

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

**DECEMBER 8, 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  
Stephen O. Gallagher, Director of Finance  
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** wished all a Happy Chanukah and Merry Christmas.

**Councilmember Schepiga** announced the Blessing of the Nativity will be held on December 10, 2016 at 3:00 p.m. and the Chanukah Ceremony will be held at 6:00 p.m. in December 24, 2016.

**Councilmember Long** spoke about the passing of Astronaut and Senator from Ohio John Glenn, who passed away at age 95 earlier in the day.

**Councilmember Acerra** reported that he attended the annual League of Municipalities conference in Atlantic City and enjoyed the many informative sessions he attended.

Councilmember Acerra also discussed the meeting he, along with Mayor Siciliano and Mr. Brannen attended with representatives from both Monmouth County and the New Jersey Department of Transportation to discuss the proposed improvements to Route 35 and the West Park Avenue corridor. Work is slated to be done in 2017. Discussion was held regarding curb and sidewalk installation, median improvements and signal enhancements.

**Martin Arbus, Esq.**, Township Attorney, wished all a very Happy Holiday season.

**Mayor Siciliano** made mention that the Township was looking to re-locate the tee box at the 7<sup>th</sup> hole of William F. Larkin Golf Course at Colonial Terrace and Jason Burke volunteered to donate his services to accomplish the re-location.

Mayor Siciliano thanked all involved in the Annual Tree Lighting which was attended by over 200 people.

The following did not offer any report:

Stephen O. Gallagher, Director of Finance

**CEREMONY:**

**Oath of Office:** Police Officer Alicea M. Angelo

Steven Peters, Police Chief, spoke about the vast qualifications and experience Officer Angelo brings to this position, including being hired by the New Jersey State Police which she turned down to accept employment with the Township of Ocean. Chief Peters also mentioned that Officer Angelo is pursuing a Masters Degree from Farleigh Dickinson.

Officer Angelo thanked everyone for the opportunity to work in the Township of Ocean.

**PRESENTATION:****CERTIFICATES OF RECOGNITION:****Veterans of the Armed Services**

Mayor Siciliano presented certificates to the following Veterans:

Dr. Marwin Meller – Army (Special Branch) – Korean War  
 Bruce B. Smith – Army – Korean War  
 Albert J. Bertuzzi – Navy – World War II

All three spoke about their recollections of their service. Each of these distinguished gentlemen stated they would serve again.

The following Veterans were unable to attend but will be sent their Certificate(s): David M. Breslin, Brendan Edward Berndt and Joseph Dreifuss.

**CERTIFICATES OF ACCOMPLISHMENT:**

**Eagle Scout: Trevor Kraeutler**

*Commemorating the Awarding of the  
 Eagle Scout  
 To  
**Trevor Kraeutler***

***WHEREAS**, Trevor Kraeutler, a member of Boy Scout Troop 71 of the Boy Scouts of America will be recognized at a special Court of Honor for his attainment of the rank of Eagle Scout; and*

***WHEREAS**, the Eagle Scout is the highest to which a Scout can aspire, requiring the development of several skills, the application of continued industry and initiative and the exercise of the highest quality of character and citizenship; and*

***WHEREAS**, to fulfill the requirements for the Eagle Scout, Christopher installed trail markers at Joe Palaia Park; and*

***WHEREAS**, as a result of his considerable accomplishments and exemplary dedication to excellence, Trevor has brought honor and pride to his family, his community and scouting;*

***NOW, THEREFORE, BE IT RESOLVED** that I, Christopher P. Siciliano, along with the entire Governing Body of the Township of Ocean, hereby honor and congratulate*

***Trevor Kraeutler***

*upon attaining the rank of Eagle Scout and commend his outstanding record of service, leadership and accomplishment as exemplified by that rank and extend to him sincere best wishes for continued success in all future endeavors.*

**Ocean Township High School Soccer Team:**

Mayor Siciliano introduced **Thomas Reilly, Head Coach**, to discuss the team accomplishments and to introduce his assistant coaches and players.

**Assistant Coaches:** Jeff Soares, John Terlecky and Enzo Franze

**Players:** Haider Rafi, Thomas Gleason, Max Winters, Thomas Amato, Brandon Holland, Mike Mauro, Sergio Pereira, Frank Astudillo, Mark Butler, Zack Sintic, Ian Dwyer, Cosimo Franza, Ivan Molina, Jordan Ornowski, Job Cajas, Steve Carton, Brent Gaber, James Schutz, Luke Yates, Christopher Occena, Joey Russomano, Santieno Harding and Erick Vasquez.

