consulting, P.A. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit Maser Consulting, P.A. from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

WHEREAS, the Director of Finance has certified that there are sufficient funds available for the purpose of this award in the Capital Improvement Fund, account # C-04-55-947-915; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

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 award a contract to Maser Consulting, P.A., Red Bank, NJ to provide planning services in connection with the investigation of various areas in the Township which may be in need of rehabilitation/redevelopment at a cost not to exceed \$51,500.00; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published according to law; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form shall be filed with this Resolution and Contract; and

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

1. Maser Consulting, P.A.
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				

16-171 Authorize the extension of the contract for Unarmed Security Services for the Municipal Court awarded to Aegis Security Agency, LLC, Union, NJ for an additional two-year term at a cost not to exceed \$30,225.38

WHEREAS, the Township Council of the Township of Ocean awarded a contract for Unarmed Security Services for the Township of Ocean and West Long Branch Municipal Courts for the period September 1, 2015 through August 31, 2016 on August 13, 2015; and

WHEREAS, the bid gave the Township of Ocean the right to extend said contract for a two (2) year period with an option to renew for an additional one (1) two-year term or two (2) one-year terms; and

WHEREAS, the bid further noted that should an extension be awarded, the fee shall be adjusted according to the State of New Jersey's "Current Index Rate"; and

WHEREAS, the Township of Ocean solicited bids for said services which were due to be opened on August 30, 2016 and the Township of Ocean did not receive any responses to said bid request; and

WHEREAS, it is the recommendation of the Township Manager and the Chief of Police that a contract with Aegis Security Agency, LLC, Union, NJ be extended for one (1) two-year term beginning September 1, 2016 at a rate of \$15.72 per hour with a not to exceed provision of \$15,075.00 for 2016/2017 and a not to exceed cost of \$15,150.38 for the year 2017/2018; and

WHEREAS, the Director of Finance has certified that funds for said contract are available in the Police Department Budget, account 6-01-25-745-247; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Ocean, County of Monmouth, that it does hereby authorize an extension of the contract for Unarmed Security Services for the Township of Ocean and West Long Branch Municipal Courts to Aegis Security Agency, LLC, Union, NJ for the period September 1, 2016 through August 31, 2018 at a cost not to exceed \$30,225.38; and

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

1. Aegis Security Agency, LLC
2. Director of Finance
3. Police Chief
4. Municipal Court Administrator

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				

16-172 Authorize a contract with Safran MorphoTrak, Anaheim, CA for the purchase of a MorphoTrak Live fingerprint machine at a cost not to exceed \$31,867.46

WHEREAS, N.J.S.A. 40:11-12 requires that any local contracting unit purchasing materials, supplies or equipment under a contract entered into by the State Division of Purchasing and Property shall authorize the award of such contract by Resolution of the Governing Body; and

WHEREAS, the Township of Ocean is in need of purchasing a new LiveScan finger print machine to replace the one purchased in August of 2000; and

WHEREAS, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to Safran MorphoTrak LiveScan Systems, Anaheim, CA under State Contract A81520; and

WHEREAS, the Township of Ocean has solicited a proposal from Safran MorphoTrak to provide said Live Scan finger print machine at a cost not to exceed \$31,867.46

WHEREAS, the Director of Finance has certified that funds have been provided for the purchase of a new Live Scan fingerprint machine in Bond Ordinance No. 2273, account # C-04-55-949-909; and

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the purchase of a MorphoTrak Live Scan fingerprint machine from Safran MorphoTrak, Anaheim, CA (State Contract A81520) in an amount not to exceed \$31,867.46; and

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

1. Director of Finance
2. Chief of Police
3. Township Auditor
4. Safran MorphoTrak

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				

16-173 Authorize the Tax Collector to reallocate tax credits totaling \$1,980.18 from Block 119, Lot 2 to Block 119, Lots 2.01 and 2.02

WHEREAS, the owner of Block 119, Lot 2 received approval to subdivide said lot into two lots, Lot 2.01 and Lot 2.02; and

