

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

DECEMBER 11, 2012

OAKHURST, NEW JERSEY

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 Siciliano
Councilmember(s) Evans, Garofalo and Schepiga

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 6, 2011 and revised on December 3, 2012.

REVIEW OF ALL REGULAR MEETING MATERIAL:

Andrew Brannen, Township Manager, went through the meeting items, which were reviewed by the Governing Body and held for the Regular Meeting of December 11, 2012, unless otherwise noted (*):

SWEARING-IN CEREMONY: James Kelesidis – Police Sergeant

CONSENT AGENDA:

MINUTES:

October 17, 2012 – Workshop, Public and Closed Meeting
November 9, 2012 – Special Public and Closed Meeting
November 21, 2012 – Special Public Meeting

RESOLUTIONS:

12-184 Authorize a Stormwater Management Easement Agreement for the following:

a. Block 17, Lot 39.01 – 304 Garfield Avenue – Elliot Elo

12-185 Authorize the Release of Tree Replacement Funds for the following:

a. Block 140, Lot 1.09 – 731 Highway 35 – Ocean 35 Developers, LLC

Andrew Brannen, Township Manager, explained that this is the Ritz Diner property and all outstanding landscaping issues have been resolved.

12-186 Authorize the Release of Performance Guarantees for the following:

- a. Block 25, Lot 33 – 395 Deal Road – Congregation Magen David of West Deal, Inc.
- b. Block 33.33, Lot 6 – 1806 Bellmore Avenue – Marcelo Gruberg
- c. Block 105, Lot 21 – 1306 Maple Avenue – Walter J. Clifford
- d. Block 141, Lot 7 – 810 Highway 35 – Steven Schmelz/Seaview Jeep
- e. Block 203, Lot 16 – 1217 Allenhurst Avenue – Nancy Weldon
- f. Block 33, Lot 22 – 1631 Highway 35 – 1631 Highway 35, LLC

Mr. Brannen stated that items 186f-186j all pertain to properties previously owned by Solomon Dwek.

- g. Block 25.34, Lot 2 – Office Building – Brookside Avenue & Monmouth Road – Monmouth Plaza, LLC
- h. Block 25.34, Lot 2 – Right of Way Improvements – Brookside Avenue & Monmouth Road – Monmouth Plaza, LLC
- i. Block 25.01, Lot 12 – 55 Idlewood Avenue – Solomon Dwek/Brick Lots, LLC
- j. Block 34, Lot 16 – 1800 Highway 35 – 1800 Highway 35, LLC
- k. Block 152, Lot 1 & Block 153, Lot 73 – Center Street – Nobility Crest at Ocean, LLC

Mr. Brannen explained that this resolution releases the previous owner from all liability.

12-187 Authorize the Release of Maintenance Guarantees for the following:

- a. Block 1.05, Lot 7 – 42 Cindy Lane – Lee Hoffman

Mr. Brannen stated that Items 187a-d pertain to Ray Catena properties.

- b. Block 1.05, Lots 8 & 9 – Cindy Lane – R & S Realties, LLC
- c. Block 1.05, Lot 9 – Cindy Lane/Phase IIb – R & S Realty, LLC/Ray Catena Lexus of Monmouth
- d. Block 1.05, Lot 9 – Cindy Lane/Phase I – R & S Realty, LLC/Ray Catena Lexus
- e. Block 13, Lot 2.01 & 2.02 – 232 & 234 Elberon Blvd – Braha Brothers, LLC
- f. Block 33.01, Lot 8 – 537 West Lincoln Avenue – Mimma Maggio
- g. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Hillel School of the Shore Area, Inc.
- h. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Hillel School of the Shore Area, Inc.
- i. Block 33, Lot 26 – 1639 Highway 35 – Somerset Tire Service
- j. Block 40, Lots 1, 2, 32 & 111 – Roseld Avenue/Phase II – Hollywood Golf Club
- k. Block 137, Lot 33 – 815 Highway 35 – Douglas H. & Janet L. Hamann
- l. Block 140.18, Lot 8 – 725 Highway 35 – Israel & Sarah Bercovicz
- m. Block 141, Lots 1 & 23 – Road Configuration, Phase IV & Lowe's Repair – Seaview Square, LLC

12-188 Approve the 2013 Township Council Meeting Schedule

Mr. Brannen explained that the meetings are primarily going to be held on Thursdays in 2013, but a few meetings will be held on other days due to scheduling conflicts.

12-189 Authorize a Developers Agreement for the following:

- a. Block 34, Lot 14 – 1710 Highway 35 – Selma, LLC

12-190 Authorize the submission of the following Grants:

- a. COPS IN SHOPS College Fall Initiative 2012-2013

12-191 Authorize the transfer of liquor license #1337-33-013-011, issued to Zvi Berger to Coach's Enterprises, LLC effective December 12, 2012

12-192 Authorize the release of various 2012 Closed Session Minutes (minus those items which will be redacted due to the fact that they are ongoing)

12-193 Accept the Performance Guarantee(s) for the following:

- a. Block 33.02, Lot 2 – 559 Trenton Avenue – Palatial Homes, Inc.

12-194 Amend the 2012 Council Meeting Schedule

Mr. Brannen said that the meeting will be held on December 27 at 7:00 p.m.

INDIVIDUAL ACTION:

VOUCHERS: \$ 6,185,838.99

RESOLUTIONS:

12-195 Authorize the purchase of five (5) vehicles for the Police Department from the New Jersey State Agency for Surplus Property at a total cost not to exceed \$45,000.00

12-196 Consideration of Bids:

a. Public Works Uniforms (3 years)

Mr. Brannen stated that there is a 20% reduction from the previous contract.

b. Heating and Air Conditioning Services

Mr. Brannen stated that there is a 45% reduction from the previous contract.

c. DPW/Recycling Facility

Mr. Brannen explained that the cost of this project is \$230,000 and the facility will collect concrete, recyclable items, grass and metal.

d. Various Road Construction Materials

12-197 Authorize the amendment of the contract for Emergency Notification Service with CodeRed

Mr. Brannen reported that the Plan has been changed to include unlimited minutes, which would save the Township money.

12-198 Authorize the Transfer of Funds in accordance with N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a.

Mr. Brannen said that most of the transfers are standard items and the balance has been caused by Hurricane Sandy.

12-199 Authorize the Tax Collector to issue a refund to property owner(s) who have received a favorable State Tax Appeal judgments

12-200 Authorize a Professional Services contract with Maser Consulting, P.A., Red Bank, NJ to perform engineering and surveying related services at Whalepond Village at a cost not to exceed \$23,950.00

Mr. Brannen said that this contract will include the survey and Phase I Environmentals for Whalepond Village and these funds will be reimbursed.

12-201 Authorize the Tax Collector to issue a refund to the previous owner of Block 150.04, Lot 5 due to a duplicate payment

12-202 Authorize the amendment of the Addendum to the Developer's Agreement for K & D Associates, L.P., Block 140, Lot 108 (735 Highway 35)

12-203 Authorize the rejection of bid(s) received for the Removal of Composted Leaves and authorize the re-advertisement of same

Mr. Brannen explained that the initial bid advertisement occurred during Hurricane Sandy and most vendors did not have access to said advertisement so it would be beneficial to the Township to re-advertise.

12-204 Authorize the extension of the following contracts:

a. Recap of Tires, Accessories and Road Service – Edwards Tire Co., Inc.

b. Snow Removal Services – Berardesco General Contracting

- 12-205 Authorize a contract with Hunter Technologies, Inc., Eatontown, NJ for the purchase of a new telephone system for the Department of Human Services at a cost not to exceed \$8,712.48
- 12-206 Approve the placement of one storage containers at Ocean Wine & Spirits, Inc. for a period not to extend beyond January 5, 2013
- 12-207 Approve an emergency procurement for private contractors to assist the Township in tree and vegetative waste removal operations from Hurricane Sandy at a cost not to exceed \$458,940.00
- 12-208 Authorize a contract with AshBritt, Inc., State Contract AG-063, to assist in waste management at a cost not to exceed \$250,000.00
- Mr. Brannen reported that this contract is in accordance with the requirements establish by the State for debris removal from Hurricane Sandy.
- 12-209 Approve the temporary amendment of Section 21-20.2 of the Land Development Ordinance and the waiver of certain permit fees for the period ending March 31, 2013
- Mr. Brannen stated that this temporary revision will allow people to rebuild exactly what they had before Hurricane Sandy without getting permits.
- 12-210 Authorize the Tax Collector to issue a refund to the previous owner of Block 123, Lot 52 due to a duplicate payment
- 12-211 Authorize the purchase of diesel, unleaded and winter blend gasoline from Finch Fuel Oil, Inc, Kearney, NJ through the Monmouth County Cooperative Purchasing Program (F-43-2012)

ITEM FOR DISCUSSION:

SUBJECT: 2013 Municipal Budget Update

ACTION: Mr. Brannen reported the following:

The Public Hearing with all the Department Heads was held on November 26, 2012.

The Budget will be presented to the Governing Body by the statutory requirement of January 15, 2013.

The Township has received some budget relief in health insurance, the fact that all labor contracts have been finalized for 2013 and the purchase of energy from the SEM.

The Budget will be discussed at the February 7, 2013 Workshop meeting.

SUBJECT: Hurricane Recovery Update

ACTION: Mr. Brannen distributed the 100-year flood maps.

Mr. Brannen said that the Township held an "After Action" Emergency Management meeting to discuss Hurricane Sandy. The Township discussed the option of utilizing volunteers during emergencies.

SUBJECT: Ordinance Revisions

ACTION: Mr. Brannen said that Marianne Wilensky, Director of Community Development, is in the process of revising the tree ordinance to make it less restrictive.

SUBJECT: Poplar Village/Whalepond Village Updates

ACTION: Mr. Brannen said that the Township received a notice from Green Acres with regard to the second appraisal and the Township should receive the official notification pertaining to the acquisition of the second 32 units at Poplar Village.

COUNCIL REPORTS:

Councilmember Evans reminded the Governing Body of the January 1, 2013 Reorganization Meeting of the Wanamassa Fire Company.

Councilmember Evans also reported that two EMT's made a CPR save of a resident and he would like to recognize them at the January 23, 2013 meeting.

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

Deputy Mayor Siciliano
Councilmember(s) Garofalo and Schepiga
Martin Arbus, Esq., Township Attorney

PUBLIC COMMENTS:

None at this juncture.

Seeing that there were no Public Comments, Mayor Larkin read the following:

**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. Litigation – COAH
 - C2. Contract – Sale of Real Property – Block 152, Lots 2.01, 6 & 7
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					

Seeing that there were no additional comments, 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk