

## WORKSHOP MEETING MINUTES COUNCIL – TOWNSHIP OF OCEAN

**APRIL 22, 2009**

**OAKHURST, NEW JERSEY**

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The Workshop Meeting was held in the Council Conference Room, Town Hall, 399 Monmouth Road, Oakhurst, NJ 07755 beginning at 5:30 p.m.

**Present:** Mayor Larkin  
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga, Siciliano

**Others:** Martin Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 16, 2008 and revised on March 16, 2009.

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### ITEMS FOR DISCUSSION:

**Subject:** Noise Ordinance

**Action:** Andrew Brannen, Township Manager, distributed a synopsis of the current provisions in the ordinance. The only item that is not addressed in the existing ordinance is holidays. As far as all other days, it is specifically noted what time work can commence and stop by. After discussion, it was determined that no revisions will be made to the existing ordinance at this time. Should it be determined that this is becoming more troublesome throughout the Township, the Governing Body will revisit this matter.

**Subject:** Verizon Telecommunications Proposal

**Action:** Andrew Brannen explained the work that is being proposed by Verizon to be done at Joe Paliaia Park. Mr. Brannen noted that most of the work will be inside the existing structure, with the exception of re-doing the stairs on the exterior of the building. Green Acres has been contacted about the proposed work and they do not have any problem with performing these interior renovations. After discussion, it was determined that the Township will send a letter to Verizon stating that the Army Corp of Engineers is proposing to perform some type of flood control remediation in that park and if they choose to proceed with this proposal, they do so knowing that there could potentially be some issues, although the Army Corp project is still a ways away from beginning. Subsequent to the sending of the letter, Council concurred with allowing Verizon to move forward with their proposal.

**Subject:** 2009/2010 Municipal Budget

**Action:** Andrew Brannen distributed a budget projection spreadsheet that shows the projected budget surplus numbers through the year 2011. Based on certain trends, it appears that in the budget year 2011, the municipality will begin to feel the effects of the diminished levels of surplus. Mr. Brannen explained that there are certain drivers that we do not have any control over, such as tax appeals, interest rates and state aid. Mr. Brannen stated that both he, and CFO Steve Gallagher are monitoring the situation closely and he will continue to make the Council aware of any new information moving forward.

**Subject:** Animal Control

**Action:** Andrew Brannen reported that he met with a representative from the Audubon Society who stated that he would be sending Mr. Brannen a copy of the presentation explaining the hazards of having too many deer in the parks around the Township. It was determined that Mr. Brannen would solicit the help of the Environmental Commission in this matter.

**Subject:** Poplar Brook Flood Control Project

**Action:** Andrew Brannen distributed two pictures depicting the proposed area where the water retention area is tentatively proposed to be located. The Council expressed their desire to preserve as much of that area as possible and minimize the impact to the residents in the area.

**Subject:** Assessment of Township Properties

**Action:** Andrew Brannen stated that in 2008 there were 30 tax appeals filed while to date in 2009, the Township has received 224 appeals. Ed Mullane, Tax Assessor, expressed his concern about undertaking a project such as this reassessment in house. Also, if the Township opted to perform the reassessment for the entire Township, we could only do 25% each year. It was discussed that the Township may want to solicit the help of local appraisers who are familiar with this area. That would alleviate having to do it in house. Mr. Brannen will discuss this matter with Ed Mullane and report back at the next meeting.

**Subject:** 2009 Meeting Schedule

**Action:** The Council decided to continue to current process on having a workshop only+meeting the first meeting of the month and then a workshop and public meeting at the second meeting during the months of October and November, 2009.

**Subject:** Employee Recognition

**Action:** It was decided that a proclamation will be prepared for any employee retiring from the Township in good standing. If the employee is receptive to the idea, this proclamation will be presented at a Township Council meeting.

**Subject:** Engineering Services

**Action:** It was decided that the Township would solicit RFPs for engineering services, as the contract with the current Township engineer is expiring on June 30, 2009.

### **COMMENTS:**

The following individuals did not issue a report at this meeting:

Councilmember(s) Garofalo, Siciliano  
Andrew Brannen, Township Manager  
Martin Arbus, Esq., Township Attorney

Councilmember Schepiga reminded everyone that Clean Sweep is being held on April 26, 2009 beginning at 12:30 p.m. and that the Memorial Day Parade will commence at 12:30 p.m., with the opening ceremony starting at 11:00 a.m.

Councilmember Hiers reported that he, along with Township Manager, Andrew Brannen, will be attending a meeting regarding the Armstrong Avenue project on April 30, 2009.

### **Mayor's Statement: Public Portion of any Questions relating to Vouchers**

The purpose of this public portion is solely to ask questions to understand Vouchers that appear on this agenda.

### **PUBLIC:**

There were no public questions.

**RESOLUTION:**

**09-062 Authorize the acceptance of the Developers Agreement for the following:**

**a. Block 1.02, Lot 73 – 1033 West Park Avenue – St. George Greek Orthodox Church**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Council member Garofalo

**WHEREAS**, the Developer is the owner of certain property designated as Block 1.02, Lot 73 as shown on the official tax map of the Township of Ocean, which property is located at 1033 West Park Avenue in the AR3-PRD (Affordable Housing) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

**WHEREAS**, the Developer has received Conditional Use, Site Plan and Variance Approvals by the Township of Ocean Planning Board by way of Resolution dated September 22, 2008 to raze an existing residential building and construct a House of Worship on a 6.386 acre parcel. The development will consist of three (3) buildings: a sanctuary/chapel, an administrative/educational building and a gymnasium/social hall with a total of 236 parking spaces; and

**WHEREAS**, this Agreement relates to Plans entitled Saint George Greek Orthodox Church, Ocean Township, New Jersey . Architectural Site Plan, Buildings @ Site Plan, Sanctuary-Chapel Plan, Sanctuary Elevations-West & South, Admin/Sanctuary Elevation-East, Banquet Plan, Gymnasium Plan, Gymnasium Elevations, Banquet Plan, Banquet Elevations South Elevation, Administration Plans, Administration North Elevation, Sanctuary Section by Edmundo Lopez, Architect, PC and Gilberto Lopez, Church Design, Planning & Development, consisting of fifteen (15) pages dated February 22, 2008; and

**WHEREAS**, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated April 14, 2009 prepared by the Township of Ocean Engineer Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement, attached hereto as Schedule A-between the Township of Ocean and St. George Greek Orthodox Church, subject to the following conditions first being met:
  - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
  - b. Posting of Performance Guarantees in the total amount of \$1,164,840.00 and Inspection Fees in the amount of \$50,035.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. St. George Greek Orthodox Church

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

**09-063 – Approve the submission of an Application supporting participation in the Sustainable New Jersey Municipal Certification Program**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS**, the Township of Ocean strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Township of Ocean hereby acknowledges that the residents of the Township of Ocean desire a stable, sustainable future for themselves and future generations; and,

**WHEREAS**, the Township of Ocean wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

**WHEREAS**, by endorsing a sustainable path, the Township of Ocean is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS**, as elected representatives of the Township of Ocean, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community;

**NOW, THEREFORE, BE IT RESOLVED**, that to focus attention and effort within the Township of Ocean on matters of sustainability, the Township Council of the Township of Ocean's Governing Body wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification; and

**BE IT FURTHER RESOLVED** by the Township Council of the Township of Ocean that we do hereby authorize Andrew Brannen, Township Manager, to serve as the Township of Ocean's agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of the Township of Ocean.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

**09-064 – Support the submission of the Sustainable Jersey Small Grant application**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, recycling generates significant economic and environmental benefits for every community; and

**WHEREAS**, the Township of Ocean wishes to implement a township-wide RecycleBank Program in an effort to increase awareness, as well as the amount Township residents recycle; and

**WHEREAS**, RecycleBank is a rewards and loyalty program that financially rewards households for recycling by increasing recycling rates and generating economic development; and

**WHEREAS**, it is anticipated that implementing the RecycleBank in the Township of Ocean will increase the recycling grant received by the Township in excess of \$5,000; and,

**WHEREAS**, as with any new program, there are certain costs associated with the implementation of the said program and the Township Council of the Township of Ocean fully supports this program and wishes to secure a Sustainable Jersey Small Grant to help offset the cost of the implementation of the RecycleBank, which will include the purchase of additional equipment to facilitate the transition into said program;; and

**WHEREAS**, based on the anticipated equipment and personnel needs associated with the implementation of this program, the Township of Ocean will be submitting a grant application requesting an award of \$25,000.00 to assist the Township;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Council of the Township of Ocean fully supports the submission of the grant application for the Sustainable Jersey Small Grants to offset the implementation costs of the desired RecycleBank Program in the Township of Ocean; and

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

**PUBLIC COMMENTS:**

There were no public comments at this time.

**RESOLUTION  
DECLARING CLOSED SESSION**

Councilmember Siciliano offered the following Resolution and moved its adoption, seconded by Council member Hiers

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

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Contract . Loch Arbour Police Services

Contract . West Long Branch Court

Litigation . Affordable Housing

Personnel . Former Township Manager

3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the Township of Ocean and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential but may be seen and copied by any person(s) in the same manner as any meeting minutes of the Township of Ocean.
4. This resolution shall take effect immediately.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

At 6:30 p.m., all members adjourned into closed session.

On a motion by Council member Siciliano and seconded by Council member Schepiga, it was approved to return to open session at 7:00 p.m., as residents appeared to discuss a matter of concern.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

Residents inquired as to the status of the issue concerning the overpopulation of deer in their neighborhood. Andrew Brannen explained the steps taken by the Township, including conducting a site visit with a representative from the State of New Jersey. Mr. Brannen explained that we are engaging the Environmental Commission to assist in coming up with a remedy for this situation, unfortunately, the Township's options are limited and will require significant preparation prior to taking any action. The residents expressed frustration over the amount of time it has taken to even get to this point but did appreciate the Township's perseverance.

On a motion by Council member Siciliano and seconded by Council member Schepiga, it was approved to return to closed session at 7:20 p.m.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

On a motion by Council member Hiers and seconded by Council member Garofalo, it was moved to adjourn the meeting at 7:45 p.m..

Respectfully submitted,

William F. Larkin  
Mayor

Vincent Buttiglieri, RMC/CMC  
Municipal Clerk

**RESOLUTION**  
DECLARING CLOSED SESSION

Councilmember Siciliano offered the following Resolution and moved its adoption, seconded by Council member Hiers

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

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

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

5. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
6. The general nature of the subject matter to be discussed is as follows:
  - Contract . Loch Arbour Police Services
  - Contract . West Long Branch Court
  - Litigation . Affordable Housing
  - Personnel . Former Township Manager
7. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the Township of Ocean and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential but may be seen and copied by any person(s) in the same manner as any meeting minutes of the Township of Ocean.
8. This resolution shall take effect immediately.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

**CERTIFICATION**

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **April 22, 2009**.*

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Vincent Buttiglieri, RMC/CMC  
Township Clerk