

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

NOVEMBER 10, 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
Deputy Mayor Garofalo
Councilmember(s) Acerra, Long and Schepiga

Others: Martin Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager
Jessie M. Joseph Deputy 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:

Deputy Mayor Garofalo acknowledged Sam Fromkin from Ocean Township who was the top finisher from New Jersey at the New York Marathon this past Sunday.

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

Councilmember Schepiga also announced the Christmas tree lighting will be held on December 4th at 4:00 PM by the Historical Museum.

Councilmember Long reported on the very positive meeting that he and the Mayor had on November 2nd with Joe Ettore, the County Engineer to discuss the traffic issues on West Park Avenue.

Councilmember Acerra stated that he attended the last Planning Board meeting where they approved plans to knock down the old Value City building and construct a 65,000 square foot building that will house three different businesses. He also wanted to acknowledge the following:

- Italian American Association for their collection of over 600 lbs. of food to be sent to our troops
- Congratulated McGovern, Stupi and Sylvia-Cioffi on their election to the School Board
- This is month is "No Shave (beard)" Month for cancer awareness

Andrew Brannen, Township Manager, said the 2016 paving season is wrapping up and leaf collection will be starting up shortly.

Mayor Siciliano wanted to remind everyone that we will once again be honoring our local Veteran's at the December 8th meeting.

Mayor Siciliano also wanted to mention the painting of the Thin Blue Line that goes from Deal Road by Town Hall to the corner of Monmouth Road and Roosevelt Avenue. It was done to show our support for the Township of Ocean Police Officers.

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The following did not offer any report:

Martin Arbus, Esq., Township Attorney

CEREMONY:**Oath of Office – Sergeant Bryan Morgan**

Steven R. Peters, Police Chief, spoke about Sergeant Morgans experience prior to joining the Township of Ocean Police Department. Sergeant Morgan received his Bachelor's Degree from Albright College and graduated from the Ocean County Police Academy in 2005. He was a Special II Police Officer in Point Pleasant before coming to the Township of Ocean in the fall of 2006.

Mayor Siciliano administered the Oath of Office to Sergeant Morgan while his wife and daughter held the Bible.

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:

Susan Borea inquired about two payments that appear on the Voucher List that were made to NJ State Dept. of Health.

Mr. Brannen explained that these are the monies received for dog licenses.

There were no additional comments at this time.

CONSENT AGENDA:**MINUTES:**

October 27, 2016 – Workshop and Public Meeting(s)

RESOLUTIONS**16-217 Approve the release of Closed Session Minutes from October 27, 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

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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:

October 27, 2016

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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

INDIVIDUAL ACTION:

VOUCHERS: \$8,091,822.44

See next page for complete list

RESOLUTIONS:

16-214 Authorize the confirmation of the Special Assessments for curb, sidewalk and driveway aprons along portions of Monmouth Road, Park Avenue, Sherman Avenue, Harnell Avenue, Wells Avenue, Crimson Circle, Roseld Avenue, Hollywood Golf Course, Crosby Avenue, Runyan Avenue and Parker Avenue

WHEREAS, Ordinance 2220 authorized the installation of curbs, sidewalks and driveway aprons along portions of MONMOUTH ROAD, PARK AVENUE, GRANT AVENUE, SHERMAN AVENUE, HARNELL AVENUE, WELLS AVENUE, CRIMSON CIRCLE, ROSELD AVENUE, THE HOLLYWOOD GOLF COURSE, CROSBY AVENUE, RUNYAN AVENUE AND PARKER AVENUE; and

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

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth, State of New Jersey, that the report as submitted be and the same is hereby adopted and confirmed for MONMOUTH ROAD, PARK AVENUE, GRANT AVENUE, SHERMAN AVENUE, HARNELL AVENUE, WELLS AVENUE, CRIMSON CIRCLE, ROSELD AVENUE, THE HOLLYWOOD GOLF COURSE, CROSBY AVENUE, RUNYAN AVENUE AND PARKER AVENUE in the amount of \$158,458.20 and that such report be forthwith filed with the Collector of Taxes of the Township of Ocean.