WHEREAS, the Tax Collector credited all taxes assigned to the original parcel, Block 119, Lot 2, in the amount of \$1,980.18;

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 to reallocate said tax credit to each of the new parcels, Block 119, Lots 2.01 and 2.02, equally in the amount of \$990.09 per parcel; and

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				

16-176 Authorize the Tax Collector to issue refund(s) or credit(s) for those taxpayers who have received a favorable State Tax Appeal judgment

WHEREAS, the State of New Jersey Tax Court has rendered judgments on appeals made by a tax payer 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 2015 & 2016 and,

WHEREAS, proper procedures require that the tax assessments for the years 2015 & 2016 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 years 2015 & 2016 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4th 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				

ORDINANCES:

Introduction(s):

ORDINANCE #2278 (P.H. 9/22/16 The Coaster)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II-B OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965" entitled: MISCELLANEOUS ADMINISTRATIVE PROVISIONS AND PERSONNEL POLICIES

BE IT ORDAINED by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, that the following Chapters of an Ordinance entitled "Revised General Ordinances of the Township of Ocean, 1965", be and the same is hereby amended and supplemented in the following manner:

Chapter II-B

- A. The following Chapter(s) and Section(s) are hereby amended and supplemented to read as follows with all other section not listed remaining the same:

Chapter II-B Miscellaneous Administrative Provisions and Personnel Policies

2B-4.1 Definitions

Active Duty Military refers to military members who are currently serving on full-time status in their military capacity. Full-time status is not limited to members of the active components of the military services; members of any of the [three components](#) (active, [reserve](#), and the [National Guard](#)) may be placed into active status. All personnel in the active components are in active status. Reservists may be placed into active status as units or individuals. Units may be mobilized in support of operations, such as the reserve units that have been deployed in support of the [Global War on Terror](#) or those called up within the United States to provide [support to civil authorities](#). Individuals may be placed in active status as part of the [Active Guard Reserve](#) program, as augmentees to active or reserve component units, or to attend full-time military training

2B-4.3 Administration

- c. All Honorably Discharged Veterans must submit a copy of their DD-214 (discharge). All Active Duty Military must submit a copy of their military identification card.

SECTION II

All other ordinances or parts thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid such subparagraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

SECTION IV

This ordinance shall take effect as provided by law after its final passage.

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				

ORDINANCE #2279 (P.H. 10/13/16 The Coaster)

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:

Section 21-6 shall be amended to add:

“School, adult boarding” shall mean an adult parochial school which provides residence halls or dormitories for boarding of students.

“School, adult parochial” shall mean a facility or use primarily for the education and instruction of individuals in academic or religious subjects and operated on a not-for-profit basis, for students age 17 and older, and administered, supervised and directly affiliated with an exempted nonprofit organization.

Section 21-39.1.c. shall be amended to add:

- 12. Adult parochial school and adult parochial boarding schools

Section 21-40.1.c. shall be amended to add:

- 8. Adult parochial schools and adult parochial boarding schools

Section 21-45.17.b.1 shall be amended to read:

- 1. Auditorium, movie theater, or other place of public assembly (including public, parochial, adult parochial and private schools): one parking space for each three fixed seats or 72" of bleachers for auditoriums or similar gathering spaces, at capacity; or one parking space for each 100 square feet of gross floor area in cases where the capacity is not determined by the number of fixed seats.

For any Movie Theater located within a shopping center of 15 acres of greater, the total square footage of the Movie Theater shall be utilized to determine the parking requirement, and one parking space shall be provided per 200 sq. ft. of building area.

Section 21-51. shall be amended to add:

21-51.46 Adult parochial schools and adult parochial boarding schools in the I-1 and O-1/80 Zones.

a. Requirements for adult parochial schools in the I-1 and O-1/80 zones.

