

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

MAY 21, 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) Long and Schepiga

Absent: Councilmember Evans

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.

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 thanked the residents of the Township for supporting him and the rest of the team on election day, especially those volunteers who worked on their behalf. He looks forward to continuing to move the Township forward in a positive direction.

Councilmember Schepiga reminded everyone that Memorial Day Services will be held on May 25, 2015 at 11:00 a.m. in front of Town Hall. All are invited to attend.

Councilmember Long said how much he appreciated the support he received on Election Day and he was very honored to run, and now serve, with Mayor Siciliano, Deputy Mayor Garofalo, Councilmember Schepiga and Councilman-Elect Rob Acerra.

Councilmember Long reported that he attended the Rude Awakening Program on May 15, 2015 and found it very enlightening.

Mayor Siciliano thanked everyone for their support on Election Day. It really meant a lot to be elected again.

Martin Arbus, Esq. Township Attorney, congratulated the One Ocean team on their victory on Election Day.

The following did not offer a report at this time:

Andrew Brannen, Township Manager

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:

CONSENT AGENDA:**15-101 Accepting Performance Guarantees for the following:****a. Block 215, Lots 3 and 3.01, 1021 Highway 35 North, Outfront Media**

WHEREAS, the Zoning Board of Adjustment of the Township of Ocean has granted Minor Site Plan Approval and D-3 and C Variance Approval to replace an approved monopole with a billboard containing two-sign faces with tri-vision messaging with two smaller LED internally illuminated billboards to CBS Outdoor, Inc. now known as Outfront Media on premises known as Block 215, Lots 3 and 3.01 located at 1021 Highway 35 North; and

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

WHEREAS, Outfront Media has posted cash performance guarantees totaling \$11,760.00 along with engineering inspection fees totaling \$1,290.00 and the required certificate of insurance; and

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. Outfront Media

15-102 Authorizing Developer's Agreements for the following:**a. Block 13, Lot 19, 244 Norwood Avenue, Deal Sephardic Youth Center, Inc.**

WHEREAS, the Deal Sephardic Youth Center, Inc. (hereinafter referred to as "Developer") is the applicant for certain property known as Block 13, Lot 19, as shown on the official tax map of the Township of Ocean which property is located at 244 Norwood Avenue in the C-1 (Neighborhood Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted amended Approval of Use (D-1) Variance, Preliminary and Final Site Plan Approval and Approval of Bulk Variances from the Zoning Board of Adjustment of the Township of Ocean by way of Resolutions dated May 18, 2015, to remove four (4) parking spaces and add an approximate 928 square foot fenced-in playground at the southwest corner of the site; remove approximately 1,300 square feet of landscaping in the south side of the building and construct a new sidewalk to facilitate access to the building; remove and replace existing stairs and railings on the south side of the building and install additional bicycle racks at the southeast corner of the building; and

WHEREAS, this Agreement relates to a Site Plan Map of the property entitled Preliminary and Final Site Plan, Deal Sephardic Youth Center, 244 Norwood Avenue, Tax Block 13, Tax Lot 19, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc. consisting of three (3) sheets dated June 6, 2013 and last updated May 12, 2015; and

WHEREAS, this Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated May 12, 2015 prepared by the Township of Ocean Engineer Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Ocean and the Deal Sephardic Youth Center, Inc., subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting of Performance Guarantees in the total amount of \$35,640.00 and Inspection Fees in the amount of \$2,485.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Jennifer S. Krimko, Esq.
5. Deal Sephardic Youth Center, Inc.

b. Block 187, Lots 1 and 5, 1100-1104 Highway 35, Wegmans Food Markets, Inc.

