

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

MARCH 7, 2011

OAKHURST, NEW JERSEY

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

Present: Mayor Larkin
Councilmember(s) Evans, Garofalo, Schepiga, Siciliano

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

Statement of Compliance with the Open Public Meetings Act:

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 6, 2010 and revised on February 26, 2011.

Fire Exit Procedures:

There are two emergency exits on the wall to my right that will take you to the front of the building and another one to my left that will take you to the rear parking lot.

NOTICE:

All cell telephones must be turned off. If you need to make a call, please make your call outside the meeting room.

Mayor's Statement: Public Portion to Ask Questions with Regard to Resolutions

The purpose of this public portion is solely to ask questions to understand Resolutions that appear on the 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 COMENTS:

There were no additional questions at this time.

CONSENT AGENDA:

RESOLUTIONS:

11-045 Authorize the submission of the FY2011 Emergency Management Performance Grant

WHEREAS, the Township of Ocean provides emergency management services in various capacities throughout the year; and

WHEREAS, the State of New Jersey, Department of Law and Public Safety, Division of State Police has made available the FY2011 Emergency Management Performance Grant to municipalities who provide said services, along with an in-kind match proponent, and wishes to apply for said Grant which will be utilized to offset the cost of providing emergency management services; and

WHEREAS, in anticipation of sub grant funding from the NJSP/OEM EMAA process, the Township of Ocean will be awaiting the pending approval of the EMPG FY'11 Federal grant funding from FEMA.; and

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given for the Mayor and Municipal Clerk to execute any and all documents related to the submission of the EMPG FY'11 Federal grant funding from FEMA; and

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

1. Ocean Township Emergency Management Coordinator
2. Director of Finance
3. Township Auditor

11-046 Authorize the submission of the FEMA Hazard Mitigation Grant

WHEREAS, the Federal Emergency Management Agency, through the New Jersey Office of Emergency Management, has made available various grants to assist municipalities with hazard mitigation; and

WHEREAS, the following grants provide funding for eligible mitigation activities that reduce disaster losses and protect life and property from future disaster damages:

Hazard Mitigation Grant Program
Flood Mitigation Assistant Program
Pre-Disaster Mitigation Program
Repetitive Flood Claims Program
Severe Repetitive Loss Program

WHEREAS, the Township of Ocean wishes to submit said grant applications for the various hazard mitigation grants available; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to submit the grant applications for any and all of the available Grants through the Federal Emergency Management Agency, administered by the New Jersey Office of Emergency Management, to assist the Township of Ocean in efforts associated with hazard mitigation; and

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

1. Township of Ocean Emergency Management Coordinator
2. Director of Finance

11-047 Authorize the Mayor and Municipal Clerk to execute the Settlement Agreement and Mutual Releases in connection with Rolling Meadows at Wayside, LLC

WHEREAS, Township Council of the Township of Ocean did enter into a Developer's Agreement for Rolling Meadows at Wayside, LLC ("Developer") for Phase I dated February 14, 2001 with reductions granted September 25, 2002, June 23, 2004 and January 22, 2007, Phase II dated November 8, 2001 with reductions granted May 26, 2004 and January 22, 2007 and for Phase III on February 12, 2003 with a reduction granted March 22, 2006 for a major subdivision on Block 1, Lots Various, located at the corner of West Park Avenue and Hope Road; and

WHEREAS, the Developer posted Performance Guarantees for Phase I, Phase II and Phase III with the Township in connection with the development of the Property; and

WHEREAS, issues concerning the release of the performance guarantees have been brought to the attention of Rolling Meadows at Wayside, LLC, the Township of Ocean and Rolling Meadows at Wayside Homeowners Association; and

WHEREAS, the parties hereto seek to avoid further costs and to resolve these matters arising between them in an amicable manner; and

WHEREAS, a Settlement Agreement and Mutual Release between Rolling Meadows at Wayside, LLC, the Township of Ocean and Rolling Meadows Homeowners Association, Inc. has been prepared along with Attachment A.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, that it does hereby authorize the Mayor and Township Clerk to execute the Settlement Agreement and Mutual Release between Rolling Meadows at Wayside, LLC, the Township of Ocean and Rolling Meadows Homeowners Association, Inc. in connection with Rolling Meadows at Wayside, subject to the following conditions first being met:

1. Completion of all bonded items as noted in Attachment A for Phase I, Phase II and Phase III, except for the landscaping, tennis courts and Barberry Drive roadway
2. All certificates of Insurance must be properly filed in the office of the Township Clerk
3. Any outstanding Engineering Fees

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

1. Director of Finance
2. Township Engineer
3. Township Attorney
4. Rolling Meadows at Wayside, LLC
5. Rolling Meadows at Wayside Homeowners Association

Vote on all Consent Agenda Items:

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

ORDINANCE:

Ordinance #2168 – To exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

**CALENDAR YEAR 2011
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et. seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.00% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations subject to the 2.00% cap or the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Township Council of the Township of Ocean, County of Monmouth, hereby determines that this difference in the amount of \$360,246.30 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, that any amount authorized herein above that which is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

INDIVIDUAL ACTION:

RESOLUTIONS:

10-048 Authorize the award of a Professional Services Contract to Leon S. Avakian, Inc. to provide engineering services for the construction of a new Recycling Center at a cost not to exceed \$30,000.00