- 1) Bulk Requirements for adult parochial schools and adult parochial boarding schools

- Minimum lot size - 2 acres
- Minimum lot width - 200 feet
- Minimum lot depth - 200 feet
- Minimum front yard setback (measured from the future street R.O.W.) - 50 feet
- Minimum rear yard setback - 75 feet

Where the use abuts a lot in a single family residential zone, a rear yard of 100 feet shall be required.

- Minimum side yard setback - 50 feet

Where the use abuts a lot in a residential zone, a side yard of 100 feet shall be required.

- Maximum lot coverage - 27% of buildable lot area
- Maximum floor area ratio - 30% of total lot area
- Maximum building height - 3 stories above grade or 35 feet, whichever is less
- Maximum floor area ratio - 30%

- 2) Where driveways and parking areas are adjacent to a vacant or residential property in a residential zone, a buffer strip with a width equal to 5' for every acre of land, rounded to the nearest acre, shall be provided along all side and rear lot lines except as follows:

The required buffer on each side yard may be reduced to 20% of the distance between side lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between side lot lines at that point;

The required buffer on rear yards may be reduced to 20% of the distance between front and rear lot lines at any point where the buffer width, as required above, exceeds 20% of the distance between the front and rear lot lines at that point;

Regardless of the above, the minimum required buffer shall be not less than 50' and the maximum required buffer shall be no more than 100'.

- (3) Additional requirements for adult parochial boarding schools in the I-1 and O-1/80 zones.

(a) The number of adult parochial boarding students and staff permitted to remain on the site between the hours of 12 AM (midnight) and 6 AM shall be determined by the size of the property minus any required buffers. The maximum number of persons shall be limited to no more than 25 persons per acre of property minus required buffers.

(b) Adult parochial boarding students shall be 17 years of age or older at the start of the academic or program year.

(c) There shall be no outdoor lighting of playfields or recreation areas both active and passive after dusk, except that lighting shall be permitted for security purposes only, and shall be limited to that lighting which is specifically permitted by the reviewing Municipal Agency, and is shown on an approved site plan.

(d) One parking space for each student and staff member based on the maximum number permitted on site at any one time is required. The Municipal Agency may, at its discretion, allow the green banking of parking spaces based on the requirements of a particular application. The greenbanked spaces shall be engineered on the approved plans. Further, should the Zoning Officer of the Township of Ocean determine at any time that the spaces are required, they shall be constructed within 60 days of notice.

SECTION II

All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.

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.

SECTION III

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.

MEETING MINUTES

September 8, 2016

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:

The following residents had comments, questions and concerns regarding the recent decision by the Court on the Yeshiva litigation and the Township's decision to not appeal the Judge's ruling:

Mary Whitney, Don Geiger, Paul Mayerowitz, Adam Weisberg, Barbara Hudson, Sylvia Sylvia-Cioffi, Rich McNally, Lisa Burgos.

Mr. Arbus explained at length the basis for the Court's decision. There are still aspects of the case that he cannot discuss due to on-going litigation.

Chris Moriarity, asked that everyone try to be pro-active towards the new community members. He suggested forming a liaison council between the residents and members of the Yeshiva.

John Huss, wanted to voice his concerns regarding the potential of the Township of Ocean Sewerage Authority taking on Asbury Park.

Paul Mayerowitz, suggested the Township run a seminar for the residents on the revaluation process and filing of a tax appeal.

Susan Borea, also had questions regarding the revaluation program.

Mr. Gallagher explained that the revaluation process is basically finished. There will be informal letters sent out November 9th. The revaluation company will meet with residents the last two weeks of November and postcards with the new tax amount will be sent out December 1st.

Paul Mayerowitz, would like to see an Ordinance adopted requiring more handicapped spaces at Senior Communities.

Vincent Lepore, Long Branch, asked why the Township is considering rehabilitation/redevelopment zones.

Mayor Siciliano said they are looking at ways to improve certain areas in the Township. It is a way to encourage property owners to spruce up their businesses.

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

Jessie M. Joseph, RMC/CMR
Deputy Township Clerk