**PROCLAMATION: Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown**

*Supporting the Drive Sober or Get Pulled Over  
2016 Year End Holiday  
Crackdown*

*WHEREAS, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and*

*WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and*

*WHEREAS, an enforcement crackdown is planned to combat impaired driving; and*

*WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and*

*WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over Year End Holiday Crackdown; and*

*WHEREAS, the project will involve increased impaired driving enforcement from December 9, 2016 through January 1, 2017; and*

*WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;*

*NOW, THEREFORE, be is resolved that the **Township of Ocean** declares its support for the Drive Sober or Get Pulled Over 2016 Year End Holiday Crackdown from December 9, 2016 through January 1, 2017 and pledges to increase awareness of the dangers of drinking and driving.*

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

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

**PUBLIC COMMENTS:**

**Vincent Lepore**, asked how many appeals the Township anticipates receiving that Realty Appraisal (Resolution #16-231) will need to defend.

**F.K. Hudson** asked if the settlement mentioned in Resolution #16-230 is all-encompassing.

Mayor Siciliano stated that the Plaintiff wanted to be relinquished from having to do any of the site work. The Township held firm that they would still be required to complete the site work as submitted.

Martin Arbus, Esq., Township Attorney, explained the various aspects of the proposed settlement.

There were no additional comments at this time.

#### **CONSENT AGENDA:**

#### **MINUTES:**

October 13, 2016 - Workshop and Public Meeting

#### **RESOLUTIONS:**

#### **16-220 Authorize the Acceptance of the Performance Guarantee(s) for the following:**

##### **a. Block 17, Lot 34 - 315 Roosevelt Avenue - 315 Roosevelt Avenue, LLC**

**WHEREAS**, the Township of Ocean has approved a development project on Block 17, Lot 34 also known as 315 Roosevelt Avenue; and

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

**WHEREAS**, 315 Roosevelt Avenue, LLC has posted cash performance guarantees totaling \$14,508.00 along with engineering inspection fees totaling \$3,265.00 and the required certificate of insurance.

**NOW, THEREFORE, BE IT RESOLVED** that the performance guarantees are hereby accepted.

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. 315 Roosevelt Avenue, LLC

##### **b. Block 33.39, Lot 11 - 1640 Finderne Street - Palatial Homes, Inc.**

**WHEREAS**, the Township of Ocean has approved a development project on Block 33.39, Lot 11 also known as 1640 Finderne Street; and

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

**WHEREAS**, Palatial Homes, Inc. has posted cash performance guarantees totaling \$3,528.00 along with engineering inspection fees totaling \$1,490.00 and the required certificate of insurance.

**NOW, THEREFORE, BE IT RESOLVED** that the performance guarantees are hereby accepted.

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Palatial Homes, Inc.

**16-221 Approve the release of Closed Session Minutes from October 13, 2016**

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

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

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

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

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

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

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

October 13, 2016

**16-222 Authorize the submission of the following Grant(s):**

**a. Cops in Shops College Fall Initiative 2016-2017**

**WHEREAS**, there are funds available from the New Jersey Division of Alcoholic Beverage Control and New Jersey Division of Highway Safety. The Grant is entitled **Cops in Shops College Fall Initiative 2016-2017**; and

**WHEREAS**, the funds are available to cover overtime wages for the Township of Ocean Police Officers to enforce underage drinking laws; and

**WHEREAS**, the Township of Ocean Police Chief has recommended that his allocation be accepted; and

**WHEREAS**, it is in the best interest of the Township of Ocean to apply for said grant.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth and State of New Jersey, that the appropriate officials are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of Grant Funds between the Township of Ocean, County of Monmouth and the New Jersey Division of Alcoholic Beverage Control for the **Cops in Shops College Fall Initiative 2016-2017 Grant**; and

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

1. Director of Finance
2. Chief of Police

**16-223 Authorize the Receipt of Bids for the following:**

**a. Wheel Loader**

**WHEREAS**, the Township Council is desirous of receiving Sealed Bids for the following:

***Wheel Loader***

**WHEREAS**, specifications for the aforesaid items will be on file in the Township Clerk's Office, and will be available for inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for Sealed Bids for the aforesaid items as per the specifications on file and will be received by the Township Manager in the West Wing Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Director of Public Works

**b. Packer Truck**

**WHEREAS**, the Township Council is desirous of receiving Sealed Bids for the following:

***Packer Truck***

**WHEREAS**, specifications for the aforesaid items will be on file in the Township Clerk's Office, and will be available for inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for Sealed Bids for the aforesaid items as per the specifications on file and will be received by the Township Manager in the West Wing Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Director of Public Works

**c. Four Wheel Drive Single Axle Dump Truck**

**WHEREAS**, the Township Council is desirous of receiving Sealed Bids for the following:

***Four (4) Wheel Drive Single Axle Dump Truck***

**WHEREAS**, specifications for the aforesaid items will be on file in the Township Clerk's Office, and will be available for inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for Sealed Bids for the aforesaid items as per the specifications on file and will be received by the

Township Manager in the West Wing Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Director of Public Works

**16-224 Authorize the auction of various equipment and vehicles no longer needed by the Township of Ocean for public use**

**WHEREAS**, the Township Council of the Township of Ocean is desirous of conducting an on-line municipal auction of various surplus vehicles and equipment no longer needed for public use; and

**WHEREAS**, said on-line auction will be held beginning at 7:00 a.m. on Saturday, January 14, 2017 and ending at 7:00 p.m. on Wednesday, January 18, 2017; and

**WHEREAS**, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ will conduct said auction on their website located at [www.usgovbid.com](http://www.usgovbid.com) for a commission rate of 5.5% of the gross selling price; and

**WHEREAS**, the sale will be conducted pursuant to Local Finance Notice 2008-9; and

**WHEREAS**, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of a sale of property via adoption of a Resolution; and

**WHEREAS**, the fair market value of the property to be sold does exceed 15% of the bid threshold; and

**WHEREAS**, the attached list of vehicles will be published in the Coaster or Asbury Park Press no earlier than 14 days not later than 7 days prior to said auction;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that the Township be and is hereby authorized to dispose of the attached vehicles and equipment through the process of an online auction to be held beginning at 7:00 a.m. on Saturday, January 14, 2017 and ending at 7:00 p.m. on Wednesday, January 18, 2017 on the website located at [www.usgovbid.com](http://www.usgovbid.com); and

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute the contract with Auction Liquidation Services, Eatontown, NJ; and

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

1. Township Manager
2. Director of Public Works

**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: \$11,359,907.03



## 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

## RESOLUTIONS:

**16-225 Authorize the sale of a 1998 GMC 2500 to the Township of Ocean Board of Education for the price of \$1.00**

**WHEREAS**, the Township of Ocean the owner of a 1998 GMC 2500 6.5l Diesel Turbo, VIN No. 1GDGK24F8WES46572; and

**WHEREAS**, the Township of Ocean is no longer in need of said vehicle and is wishes to sell the same to the Township of Ocean Board of Education for \$1.00; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given for the Township Manager to execute any and all documents related to the sale of a 1998 GMC 2500 6.5l Diesel Turbo, VIN No. 1GDGK24F8WES46572 to the Township of Ocean Board of Education for the cost of \$1.00; and

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

1. Director of Public Works
2. Township of Ocean Board of Education

Record of Vote	Deputy Mayor Garofalo	Councilman Acerra	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
Motion To Approve		X			
Motion to Second0			X		
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**16-226 Authorize a contract with Frank Lurch Demolition Co., LLC for the demolition of structures at 1705 and 1707 Sunset Avenue and 1802 North Wanamassa Drive at a cost not to exceed \$38,600.00**

**WHEREAS**, the Township of Ocean is in need of a company to perform demolition services at various properties in the Township of Ocean; and

**WHEREAS**, the Township Engineer, Leon S. Avakian, Inc., solicited proposals on behalf of the Township from the following three (3) companies: Frank Lurch Demolition Co., LLC, Avon-by-the-Sea, NJ, Greenway Demolition, Tinton Falls, NJ, and Lertch Disposal and Recycling, Wall Township, NJ; and

**WHEREAS**, the Township of Ocean did receive one (1) proposal for the demolition of structures at 1705 Sunset Avenue, 1707 Sunset Avenue and 1802 North Wanamassa Drive from Frank Lurch Demolition co., LLC at a cost not to exceed \$38,600.00; and

