

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

SEPTEMBER 3, 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) Acerra, 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.

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 reported about a few burglaries that have occurred recently in the Wayside and Wanamassa sections of the Township and he urged anyone who sees something suspicious to report it to the Police.

Councilmember Schepiga announced that a fundraiser will be held on September 13, 2015 in honor of recently deceased Police Officer Sergeant John Green at Wanamassa Fireman's Field. The cost is \$25.00 per person. Sergeant Green was a 17 year veteran of the Police Department as well as a volunteer fireman. Sergeant Green left behind a wife and 2 daughters.

Councilmember Long commended the residents and businesses of Ocean Township for their generosity in the wake of the fire at Twin Brook apartment complex. Community Hope Fund, which Councilmember sits on, received over \$7,000.00 and over \$4,000.00 in gift cards.

Councilmember Long also thanked Charles Meesley from Fluff and Fold Laundry who collected an enormous amount of clothing.

Councilmember Acerra reminded everyone to drive cautiously as Ocean Township students went back to school on September 2, 2015.

Andrew Brannen, Township Manager, reported that the contractor is finishing the concrete work on Allaire Avenue. They will then move on to Corlies Avenue to install the new curbs and sidewalks. Once completed, the contractor will then pave both.

Martin J. Arbus, Esq., Township Attorney, announced the birth of his first grandchild, a girl.

Mayor Siciliano said that the One Ocean Tax Rebate Program continues to grow with new participants joining every day, including Takara and Nino's Coal Fired Pizza.

PRESENTATIONS:

Childhood Cancer Awareness Month – September 2015

Mayor Siciliano invited Kelly Terry, mother of Mya Terry and head of the Mya Lin Terry Foundation, to accept the following Proclamation:

PROCLAMATION

WHEREAS, 36 children in the United States will be diagnosed with cancer each day and at an average age of six-years old; and

WHEREAS, one out of five children diagnosed with cancer will not survive the disease; and

WHEREAS, the types of cancers that affect children are most often very different from those that affect adults; and

WHEREAS, childhood cancer is not just one disease but is made up of a dozen types and countless subtypes of Cancer; and

WHEREAS, childhood cancer spares no socioeconomic, ethnic, racial, or geographic class; and

WHEREAS, pediatric cancer is the leading cause of death by disease in the US children under 15 years of age; and

WHEREAS, the causes of most pediatric cancers are largely unknown and not strongly linked to lifestyle, unlike adult cancers; and

WHEREAS, two-thirds of childhood cancer patients will develop long-lasting chronic conditions as a result from treatment that prevent them from fully participating in school, social activities and work; and

WHEREAS, the childhood cancer rates have been rising for the past few decades, and approximately 15,780 children were diagnosed in 2014, and the incidence of invasive pediatric cancer is up to 29% in the past 20 years; and

WHEREAS, cancer kills more kids than AIDS, asthma, cystic fibrosis, diabetes, and muscular Dystrophy combined; and

WHEREAS, in the last 25 years, only two drugs have been specifically developed for children's cancer and in the last 20 years the FDA initially approved only one drug for any childhood cancer; and

WHEREAS, less than 5% of the federal government's total funding for cancer research is dedicated to Childhood cancers, and only about 3% of funds raised for the National Cancer Institute go directly to pediatric cancer research; and

WHEREAS, the funding for pediatric cancer research has gone down steadily since 2003; and

WHEREAS, despite the facts, childhood cancer research is vastly and consistently underfunded; and

WHEREAS, despite major advances in treatment, it is still critically important to conduct research and Increase awareness regarding pediatric cancer;

NOW, THEREFORE, BE IT PROCLAIMED that I, Mayor Christopher P. Siciliano, along with the entire Governing Body, do hereby proclaim September 2015 as "*Childhood Cancer Awareness Month*" in the Township of Ocean in order to help raise awareness of pediatric cancer and its victims

Mrs. Terry discussed the Mya Lin Terry Foundation and the effects of childhood cancer. Mrs. Terry also announced a few events that are upcoming and asked everyone to take part in these events as a way to honor Mya and all those suffering with this disease.

Chevra Hatzalah Emergency Medical Services of the Jersey Shore

Mayor Siciliano introduced members of the Chevra Hatzalah that were present and thanked them for their continued service to the Township and the surrounding communities.

WHEREAS, Chevra Hatzalah Emergency Medical Services of the Jersey Shore was established in January 2002, encompassing 7 municipalities and over 10 square miles; and

WHEREAS, the Chevra Hatzalah EMS of the Jersey Shore now consists of 4 state-of-the-art ambulances equipped with all apparatus needed for them to provide quality service as well as 45 trained Emergency Medical Technicians who have been certified by the State of New Jersey Department of Health, and

WHEREAS, the Chevra Hatzalah EMS of the Jersey Shore are also the only EMS agency that equip all of its members with an Automated Defibrillator and two-way radios which enable constant communication during an emergency; and

WHEREAS, the Chevra Hatzalah EMS of the Jersey Shore went above and beyond their call of duty when they were contacted by the Township of Ocean Mayor Christopher P. Siciliano to assist with a resident of Poplar Village who was in distress and in need of EMS services and the crew on duty responded in a timely manner and proceeded to treat the patient professionally and with an abundance of compassion

WHEREAS, the Township of Ocean and its residents are forever grateful to Chevra Hatzalah Emergency Medical Services of the Jersey Shore for the mitzvah they performed on that fateful day and for the continued service they provide our community;

NOW, THEREFORE, I, Christopher P. Siciliano, Mayor of the Township of Ocean, along with the entire Governing Body, do hereby recognize the valuable service that is provided by Chevra Hatzalah Emergency Medical Services of the Jersey Shore and wish them continued success for many years to come.

Sickle Cell Awareness Month – September 2015

WHEREAS, Sickle Cell Disease is the most common genetic disorder in the United States; and

WHEREAS, an estimated 100,000 people live with Sickle Cell disease in the United States. Up to 18% are African-American but many different races are affected. Millions are affected globally; and

WHEREAS, Sickle Cell Disease occurs among about 1 out of every 500 African-American births; and

WHEREAS, Sickle Cell Disease is a group of inherited red blood cell disorders that is present at birth. To have the disease, both sets of parents must pass down sickle cell genes. There is a 25% chance if both parents carry the Sickle Cell Trait. People who have SCT inherit one sickle cell gene from one parent and one normal gene from the other parent. People with SCT usually do not have any signs of the disease and live a normal life, but they pass the trait on to their children; and

WHEREAS, Sickle Cell Trait occurs among about 1 in 12 African-Americans; and

WHEREAS, Sickle Cell Disease is diagnosed with a simple blood test. It most often is found at Birth during routine newborn screening tests at the hospital. Because children with SCD are at an increased risk of infection and other health problems, early diagnosis and treatment are important; and

WHEREAS, Sickle Cell Disease is chronic but treatable although there is no single best treatment for all people with SCD. Treatment options are different for each person depending on the symptoms which can range from mild to severe; and

WHEREAS, there is no universal cure for Sickle Cell Disease and the average life expectancy is now in the mid-forties years of age; and

NOW, THEREFORE, BE IT PROCLAIMED that I, Christopher P. Siciliano, Mayor of the Township of Ocean, along with the entire Governing Body, do hereby proclaim September 2015 as

“Sickle Cell Awareness Month”

in the Township of Ocean in order to help raise awareness of Sickle Cell Disease and its victims.

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

The purpose of this public portion is solely to ask questions to understand Resolutions and Vouchers that appear on this Agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

Public Questions on Resolutions:

F.K. Hudson inquired about the entity mentioned in Resolution No. 15-171 and how this development fits in with the Township's Housing Plan

Mayor Siciliano stated that the entity managing the development is the Affordable Housing Alliance and the Alpert Group will handle the financial end of the project.

Mayor Siciliano stated that the project fits in to the Township Plan because this is a 100% affordable family housing development.

Mr. Hudson asked for an explanation on Resolution No. 15-172

Mr. Arbus explained that the Township had been holding escrow funds for various Solomon Dwek projects. The Bankruptcy Trustee had requested these funds be returned. After much negotiation, it was agreed that the funds being held by the Township will be split evenly between the parties.

CONSENT AGENDA:

MINUTES:

August 13, 2015 - Workshop and Public Meeting

RESOLUTIONS:

15-165 Authorize the Reduction of the Performance Guarantee for the following:

a. Block 34, Lot 22 - 1912 Highway 35 - 1910 Investments, LLC

WHEREAS, 1910 Investments, LLC received Site Plan Approval by the Township of Ocean Planning Board by way of Resolution dated November 25, 2013 for property located on Block 34, Lot 22, 1912 Highway 35 to construct a 2-story 23,100 square foot office building on the eastern portion of the lot and provide a total of 204 parking spaces for the office building and the two (2) other existing buildings on the site; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated February 20, 2014 with 1910 Investments, LLC, for Site Plan Approval for property located on Block 34, Lot 22, 1912 Highway 35 to construct a 2-story 23,100 square foot office building on the eastern portion of the lot and provide a total of 204 parking spaces for the office building and the two (2) other existing buildings on the site; and

WHEREAS, 1910 Investments, LLC posted performance guarantees totaling \$402,960.00 by way of Performance Surety Bond No. FP0020232 issued by First Indemnity of America Insurance Company in the total amount of \$362,664.00 together with cash in the amount of \$40,296.00; and