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

BE IT FURTHER RESOLVED, that the due date for the first payment is January 1, 2017 with a sixty day grace period ending March 1, 2017 in which either a lump sum payment or the first (1st) installment be made. Subsequent payments for those electing the installment plan shall be January 1st of each of the following four (4) years.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40:56:32 that when any assessment shall not be paid within the 2 month grace period ending March 1, 2017 interest shall be imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance.

BE IT FURTHER RESOLVED, that pursuant to N.J.S.A. 40:56:35 that the owners of any real estate which any assessments shall have been made herein may pay such installments in five (5) yearly installments at the rate of the Bond Anticipation Notes borrowed by the Township to finance said improvements which are renewed annually in December. In the event that any installment shall remain unpaid for 30 days after the due date, the entire balance of the assessment due shall become and be immediately due with interest imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance.

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

1. Director of Finance
2. Tax Collector

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

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16-215 Approve the continuance on the assessment installment plan for a property owner who has become delinquent for their assessment(s) confirmed on March 10, 2016

WHEREAS, the Township Council of the Township of Ocean previously authorized for the installation of curbs, sidewalks and driveway aprons along portions of various streets in the Township of Ocean; and

WHEREAS, said assessments were confirmed by the Township Council of the Township of Ocean on March 10, 2016 with an initial due date of April 1, 2016; and

WHEREAS, the following property owner(s) are delinquent for the payment due April 1, 2016 and are hereby required to make the payments that were due April 1, 2016 plus delinquent interest due to the Township of Ocean by November 30, 2016 in order to continue in the installment plan, or if no payment is received by the Township of Ocean then full payment of the assessment will be required:

<u>Block</u>	<u>Lot</u>	<u>Due Date</u>	<u>Installment Amount</u>
76	2	4/1/2016	\$425.47 (1)

(1) – includes delinquent Interest

WHEREAS, it is the intention of the Township Council to extend the payment period for said property owner affected by the assessments until November 30, 2016 and allow the property owner to continue the installment plan for the payment of the outstanding balance of the assessment; and

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given to extend the deadline for payment for the delinquent installment on the assessments due on the above noted property until November 30, 2016; and

BE IT FURTHER RESOLVED, that the installment plan for the payment of the special assessment be reinstated as long as payment of the 2016 installment is made by November 30, 2016; and

BE IT FURTHER RESOLVED, that said property owners will be notified by mail of the time extension and the provisions for payment of said monies due the Township of Ocean; and

BE IT FURTHER RESOLVED, that any property owner who fails to make the required payment by November 30, 2016, the entire balance of the assessment due shall become and be immediately due with interest imposed at the same rate as delinquent taxes, this being 8% on the first \$1,500.00 delinquent and 18% for the balance; and

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

1. Director of Finance
2. Tax Collector

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

16-216 Authorize the Tax Collector to issue a refund or credit to a taxpayer who has 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 year 2015 and,

WHEREAS, proper procedures require that the tax assessments for the year 2015 be adjusted and refunds or credits to unpaid taxes be made for taxes overpaid in those years that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor’s Field Book.

NOW, THEREFORE, BE IT RESOLVED, by the Township council of the Township of Ocean, County of Monmouth and State of New Jersey that it does hereby authorize the Tax Collector to adjust the year 2015 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

16-218 Authorize the Tax Collector to issue a refund due to an overpayment of the 3rd quarter 2016 property taxes for Block 182, Lot 89

WHEREAS, a duplicate payment was made by Advanced Endodontic Associates for the 3rd quarter 2016 property taxes in the amount of \$8,718.17.14 for Block 182, Lot 89; and

WHEREAS, the tax overpayment should be refunded to Advanced Endodontic Associates, 1398 Highway 35, Ocean, NJ 07712;