WHEREAS, the Township of Ocean is in need of the services of an engineering firm to provide engineering and inspection services associated with the construction of a new Public Works Recycling Facility located on Sunset Avenue; and

WHEREAS, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

WHEREAS, Leon S. Avakian, Inc., Neptune, NJ, is an experienced firm in this field who is available to provide the necessary engineering services for the Township of Ocean at a cost

not to exceed \$30,000.00 for engineering and inspection services associated with the construction of a new Public Works Recycling Facility located on Sunset Avenue; and,

WHEREAS, the Township Manager has determined that the value of the services Leon S. Avakian, Inc., Neptune, NJ, will provide will to the Township exceed \$17,500.00 for the calendar year 2011; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for the purpose of the award of this contract in Ordinance #2145, Account #C-04-55-931-995; and

WHEREAS, Leon S. Avakian, Inc., Neptune, NJ has previously submitted a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form certifying that Leon S. Avakian, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes the Township Manager to enter into a contract with Leon S. Avakian, Inc., Neptune, NJ, as described herein with a not to exceed provision of \$30,000.00; and

BE IT FURTHER RESOLVED that a notice of this action shall be published according to law; and

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

1. Director of Finance
2. Township Manager
3. Leon S. Avakian, Inc.

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

10-049 Introduce the 2011 Municipal Budget

MUNICIPAL BUDGET NOTICE

SECTION 1.

Municipal Budget for the TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH for the Fiscal Year 2011

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2011

Be it Further Resolved, that said Budget be published in the COASTER in the issue of March 10 2011

The Governing Body of the TOWNSHIP OF OCEAN does hereby approve the following Budget for the year 2011:

MEETING MINUTES

MARCH 7, 2011

RECORDED VOTE

(Insert last name)	{ Evans	{	ABSTAINED	{
	{ Garofalo	{		
AYES	{ Schepiga	NAYS	{	
	{ Siciliano	{	ABSENT	{
	{ Larkin	{		

Notice is hereby given that the Budget and Tax resolution was approved by the Township Council of the Township of Ocean, County of Monmouth on March 7, 2011.

A Hearing on the Budget and Tax resolution will be held at the MUNICIPAL BUILDING , on April 11, 2011 at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2010 may be presented by taxpayers and other interested persons.

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

Council Reports:

Councilmember Schepiga reminded everyone about the St. Patrick’s Dinner, which will be held on March 17, 2001 at the Renaissance. Rich Kay from Foodtown will be honored as the Grand Marshall for the Memorial Day Parade.

Councilmember Siciliano reminded everyone that Colonial Terrace Golf Course will be opening in April, with a special of \$12.00 per round.

Andrew Brannen, Township Manager stated that there were no personnel changes in February 2011. Mr. Brannen also reported that for the months of January and February 2010 and 2011, the Township has seen a 7.5% reduction in the amount of solid waste collected while there has been a 10.6% increase in the amount of recycling collected.

The following Councilmember(s) offered no report:
Councilmember(s) Garofalo, Evans

PUBLIC COMMENTS:

Brian Lefferson inquired as follows:

1. How much does the Township receive for recycling

Mr. Brannen stated that the fee constantly fluctuates depending on the market.

Mr. Lefferson feels that the Township may experience real savings down the road, once it has gone to a fully automated collection system.

2. Have the final revenues and expenses for Colonial Terrace Golf Course been determined for 2010

Mr. Brannen stated that the revenues were approximately \$358,000.00 and the expenses were \$366,000.00.

3. How much are taxes going up based on the introduced Budget

Mr. Brannen stated that they will be increasing approximately \$75.00 for the average household.

4. Who paid for the ambulance that was purchased for the Wanamassa Fire Company from the contribution made by Continental Properties

Jackie Wenzel expressed her concern with the new trash collection schedule. Ms. Wenzel is only here on the weekend and unable to place the trash at the curb on Monday and return the cans after collection. What other options are available for her to get rid of her trash

Mr. Brannen stated that Ms. Wenzel should ask her neighbors to assist in returning the cans to her back yard after collection.

Harmon Chestman inquired as follows:

1. How long are the trash cans allowed to be left at the curb

Mr. Brannen stated that they are to be put out after 6:00 p.m. on the night before collection and taken in by 6:00 p.m. the night of collection.

Mr. Chestman feels that a better job needs to be done with enforcement.

2. Curbing in front of his home was damaged by the Public Works Department during the snow removal process. He would like to have the Township repair it.

3. Does the Township have a procedure for the use of cell phones while operating Township vehicles

Martin Arbus, Township Attorney, stated that this matter is governed by Title 59 and is controlled by Motor Vehicles.

4. He has noticed that the Public Works Department is damaging the roadway when they are collecting leaves and brush from people's home.

Mr. Brannen stated that a new piece of equipment is being purchased that will alleviate that problem.

5. Complained about the neighbor that is allegedly operating a landscaping business next door

Mr. Brannen stated that this matter can be discussed further when Mr. Chestman meets with him and Chief Amodio on March 8, 2011.

F.K. Hudson inquired as follows:

1. Will the Budget be put on the Township website

Mr. Brannen stated that it will be placed on the website for access

2. Updates on:

a. COAH

Mr. Arbus stated that there was no additional information subsequent to our last meeting.

b. Loch Arbour

Mr. Arbus stated that any information would be premature as Loch Arbour first need's to approve a change of their form of government, which they are apparently moving forward with.

Seeing that there were no other questions, the meeting was adjourned.

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

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk