

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

NOVEMBER 6, 2014

OAKHURST, NEW JERSEY

The Regular Meeting of the Township Council was held in the Public Meeting Room, First Floor, 399 Monmouth Road, Oakhurst, NJ 07755 at 7:00 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 December 30, 2013.

NOTICE:

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

PROCLAMATIONS: **The Hot Bagel Bakery
35th Anniversary**

The Hot Bagel Bakery
On the Occasion of their 35th Anniversary

WHEREAS, the Hot Bagel Bakery, located at 65 Monmouth Road, was opened on November 15, 1979 and is owned and operated by brothers Dan and John Grimes; and

WHEREAS, Dan and John Grimes have taken great pride in delivering a great product for all who have patronized their establishment since opening; and

WHEREAS, even with the new technology, Dan and John continue to form their dough with an old fashioned barrel mixer to create the perfect bagel crunch and even hand roll every bagel to create their signature texture and taste; and

WHEREAS, over the last 35 years, Dan and John Grimes have worked under the supervision of the Jersey Shore Orthodox Rabbinate to ensure that their product meets the highest standard of Kashrut – the Jewish religion dietary laws;

WHEREAS, Dan and John Grimes, and the entire staff of the Hot Bagel Bakery, have brought joy to thousands of patrons who have enjoyed their products over the past 35 years;

NOW, THEREFORE, BE IT PROCLAIMED that the Township of Ocean hereby extends our heartfelt congratulations to

The Hot Bagel Bakery
Dan and John Grimes, Owners
35th Anniversary

FURTHER BE IT PROCLAIMED that we extend our sincere wishes to Dan and John Grimes for continued success for many years to come.

Mayor Larkin commended John and Dan Grimes for being such an important part of the Ocean Township community and wished them much success in the next 35 years.

Dan Grimes thanked his family and feels that he and John are very fortunate to be in Ocean Township and are very appreciative for all the support they have received from the community over the past 35 years.

OATH OF OFFICE: **Police Officer Christopher Stenger**
 Police Officer Brenden Bernhard
 Police Officer Karen Noel

Mayor Larkin administered the Oaths of Office to the above.

Police Chief Peters commented on each office as follows:

Officer Stenger

Prior to being hired in Ocean Township, Officer Stenger was employed by the Borough of Spotswood. Prior to that, he served our Country as a Marine and was honorable discharged from active duty.

Officer Bernard

Prior to being hired in Ocean Township, Officer Bernard was a Monmouth University cop. He graduated from Monmouth University

Officer Noel

Officer Noel is an eight year veteran in law enforcement for the North Hanover Police Department. Officer Noel has a degree from Monmouth University.

Mayor Larkin thanked all Ocean Township Police Officers for their dedicated service to the Township.

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

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:

Brian Lefferson asked for an explanation of Resolution #14-205?

Andrew Brannen, Township Manager, explained that the reexamination will pertain to the Township recreation facilities and the northeast corner of Deal Road. It does not pertain to the Apple Farms parcel on West Park Avenue.

Don Geiger inquired about a number of payments included on the voucher list including:

ANJR, Armstrong Tree Service, City of Long Branch, Fairleigh Dickinson University, G & M Trophy, Inc., Inova Solutions, JCP&L, Jersey Shore Tree Service, Maser Consulting, Monmouth County Regional Health Commission, PMC Associates, Treasurer State of New Jersey, Virtual F/X and Wireless Communication & Electronics

Mr. Brannen explained the nature of all expenditures inquired about by Mr. Geiger.

Brian Lefferson inquired what criteria is used to determine using a local business or one from outside Ocean Township, specifically for tree services?

Mr. Brannen said it has to do with cost.

CONSENT AGENDA:**MINUTES:**

October 16, 2014 – Workshop, Public and Closed Meeting

RESOLUTIONS:**14-204 Accept the Performance Guarantee for the following:****a. Block 8, Lot 17 – 57 Monmouth Road – Santander Bank, N.A.**

WHEREAS, the Township of Ocean has approved the construction of an ATM at the Santander Bank located on Block 8, Lot 17, also known as 57 Monmouth Road; and

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

WHEREAS, Santander Bank N.A. has posted cash performance guarantees totaling \$9,840.00 along with engineering inspection fees totaling \$1,410.00 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 the performance guarantees are hereby accepted.

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. Santander Bank N.A.

