

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

**JUNE 19, 2014**

**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 5:30 p.m.

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

**Absent:** Councilmember Garofalo

**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 December 30, 2013 and amended on June 16, 2014.

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

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 Questions on Resolutions and Vouchers:**

There were no questions at this time.

**CONSENT AGENDA:**

**MINUTES:**

May 22, 2014 – Workshop, Public and Closed Meeting  
June 5, 2014 – Workshop, Public and Closed Meeting

**RESOLUTIONS:**

**14-121 Authorize the Acceptance of Performance Guarantee(s) for the following:**

**a. Block 8.01, Lot 24 – 139 Cold Indian Springs Road – Douglas R. Hindman**

**WHEREAS**, the Township Council has approved a development project on Block 37, Lot 12 also known as 139 Cold Indian Springs Road; and

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

**WHEREAS**, Douglas R. Hindman has posted cash performance guarantees totaling \$9,576.00 along with engineering inspection fess totaling \$2,330.00 and the required certificate of insurance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, that all requirements for entering into a developer's agreement are hereby waived; and

**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. Douglas R. Hindman

**14-122 Authorize the renewal of the 2014-2015 liquor licenses for those licensees who have met all Township and State requirements and paid all applicable fees**

**WHEREAS**, the Retail Renewal Application forms for the 2014-2015 license term has been deemed complete in all respects, the annual fees have been paid to both the Township of Ocean and the State of New Jersey, Division of ABC; and

**WHEREAS**, the Mayor and Council of the Township of Ocean, County of Monmouth, hereby authorizes the renewal of the following Retail Alcoholic Beverage Licenses for the 2014-2015 license term:

**CLUB LICENSES**

- |                  |  |
|------------------|--|
| #1337-31-017-001 | Deal Golf & Country Club<br>t/a Deal Golf & Country Club<br>Halfway House – Monmouth Road, Ocean, NJ 07723 |
| #1337-31-018-002 | Hollywood Golf Club<br>t/a Hollywood Golf Club<br>West Roseld Avenue, Deal, NJ 07723                       |
| #1337-31-019-001 | Gimbel Lehy Quirk VFW Post 2226<br>t/a VFW Post 2226<br>212 Norwood Avenue, Oakhurst, NJ 07755             |

**PLENARY RETAIL CONSUMPTION**

- |                  |  |
|------------------|--|
| #1337-33-001-002 | RET Caterers, Inc.<br>t/a The English Manor<br>One English Lane, Ocean, NJ 07712         |
| #1337-33-003-010 | Gualtieri Group, LLC<br>t/a Piccola Italia<br>837 West Park Avenue, Ocean, NJ 07712      |
| #1337-33-004-008 | 2132 Ichiban, LLC<br>t/a Ichiban Japanese Restaurant<br>2132 Highway 35, Ocean, NJ 07712 |
| #1337-33-006-014 | 2105 Liquors, LLC<br>t/a Nino's Coal Fired Pizza<br>2105 Highway 35, Oakhurst, NJ 07755  |

- #1337-33-007-009 Akshay Enterprise, Inc.  
t/a Middlebrook Bar and Liquors  
1464 Highway 35, Ocean, NJ 07712
- #1337-33-009-008 Apple Food Service of Ocean, LLC  
t/a Applebee's Neighborhood Grill & Bar  
2301 Route 66, Ocean, NJ 07712
- #1337-33-010-011 Espinosa, Inc.  
t/a Posillipo Italian Restaurant  
1647 Highway 35 N, Ocean, NJ 07712
- #1337-33-013-012 Coach's Enterprises, LLC  
t/a Coach's Bar and Grill  
1610 Route 35 South, Ocean, NJ 07712
- #1337-33-014-004 Brykar Corporation  
t/a Main Street Bar & Grill  
732 Highway 35, Ocean, NJ 07712
- #1337-33-016-006 Takara Sushi Group, Inc.  
t/a Takara Japanese Steak House  
1610 Route 35 S, Oakhurst, NJ 07755
- #1337-33-020-002 GMRI, Inc.  
t/a Red Lobster #244  
2200 Highway 35, Ocean, NJ 07712

**PLENARY RETAIL DISTRIBUTION**

- #1337-44-005-010 Chirag Enterprises, Inc.  
t/a Save Rite Liquors  
855 West Park Avenue, Ocean, NJ 07712
- #1337-44-008-007 Shree Hanuman, LLC  
t/a Cobblestone Wine & Spirits  
2114 Highway 35, Ocean, NJ 07712
- #1337-44-011-009 Ocean Wine & Spirits, Inc.  
t/a Wegmans Wine, Liquor & Beer  
1104 Highway 35, Ocean, NJ 07712
- #1337-44-012-003 Ralph A. Real Jr.  
t/a Monmouth Bottle Shop  
201 Monmouth Road, Oakhurst, NJ 07755
- #1337-44-015-004 Wanamassa Liquors, Inc.  
t/a Wanamassa Liquors  
2201 Sunset Avenue, Ocean, NJ 07712

