

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

MARCH 4, 2015

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 Siciliano
Deputy Mayor Garofalo
Councilmember(s) Evans, Long and Schepiga

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

Statement of Compliance with the Open Public Meetings Act:

Mayor Siciliano 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, 2014 and revised on February 19, 2015.

NOTICE:

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

COUNCIL COMMENTS:

Deputy Mayor Garofalo discussed the favorable bid received by the New Jersey Sustainable Energy Joint Meeting for natural gas. Deputy Mayor Garofalo elaborated on the partnership between the Township and the NJSEM by where the Township has saved approximately 20% of their energy costs since partnering with over 200 municipalities from the State. Deputy Mayor Garofalo noted that in the four years since the NJSEM was formed, they have saved New Jersey municipalities over \$20 million dollars.

Deputy Mayor Garofalo also commented on the proposed budget that will be introduced at this meeting. He discussed the hard work done by the Township Manager, Director of Finance, Department Heads and ALL the employees. Deputy Mayor Garofalo went on to say that much of the benefits that are being reaped today are due largely because of the job done by former Mayor Bill Larkin. Mayor Larkin lead through some difficult economic times, including the worst recession since the Great Depression, not to mention two horrific storms and a monumental increase in tax appeals. Through Mayor Larkin's leadership, the Township was able to weather those events and brighter days are ahead. And we are now able to stabilize tax rates and move this Township forward.

Councilmember Schepiga discussed two new contests that the Township is conducting. They are as follows:

1. Louis Bay II Future Municipal Leaders Scholarship which is open to all high school juniors and seniors planning to continue their education. Councilmember Schepiga encouraged all juniors and seniors to apply for this scholarship, whose purpose is to advance the virtues of elected and volunteer positions in municipal government while raising awareness of municipal government in general. The Township will review the applications and submit three for the State competition. The deadline for submission is March 10th.
2. Township of Ocean Logo Contest which is open to all school-aged children. The deadline for submission is April 1st. There will be a Grand Prize winner who will receive a \$100 gift card and two runners-up, each of whom will receive a \$50 gift card.

Councilmember Long said that he attended the Business Roundtable in Neptune City with Freeholder Arnone and other Monmouth County representatives to discuss the long-term plan to grow, retain and create jobs in Monmouth County.

Councilmember Long said that they also discussed the Façade Improvement Program for those businesses located in low and moderate income areas.

Councilmember Evans discussed the preparation done by the Township, through the Office of Emergency Management, with regard to the impending snow storm.

Mayor Siciliano also noted that JCP&L, through Ocean Township's Representative Jim Markey, is ready to assist should the need arise. Mayor Siciliano thanked JCP&L for their service.

Mayor Siciliano discussed the following:

1. Own Ocean Tax Refund Program – Mayor Siciliano said that Ray Catena has agreed to sponsor the printing of the cards, saving the Township significant start-up costs. The next step in the process is to notify all businesses in the Township of Ocean that this program is beginning and asking them to participate.

The following did not offer a report at this time:

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

CERTIFICATES OF ACCOMPLISHMENT:

Ocean Township High School Distributive Education Clubs of America –

Mayor Siciliano introduced Club Advisor Greg Colon who spoke about the accomplishments of the team, including 47 finalists. The team members also achieved success including First Place at DECA's International Innovations and Entrepreneurship Conference in Washington, DC. The team consisted of Randall McBride, Matt Spector, Jack Sylvia and Christian Wityk. Mr. Colon also mentioned that the Stock Market Game team, which consisted of Phil Russomanno, Jenny Chavis and Jack Sylvia came in first in the State. Mr. Colon also noted that the team is Gold Certified – one of only 4 in the State to be so designated.

Mayor Siciliano presented Certificates to the following:

Stock Market Game:	Phil Russomanno, Jenny Chavis, and Jack Sylvia
Virtual Business:	Phil Russomanno, Matt Spector, Jack Sylvia, Jack Rose and Connor Dorony
I & E Conference:	Randall McBride, Matt Spector, Jack Sylvia and Christian Wityk
School Based Enterprise:	Deam Lamberti, Matt Spector and Jack Rose
Entrepreneurship Participating Event:	Kyle Dorony

Mayor Siciliano congratulated the team on their great accomplishments.

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 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:

Don Geiger asked if the costs from towing services are recovered by the Township

Andrew Brannen, Township Manager, said that most of the costs are recovered and the charges are merely a pass through for the Township.

F.K. Hudson inquired about Item D3 (Zone Change Request) on the Workshop Agenda and did that pertain to the postal zone?

Mr. Brannen said this was a request for a zone change at Seaview Square and had nothing to do with a postal change.

Mr. Hudson also asked what the basis was for the judgment being voted on in Resolution No. 15-061 and what will be the basis for the taxes once that property is redeveloped

Mr. Brannen said that the reason for the refund is a successful State tax appeal judgment filed by the owner and is based on the current state of the property. The property will be re-assessed once it has been redeveloped to create a new assessed value.

Mr. Hudson asked why the Township was taking funds from the Sewerage Authority and has the matter been discussed with them

Mr. Brannen explained that this matter had been discussed with the Sewerage Authority for the past year. The Township has essentially taken over most, if not all, of the administrative work and this allows the Township to recoup most of the cost of said services.

CONSENT AGENDA:

MINUTES:

February 19, 2015 – Workshop, Public and Closed Meeting

15-049 Authorize a Reduction of a Performance Guarantee for the following:

a. Block 9, Lots 2.01, 4.01, 6.01 & 7.01 - Larchwood Avenue - Gizela G. Collier

WHEREAS, Gizela G. Collier received Minor Subdivision Approval by the Township of Ocean Planning Board by way of Resolution dated April 23, 2012 to subdivide an existing 14.17 acre parcel into four (4) lots. Three (3) of the lots will be single family residence lots and one (1) lot will be a farm consisting of a residence, barn, paddocks and small shelters, for property located on Block 9, Lots 2.01, 4.01, 6.01 & 7.01, Larchwood Avenue; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated January 23, 2013 with Gizela G. Collier, Eric S. and Esther Epstein and Abraham and Heather Ades for the site improvements to be installed on the property known as Block 9, Lots 2.01, 4.01, 6.01 & 7.01 located on Larchwood Avenue; and

WHEREAS, Gizela G. Collier posted performance guarantees totaling \$206,160.00 by way of Irrevocable Standby Letter of Credit #119 issued by Two River Community Bank in the total amount of \$185,544.00 together with a cash bond of \$20,616.00; and

WHEREAS, the Township Clerk is in receipt of a letter from Philip E. San Filippo, Esq., representing Gizela G. Collier dated January 9, 2015, requesting a reduction of the performance guarantee; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, P.E., dated February 5, 2015 recommending the granting of a performance guarantee reduction; and

WHEREAS, the Township Council is willing to reduce the amount of the performance bond and cash guarantee to 53% of the original performance guarantee estimate amount.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize and approve a reduction of the performance guarantee to the sum of \$109,881.60 in the form of a performance bond in the amount of \$98,893.44 and cash in the amount of \$10,988.16, pursuant to N.J.S.A. 40:55D-52.e.(1) expressly subject to the following conditions:

- (1) All required certificates of insurance be properly filed with the Office of the Township Clerk
- (2) Payment of any outstanding engineering inspection fees

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official

15-050 Authorize the Release of a Performance Guarantee for the following:

a. Block 140, Lot 108 - 735 Highway 35 - K & D Associates/Renuka Sheth

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by Developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement with K & D Associates, L.P./Renuka Sheth for Approval of Use Variance, Approval of Preliminary and Final Site Plan and Granting Bulk Variance(s) to expand a non-conforming use to repair and renovate an existing motel which suffered fire damage for property known as Block 140, Lot 108 located at 735 Highway 35 North; and

WHEREAS, K & D Associates, L.P./Renuka Sheth has heretofore deposited with the Township of Ocean performance guarantees totaling \$100,800.00 in the form of Cash to guarantee the completion of all improvements on premises known as Block 140, Lot 108, located at 735 Highway 35 North; and

WHEREAS, the Township Clerk is in receipt of a letter from Renuka Sheth, on behalf of K & D Associates, L.P., dated January 5, 2105 requesting the release of the performance guarantees; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated February 18, 2015, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$100,800.00 are hereby released, canceled and discharged subject to the following conditions first being met:

1. Receipt of a maintenance bond in the amount of \$12,600.00 said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
2. Posting of a cash bond in the amount of \$6,500.00 for sitework repairs which cannot be completed at this time due to the winter weather
3. Payment of ending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees

4. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. K & D Associates, L.P./ Renuka Sheth

15-051 Authorize the Release of Maintenance Guarantee(s) for the following:

a. Block 33.27, Lot 5 - 1803 Fanwood Street - Marla J. Jensen

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, Marla J. Jensen has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$3,312.00 for premises known as Block 33.27, Lot 5, located at 1803 Fanwood Street; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated February 9, 2015, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$3,312.00 is hereby released, canceled and discharged as per the memorandum from Gregory S. Blash, subject to the payment of any outstanding engineering and administrative fees.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Marla J. Jensen

b. Block 33.33, Lot 6 - 1806 Bellmore Street - Marcelo Gruberg

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated July 6, 2011 with Marcelo Gruberg of Site Plan and Bulk Variance Approval to construct a 1,061 square foot addition to a small office building, expand the parking lot and provide ADA access to the building for property known as Block 33.33, Lot 6 located at 1806 Bellmore Street; and

WHEREAS, Marcelo Gruberg posted performance guarantees totaling \$45,120.00 in the form of Cash to guarantee the completion of all improvements on premises known as Block 33.33, Lot 6 located at 1806 Bellmore Street; and

WHEREAS, the Township Council did authorize the release of performance guarantees on December 11, 2012; and

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, Marcelo Gruberg has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$5,640.00 for the premises known as Block 33.33, Lot 6 located at 1806 Bellmore Street; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated February 13, 2015, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the maintenance guarantee in the amount of \$5,640.00 is hereby released, canceled and discharged subject to the payment of any outstanding engineering and administrative fees.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Marcelo Gruberg

15-052 Approve the extension of time for the placement of a roll-off container for Block 16.01, Lot 3, 234 Lawrence Avenue, for a period not to extend past May 3, 2015

WHEREAS, the Chapter 5, Section 5-3 prohibits the placement of any storage container on private property for a period of more than 21 consecutive days; and

WHEREAS, Joseph Dabbah has requested approval to place a roll-off container on Block 16.01, Lot 3, 234 Lawrence Avenue, for the period ending May 3, 2015; and

WHEREAS, Joseph Dabbah wishes to utilize said container for the placement of construction debris during the construction phase of the project;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that approval is hereby granted to allow Joseph Dabbah to place one (1) roll-off container on their property located at 234 Lawrence Avenue for a period not to extend past May 3, 2015; and

BE IT FURTHER RESOLVED should said container be required longer than the above noted date, an additional approval will be required to be obtained from the Governing Body by Joseph Dabbah; and

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

1. Joseph Dabbah
2. Director of Community Development
3. Zoning Official
4. Code Enforcement Official

15-053 Approve the release of various 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:

February 19, 2015

15-054 Authorize the Township to participate in the Intra-County Mutual Aid and Assistance Program and authorize the Mayor and Manager to execute said Agreement

**AUTHORIZING THE TOWNSHIP OF OCEAN TO PARTICIPATE IN INTRA-COUNTY
MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE
COUNTY OF MONMOUTH**

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency

Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Township Council of the Township of Ocean deem it to be in the best interests of the Township of Ocean to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A: 14-26 AND 156.1 et seq. has authorized interjurisdictional mutual aid; and

WHEREAS, the Township Council of the Township of Ocean and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction.

NOW, THEREFORE, BE IT RESOLVED that the Intra-County Mutual Aid and Assistance Agreements between the Township of Ocean and Participating Units be and are hereby accepted.