**WHEREAS**, the Township Manager and Township Engineer have recommended that a contract be awarded to Frank Lurch Demolition Co., LLC, Tinton Fall, NJ for the demolition of structures at 1705 Sunset Avenue, 1707 Sunset Avenue and 1802 North Wanamassa Drive from Frank Lurch Demolition co., LLC at a cost not to exceed \$38,600.00; and

**WHEREAS**, the Director of Finance has certified that funds for said contract are available in the following:

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize a contract be awarded to Frank Lurch Demolition Co., LLC, Tinton Fall, NJ for the demolition of structures at 1705 Sunset Avenue, 1707 Sunset Avenue and 1802 North Wanamassa Drive from Frank Lurch Demolition co., LLC at a cost not to exceed \$38,600.00; and

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

1. Director of Finance
2. Public Works Department
3. Frank Lurch Demolition Co., LLC

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					

**16-227 Approve the extension of the contract with Air Systems Maintenance, Inc. for the maintenance of the HVAC system for all Township facilities at a cost not to exceed \$24,500.00**

**WHEREAS**, the Township Council of the Township of Ocean awarded a contract for heating and air conditioning services for all Township facilities to Air Systems Maintenance, Inc., Kenilworth, NJ for the period January 1 through December 31, 2015 on December 30, 2014; and

**WHEREAS**, the bid gave the Township of Ocean the right to extend said contract for two (2) one (1) year terms; and

**WHEREAS**, on January 14, 2016, the Township Council of the Township of Ocean authorized the one-year extension of said contract through December 31, 2016 at a cost not to exceed \$24,000.00; and

**WHEREAS**, the Township Manager and Director of Public Works have recommended that the contract with Air Systems Maintenance, Inc. be extended for the one (1) year period from January 1 through December 31, 2017 at a cost of \$24,500.00 (plus labor at the rates as stated in their bid); and

**WHEREAS**, the Director of Finance has certified that funds for said contract will be made available by the Governing Body in the 2017 Temporary and Final Budget in the following account(s): Contract Services, account #7-01-26-772-247 and Outside Services Repairs, account #6-01-26-772-252;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize an extension of the contract for heating and air conditioning service at all Township facilities to Air Systems Maintenance, Inc., Kenilworth, NJ for the period of January 1 through December 31, 2017 at a cost not to exceed \$24,500.00 (plus labor at the rates as stated in their bid); and

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

1. Director of Finance
2. Public Works Department
3. Air Systems Maintenance, 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**16-228 Approve the one-year extension of the contract with Edwards Tire Co., Inc. for the recapping of tires, accessories and road service at a cost not to exceed \$56,994.00**

**WHEREAS**, the Township Council of the Township of Ocean awarded a contract for the recapping of tires, accessories and road service to Edwards Tire Co., Inc., Farmingdale, NJ for the period January 1 through December 31, 2016 on April 14, 2016; and

**WHEREAS**, the bid gave the Township of Ocean the right to extend said contract for two (2) one (1) year terms; and

**WHEREAS**, the Township Manager and Director of Public Works have recommended that the contract with Edwards Tire Co., Inc. be extended for the one (1) year period from January 1 through December 31, 2017 at a cost of \$56,994.00; and

**WHEREAS**, the Director of Finance has certified that funds for said contract will be made available by the Governing Body in the 2017 Temporary and Final Budget in the following account(s): Contract Services, account #7-01-26-767-249;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize an extension of the contract for the recapping of tires, accessories and road service to Edwards Tire Co., Inc., Farmingdale, NJ for the period of January 1 through December 31, 2017 at a cost not to exceed \$56,994.00; and

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

1. Director of Finance
2. Public Works Department
3. Edwards Tire Co., 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**16-229 Authorize the Tax Collector to issue a refund to the owner of Block 37.09, Lot 7 due to an overpayment of 4th quarter 2016 taxes**

**WHEREAS**, a duplicate payment was made by Advantage Title and Corelogic Tax Service for the 4<sup>th</sup> quarter 2016 property taxes in the amount of \$4,136.34 for Block 37.09, Lot 7; and

**WHEREAS**, Zager Fuchs, attorney for Robie and Amy Kipnis who sold the above property requested that the tax overpayment be refunded to Robie and Amy Kipnis, now residing at 1638 Westfield Street, Oakhurst, NJ 07755;

**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
37.09	7	Robie and Amy Kipnis (former owners of 3 Yorke Lane)	\$4,136.34	Duplicate Payment made by Advantage Title and Corelogic for 4th Quarter 2016 taxes.
<b>Total Taxes Overpaid</b>			\$4,136.34	

**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					

**16-230 Authorize the Mayor to execute the Settlement Agreement and Mutual Release with Gedola Na'os Yaakov, Inc. and Zebra Holdings, LLC**

**WHEREAS**, pursuant to the judgment rendered by the United States District Court in the litigation brought forth by Gedola Na'os Yaakov, Inc. and Zebra Holdings II LLC parties were ordered to proceed to mediation on the issue of damages, costs and fees; and

**WHEREAS**, the parties proceeded to mediation before the Honorable Eugene Serpentelli, JSC retired. The issues also involved a dispute between the Township and their insurance company, which had sent a letter denying coverage along with a reservation of rights; and

**WHEREAS**, the parties reached a settlement for damages, costs and fees to be payable to Plaintiffs with the insurance company agreeing to pay 85% of the agreed upon damage amount with the Township paying 15% and the remainder of any deductible pursuant to the insurance policy;

**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 for the Mayor to execute the Settlement Agreement and Mutual Release of said litigation, a copy of which is attached; and

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

1. Township Manager
2. Township Attorney
3. Director of Finance

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					

**16-231 Authorize a Professional Services contract with Realty Appraisal Company to represent the Township of Ocean in the defense of tax appeals in accordance with rates noted in Schedule E of their proposal**

**WHEREAS**, there exists a need for a State Tax Court Expert Witness for defense of tax appeals within the Superior Court; and

**WHEREAS**, Realty Appraisal Company had submitted a revaluation contract proposal with options for this service at below market rates at the schedule of charge's outlined in the "Proposal covering revaluation for the Township of Ocean" dated September 26, 2014,

**WHEREAS**, the Director of Finance has certified that there are funds available for this work under **Assessment of Taxes-Defense of Tax Appeals, account 6-01-20-710-219**; 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 and State of New Jersey that:

1. Realty Appraisal Company had been authorized and directed to provide the above at a cost in accordance with their September 26, 2014 proposal.
2. This contract was awarded without competitive bidding as a "professional Service" in accordance with N.J.S.A. 40A11-5(1) (a) of the Local Public Contracts Law because services are to be performed by a person authorized by law to practice a recognized profession.
3. A notice of this action shall be published according to law.
4. Certified copies of this resolution shall be forwarded to:
  1. Realty Appraisal Company
  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					

**16-232 Authorize the extension of the contract with the Municipal Joint Insurance Fund through January 1, 2020**

**WHEREAS**, the Township of Ocean is a member of the Mid Jersey Municipal Joint Insurance Fund; and

**WHEREAS**, said renewal membership terminates as of January 1, 2017\*, unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership;

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Township of Ocean agrees to renew its membership in the Mid Jersey Municipal Joint Insurance Fund for a period of three (3) years beginning January 1, 2017, and ending January 1, 2020\*, and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk/Administrator/Manager shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Mid Jersey Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

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:**

**Introduction(s):**

**Ord #2287 – (P.H. 12/29 Coaster)**

**An ordinance amending and supplementing Ch. VII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Property Maintenance and Housing**

**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:

**SECTION I**

**CHANGE:**

Section 7-2.1 Additions to the Property Maintenance Code, Nonresidential Structures

CHANGE TO: Additions to the Property Maintenance Code

**REMOVE:** Section 3-6 (change to Section 7-2.7)  
Section 7-2.1 (change to Section 7-2.9)

**ADD:**

**Section 7-2.6** *Reserved*

**Section 7-2.7** *Litter*

**7-2.7A Purpose.**

An ordinance to establish requirements to control littering in the Township of Ocean so as to protect public health, safety and welfare.

**7-2.7B Definitions.**

For the purposes of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section clearly demonstrates a different meaning. When not consistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include plural number. The word "shall" is always mandatory and not merely directory.

a. *Garbage* shall mean putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

b. *Litter* shall mean any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, refuse, or rubbish, as defined herein, any trash, debris, grass clippings or other lawn or garden waste, newspapers, magazines, glass metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

c. *Litter receptacle* shall mean a container suitable for the depositing of litter.

d. *Person* shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

e. *Refuse* shall mean all putrescible and nonputrescible solid wastes (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, and solid market and industrial wastes.

f. *Rubbish* is nonputrescible solid waste consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

g. *Vehicle* shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway or water area, including boats and devices used exclusively upon stationary rails or tracks.

h. *Public place* shall mean any and all streets, sidewalks, boulevards, alleys, lake, stream, pond, tributary, brook or other public ways and any and all public parks, squares, spaces, grounds and buildings.