**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 to renew, effective July 1, 2014, the aforesaid liquor licenses for the license term 2014-2015; and

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

1. Chief of Police
2. Director of Finance
3. Division of Alcoholic Beverage Control

14-123 Authorize the submission of the following Grants:

a. Safe and Secure Communities Program

**STATE OF NEW JERSEY  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE**

**SAFE AND SECURE COMMUNITIES PROGRAM**

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

**WHEREAS**, the Township of Ocean wishes to apply for a project under the Safe and Secure Communities Program; and

**WHEREAS**, the Township of Ocean Council has reviewed the application and has approved said request; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Township of Ocean, for the purpose described in the application;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Ocean Council, that:

1. As a matter of public policy the Township of Ocean wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

b. 2014 COPS Hiring Program

**WHEREAS**, there are funds available from the Office of Community Oriented Police Services, US Department of Justice under a Grant from the 2014 COPS Hiring Program; and

**WHEREAS**, funding will be available under FY 2014 CHP grant to cover salaries and health benefits for newly hired police officers over a three year period; and

**WHEREAS**, the Township of Ocean Police Chief has recommended that the Township apply for said Grant; and

**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 Office of Community Oriented Police Services, US Department of Justice for the 2014 COPS Hiring Program.

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

1. Director of Finance
2. Chief of Police

**Vote on All Consent Items:**

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		

**INDIVIDUAL ACTION:**

**VOUCHERS: \$ 5,852,368.27**

See Attached

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		

**RESOLUTIONS:**

**14-124 Authorize the Tax Collector to issue a refund to Bank of America due to an overpayment of the 2<sup>nd</sup> quarter taxes on Block 111, Lot 25**

**WHEREAS**, a duplicate payment was made by Richard and Michelle Muir and Bank of America for the 2nd quarter 2014 property taxes in the amount of \$1,977.68 for Block 111, Lot 25; and

**WHEREAS**, the tax overpayment should be refunded to Bank of America, c/o CoreLogic Services, LLC, Post Office Box 853919, Richardson, TX 75085-3919;

**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
111	25	Bank of America	\$1,977.68	Duplicate Payment made by Richard and Michelle Muir and Bank of America for 2nd Quarter 2014 taxes.
<b>Total Taxes Overpaid</b>			\$1,977.68	

**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 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		

**14-125 Authorize the Tax Collector to issue a refund to property owner(s) who have received favorable State Tax Appeal judgment(s)**

**AUTHORIZING THE CANCELATION OF YEARS 2012 and 2013 TAXES AND REFUNDING OR CREDITING THE TAX OVERPAYMENTS RESULTING FROM NEW JERSEY STATE TAX COURT JUDGMENT TO THE TAXPAYER**

**WHEREAS**, the State of New Jersey Tax Court has rendered judgments on appeals made by a tax payer regarding the assessment of their property, and,

**WHEREAS**, the property had the assessment reduced by the State of New Jersey Tax Court resulting in a reduction in the total taxes to be paid to the Township of Ocean for the years 2012 and 2013,

**WHEREAS**, proper procedures require that the tax assessments for the years 2012 and 2013 be adjusted and refunds or credits to unpaid taxes be made for taxes overpaid in those years that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor’s Field Book.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township council of the Township of Ocean, County of Monmouth and State of New Jersey that it does hereby authorize the Tax Collector to adjust the years 2012 and 2013 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4<sup>th</sup> quarter taxes for those years’ taxes below.

Block/Lot	Property Owner	Property Address	2012	2013	Total Refund
193 3	DANABRY, LLC	PO BOX 777	3,025.00	7,699.40	10,724.40
33 16 1	FPN PRIME LLC	1903 HIGHWAY 35	9,608.16	9,807.96	19,416.12
1 02 43	HOWARD LETSCHE REALTY, LLC	45-47 CINDY LN	4,734.83	4,833.29	9,568.12
60 02 9 01	SHAMIE, ROBERT & AIMEE	35 BRUNS RD	-	4,637.62	4,637.62
Totals			17,367.99	26,978.27	44,346.26

**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 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		

**14-126 Authorize the Tax Collector to issue a refund to the property owner due to a duplicate payment of the 2<sup>nd</sup> quarter taxes on Block 35, Lot 112.01**

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, a duplicate payment was made by Jamie Perri and U.S. Bancorp for the 2nd quarter 2014 property taxes in the amount of \$3,112.48 for Block 35, Lot 112.01; and