WHEREAS, Wegmans Food Markets, Inc. (hereinafter referred to as "Developer") is the applicant and is the operator of the food and liquor store owned by Sunset Arcadia, Inc. on certain property known as Block 187, Lots 1 and 5, as shown on the official tax map of the Township of Ocean, which property is located at Route 35 Southbound, Sunset Avenue and Valley Road and the site is split zoned C-3 (General Commercial) Zone and I-1 (Light Industrial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer has received Preliminary and Final Site Plan Approval from the Township of Ocean Planning Board by way of Resolution dated February 23, 2015 to expand and existing building by constructing a 9,405 square foot, one story addition to the rear of the building. The expansion will involve the removal of 31 existing parking spaces and a redesign of the area adjacent to the southwest corner of the existing building with regard to drainage, traffic flow, loading areas and landscaping; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Wegmans Expansion, Preliminary / Final Site Plan Application, Block 187, Lots 1 & 5, Township of Ocean, Monmouth County, New Jersey by John C. Cote, P.E. of Langan Engineering & Environmental Services, consisting of nine (9) sheets dated September 29, 2014 and last updated May 1, 2015; the Architectural Plan Map entitled Wegmans, 1104 New Jersey 35, ocean Township, NJ 07712 by Gabriel J. Massa, RA, AIA, of Massa, Montalto Architects, PC, consisting of two (2) sheets dated March 16, 2015; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated May 11, 2015 prepared by the Township of Ocean Engineer Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Ocean and Wegmans Food Market, Inc, subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting Guarantees in the total amount of \$118,320.00 and Inspection Fees in the amount of \$6,430.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Jennifer S. Krimko, Esq.
5. Wegmans Food Market, Inc.

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X			

INDIVIDUAL ACTION:

VOUCHERS: 15,517,061.03

See next page for detail.

Vote on Vouchers:

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X			

RESOLUTIONS:

15-103 Authorizing Refund of Permit Fees for Block 217, Lot 4, 3327 Highway 35, Jocee Realty, LLC

WHEREAS, Jocee Realty, LLC filed an application for site plan approval with variances for two (2) freestanding signs on Block 217, Lot 4 also known as 2237 Sunset Avenue; and

WHEREAS, Jocee Realty, LLC posted a partial payment of \$510.00 for the application fees and an initial escrow account fee deposit of \$1,000.00; and

WHEREAS, on April 14, 2015 a request was made from the Attorney for Jocee Realty, LLC's to withdraw the application and requested the return of the application and escrow fees; and

WHEREAS, the initial escrow fees for \$1,000.00 were returned on April 23, 2015; and

WHEREAS, Jocee Realty, LLC is also requesting the return of the partial payment of the application fees of \$510.00.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, that the partial payment of the application fees of \$510.00 shall be refunded and returned to Jocee Realty, LLC; and

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

1. Director of Finance
2. Director of Community Development
3. Jocee Realty, LLC

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X			

15-104 Stating Compliance with Promulgation of Local Finance Board of the State of New Jersey Accepting the 2014 Annual Audit for the Township of Ocean

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2014 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Township of Ocean pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have

reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more that one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE, BE IT RESOLVED, that the Township Council of the Township of Ocean in the County of Monmouth, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X			

15-105 Authorizing the Purchase of Real Property known as Block 25, Lot 1, Monmouth Road from Congregation Torat El to the Township of Ocean

WHEREAS, N.J.S.A. 40A:12-1 et. seq. authorizes a municipality to acquire any real property; and

WHEREAS, the Township Council has found and determined that it is in the public interest that Township acquire premises designated as Block 25, Lot 1 on the Tax Map of the Township of Ocean; and

WHEREAS, on such basis, the Township Council is desirous of authorizing the acquisition of the real property aforesaid by and on behalf of the Township of Ocean.

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

1. That the acquisition of real property designated as Block 25, Lot1 by and on behalf of the Township of Ocean is hereby authorized.
2. That the amount of consideration paid by the Township for the acquisition of the real property aforesaid shall not exceed \$110,000.00 and is the amount provided for by separate appropriation by the Township Council.
3. That the Mayor is authorized to execute and the Clerk to attest to a purchase contract and/or such other documentation as may be necessary to acquire the real property aforesaid on behalf of the Township.

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

1. Township Engineer
2. Director of Finance
3. Township Attorney
4. Congregation Torat El

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X			

PUBLIC COMMENTS:

Marwin Meller congratulated all sitting and newly-elected councilmembers on the election results.

Mr. Meller announced that Cedar Village held another Food drive and, in addition to the food collected, they also collected \$1,000.00 to donate.

Susan Borea congratulated all the victors of the election and looks forward to the next four years.

Ms. Borea asked who services the fire hydrants around the Township.

Mr. Brannen said that New Jersey American Water services all fire hydrants.

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
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

Christopher P. Siciliano
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk