

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

**OCTOBER 27, 2016**

**OAKHURST, NEW JERSEY**

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

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

**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.

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**COUNCIL COMMENTS:**

Deputy Mayor Garofalo reported that the Township of Ocean was mentioned in an article in Weir New Jersey. The article discussed the history of the water tower at Joe Palaia Park.

Councilmember Schepiga reminded all that there will be a Veteran's Day Ceremony on Friday, November 11<sup>th</sup> beginning at 11:00 a.m. at Town Hall.

Councilmember Acerra stated that he had the pleasure of playing in the Mayor's Cup where over \$4,000.00 was raised for the Community Hope Fund. He extended a thank you to all involved especially Kathy Reiser, Judy Johnson and Bob Bortolameotti from Human Services.

Councilmember Acerra also wished all the Ocean Township High School sports teams well in their various playoffs.

Andrew Brannen, Township Manager, announced that the paving of Allaire Road and South Wanamassa Drive will begin within the next few days.

Mr. Brannen also reported Monmouth County will be repaving a portion of Monmouth Road heading south from Roseld Avenue to the Township border.

Martin Arbus, Esq., Township Attorney, also played in the Mayor's Cup and stated that he wished he played slightly better than he did.

The following did not offer any report:

Councilmember Long

**PRESENTATION:**

**PROCLAMATION:** Rosemarie Acerra, President  
New Jersey Parent Teacher Associations

## ***Rosemarie Acerra***

### ***President – New Jersey Parent Teachers Association***

**WHEREAS**, Rosemarie “Rose” Acerra has been a longtime volunteer in the Parent Teacher Associations of the Elementary, Intermediate and High Schools of the Township of Ocean; and

**WHEREAS**, Rose’s dedication and initiative was evident from the early stages of her involvement and led to her taking on leadership positions within all of the Parent Teacher Associations including serving as President for four years at each level and another eight years in various other leadership positions; and

**WHEREAS**, Rose has also served in leadership capacities on both the County and State Parent Teacher Associations including in the following capacities:

- Monmouth County PTA Vice President – 3 years
- New Jersey PTA Convention Chair – 2013 through 2015
- Vice President of Leadership Development
- National Elections Committee – 2009 through 2013 and 2015 through Present
- New Jersey PTA President-Elect – 2014 through 2016

**WHEREAS**, Rose’s commitment, passion and dedication to the Parent Teacher Associations at all levels of education has lead to her being elected at **President of the New Jersey Parent Teacher Association** in July 2016;and

**WHEREAS**, throughout her many years of dedicated service to PTA’s at all levels, Rose’s greatest joy comes from her loving family including her husband Robert, Sr., and her three sons, Robert, Richard and Raymond;

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

### ***Rosemarie “Rose” Acerra***

*on her election to the prestigious position of President of the New Jersey Parent Teacher Association*

Mayor Siciliano asked Mrs. Acerra what made her get involved in the local Parent Teacher Association in the first place.

Mrs. Acerra responded she first got involved to be close to her kids and to make friends but soon realized all the good work the Association does. Mrs. Acerra elaborated on her levels of involvement through the years, including those named in the proclamations.

#### **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 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:**

**Jerry Mauer** states that in Resolution 16-207, many of the requirements state minimum levels but there are no indications of the maximum levels of materials being utilized. Also, Mr. Mauer stated that the Township did not appear to solicit any input from the Deal Lake Commission concerning this bid. Mr. Mauer respectfully asked that this matter not be voted on at this meeting until the Deal Lake Commission has had a chance to review the bid.

Mayor Siciliano asked that Resolution 16-207 be removed from this Agenda. All concurred.

There were no additional comments at this time.

**CONSENT AGENDA:**

**16-203 Authorize the Release of the Maintenance Guarantee(s) for the following:**

**a. Block 33.16, Lot 1 and Block 33.17, Lot 2 - 1903 Highway 35 – FPN Prime, LLC**

**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 completed by the Township Engineer; and

**WHEREAS**, the Township did authorize and enter into a developer's agreement dated March 8, 2006 with FPN Prime, LLC for preliminary and final site plan approval with variances for property described as Block 33.16, Lot 1 and Block 33.17, Lot 2 located at 1903 Highway 35; and

**WHEREAS**, performance guarantees were posted totaling \$338,371.02 in the form of Performance Bond #5014828 issued by Bond Safeguard Insurance Company in the amount of \$304,533.92 and cash in the amount of \$33,837.10 to guarantee the completion of all improvements on premises known as Block 33.16, Lot 1 and Block 33.17, Lot 2 located at 1903 Highway 35; and

**WHEREAS**, the Township Council granted a reduction of the performance guarantees to \$101,511.31 by way of Resolution dated February 11, 2009; and

**WHEREAS**, FPN Prime, LLC has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$42,296.38 for Block 33.16, Lot 1 and Block 33.17, Lot 2 located at 1903 Highway 35; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated October 14, 2016, a copy of which is on file on 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 \$42,296.38 is hereby released, canceled and discharged.

