

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

AUGUST 23, 2012

OAKHURST, NEW JERSEY

The Regular Meeting of the Township Council was held in the Managers Conference Room, Third Floor, 399 Monmouth Road, Oakhurst, NJ 07755 at 5:00 p.m.

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

Others: Martin J. Arbus, Esq., Township Attorney
Andrew G. 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 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 August 21, 2012.

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. 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:

Larry Loigman inquired when this meeting was scheduled and was it a "special" meeting or a "regular" meeting. He also inquired about when the Governing Body first knew about the need for a "special" meeting.

Martin Arbus, Township Attorney, stated that there was a need to have a matter of litigation discussed in Closed Session which created the need for this meeting. The Township also had a need to handle the tax issues mentioned in Resolution #12-125 and #12-126, due to their time sensitive nature.

INDIVIDUAL ACTION:

RESOLUTIONS:

12-125 Authorize the refund of successful County Tax Appeal(s)

AUTHORIZING ADJUSTMENTS TO 3RD AND 4TH QUARTER TAX LEVY AND REFUNDS FOR TAX OVERPAYMENTS RESULTING FROM MONMOUTH COUNTY TAX APPEAL JUDGMENTS

WHEREAS, the County of Monmouth has rendered judgment on appeals made by tax payers regarding the property assessment of certain properties and,

WHEREAS, Block 130 Lot 10 had the property assessment reduced by the County of Monmouth in 2011 resulting in a reduction in the total taxes to be paid to the Township of

Ocean for the year 2011 and N.J.S.A. 54:3-26 known as the Freeze Act is binding on the Township for two assessment years succeeding the year covered by the judgment, and,

WHEREAS, the 2012 property assessment in the Assessor’s Field Book for 2012 lists the property assessment for Block 130 Lot 10 at its pre appeal valuation,

WHEREAS, proper procedures require that an adjustment to the tax levy be made to the fourth quarter 2012 taxes and if necessary, third quarter taxes for reductions in property assessments which lower total taxes and do not result in the overpayment of taxes for the year, and tax refunds if tax levy reductions result in an overpayment of total taxes due for the year

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 apply said tax reductions to the 3rd and 4th quarter taxes and refunds of tax overpayments as per the following:

BL	LT/ Qual	Name	Property Address	Adjustment of 2012 Taxes
130	10	Pogwist, Raymond	1308 Vina Avenue	\$1,892.00
Totals				\$1,892.00

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

1. Tax Collector
2. Director of Finance
3. Township Auditor

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

12-126 Authorize the Tax Collector to issue refund check(s) to the owner of the following properties, who have been declared a 100% disabled veteran:

- a. Block 182, Lot 38 \$3,638.35

**AUTHORIZING CANCELLATION AND REFUND
OF REAL ESTATE TAXES PAID FOR TOTALLY DISABLED VETERANS**

WHEREAS, the following individual filed an application with the Assessor for a Total Disabled Veteran and was given approval effective January 1, 2012:

Owner Name	Block	Lot	Qual.	Address
Quitne, John A. & Judith L.	182	38		3 Fieldstone Lane

WHEREAS, the 2012 taxes assessed at \$7,393.25 should be canceled and payments made on canceled taxes be refunded:

Owner Name	1 st Quarter 2012	2 nd Quarter 2012	3 rd Quarter 2012	4 th Quarter 2012	Total Refund
Quitne, John A. & Judith L.	\$1,819.18	\$1,819.17	0	0	\$3,638.35

WHEREAS, taxes for 2012 levied on this property are \$7,393.25, of which Mr. & Mrs. Quitne paid \$3,638.35 and is now entitled to a refund and the 2012 taxes paid and taxes assessed at \$7,393.25 should be canceled.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, that the Tax Collector is hereby authorized to cancel the Real Estate Taxes for the 2012 tax year and refund the 2012 taxes already paid by the individual listed above.

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

1. Director of Finance/Tax Collector
2. Township Auditor

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

b. Block 22, Lot 59 \$2,216.87

**AUTHORIZING CANCELLATION AND REFUND
OF REAL ESTATE TAXES PAID FOR TOTALLY DISABLED VETERANS**

WHEREAS, the following individual filed an application with the Assessor for a Total Disabled Veteran and was given approval effective January 1, 2012:

Owner Name	Block	Lot	Qual.	Address
Nelson, Eric M.	22	59		328 Elberon Blvd

WHEREAS, the 2012 taxes assessed at \$2,972.20 should be canceled and payments made on canceled taxes be refunded:

Owner Name	1 st Quarter 2012	2 nd Quarter 2012	3 rd Quarter 2012	4 th Quarter 2012	Total Refund
Nelson, Eric M.	\$730.77	\$730.76	\$755.34	0	\$2,216.87

WHEREAS, taxes for 2012 levied on this property are \$2,972.20, of which Mr. Nelson paid \$2,012.91 and the State of New Jersey provided a Homestead Credit in the amount of

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

1. Director of Finance/Tax Collector
2. Township Auditor

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

12-127 - Resolution declaring Closed Session for a matter of Contract – Purchase of Real Estate

**RESOLUTION
DECLARING CLOSED SESSION**

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:
 - C1. Contract – Purchase of Real Estate
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.

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

Council Reports:

The following Councilmember(s) offered no report:
 Councilmember Evans, Garofalo, Schepiga
 Deputy Mayor Siciliano
 Martin Arbus, Esq., Township Attorney
 Andrew Brannen, Township Manager

PUBLIC COMMENTS:

Larry Loigman reported that he had contacted the Township earlier in the day to inquire about whether a certain property has received a tree removal permit since he noticed that there was a contractor at the home removal a large number of trees.

Andrew Brannen, Township Manager, stated that the property did have the required permit and were allowed to remove nine trees, with six of them being declared deceased by a certified tree expert.

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

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

Respectfully submitted,

William F. Larkin
 Mayor

Vincent Buttiglieri, RMC/CMC/MMC
 Municipal Clerk