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
182	89	Advanced Endodontic Associates	\$8,718.17	Duplicate Payment made by Advanced Endodontic Associates for 3 rd Quarter 2016 taxes.
Total Taxes Overpaid			\$8,718.17	

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

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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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

16-219 Authorize the Transfer of Funds in accordance with NJSA 40A:5-58 and NJSA 40A:4-45.4a

WHEREAS, there exists insufficient balances in certain line item appropriations of the 2016 budget, and

WHEREAS, under the provisions of N.J.S.A. 40A:4-58 and N.J.S.A. 40A:4-45.4a it is legal to transfer to certain appropriations which are expected to be insufficient between November 1 and December 31,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, (not less than 2/3 of all member of the Governing Body concurring) that the Township Manager is hereby authorized to make the following transfers:

APPROPRIATIONS WITHIN "CAPS":	TO:	FROM:
Township Clerk's Office - Salary & Wages	500.00	-
Data Processing - Other Expenses	6,500.00	
Legal Services & Costs - Other Expenses	90,000.00	-
Planning Administration - Other Expenses	1,000.00	
Health Benefit Waiver - Payment in Lieu of Health Insurance	6,000.00	
Police Dispatch - Salary & Wages	20,000.00	-
Director of Public Works - Salary & Wages	5,500.00	-
Maintenance of Equipment - Other Expenses	31,000.00	
Health & Code Enforcement - Salary & Wages	5,000.00	-
Water - Other Expenses	4,000.00	
Landfill & Solid Waste - Other Expenses	15,000.00	
P.E.R.S. - Public Employee Retirement Fund	1,500.00	-
Municipal Debt Service - Bond Principal	55,000.00	-
Assessment of Taxes - Salary & Wages	-	(20,000.00)
Assessment of Taxes - Other Expenses		(10,000.00)
Engineering Services - Other Expenses		(28,500.00)
Planning Administration - Salary & Wages	-	(15,000.00)
Police Department - Salary & Wages	-	(127,500.00)
Maintenance of Equipment - Salary & Wages	-	(20,000.00)
Building & Grounds - Other Expenses		(10,000.00)
Colonial Terrace Golf Course - Other Expenses		(10,000.00)
TOTAL OF ALL TRANSFERS	241,000.00	(241,000.00)

BE IT FURTHER RESOLVED that one copy go 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					

ORDINANCES:

Adoption(s):

Ord #2284 – (Coaster)

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

The following vote was taken to open the Public Hearing on Ordinance #2284:

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:

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2284:

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					

The following vote was taken to adopt Ordinance #2284 and advertise according to 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 – (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

The following vote was taken to open the Public Hearing on Ordinance #2285:

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					

Marwin Meller, asked how this ordinance will be enforced.

Mayor Siciliano said it will be enforced by inspection of businesses. Also, if you see something, say something.

Paul Mayerowitz, also had questions on the enforcement of the ordinance and wanted to know what prompted this ordinance.

Mayor Siciliano said there is nothing specific that took place, we are just trying to be proactive.

There were no further comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2285:

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					

The following vote was taken to adopt Ordinance #2285 and advertise according to 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					

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Ordinance #2286 – (Coaster)**An ordinance amending and supplementing Chapter VII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Property Maintenance and Housing**

The following vote was taken to open the Public Hearing on Ordinance #2286:

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:

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2286:

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					

The following vote was taken to adopt Ordinance #2286 and advertise according to 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:

Paul Mayerowitz, had questions, comments and concerns regarding the issuance of building permits if there is outstanding taxes owed on the property.

Mr. Mayerowitz suggested posting civil judgments and settlements on the Township’s website.

Craig Munson asked if there is anything the Council could do to help alleviate the speeding cars on his street.

Mayor Siciliano said he knows the history of problems with speeders on that street. We are going to start a pilot program for speed bumps and his street is on the list.

Mayor Siciliano announced that the High School is doing a rain garden and Burke Construction is donating their time and excavation equipment.

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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

Jessie M. Joseph, RMC/CMR
Deputy Township Clerk