**WHEREAS**, the tax overpayment should be refunded to Jamie Perri, 1173 Deal Road, Ocean, NJ 07712;

**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
35	112.01	Jamie Perri	\$3,112.48	Duplicate Payment made by Jamie Perri and U.S. Bancorp for 2nd Quarter 2014 taxes.
<b>Total Taxes Overpaid</b>			\$3,112.48	

**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 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		

**14-127 Approve the Labor Agreement for Teamsters Local 701 for the five-year period January 1, 2014 through December 31, 2018**

**WHEREAS**, the Township of Ocean desires to enter into a five (5) year agreement with the Local IBT No. 701 for the period January 1, 2014 through December 31, 2018; and

**WHEREAS**, said agreements shall be entitled as follows: “Agreement between Township of Ocean, County of Monmouth and Local IBT No. 701 employees within the Department of Public Works for the period January 1, 2014 through December 31, 2018” has been prepared consisting of 47 pages, and which is incorporated herein by reference; and

**NOW THEREFORE, BE IT FURTHER RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth, that it does hereby approve the aforementioned labor agreement between the Township of Ocean and the IBT No. 701 employees within the Department of Public Works for the period January 1, 2014 through December 31, 2018; and

**BE IT FURTHER RESOLVED** that authorization is hereby given for the Mayor and Municipal Clerk to execute the aforementioned Agreement; and

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. President – IBT No. 701

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		

**ORDINANCE:**

**Adoption(s):**

**Ordinance #2226 – (Coaster)**

**A bond ordinance providing for various improvements and appropriating \$1,194,220 therefor and authorizing the issuance of \$944,492 bonds or notes to furnish a portion of the costs thereof**

The following vote was taken to open the Public Hearing on Ordinance #2226:

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		

There were no Public comments on Ordinance #2226

Mayor Larkin announced that the Public Hearing will be carried until the July 9, 2014 Council meeting.

**Ordinance #2227 – (Coaster)**

**A bond ordinance providing for curb and sidewalk improvements and appropriating \$332,700 therefor and authorizing the issuance of \$316,065 bonds or notes to furnish a portion of the costs thereof**

The following vote was taken to open the Public Hearing on Ordinance #2227:

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		

Public Comments on Ordinance #2227:

Dan Moore inquired if the ordinance pertains to the curb and sidewalk repairs currently being performed along Monmouth Road?

Andrew Brannen, Township Manager, confirmed that was correct. Mr. Brannen also said that an assessment district will be established charging the property owners for the stated repairs.

Seeing that there were no additional Public Comments, Mayor Larkin announced that this Public Hearing will also be carried until the July 9, 2014 Council meeting

**Council Reports:**

Councilmember Schepiga reminded everyone that the July 4<sup>th</sup> celebration, including fireworks, will be held on July 3, 2014 beginning at 6:00 pm at Joe Palaia Park. The fireworks are scheduled to begin at approximately 9:30 pm.

Councilmember Schepiga responded about an item that appeared concerning certain council members receiving health benefits “free” of charge. Councilmember Schepiga stated that under Title 78, she is entitled to receive those benefits but she does pay based on a schedule established by the State of New Jersey.

The following offered no Report:

Deputy Mayor Siciliano  
 Councilmember(s) Evans  
 Martin Arbus, Township Attorney  
 Andrew Brannen, Township Manager

**PUBLIC COMMENTS:**

**Brian Lefferson** discussed the issue of certain members of the council receiving health benefits. Mr. Lefferson noted the premiums for the various plans being received by the council member(s).

Mr. Lefferson inquired if an electronic message sign was being place by the Wanamassa Fire House?

Councilmember Evans said that a sign was going to be placed at that location but the Fire Company was paying for that sign.

Mr. Lefferson said he felt that there were too many electronic signs being installed around the Township.

Mr. Lefferson expressed his frustration with the summer residents and thinks that the Police Department should step up patrol, especially over the weekend.

Mr. Lefferson said that he believes it would be a good idea for an informational flyer to be distributed to those individuals who rent homes in Ocean Township over the summer months explaining the different programs and requirements in the Township.

**Susan Borea** commended the Council for a very moving Memorial Day ceremony.

Mayor Larkin directed the commendation to Councilmember Schepiga and her committee, who put in many hours to make that happen.

**Barbara Hudson** also inquired about the health benefits being received by councilmembers.

Martin Arbus, Township Manager, explained the regulations surrounding the health benefit reform, commonly known as Title 78.

**F.K. Hudson** inquired about the status of the resolution concerning the FCC that was discussed at the June 5, 2014 Council meeting.

Deputy Mayor Siciliano said that no decision had been made yet.

Mr. Hudson also inquired about the status of the COAH litigation.

Mr. Arbus reported that Judge Kapalko is not pleased with progress of the litigation. Any new motions filed are expected to be heard by mid-August.

Mr. Arbus said that there was nothing new to report on the BVB and Roosevelt litigation at this time.

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