BE IT FURTHER RESOLVED that the Mayor and Township Manager are authorized to execute the Intra-County Mutual Aid and Assistance Agreements once they have been authorized and executed by each Participating Unit.

BE IT FURTHER RESOLVED that the Township Clerk forward a certified true copy of this resolution to the Monmouth County Sheriff; Office of Emergency Management Coordinator; and the Township of Ocean Emergency Management Coordinator.

15-055 Adopt the Hazard Mitigation Plan

WHEREAS, the Township of Ocean, County of Monmouth, NJ, has experienced natural hazards that result in public safety hazards and damage to private and public property; and

WHEREAS, the hazard mitigation planning process set forth by the State of New Jersey and the Federal Emergency Management Agency offers the opportunity to consider natural hazards and risks, and to identify mitigation actions to reduce future risk; and

WHEREAS, the New Jersey Office of Emergency Management provided federal mitigation funds to support development of the Monmouth County Multi-jurisdictional All Natural Hazards Pre-Disaster Mitigation Plan; and

WHEREAS, this *Hazard Mitigation Plan* has been developed by the Mitigation Planning Committee; and

WHEREAS, this *Hazard Mitigation Plan* includes a prioritized list of mitigation actions including activities that, over time, will help minimize and reduce safety threats and damage to private and public property, and

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

1. The **Hazard Mitigation Plan** is hereby adopted as an official plan of the Township of Ocean; minor revisions recommended by the Federal Emergency Management Agency and/or the New Jersey Office of Emergency Management may be incorporated without further action.
2. The Municipal Office of Emergency Management and the various Municipal Departments identified in the Plan are hereby encouraged to pursue implementation of the recommended high priority activities that are applicable to their departments.
3. Any action proposed by the Plan shall be subject to and contingent upon budget approval, if required, which shall be at the discretion of the Township Council, and this resolution shall not be interpreted so as to mandate any such appropriations.
4. The Municipal Office of Emergency Management is designated to coordinate with other offices and shall periodically report on the activities, accomplishments, and progress, and shall prepare an annual progress report to be submitted to the Monmouth County Office of Emergency Management. The status reports shall be submitted by September 15th of each year.

Vote on All Consent Items:

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

INDIVIDUAL ACTION:

ORDINANCES:

Introduction(s):

Ord #2240

An ordinance to exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank

CALENDAR YEAR 2015
 ORDINANCE TO ESTABLISH A CAP BANK
 (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 1.5% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations subject to the 1.5% cap or the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Township Council of the Township of Ocean, County of Monmouth, hereby determines that this difference in the amount of \$525,565.04 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

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

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

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

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

VOUCHERS:

RESOLUTIONS:

15-056 Authorize the Consideration of Bids for the following:

a. Towing Services

WHEREAS, on January 22, 2015, the Township Council of the Township of Ocean authorized the receipt of bids for towing services for a two-year period from April 1, 2015 through March 31, 2017; and

WHEREAS, the Township Clerk did duly advertise on February 5, 2015 to receive bids for towing services (two years) for the Township of Ocean

WHEREAS, in connection therewith, bids were received and opened on February 25, 2015 and the Township received the following single bid: Central Towing and Recovery, Inc., Red Bank, NJ; and

WHEREAS, it is the recommendation of the Chief of Police and the Township Manager that a contract be awarded to Central Towing and Recovery, Inc., Red Bank, NJ for vehicle towing, storage and related services as follows:

Day Rate (7 a.m. – 7 p.m.)

- 1. All passenger vehicles, motorcycles, mopeds,
2 & 3 wheel vehicles and trucks up to 4 tons \$95.00 per unit
- 2. All vehicles over 4 tons \$0.00
- 3. Each additional mile (after initial 3 miles)
For owner directed tow \$0.00

Night, Weekend and NJ Holiday Rate (7 p.m. – 7 a.m.)

- 1. All passenger vehicles, motorcycles, mopeds,
2 & 3 wheel vehicles and trucks up to 4 tons \$125.00 per unit

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2. All vehicles over 4 tons	\$0.00
3. Each additional mile (after initial 3 miles) For owner directed tow	\$0.00
Basic fee for daily storage for all vehicles Damaged by accident or disabled (per day)	\$30.00
Vehicles impounded for police investigations	\$0.00
Township of Ocean Municipal Services for towing, Winching, flat tire change-outs from any location within Monmouth County regardless of time of day or night	
All police & municipal passenger vehicles	\$0.00
All Municipal Trucks	\$0.00
All vehicles involved in investigation by police towed to the Ocean Township Police Department	\$125.00
All police & municipal passenger vehicles (within Ocean And Middlesex Counties)	\$125.00
Special Services provided by towing agency Including:	
Cleanup/Absorbent charge	\$0.00
Winching Service,	\$55.00
Cancellation of Wrecker	\$0.00

WHEREAS, the estimated total value of this contract is \$116,150.00.00 per year for each year of this contract; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2015 Municipal Budget under the following line item appropriation: Department of Public Works – Outside Repairs/Services – account #5-01-26-767-252;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize the award of a contract for vehicle towing, storage and related services for the Township of Ocean for the two-year period from April 1, 2015 through March 31, 2017 to Central Towing and Recovery, Inc., Red Bank, NJ in accordance with the above schedule of fees; and

BE IT FURTHER RESOLVED that the award of this contract is conditioned upon the delivery and execution thereof within ten days from the date of the within resolution accompanied by such appropriate insurance certificate and performance bonds as may be required by the specifications and by law; and

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

1. Police Chief
2. Director of Finance
3. Director of Public Works
4. Central Towing and Recovery, Inc.

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

15-057 Authorize the Inter-local Services Agreement between the Township and the City of Long Branch for animal control services for 2015 at a cost not to exceed \$58,000.00

WHEREAS, N.J.S.A. 40:8A-1 authorizes a municipality to enter into a contract with another municipality for the joint provision of services; and

WHEREAS, the Township of Ocean and the City of Long Branch are desirous of entering into an agreement whereby the City of Long Branch will provide animal control services to the Township of Ocean for the period January 1 through December 31, 2015, pursuant to an Agreement being entered into by both parties; and

WHEREAS, the said Agreement provides for the aforementioned services being provided by the City of Long Branch at a cost not to exceed \$58,000.00 for said period; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the 2015 Temporary and Final Budget under Animal Control Contractual Services budget, account #5-01-27-788-247; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Mayor and Municipal Clerk are hereby authorized to execute and deliver the Inter-local Services Agreement to the City of Long Branch for the joint provision of animal control services for the period January 1 through December 31, 2015 at a cost not to exceed \$58,000.00; and

FURTHER BE IT RESOLVED that said Agreement shall be maintained in the Office of the Municipal Clerk and available for public inspection during regular business hours; and

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

1. Director of Community Development
2. Director of Finance
3. City of Long Branch

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

15-058 Authorize the transfer of available surplus revenue collected by the Sewerage Authority DIRECTING AND AUTHORIZING THE TRANSFER OF AVAILABLE SURPLUS REVENUE COLLECTED BY THE TOWNSHIP OF OCEAN SEWERAGE AUTHORITY IN AN AMOUNT NOT TO EXCEED 5% IN THE ANNUAL COSTS OF OPERATION OF THE TOWNSHIP OF OCEAN UTILITY AUTHORITY TO THE TOWNSHIP OF OCEAN TO BE INCLUDED IN THE LOCAL MUNICIPAL BUDGET PURSUANT TO N.J.S.A. 40A:4-35 AND N.J.S.A. 40A:4-35.1

WHEREAS, the Township of Ocean has established and created a utility known as the Township of Ocean Sewerage Authority;

WHEREAS, the Township of Ocean Sewerage Authority generates revenue in accordance with its operations, including available surplus revenue;

WHEREAS, pursuant to N.J.S.A. 40A:4-35 and N.J.S.A. 40A:4-35.1, the Township is authorized to direct the Township of Ocean Sewerage Authority to transfer available surplus revenue in an amount not to exceed 5% of the annual costs of the operation of the Township

of Ocean Sewerage Authority from the accounts of the Authority to be included in the municipal budget;

WHEREAS, there exists Appropriations of \$278,637.00 being held by Township of Ocean Township Sewerage Authority;

WHEREAS, the Township Council is desirous of directing and authorizing this transfer in order to provide additional revenue through the Township of Ocean municipal budget and to ease the burden on the Township’s taxpayers.

NOW, THEREFORE BE IT RESOLVED by the governing body of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. The Township of Ocean Sewerage Authority be and hereby is authorized and directed to transfer available surplus revenue collected by the Township of Ocean Sewerage Authority in an amount of \$278,637.00 from the accounts of the Authority to the Township to be included in the local budget pursuant to N.J.S.A. 40A:4-35 and N.J.S.A. 40A:4-35.1;
2. That certified copies of this resolution will be filed with:
 - a. Township of Ocean Sewerage Authority
 - b. Township CFO

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

15-059 Authorize the execution of an Escrow Agreement with Investors Bank

WHEREAS, on December 12, 2011, the New Jersey Superior Court approved the Township of Ocean Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH’s rules and P.L.2008, c.46 (C. 52:27D-329.1 et al.); and

WHEREAS, said funds collected shall only be applied directly to the implementation of Ocean Township’s adopted Housing Element and Fair Share Plan submitted to the New Jersey Superior Court in 2011 for a Court Judgment of Compliance; and

WHEREAS, on May 16, 2011, the Governing Body adopted Ordinance No. 2167 entitled the Affordable Housing Development Fee Ordinance of the Township of Ocean; and

WHEREAS, COAH has not yet approved a spending plan for the Township and therefore, the Township is prohibited from spending any funds collected in accordance with the Township of Ocean affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al.) and the regulation of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH’s approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund be established; and

WHEREAS, the Township of Ocean wishes to establish said housing trust fund account with Investors Bank, Short Hills, NJ;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given for the Mayor and/or Township Manager to execute the Escrow Agreement for the Affordable Housing Trust Fund with Investors Bank, Short Hills, NJ; and

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

1. Director of Finance
2. Investors Bank
3. Director of Community Development

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

15-060 Approve the Introduction of the 2015 Municipal Budget

MUNICIPAL BUDGET NOTICE

SECTION 1.

Municipal Budget for the TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH for the Fiscal Year 2015

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2015

Be it Further Resolved, that said Budget be published in the COASTER in the issue of MARCH 12, 2015. The Governing Body of the TOWNSHIP OF OCEAN does hereby approve the following Budget for the year 2015:

RECORDED VOTE

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

Notice is hereby given that the Budget and Tax resolution was approved by the Township Council of the Township of Ocean, County of Monmouth on March 4, 2015.

A Hearing on the Budget and Tax resolution will be held at the MUNICIPAL BUILDING on April 2, 2015 at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2015 may be presented by taxpayers and other interested persons.

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			

15-061 Authorize the Tax Collector to issue a refund/credit to those taxpayers that have received a favorable State Tax Appeal judgment.

AUTHORIZING THE CANCELATION OF YEARS 2009 THROUGH 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 taxpayer 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 2009 through 2013 and,

WHEREAS, proper procedures require that the tax assessments for the years 2009 through 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 2009 through 2013 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 Garofalo	Councilman Evans	Councilwoman Long	Councilman Schepiga	Mayor Siciliano
Motion To Approve	X				
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recues					
Absent/Excused					

Block/Lot	Property Owner/Address	2009	2010	2011	2012	2013	Total Refund
25.15 37	OAKHURST COUNTRY DAY ESTATES, LLC MONMOUTH RD	2,834.80	-	3,239.12	3,289.28	3,357.68	12,720.88
25.15 38	OAKHURST COUNTRY DAY ESTATES, LLC MONMOUTH RD	10,744.27	14,785.13	12,276.69	10,523.53	10,742.37	59,071.99
25.15 44	OAKHURST COUNTRY DAY ESTATES, LLC MONMOUTH RD	7,627.85	-	7,729.14	5,124.35	742.22	21,223.56
40 8	OAKHURST COMM. DEVEL. ASSOC. LLC 401 MONMOUTH RD	3,771.90	3,943.73	10,761.30	10,378.28	-	28,855.21
99 4	RICCIARDI FAMILY LLC 2201 SUNSET AVE	-	-	-	2,996.40	813.78	3,810.18
Totals		24,978.82	18,728.86	34,006.25	32,311.84	15,656.05	125,681.82

ORDINANCES:

Adoption(s):

Ord #2239 – (Coaster)

An ordinance amending and supplementing Chapter 21 of the Revised Comprehensive Land Development Ordinance of the Township of Ocean

Mayor Siciliano asked for a motion to open the Public Hearing on Ordinance #2239

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

Seeing no comments, Mayor Siciliano asked for a motion to close the Public Hearing on Ordinance #2239:

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

The following vote was taken to adopt Ordinance #2239 and advertise according to 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					

PUBLIC COMMENTS:

Don Geiger asked if the Township could get animal control services any cheaper than through the City of Long Branch

Mr. Brannen said that Long Branch is the only entity willing to provide said services.

Mr. Geiger mentioned that there are potholes in the Seaview Square parking lot that need to be filled.

Mayor Siciliano said that he has already brought this matter to their attention.

With regard to the Wegmans parking lot, Mr. Geiger suggested that the Township place a Class II officer at that location to assist with traffic control.

Mr. Brannen said that the Township will be doing road improvements on Sunset Avenue, west of Route 35 and at that time, the traffic issue can be looked in at.

Mr. Geiger asked Mayor Siciliano if he could explain some of the changes he has implemented since taking over for Mayor Larkin.

Mayor Siciliano spoke about the following changes that have been implemented or are in the process of being implemented:

1. Video taping of Council meetings
2. Property Tax Rebate Program
3. Agenda with Ordinances and Resolutions now on the website prior to the meeting
4. Coffee with the Mayor every Monday and Friday from 1pm-4pm
5. Introducing the 2015 Budget with a decrease in the tax levy

Mr. Geiger thanked the Department of Public Works for the great job they have done this winter.

Marwin Meller inquired if the CERT members are being asked to help out in a snow emergency, such as the one predicted for this Thursday

Councilmember Evans said the Township has not asked them to help as of now, but it will utilize all available resources should this storm materialize.

F.K. Hudson mentioned that he had received notification that the Public Works Department has rescheduled garbage pickup due to the possibility of the snow storm, but thinks the notification should go out earlier in the day.

Sid Woolley asked about the following:

1. Thought that residents were going to be able to bring their overflow household trash to the Recycling Center

Mr. Brannen said that our permit will not allow collection of household trash.

2. The safety fence around Camp Oakhurst is falling down. Can someone secure the area?

Mr. Brannen will contact the property owner to correct the issue.

3. Do the repair signs along Monmouth Road pertain to the construction that was previously started or is there a new project in the works?

Mayor Siciliano said that they pertain to the bridge work being done over Poplar Brook.

4. How can he get the speed reduced along West Lincoln Avenue?

Mayor Siciliano suggested he submit a request to the Traffic Safety Division of the Police Department so that they can take a look at it.

Mr. Woolley also discussed the issue of his damaged retaining wall and sidewalk.

Mr. Brannen said that the contractor would certainly take a look at that once work resumes.

Mayor Siciliano reminded everyone that the Council Meetings are televised on Ocean 77 and FIOS Channel 22 at both 10:00 a.m. and 7:00 p.m.

Mayor Siciliano also announced that Posillippos Restaurant has finally received the permit from the State and demolition should commence quickly.

Mayor Siciliano also said that discussions have commenced with Monmouth County about opening up a left turn on Route 35 North for the residents of Twin Brook Apartments.

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

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

Respectfully submitted,

Christopher P. Siciliano
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Municipal Clerk