**7-2.7C Litter in Public Places.**

No person shall sweep, drop, discard, deposit, throw or otherwise place any litter in or upon any occupied, open or vacant property, whether owner by such person or not, or in or upon any street, sidewalk, park, private property or other public place or any pond, lake, stream or any other body of water within the Township of Ocean, except in public litter receptacles, or in authorized private litter receptacles for collection, or having done so allows such litter to remain. Person(s) placing litter in public litter receptacles or in authorized private litter receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk, water body or other public place or upon private property.

**7-2.7D Sweeping Litter into Gutters Prohibited.**

No person, including merchants owning or occupying a place of business, shall sweep into or deposit in any gutter, street or other public place within the Township of Ocean the accumulation of litter from any building or lot from any public or private sidewalk, driveway or private property. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**7-2.7E Litter Thrown by Persons in Vehicles or Boats.**

No person, while a driver or passenger in a vehicle or boat, shall throw or deposit litter upon any street, body of water or other public place within the township, or upon private property. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

**7-2.7F Truck Loads Causing Litter.**

No person shall drive or move any truck or other vehicle within the township unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any vehicle or truck within the township, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.

**7-2.7G Transportation from Outside Municipality.**

No person shall bring, cart, remove, transport or collect any litter from outside this municipality, or into this municipality, for the purpose of dumping or disposing thereof, unless authorized by the township.

**7-2.7H Duties of Owners and Tenants to Maintain Premises Free of Litter.**

The owner or person in control of any private property shall at all times maintain the premises free of litter; provided, however, that this subsection shall not prohibit the storage of litter in authorized private litter receptacles for collection.

**7-2.7I Notice to Remove; Cost of Removal.**

The health officer, building inspector and Code Enforcement Officer are authorized and empowered to notify the owner of any open or vacant private property within the township, or the agent of such owner, to properly dispose of litter located on such owner's property which is dangerous to public health, safety or welfare. Such notice shall be by registered mail, addressed to said owner at his last known address, and shall state the acts to be performed by such owner or tenant, as well as the penalty for failure to comply with such notice.

If the owner or tenant to whom notice is sent neglects or refuses to comply with such notice within ten days of receipt of same, the township manager may arrange to perform the acts required by the notice at the cost of the township. He shall certify the cost thereof to the township counsel which shall examine the certificate and, if found correct, shall cause the costs as shown thereon to be charged against said lands. Such costs shall be added to the taxes next to be assessed and levied upon such lands, the same to bear interest at the same rate as taxes, and to be collected and enforced by the same officers and in the same manner as taxes.

**ADD:**

**Section 7-2.8      *Removal of Grass, Weeds, Brush and Other Impediments.***

**7-2.8A    *Duties of Owners and Tenants.***

No owner, tenant or occupant, or any agent, servant, representative or employee of such owner, lessee or occupant of any occupied or unoccupied lot or land, or part or parts thereof in the Township of Ocean, County of Monmouth, shall permit or maintain thereon:

- a. Any brush, weeds, dead or dying trees, stumps, roots, obnoxious growths, filth, garbage, trash, debris or junk, or
- b. For a period of more than one month any motor vehicle in non-operative condition, or
- c. Refuse or debris resulting from construction activities or the demolishing of a building or buildings for a period of more than one month after construction or demolition activity has ceased at the subject property.

**7-2.8B    *Notice of Violation.***

Upon complaint of any resident or officer or employee of the township of any violation of the above provisions, or upon his own motion, the code enforcement officer or the building inspector, as the case may be, or his designated agent shall make an investigation of the conditions indicated in the complaint and the code enforcement officer or inspector is authorized and empowered to notify the owner of the subject property or the agent of the owner to remedy the violation located on such owner's property within five days after receipt of the notice. Such notice shall be by certified mail addressed to the owner or owner's agent at the last known address.

The five day notice provision shall not be applicable to a second or subsequent offense within a three year period involving the same property and the same or similar subject matter as the first offense. Such second or subsequent violation will be considered to be a repeat offense. For such repeat offenses, a violation may be cited without prior notice.

**7-2.8C    *Cost of Removal or Abatement of Violations.***

If the owner, tenant or person in charge, to whom notice of violation of any of the foregoing provisions is sent, neglects or refuses to abate or remedy the said violation within ten days after notice thereof, the code enforcement officer or the building inspector, as the case may be, or his designated agent, shall cause the violation to be abated and remedied and certify the cost thereof to the township council, which after examination of the certificate and determination of its accuracy, shall cause the cost thereof to be charged against the lot or land on which the violation exists. The amount so charged shall become a lien upon such lot or land and shall be added to and become and form part of the taxes next to be assessed and levied upon such lot or land, the same to bear interest at the same rate as taxes, and to be collected and enforced by the same officers responsible for the collection of taxes and in the same manner as taxes.

**ADD:**

**Section 7-2.9    *Fence and Hedge Restrictions.***

No person shall permit, maintain, build, erect or construct any fence or wall, or permit, grow or maintain any hedge or row of trees that shall constitute a fence or wall that shall be higher than four feet, along the fence or property line of any premises bordering the streets, avenues, and highways of the Township of Ocean.

**ADD:**

**7-2.10    *Portable Sanitation Equipment.***

**7-2.10A Equipment Permitted.**

Portable sanitation equipment may be placed on any lot in any zone in conjunction with the issuance of a construction permit. The equipment may remain on the property providing active construction activity is present.

**7-2.10B Location.**

a. Portable sanitation equipment may be located on any lot provided that the units are not placed in either the required front yard setback or in the actual front yard between any building and any street.

b. Portable sanitation equipment may be placed in other locations on any property which is the subject of a site plan or subdivision. These locations must be approved by the planning board or board of adjustment. If the location approved by the board conflicts with the provisions of this section, the determination of the board shall prevail.

**ADD:****7-2.11 Invasive Plants.****7-2.11A Purpose.**

The purpose of this chapter is to protect and promote the public health through the control of the growth of invasive plant species.

**7-2.11B Definitions.**

Invasive Plants mean all native and non-native vines and vegetation that grow out of place and are competitive, persistent, and pernicious. These plants may damage trees, vegetation, or structures. Examples include but are not limited to bamboo (spreading or running type), ragweed, multi flora rose, kudzu-vine and poison ivy or oak.

**7-2.11C Control of Growth**

All persons must control the growth of invasive plants. Failure to control the spread of such vegetation beyond the boundaries of a resident's property is a violation of this chapter.

**7-2.11D Inspections**

All places and premises in the Township of Ocean shall be subject to inspection by the enforcing officer. Such inspections shall be performed by such person, persons or agency duly authorized and appointed by the Township of Brick. Such inspection shall be made if that official has reason to believe that any section of this chapter is being violated.

**7-2.11E Plantings of Invasive Plants Prohibited**

All new in-ground plantings of invasive plants are strictly prohibited. All existing plantings must be contained by appropriate physical barriers to prevent the growth or spread of existing invasive species beyond the boundaries of a resident's property.

**7-2.11F Violations and Penalties**

1. Whenever an invasive plant as defined by this chapter is found on any plot of land, lot or any other premises or place, and is found to lack appropriate physical barriers to prevent the spread or growth of the species, or is found to have spread beyond the boundaries of a property, a violation shall be given to the owner of the property from which the invasive species has spread, in writing, to remove or abate the same within 30 days. The cost of all remedies, including the removal of plantings of invasive plants, shall be borne by the property owner.
2. Any person violating the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than \$2,000 or community service as determined by the Municipal Court.

3. The continuation of such violation for each successive day shall constitute a separate offense, and the person or persons allowing or permitting the continuation of such violation may be punished as provided above for each separate offense.
4. Notwithstanding any other penalty or fine which may be imposed under this section, if an owner fails to comply with the removal or abatement of an invasive plant, the Township may thereafter remove or otherwise abate the planting and thereafter recover the costs of such removal or abatement from the property owner by placing a lien against the property

**SECTION II**

*Penalty.* Unless otherwise stated in this Chapter, any person violating any of the provisions of this section will be subject to the penalty provisions as set forth in section 3-17 of the Revised General Ordinances of the Township of Ocean. These penalty provisions shall be in addition to the remedy provided for in subsection 7-2.8C and in addition to such other remedies as are provided for by N.J.S.A. 40:48-2.13 et seq. as amended.

**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					

**Ord #2288 – (P.H. 12/29 Coaster)**

**An ordinance amending and supplementing Chapter XII of the "Revised General Ordinances of the Township of Ocean, 1965" designating certain streets as "through streets"**

**BE IT ORDAINED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XII, Section 12-5.1 Schedule VII 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 12-5.1, Schedule VII is hereby amended and supplemented by adding the following:

**NAME OF STREET**

**LOCATION**

Interlaken Avenue

Between Logan Road and Darlene Avenue

Interlaken Avenue

Between Darlene Avenue and Bendermere Avenue

**SECTION II.**

All Ordinances, or parts thereof, contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**SECTION III.**

This Ordinance will take effect upon passage and publication 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 #2289 – (P.H. 12/29 Coaster)**

**An ordinance amending and supplementing Chapter XII of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: TRAFFIC**

**BE IT ORDAINED**, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be are hereby amended to read as follows:

**CHAPTER XII TRAFFIC**

**12-2.3B Parking of Certain Trucks Prohibited be and is hereby amended as follows:**

**12-3b.1 Parking of Trucks, Boats, Buses, Mobile Homes and Trailers Prohibited.**

- a. No person shall park or store any truck cabs, pick-up coaches, boats, buses, mobile homes, recreational vehicles or any and all types of trailers (including but not limited to truck trailers, boat trailers, house trailers, camp trailers, recreational trailers and equipment trailers) on any street in any zone of the Township of Ocean, except while actually loading or unloading or making pick-ups or deliveries or during installations. This prohibition shall also apply to any other vehicles which exceed any of the following dimensions:
  - 1. Nine (9') feet, Six (6") inches in height
  - 2. Eight (8') feet in width
  - 3. Twenty (20') feet in length
  - 4. Twelve Thousand (12,000) pounds in registered weight
- b. Vehicles with commercial plates not otherwise prohibited in section a. shall be restricted to no more than one (1) per household parked on any street in any zone of the Township of Ocean.
- c. No prohibition outlined in paragraph a. shall be applicable to any vehicle or trailer owned and/or operated by an authorized public safety organization.

**BE IT FURTHER ORDAINED**, that all other ordinances or parts ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistencies; and

**BE IT FURTHER ORDAINED**, if any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subparagraph, clause or provision or adjusted and the remainder of the ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that this ordinance shall take effect after publication and passage as provided 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					

#### PUBLIC COMMENTS:

**Vincent Lepore** asked for an update on the redevelopment project.

Mayor Siciliano stated that a conference call will be held on December 9, 2016 with representatives from Maser Consulting to discuss the next step in the process.

**Barbara Hudson** discussed the proposed Tennis Facility, specifically about the assessment and the amount of taxes they will be paying to the Township. Mrs. Hudson feels that the builder is getting quite a good deal.

Mayor Siciliano responded that the Township is looking at the income the facility could potentially generate for the Township.

**Marwin Meller** asked if the wish list for the Route 35 beautification project includes planting of new shrubs.

Mayor Siciliano said that aspect is totally up to the property owners.

**F.K. Hudson** discussed the fact that during both Planning and Zoning Board of Adjustment meetings, the plans on display are not visible to both the public and the Board members at the same time.

Mayor Siciliano said the Township will start utilizing a Smart Board which should alleviate that problem.

Mr. Hudson also discussed the potential tax liability for the developer of the tennis facility.

Mr. Hudson said the Agreement discussed a Free and Clear Title being turned over to the Township when the Lease Agreement expires in 20 years. What happens if the Developer goes bankrupt?

Mr. Arbus said the Developer cannot encumber the building.

As there were no additional questions from the Public, Deputy Mayor Garofalo requested to make an additional comment.

**Deputy Mayor Garofalo** discussed the honor he has had to serve on the Governing Body since 2007 but after much "soul-searching" he has decided that the time has come for him to devote more time to his family. With that said, he announced that effective December 31, 2016, he will be retiring as a member of the Governing Body.

Deputy Mayor Garofalo went on to compliment the Governing Body for always doing what was right for the Township. He went further to say that the Township is certainly in good hands under the leadership of Mayor Siciliano, who has demonstrated that he has a great vision for the Township.

All Governing Body members commended Deputy Mayor Garofalo for his leadership and service. He will be missed, both for his knowledge of local government and his dedication to improving the quality of life for the residents.

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