**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. FPN Prime, LLC
6. Bond Safeguard Insurance Company

**16-204 Affirm the Township of Ocean's Civil Rights Policy**

**WHEREAS**, it is the policy of the Township of Ocean to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Township of Ocean, County of Monmouth, State of New Jersey, has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Township of Ocean Mayor and Council that:

**Section 1:** No official, employee, appointee or volunteer of the Township by whatever title known, or any entity that is in any way a part of the Township shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Township's business or using the facilities or property of the Township.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Township to provide services that otherwise could be performed by the Township.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Township Manager shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Township Manager shall establish written procedures that require all officials, employees, appointees and volunteers of the Township as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Township Manager shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Township Manager shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Township. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Township's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Township in order for the public to be made aware of this policy and the Township's commitment to the implementation and enforcement of this policy.

**16-205 Support the painting of a Thin Blue Line along Monmouth Road between Deal Road and Roosevelt Avenue in support of the Township of Ocean Police Department**

**WHEREAS**, the "Thin Blue Line" is a universal symbol to law enforcement, used not only to commemorate fallen law enforcement officers but also to represent the shared commitment of all those who choose to protect their communities every day; and

**WHEREAS**, many municipalities throughout the State of New Jersey have chosen to display their support for their local law enforcement by painting a thin blue line on a main road in their respective municipality; and

**WHEREAS**, the Township of Ocean, Monmouth County, share in this sentiment and support the painting of a thin blue line on Monmouth Road between Deal Road and Roosevelt Avenue; and

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Ocean, County of Monmouth strongly supports the symbolic painting of a thin blue line along Monmouth

Road between Deal Road and Roosevelt Avenue in support of law enforcement in the Township of Ocean; and

**FURTHER BE IT RESOLVED** that the Township Clerk is hereby authorized to forward a certified copy of this resolution to the following:

1. Chief of Police
2. Monmouth County Director of Public Works & Engineering
3. Township of Ocean Director of Public Works
4. Township Engineer

**16-209 Authorize the Release of the Performance Guarantee(s) for the following:**

**a. Block 26.04, Lot 37 - 372 West Park Avenue - Thomas E. Hardy, Sr.**

**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 Developers 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 December 22, 2004 with Thomas E. Hardy, Sr. for Minor Subdivision Approval with Variances for property known as Block 26.04, Lot 37 located at 372 West Park Avenue; and

**WHEREAS**, Thomas E. Hardy, Sr. has heretofore deposited with the Township of Ocean performance guarantees totaling \$56,909.34 in the form of cash to guarantee the completion of all improvements on premises known as Block 26.04, Lot 37 located at 372 West Park Avenue; and

**WHEREAS**, the Township Council granted a reduction of the performance guarantees to \$20,377.47 by Resolution dated February 20, 2008; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated October 20, 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 eight (8) 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. Thomas E. Hardy, Sr.

**16-210 Authorize the submission of the following Grant(s)**

**a. NJDOT Transportation Alternative Program Grant**

**WHEREAS**, the Township of Ocean wishes to construct a footbridges over the spillways located on Chestnut and Maple Avenues; and

**WHEREAS**, the New Jersey Department of Transportation has made grant funds available for like projects through the NJDOT Transportation Alternative Program; and

**NOW, THEREFORE BE IT RESOLVED** that the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to submit the grant application for the New Jersey DOT Transportation` Alternative Program for the construction of footbridges over the

spillways located on Chestnut and Maple Avenues and that all appropriate Township Official be authorized to sign any related documents to effectuate the receipt of said grant; and

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

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

**16-212 Authorize the following appointment:**

**a. Alternate 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:

<i>PROSECUTOR</i>	<i>Member</i>	<i>Starting</i>	<i>Ending</i>
<i>1 year term</i>	Kevin O’Keefe and the Firm Campbell, Foley Delano & Adams, LLC <i>Alternate Prosecutor</i>	October 27, 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

**16-213 Approve the extension of the Monmouth County Adult Level II.1 Intensive Outpatient Services program for the period March 1, 2016 through April 30, 2017**

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

**WHEREAS**, the County of Monmouth has authorized the extension of health services contracts administered by the Monmouth County Division of Mental Health and Addiction Services, Office of Addiction Services for the fourteen-month period from March 1, 2016 through April 30, 2017; and

**WHEREAS**, the Township of Ocean wishes to extend its agreement for Adult Level II.1 IOP (Intensive Outpatient) (15C-7) for said period; and

**WHEREAS**, the extension of said Agreement will provide additional funding in the amount of \$53,000.00 to the Township of Ocean to offset said cost of providing said services;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Ocean, County of Monmouth that the Community Services Director is authorized to **extend** the Agreement with the County of Monmouth, Monmouth County Division of Mental Health and Addiction Services, Office of Addiction Services for Adult Level II.1 (Intensive Outpatient) Services (15C-7) by where the Township of Ocean will receive funding in the amount of \$53,000.00 to offset said costs of providing said service; and

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

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

**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	X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**INDIVIDUAL ACTION:**

**RESOLUTIONS:**

**16-208 Approve a Chapter 159 Budget Amendment for the following:**

**a. Monmouth County Adult Level II.1 IOP Grant**

**WHEREAS, N.J.S.A.40A:4-87** provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS,** said Director may also approve the insertion of any item of appropriation for any equal amount, and

**WHEREAS,** the Township of Ocean received an award of \$53,000.00 from the Monmouth County Department of Human Services Division of Mental Health and Addiction Services for the Fiscal Year 2016 Monmouth County Adult Level II.1 IOP Grant Agreement # 16-C-7, a renewal of Grant Agreement # 15-C-7 and

**WHEREAS,** the 2016 budget needs to be amended to include the 53,000.00 awarded, a copy of which is attached, and

**NOW, THEREFORE BE IT RESOLVED** that the Township of Ocean, County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget year 2016 the sum \$53,000.00 which is now available as revenue from the Monmouth County Department of Human Services Division of Mental Health and Addiction Services.

**BE IT FURTHER RESOLVED** that a like sum is hereby appropriated under the caption of:  
 Monmouth County Adult Level II.1 IOP Grant  
 Other Expenses.....\$: 53,000.00

**BE IT FURTHER RESOLVED** that two copies of this resolution be forwarded to the Director, Division of Local Government Services, PO Box 803, Trenton NJ 08625-0803 and one copy to the following:

1. Director of Finance
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	X
Opposed					

Not Voting/Recuse					
Absent/Excused					

**16-211 Authorize a Professional services contract with Windels Marx Lane & Mittendorf, LLP to serve as the Special Redevelopment Counsel at a cost not to exceed \$10,000.00**

**WHEREAS**, the Township of Ocean wishes to engage the services of a licensed attorney to serve as Special Redevelopment Counsel; and

**WHEREAS**, the Township of Ocean solicited proposals for said legal services and received responses: Windels Marx Lane & Mittendorf, LLP, New Brunswick, NJ, and Greenbaum Rowe Smith & Davis, LLP, Woodbridge, NJ; and

**WHEREAS**, it is the recommendation of the Township Manager that the Firm of Windels Marx Lane & Mittendorf, LLP appointed as the Special redevelopment Counsel at a fee not to exceed \$10,000.00; 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**, the Firm of Windels Marx Lane & Mittendorf, LLP will be required to complete and submit the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that the Firm of Windels Marx Lane & Mittendorf, LLP 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 Windels Marx Lane & Mittendorf, LLP 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 in the following line item: Township Manager – Professional Services, account # 6-01-20-703-201; 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 enter into a contract with Windels Marx Lane & Mittendorf, LLP, New Brunswick, NJ as Special redevelopment Counsel at a cost not to exceed \$10,000.00; 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. Windels Marx Lane & Mittendorf, LLP
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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**Introduction(s):**

**Ord #2284 – (P.H. 11/10 Coaster)**

**An ordinance amending Chapter XII of the "Revised General Ordinances of the Township of Ocean, 1965" prohibiting parking along portions of Beecroft Avenue**

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XII, Section 12-2.2 Schedule I 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:

Section I

Section 12-2.2, Schedule I is hereby amended and supplemented by adding the following:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>
Beecroft Place	South	Starting from the westerly curb line of Monmouth Road and running thence in a westerly direction to the easterly curb line of Larkin Place.