14-205 Authorize the Request for Proposals for the following:**a. Master Plan Reexamination**

WHEREAS, the Township Council is desirous of receiving Receipt of Bids for the following:

Master Plan Reexamination

WHEREAS, specifications for the aforesaid items will be on file in the Township Clerk's Office, and will be available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for said Receipt of Bids for the aforesaid item as per the specifications on file and will be received by the Township Manager in the Township Council Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Township Manager
2. Director of Community Development

14-206 Approve the Release of various 2014 Closed Session Minutes.

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

WHEREAS, the public shall be excluded from discussions of and actions upon specified subject matters including:

1. Personnel
2. Pending litigation matters involving the Township, its employees and/or agents
3. Pending or future land acquisitions
4. Pending or future contract negotiations

WHEREAS, the Township of Ocean adopted procedures to make closed session minutes available for public inspection; and

WHEREAS, the Municipal Clerk, on a periodic basis shall review the minutes of the closed sessions of the Township of Ocean and make a recommendation to the Township Council which minutes should be made available for public inspection. The minutes which are made public shall not thereafter be treated as confidential but may be viewed by and copies issued to any person so requesting them; and

WHEREAS, the release of the below noted closed session minutes are subject to certain item(s) being redacted prior to the release due to the fact that the matter has not been concluded, and therefore, are not subject to release;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to release the following closed session minutes, subject to any appropriate redaction:

October 16, 2014

14-207 Authorize the auction of various Public Works vehicles no longer needed for public use

WHEREAS, the Township Council of the Township of Ocean is desirous of conducting an on-line municipal auction of various surplus vehicles no longer needed for public use; and

WHEREAS, said on-line auction will be held beginning at 7:00 a.m. on Saturday, December 6, 2014 and ending at 7:00 p.m. on Wednesday, December 10, 2014; and

WHEREAS, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ will conduct said auction on their website located at www.usgovbid.com for a commission rate of 5.5% of the gross selling price; and

WHEREAS, the sale will be conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of a sale of property via adoption of a Resolution; and

WHEREAS, the fair market value of the property to be sold does exceed 15% of the bid threshold; and

WHEREAS, the attached list of vehicles will be published in the Asbury Park Press no earlier than 14 days not later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Township be and is hereby authorized to dispose of the following vehicles through the process of an online auction to be held beginning at 7:00 a.m. on Saturday, December 6, 2014 and ending at 7:00 p.m. on Wednesday, December 10, 2014 on the website located at www.usgovbid.com; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract with Auction Liquidation Services, Eatontown, NJ; and

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

1. Township Manager
2. Director of Public Works

14-208 Authorize the submission of the following Grants:

a. Monmouth County Mental Health and Addiction Services

WHEREAS, the Township of Ocean is recognized as a model of community response to the problems of mental illness and addiction; and

WHEREAS, the Township of Ocean wishes to continue to provide various mental health and/or addiction treatment services through the support of the treatment and prevention programs offered by Department of Human Services; and

WHEREAS, the County of Monmouth has announced that funds are available through its Division of Mental Health and Addiction Services to assist municipalities in providing these services on the local level including Adult Level II.1 (IOP) substance abuse services; and

WHEREAS, the Department of Human Services of the Township of Ocean wishes to apply for funding for Adult Level II.1 (IOP) substance abuse service through the Monmouth County Division of Mental Health and Addiction Services Grant, **CC-6-2015**;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that the Community Services Director is authorized to prepare and submit the 2014 application for funding to the **Monmouth County Division of Mental Health and Addiction Services Grant application, CC-6-2015** for Adult Level II.1 (IOP) substance abuse services; and

BE IT FURTHER RESOLVED that the Township Council authorize the Mayor/Township Manager or his designee to provide all necessary and pertinent information and to sign and execute all related agreements on behalf of the Council

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

1. Monmouth County Department of Human Services, Division of Mental Health and Addiction Services
2. Community Services Director

b. COPS in SHOPS College Fall Initiative 2014-2015

WHEREAS, there are funds available from the New Jersey Division of Alcoholic Beverage Control and the New Jersey Division of Highway Traffic Safety entitled **COPS IN SHOPS College Fall Initiative 2014-2015 Grant**; and

WHEREAS, funds are available to cover overtime wages for the Township of Ocean Police Officers to enforce underage drinking laws; and

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

WHEREAS, it is in the best interest of the Township of Ocean to apply for said grant;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, in the County of Monmouth, 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 State of New Jersey, Division of Alcoholic Beverage Control, for the ***COPS IN SHOPS College Fall Initiative 2014-2015 Grant***; and

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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

INDIVIDUAL ACTION:

VOUCHERS: \$ 9,748,382.86

RESOLUTIONS:

14-209 Authorize the submission and acceptance of the following Grants:

**a. Drive Sober or Get Pulled Over Year-End Holiday Grant
RESOLUTION**

WHEREAS, the Township of Ocean Police Department, County of Monmouth, has received a grant for ***Drive Sober or Get Pulled Over Year End Holiday Crackdown*** from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State of New Jersey has provided \$7,500.00 for the enforcement of impaired driving statutes for the Township of Ocean, County of Monmouth, and

WHEREAS, the Grant will pay for police officers to work overtime for enforcement of impaired driving from December 5, 2014 through January 2, 2015; and

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given to make application to the State of New Jersey for the ***Drive Sober or Get Pulled Over Year End Holiday Crackdown Grant*** and to authorize the Township Mayor, Traffic Safety Officers, and the Director of Finance to accept said Grant; and

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

1. New Jersey Division of Highway Traffic Safety, P.O. Box 048, Trenton, N.J. 08625-0048.
2. Chief of Police
3. Director of Finance
4. 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					

14-210 Authorize the extension of the snow removal contract with Berardesco General Contracting for the period January 1 through December 31, 2015

WHEREAS, the Township Council of the Township of Ocean awarded a contract for snow removal services for the year 2014 to Berardesco General Contracting, Brick, NJ on November 14, 2013; and

WHEREAS, Berardesco General Contracting, Brick, NJ has agreed to maintain their current pricing for the year of 2015; and

WHEREAS, the Township Manager and the Public Works Director have recommended that the contract awarded to Berardesco General Contracting, Brick, NJ be extended for the period January 1 through December 31, 2015 at the following prices:

Four Wheel Drive Pickup (minimum of 4)	\$175.00 per hour
Supervisor with Four Wheel Drive, Plow and Radio (one)	\$175.00 per hour

WHEREAS, funds for said contract have been certified by the Director of Finance and will be made available by the Governing Body in the Public Works 2015 Temporary and Final Budget, account #5-01-26-765-247;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize an extension of the contract for the snow removal services to Berardesco General Contracting, Brick, NJ for the one-year period from January 1 through December 31, 2015 as per their proposals submitted;

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

1. Director of Finance
2. Public Works Department
3. Berardesco General Contracting

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					

14-211 Approve Change Order No. 3 for the 2012 Roadway Improvement Program decreasing the total contract amount by \$27,533.70

WHEREAS, on September 20, 2012, the Township Council of the Township of Ocean awarded a contract to Meco, Inc. for the 2012 Roadway Improvement Program; and

WHEREAS, subsequent to that award, various revisions to said as-built quantities were identified resulting in a \$27,533.70 decrease in the total contract amount from \$1,236,122.93 to \$1,208,589.23; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby approve Change Order No. 3 decreasing the overall contract amount by \$27,533.70, from \$1,236,122.93 to \$1,208,589.23 for the 2012 Roadway Improvement Program that was awarded to Meco, Inc. and

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

1. Director of Finance
2. Township Engineer
3. Director of Public Works
4. Meco, Inc.

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					

14-212 Authorize the Transfer of Funds in accordance with N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a.

WHEREAS, there exists insufficient balances in certain line item appropriations of the 2014 budget, and

WHEREAS, under the provisions of N.J.S.A. 40A:5-58 and N.J.S.A. 40A4-45.4a it is legal to transfer to certain appropriations which are expected to be insufficient between November 1 and December 31,

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, (not less than 2/3 of all member of the Governing Body concurring) that the Township Manager is hereby authorized to make the following transfers:

APPROPRIATIONS WITHIN "CAPS":	TO:	FROM:
Assessment of Taxes - Other Expenses	10,000.00	
Planning Administration - Salary & Wages	16,000.00	
Data Processing - Other Expenses (Credit Card Svcs)	7,000.00	
Police Dispatch - Salary & Wages	65,000.00	
Municipal Prosecutor - Other Expenses	500.00	
Director of Public Works - Salary & Wages	35,000.00	
Maintenance of Equipment - Other Expenses	50,000.00	
Sanitation - Salaries & Wages	20,000.00	
Health & Code Enforcement - Salary & Wages	5,000.00	
Colonial Terrace Golf Course - Other Expenses	15,000.00	
Heating Oil - Other Expenses	5,000.00	
Sewer - Other Expenses	2,000.00	
Social Security System	10,000.00	
Capital Improvement Fund	5,000.00	
Engineering Services & Costs		(6,500.00)
Construction Code - Salary & Wages		(10,000.00)
Police Department - Salary & Wages		(65,000.00)
Building & Grounds - Salary & Wages		(35,000.00)
Building & Grounds - Other Expenses		(6,500.00)
Municipal Services Reimbursement to Apts & Condos		(25,000.00)
Community Services Act - Other Expenses		(10,000.00)
Project Extend - Salary & Wages		(25,000.00)
Electricity - Other Expenses		(30,000.00)
Natural Gas - Other Expenses		(9,500.00)
Fuel (Gasoline) - Other Expenses		(23,000.00)
TOTAL OF ALL TRANSFERS	245,500.00	(245,500.00)

BE IT FURTHER RESOLVED that one copy go to the following:

1. Director of Finance
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/Recues					
Absent/Excused					

14-213 Authorize the Tax Collector to issue refunds/credits to those taxpayers that have received favorable State Tax Appeal judgments.

AUTHORIZING THE CANCELATION OF YEARS 2010 THROUGH 2014 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 2010 through 2014 and,

WHEREAS, proper procedures require that the tax assessments for the years 2010 through 2014 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 2010 through 2014 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4th quarter taxes for those years’ taxes on the attached listing

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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

ORDINANCES:

Introduction(s):

Ordinance #2234 – (P.H. 12/4 Coaster)

An ordinance amending and supplementing Ch. 21 – Land Development Ordinance of the Township of Ocean

ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 -- THE COMPREHENSIVE LAND
DEVELOPMENT ORDINANCE OF THE
TOWNSHIP OF OCEAN

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. Chapter 21, The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:
2. **Article IV Subsection 21-18 Official Zoning Map** shall be amended to read in its entirety:

The aforesaid zones are hereby established by the designations, locations and boundaries thereof set forth and indicated on the official zoning map to be located in the office of the municipal clerk. A general map prepared by Robert E. Rosa Associates/James W. Higgins Associates dated Feb. 3, 1992, as amended, indicating such designations, locations and boundaries, shall be attached to all copies of the Zoning Ordinance.

The Official Zoning Map is hereby amended to create:

“Planned Adult Community Development Option 2” in the R-1 Zone on the following lots:

Block 35 Lots 5, 6, 7, 8, 9,10, 11, 12, 13, 14, 46.

3. **Article IV Subsection 21-22 R-1 Low Density Single-Family Residential Zone.** shall be amended to add:

21-22.5 Planned Adult Community Development Option 2 (PAC-2 Overlay Option)

The PAC-2 Overlay Option shall be applied only to those areas of the R-1 Zone that are specified in the Official Zoning Map of the Township of Ocean. The purpose of the PAC-2 Overlay Option is to provide a Planned Adult Community on an environmentally encumbered parcel of land in order to give recognition to the unique features of the overlay zone and to accommodate the provision of affordable housing off tract through a payment in lieu of constructing affordable units on-site.

- a. A Planned Adult Community Development Option 2 Development shall only be permitted if:
1. Adequate public sewers are available, or are to be made available by the developer, to serve the proposed development; and,
 2. There shall be no more than one access drive to Green Grove Rd., and only 1 emergency access to West Park Ave.
- b. In the event that the applicant elects to develop the property as a PAC-2 Overlay Option, the following shall apply:
1. Minimum area of the Planned Adult Community shall be 60 acres. The residential density shall not exceed 1 dwelling unit per gross acre, but in no case shall the total number of units in the PAC-2 Overlay Option exceed 75 units.
 2. Any parcels within the PAC-2 Overlay Option zone that are not included as a part of a Planned Adult Community development shall be subject to the use and bulk requirements of the underlying R-1 Zone.
 3. A minimum of 50% of the total tract area shall remain as undeveloped open space. Required buffer areas shall be considered developed area, and shall not be considered as undeveloped open space.
 4. A minimum buffer, 50' wide, shall be provided along all perimeter property lines. The buffer shall include a berm varying in height from 2' to 5', a solid screen of evergreen trees and shrubs, and a mixture of deciduous trees and shrubs. Where undisturbed natural vegetation exists, the Planning Board may waive the requirement for the berm in order to preserve the natural vegetation, but may still require supplementary vegetation to provide adequate screening. The applicant may also construct fencing in a buffer where deemed appropriate by the Planning Board, and the Planning Board reserves the right to require fencing in those locations where it deems such fencing to be necessary to provide adequate screening for adjacent residential properties.
 5. A Homeowner's Association shall be required to be established by a Master Deed. Said deed shall require that the Homeowner's Association operate and maintain recreation facilities and maintain all commonly owned or commonly utilized properties and/or improvements including, but not limited to, streets and circulation drives, curbs, walkways, parking areas, site lighting, storm drain collection and utility service systems, buffers, open spaces and storm water management facilities. Recreational facilities shall be provided and shall be available only to members of the Homeowner's Association and their guests, and shall not be available for use to the general public. No more than 25% of the units in a development shall be occupied prior to these facilities being fully constructed and operational. Such facilities shall include:
 - (a) A community clubhouse. Facilities within the clubhouse shall include an all purpose room, a commercial style kitchen, restrooms and other such accommodations proposed by the applicant and deemed appropriate by the Planning Board. The

minimum area of such facilities, as measured from the inside of the building walls, shall be 3,000 sq. ft.

- (b) A swimming pool, not less than 1,300 sq. ft. in area.
 - (c) A minimum of 1 tennis court or other outdoor adult recreational facility.
 - (d) Parking for the above facilities in the amount of 1 parking space for each 200 sq. ft. of building area.
 - (e) The Master Deed shall require that the owner of each individual unit be a member of the Homeowners Association.
 - (f) The Homeowner's Association Master Deed shall prohibit the conversion of any interior space, which is not designated as a bedroom on the original approved building permit, to a bedroom, or the conversion of any garage, patio or deck to indoor living space of any kind.
 - (g) Parking of recreational vehicles or boats shall be prohibited anywhere within a Planned Adult Community. Recreational vehicles, for the purpose of this requirement, shall mean any: truck or van which has an overall length, bumper to bumper, of more than 20'; any motor home; vehicle or structure designed and constructed in such manner as will permit occupancy thereof as sleeping quarters for one or more persons; or trailer or camping "pop-up" trailer.
6. Principal Buildings shall be limited to detached single family residences, and shall be subject to the following standards.
- | | |
|--|------------------------------|
| (a) Minimum tract area | 60 acres |
| (b) Minimum setback from all public roads | 75 feet |
| (c) Minimum Lot Area | 6,600 sq. ft. |
| (d) Minimum Lot Width | 55 feet |
| (e) Minimum Lot Depth | 120 feet |
| (f) Minimum front yard setback (measured from the homeward edge of the sidewalk) | 22 feet |
| (g) Minimum side yard setback | 7.5 feet |
| (h) Minimum rear yard setback | 20 feet |
| (i) Minimum setback from perimeter property lines for entire community | 75 feet |
| (j) Minimum width of perimeter buffer area | 50 feet |
| (k) Maximum impervious lot coverage | 67 percent of total lot area |
| (l) Maximum building coverage | 40 percent of total lot area |
| (m) Maximum building height | 30 feet |
| (n) Maximum number of stories | 2 |

- (o) No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.
- (p) Architectural plans shall be submitted for all buildings or building types at the time of preliminary and final subdivision/site plan application. The purpose of requiring such plans is to insure the provision of a desirable visual environment as provided in the Municipal Land Use Law, and to provide an accurate accounting of the total number of bedrooms provided on the site. Architectural plans shall include floor plans and elevations indicating the number of bedrooms, styles, materials and colors of all proposed buildings. Building styles, materials and colors shall maintain a consistent theme throughout the development, but shall provide enough variety so as to avoid repetition of design on adjacent buildings. In order to achieve this goal, any 2 adjacent buildings shall have different architectural front elevations that provide enough variation to avoid obvious repetition and monotony. The Planning Board shall have the right to require the applicant to alter building styles, materials and/or colors in order to achieve the goal of a desirable visual environment.

7. Accessory buildings and structures:

- (a) Accessory structures including, but not limited to sheds, pools, play courts, basketball nets, and play equipment, are prohibited on any individual homeowner's lot. Accessory buildings and fencing on common land shall conform to the height and setback requirements of accessory buildings in the R-4 Zone.
- (b) One project identification sign, limited to a height of 5' and a sign area of 32 sq. ft., is permitted. The sign shall be located on commonly owned property a minimum of 15' from any street right-of-way or any street pavement, whichever is greater.
- (c) Fences and hedges shall be subject to the special conditions of this chapter.
 - (1) Permitted fencing is limited to fencing around the perimeter of the development on property lines of common lands under Homeowner Association ownership that are coincident with property lines of abutting residences. Such fencing shall not exceed 6' in height, except that any fencing within 30' of a street right-of-way or pavement shall not exceed 4' in height.
 - (2) Privacy screens consisting of shrubs may be installed around patios and may not exceed 4' in height.
 - (3) Privacy screens around patios and perimeter fencing shall comply with all other requirements and restrictions for fencing within Chapter 21.
- (d) One (1) patio per dwelling, not exceeding 350 sq. ft. in area shall be permitted. Patios shall be at grade and shall meet the required minimum front yard setback for a principal structure. Covered porches and decks shall be permitted provided they meet the front, side and rear yard setback requirements of the principal dwelling.

Minimum Patio Side and Rear Yard Setback - 10'
- (e) Sidewalks shall be required on both sides of the internal streets as well as along the site frontage on Green Grove Rd. and West Park Ave. Where sidewalks are located upon individual lots or common lands owned by the Homeowner's Association, appropriate easements shall be provided as required at 8(e)viii, herein, or as otherwise required pursuant to Site Plan review by the Planning Board.

8. Additional Requirements:

- (a) There shall be within each dwelling unit, adequate area for the temporary storage of recyclable materials, as required in this Chapter.

- (b) Common areas of any tract utilized for a PAC, which are not accepted by the Township, shall be deeded to the above required homeowners association for use, control, management and maintenance.
- (c) Every dwelling unit shall have a minimum 2 car garage, with a minimum 380 sq. ft. of area. Such garage shall not be permitted to be converted to living space. All other off-street parking is required subject to the regulations of this chapter.
- (d) All internal and external improvements found necessary in the public interest including, but not limited to, streets and circulation drives, parking areas, sidewalks, curbs, gutters, lighting, shade trees, systems and appurtenant improvements for water distribution, sewage collection and/or disposal, drainage collection and stormwater management and distribution of utility services and other similar systems and/or improvements shall be designed and installed in accordance with Municipal standards for, or applicable to, major subdivisions of land as set forth within the Revised General Ordinances of the Township and/or its Comprehensive Land Development Ordinance.
- (e) The design and dimensioning of all roadways and primary circulation drives within the development shall be in accordance with the following:
 - i. No residential lot line shall be closer than fourteen feet (14') to the geometric centerline of a roadway or primary circulation drive within the development.
 - ii. Paved cartway widths shall be a minimum of thirty feet (30') in dimension.
 - iii. Edges of paved cartways shall be bordered and protected by mountable granite block curbs with monolithic, four-inch (4") wide concrete gutters.
 - iv. Parking shall be provided/permitted at appropriate locations along both sides of all roadways and primary circulation drives within the development.
 - v. Concrete sidewalks having minimum widths of four feet (4') shall be provided along both sides of all roadways and primary circulation drives within the development. Sidewalks shall be separated from curbs by grassed planting strips having minimum widths of eighteen inches (18") except as necessary to provide barrier-free pedestrian access to cartway crossings.
 - vi. The minimum setback distance between any residential dwelling unit and the pavement edge of any roadway or primary circulation drive within the development shall be thirty feet (30').
 - vii. The minimum setback distance between any residential dwelling unit and the house-side edge of any sidewalk within the development shall be twenty-two feet (22').
 - viii. A ten foot (10') wide access and maintenance easement shall be provided adjacent to every residential lot line which borders a roadway or primary circulation drive. Primary rights and responsibilities of the easement shall be assigned to the Homeowners' Association of the development. The Township shall be assigned such rights as are necessary to monitor and ensure continuous and satisfactory assumption of easement responsibilities. Every easement agreement shall be in a form acceptable to, and approved by, the Township Attorney.
 - ix. Subdivision monumentation for roadways and circulation drives, provided pursuant to requirements of the New Jersey Map Filing Law, shall be set along access and maintenance easement lines described above thereby providing simultaneous delineations of easement limits and street lines via a constant offset of ten feet (10') throughout the development.

9. Landscaping Requirements:

- (a) All lawn areas on individual lots shall consist of sod. All lawn areas on common properties may be seeded. All lawn areas and planting beds, both private and common, shall be sprinklered. In order to insure the consistent and continued operation of sprinkler systems, the maintenance and cost of operation (including water) of sprinkler systems shall be born by the Homeowners Association.

(b) All other landscaping requirements shall be subject to the regulations of this chapter.

10. Maintenance Requirements:

(a) All lands and structures not deeded to and accepted by the municipality shall be serviced and maintained by the Homeowners Association including but not limited to the maintenance of building exteriors and grounds, street maintenance, snow plowing and similar services.

(b) The above maintenance, including the maintenance of any property owned in fee simple by a homeowner, shall be subject to the provisions of 21-31.2.b.8(o)(17) paragraphs (b) thru (h). Any notices served in regard to failure to maintain property shall be served upon the Homeowners Association, and it shall be the responsibility of the Homeowners Association to cure said deficiencies or lack of maintenance.

(c) Common Ownership Areas. All areas put into common ownership for common use by all residents of the development shall be owned by a nonprofit homeowners association in accordance with the provisions of Subsection 21-31.3 (Common Ownership provisions for the R-3/PRD Zone)

c. Affordable Housing: Developments in the Planned Adult Community Development Option 2 (PAC-2 Overlay Option) Zone shall address the need to provide affordable housing as hereinafter set forth.

1. Manner of providing affordable housing: Affordable housing shall be provided off tract through a payment in lieu of constructing affordable units on-site. The amount of an in lieu payment shall be subject to a developer's agreement executed with the Township providing for the payment of the sum of \$1,800,000 based on the approval of 75 market rate units to be constructed on-tract ($\$24,000 \times 75$ approved market rate units = $\$1,800,000$). The final payment shall be $\$24,000$ times the number of approved market rate units
2. Scope of construction or in lieu payment: Any development shall provide an in lieu payment of $\$1,800,000$ ($\$24,000 \times 75$ approved market rate units), which payment shall be deposited in the municipal Affordable Housing Trust Fund to be used for the provision of off-site affordable housing in accordance with the Township's adopted Housing Element and Fair Share Plan, as may be amended.
3. Timing of in lieu payments: The in lieu affordable housing payment shall be delivered as follows:

No in lieu affordable housing payments are due prior to the issuance of the building permit for the first six market rate units. A payment of $\$24,000$ shall be provided prior to the issuance of any Certificate of Occupancy for each of those first 6 units. Subsequent to the issuance of building permits for the first 6 units, a payment of $\$24,000$ per unit shall be made prior to the issuance of a building permit for the balance of market rate units approved.

3. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.
4. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

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					

Ordinance #2235 – (P.H. 12/4 Coaster)

A bond ordinance providing for the acquisition of real property and appropriating \$120,000 therefor and authorizing the issuance of \$114,000 bonds or notes to furnish a portion of the costs thereof

**TOWNSHIP OF OCEAN
COUNTY OF MONMOUTH**

Bond Ordinance No. 2235

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF REAL PROPERTY AND APPROPRIATING \$120,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$114,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the MUNICIPAL COUNCIL OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$120,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$6,000 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$114,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the acquisition of real property consisting of a portion of Block 25 Lot 1 adjacent to the Township Offices, together with all items necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$114,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$120,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$120,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$6,000 down payment for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$114,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$10,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of

Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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					

Ordinance #2236 – (P.H. 12/4 Coaster)

An ordinance amending and supplementing Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Traffic

AN ORDINANCE TO AMEND CHAPTER XII OF AN ORDINANCE ENTITLED “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” PROHIBITING PARKING ALONG PORTIONS OF CAMP AVENUE

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XII, Section 12-2.2 Schedule I of an ordinance entitled “Revised General Ordinances of the Township of Ocean, 1965”, be and the same is hereby amended and supplemented in the following manner:

Section I

Section 12-2.2, Schedule I is hereby amended and supplemented by adding the following:

NAME OF STREET	SIDE	LOCATION
Camp Avenue	West	Beginning from the northern most portion of the driveway to Block 120, Lot 10, running thence in a northwesterly direction for a distance of 100 feet.

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:

Councilmember Garofalo congratulated Deputy Municipal Clerk Jessie Joseph who completed the New York City Marathon on November 2, 2014 and, in the process, raised \$13,330.00 for liver cancer.

Councilmember Schepiga reminded everyone that the Annual Tree lighting will be held on December 7, 2014 at 7:00 p.m.

Councilmember Evans attended the Friends and Family event at Cedar Village and commended all involved in putting together the great event.

Deputy Mayor Siciliano announced that the winter recreation program registrations are ongoing and he urged everyone to sign up.

The following offered no Report:

Martin Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager

PUBLIC COMMENTS:

Brian Lefferson said he spoke to the owner of Mickey Benoit, Inc. and was surprised that Mr. Benoit was not awarded the contract for Class B Recycling.

Andrew Brannen, Township Manager, explained that the submissions made by Mr. Benoit had been rejected three previous times due to omissions and excessive prices. As provided by Local Public Contracts Law, the Township was then able to negotiate a price with a vendor to provide services without going out to bid again.

Mr. Lefferson inquired if the Township had paved any roads in 2014 and asked for a list of those roads.

Mr. Brannen will provide the requested information to Mr. Lefferson.

Don Geiger inquired about the following:

- How is the Townships salt supply?

Mr. Brannen said that it was at 75% of capacity.

- The status of the 2015 Municipal Budget?

Mr. Brannen said that meetings are ongoing with the Department Heads and a preliminary budget will be presented to the Governing Body by January 15, 2015.

- Curbing along Ring Road is crumbling. Who is responsible to repair?

Mr. Brannen will look in to this matter.

- Some roads are in bad shape, especially Sunset/Fairmount Avenues and Logan Road
- When will the bridge going into Asbury be repaired.

Deputy Mayor Siciliano said that the repairs should be done in 2015.

- How did Colonial Terrace Golf Course do this year?

Mr. Brannen said that the course just closed so it is too early to tell.

- The parking at the Post Office is still a nightmare. Has the Township met with the Postmaster?

Mr. Brannen met with the Postmaster to discuss the situation but will reach out again.

- Cars are still making a left hand turn out of the new CVS at the intersection of Sunset Avenue and Route 35 and he is concerned there is going to be a bad accident at the intersection.

Mr. Brannen will ask the Police to increase patrol in that area.

Merwin Meller inquired about what the Township does concerning the large number of signs people put on telephone poles?

Mr. Brannen said that the Townships Zoning Officer removes the signs.

Mr. Meller spoke about certain police activity with regard to individuals with warrants from surrounding municipalities.

F.K. Hudson inquired as follows:

1. Permanent Financing Update – what rate was received?

Mr. Brannen said that rates were between 2.6 and 2.79 percent.

2. Update on the COAH litigation.

Mr. Arbus reported that no decision has been made by Judge Kapalko on the Roosevelt Properties litigation.

Seeing that there were no other comments from the public, Mayor Larkin announced that he was retiring from his position on the Governing Body effective January 1, 2015.

Mayor Larkin went on to say how much he has truly enjoyed serving the residents of the Township of Ocean and thanked all six Councils he has served on. Mayor Larkin went further to thank all those members whom he had the privilege to serve with.

Mayor Larkin said how refreshing it was that all members who he had the privilege of serving with had only one thing in mind and that was to do what was always best for the Township.

Councilmember Garofalo commended Mayor Larkin and said that the legacy he is leaving will be hard-pressed to duplicate.

Councilmember Schepiga commented that Mayor Larkin has always been a mentor to her and she will miss him a great deal.

Deputy Mayor Siciliano noted that Mayor Larkin was the one person who reached out to him and convinced him to get involved. Once he did, the Mayor showed him the ropes on how a public servant is supposed to represent the interest of the people.

Councilmember Evans thanked Mayor Larkin for imparting his wisdom and knowledge on the “new” kid and said he will be greatly missed.

Andrew Brannen mentioned that Mayor Larkin was the first official he met when he interviewed for this job and the Mayor passionately explained that the Township was a great place to live and raise a family. Mr. Brannen thanked Mayor Larkin for giving him this opportunity and wished him well in retirement.

Martin Arbus, Esq. stated that he believed that there could have been no better mayor than Mayor Larkin.

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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Municipal Clerk