Section II

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section III

This ordinance shall take effect upon its final passage and publication as required by 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**Ord #2285 – (P.H. 11/10 Coaster)**

**An ordinance amending Chapter V of the "Revised General Ordinance of the Township of Ocean, 1965" banning the sale of dogs and cats from pet shops**

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter V of the “Revised General Ordinances of the Township of Ocean, 1965”, be and the same is hereby amended and supplemented in the following manner:

ADD: Section 5-5.16, as follows:

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively). According to The Humane Society of the United States, it is estimated that 10,000 puppy mills produce more than 2,400,000 puppies a year in the United States and that most pet shop dogs and cats come from puppy mills and kitten mills; and

**WHEREAS**, the documented abuses endemic to puppy and kitten mills include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS**, the inhuman conditions in puppy and kitten mill facilities lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops due to both a lack of education on the issue and misleading tactics of pet shops in some cases. These health and behavioral issues, which may not present themselves until some time after the purchase of the animals, can impose exorbitant financial and emotional costs on consumers; and

**WHEREAS**, the current Federal and State regulations do not adequately address the sale of puppy and kitten mill dogs and cats in pet shops; and

**WHEREAS**, restricting the retail sale of puppies and kittens to only those that are sourced from shelters or rescue organizations is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations; and

**WHEREAS**, according to the New Jersey Department of Health 2014 Animal Intake and Disposition Survey, due in large part to pet overpopulation, more than 20,000 dogs and cats are euthanized in New Jersey animal shelters annually. Restricting the retail sale of puppies and kittens to only those that are sourced from animal shelters and rescue organizations will likely reduce pet overpopulation and thus the burden on such agencies and financial costs on local taxpayers; and

**WHEREAS**, across the country, thousands of independent pet shops as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these shops collaborate with local animal shelters and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises; and

**WHEREAS**, this Ordinance will not affect the consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific rescue organization or shelter, or from a hobby breeder where the consumer can see directly the conditions in which the dogs or cats are bred, or can confer directly with the hobby breeder concerning those conditions; and

**WHEREAS**, the Governing Body of the Township of Ocean believes it is in the best interests of this municipality to adopt reasonable regulations to reduce costs to the Municipality and its residents, protect the citizens of the Municipality who may purchase cats or dogs from a pet shop or other business establishment, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the Municipality

#### **Section 1. Definitions.**

*Animal Care Facility* means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

*Animal rescue Organization* means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

*Cat* means a member of the species of domestic cat, *Felis catus*.

*Dog* means a member of the species of domestic dog, *Canis familiaris*.

*Offer for Sale* means to sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

*Pet Shop* means a retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

**Section 2. Restrictions on the Sale of Animals.**

- 1) A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
  - a) An animal care facility; or
  - b) An animal rescue organization.
  
- 2) A pet shop shall not offer for sale a dog or cat that is younger than eight (8) weeks old.

**Section 3. Severability.**

If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

**Section 4. Effective Date.**

This ordinance shall become effective 20 days after 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**Ord #2286 – (P.H. 11/10 Coaster)**

**An ordinance rescinding ordinance No. 2224 entitled: "An Ordinance amending the "Revised General Ordinances of the Township of Ocean, 1965" as it relates to Personnel Policies, Practices, and Procedures" and establish a new Township of Ocean Policies, Practices and Procedures**

**WHEREAS**, it is deemed necessary to upgrade, revise and coordinate personnel policies and procedures so that same shall relate to all Township employees and be referenced in a single document;

**NOW, THEREFORE, BE IT ORDAINED** by the Township of Ocean, County of Monmouth, State of New Jersey that Chapter II, Section 9 entitled "Personnel Policies, Practices and Procedures", of the Revised General Ordinances of the Township of Ocean, 1965" be hereby amended and supplemented as follows:

**SECTION I**

Ordinance No. 2224 as amended entitled “An Ordinance amending the Revised General Ordinances of the Township of Ocean, 1965” relating to Personnel Policies, Practices and Procedures is hereby rescinded.

**SECTION II**

The following shall constitute the Township of Ocean Personnel Policies, Practices and Procedures Manual:

TEXT: **MANUAL (Full Text)**  
**Schedule of Benefits – A, B, C, D, E, F, G, H**

**SECTION III**

All other ordinances or parts of ordinances thereof enacted prior to the adoption of this ordinance 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 adjusted and the remained of this ordinance shall be deemed valid and effective.

**SECTION IV**

This ordinance shall take effect after its final passage and advertisement in accordance with the 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**PUBLIC COMMENTS:**

**Jerry Mauer** was present at the Fireman’s Pond Field Trip and thanked the Mayor for conducting.

Mr. Mauer also thanked the Governing Body for televising the Council meetings as a means to keep residents informed on the happenings around the Township.

Mr. Mauer also stated he thinks the Township could post more of the Agenda on line for the Governing Body meetings

Mr. Mauer thanked Mr. Arbus, Township Attorney, for the professional manner which he handled the many inquiries regarding the Yeshiva litigation that occurred over the last few meetings.

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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

Christopher P. Siciliano  
Mayor

Vincent Buttiglieri, RMC/CMC/MMC  
Township Clerk