WHEREAS, the Township Clerk is in receipt of a letter from Victor Angeline, III, Esq. representing 1910 Investments, LLC, dated August 18, 2015, requesting a reduction of the performance guarantees; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, P.E., dated August 25, 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 30% of the updated 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 \$120,888.00 in the form of a performance bond in the amount of \$108,799.20 and cash in the amount of \$12,088.80, representing 30% of the original performance guarantee 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 to the following:

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Victor Angeline, III, Esq.
6. Quirino Salvati
7. First Indemnity of America Insurance Company

15-166 Authorize the Release of Closed Session Minutes for August 13, 2015

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;

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

1. Chief of Police
2. Director of Finance
3. Division of Alcoholic Beverage Control
4. Jack Vassallo, Esq., Attorney for Ocean Wine and Spirits

15-169 Approve the change of the September 17, 2015 Council Meeting to September 16, 2015

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-18 requires a public body post and maintain posted throughout the year a schedule of regular meetings of the public body to be held during the succeeding year; and

WHEREAS, the Township Council of the Township of Ocean wishes to amend the meeting schedule that was approved on December 30, 2014 canceling the September 17, 2015 meeting and replacing it with a meeting on September 16, 2015;

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 amend the meeting schedule of the Township Council as noted above and the Township Clerk is authorized to post said change in accordance with N.J.S.A. 10:4-18

15-170 Authorize the agreement and execution of a Payment in Lieu of Taxes for Block 1.02, Lot 51.11, Clearview Drive

WHEREAS, Cindy Lane Family Ventures, LLC (hereinafter referred to as the "Sponsor") proposes to construct a housing project known as Ocean Affordable Housing Development that will provide 48 units of affordable family rental housing (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C.5:80-1.1 et seq. and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Ocean (hereinafter referred to as the "Municipality") on a site described Block 1.02, Lot 51.11, as shown on the Official Assessment Map of the Township of Ocean, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the Mayor and Council of the Township of Ocean hereby determines that there is a need for this rental housing project in the Township of Ocean; and

WHEREAS, the Sponsor has presented to the Mayor and Council, a revenue projection of the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

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

1. The Council finds and determines that the proposed rental project will meet or meets as existing housing need;

2. The Council does hereby adopt the within Resolution and makes the determination and finding herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements with the intent and purpose that the

Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and

3. The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B": and

4. The Council hereby authorizes and directs the Mayor of the Township of Ocean to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and

5. The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the Municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

15-171 Approve the resolution of need with Cindy Lane Family Ventures, LLC

WHEREAS, Cindy Lane Family Ventures, LLC (hereinafter referred to as the "Sponsor") proposes to construct 48 units of affordable housing for families with low & moderate incomes (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Ocean (hereinafter referred to as the "Municipality") on a site described as Block 1.02, Lot 51.11 as shown on the Official Assessment Map of the Township of Ocean, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will or may be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

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

- (1) The Council finds and determines that Ocean Affordable Housing Development, the 48-unit family housing Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Council finds and determines that Ocean Affordable Housing Development, the 48-unit family housing Project proposed by the Sponsor, meets all or part of the municipality's low and moderate income housing obligation;
- (3) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

15-172 Authorize the Township Attorney to execute the Stipulation and Consent Order for Turnover and Release of Funds to the Trustee in connection with the Solomon Dwek bankruptcy

WHEREAS, the Township of Ocean is in possession of funds related to various escrow accounts related to Solomon Dwek developments; and

WHEREAS, the Township of Ocean is in receipt of a Stipulation and Consent Order for Turnover and Release of Funds to Trustee in connection with the bankruptcy filed on behalf of Solomon Dwek, as administered by Charles Stanziale, Jr., Esq., Chapter 11 Trustee by where there will be a fifty-fifty split the remaining escrow funds currently held by the Township; and

WHEREAS, the Township of Ocean wishes to authorize Martin J. Arbus, Esq., Township Attorney, to execute said Stipulation and Consent Order for Turnover and Release of Funds;

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 Martin J. Arbus, Esq., Township Attorney, to execute said Stipulation and Consent Order for Turnover and Release of Funds related to the bankruptcy case of Solomon Dwek; and

BE IT FURTHER RESOLVED that a certified copy (with attachment) of this resolution be forwarded to:

1. Director of Finance
2. Township Attorney

15-173 Support and Endorse the submission of the Watershed Institute - Outreach and Education Grant to be submitted by the Whale Pond Brook Watershed Association

WHEREAS, it is the desire of the Mayor and Council of the Township of Ocean to promote matters which benefit the health, welfare, comfort and safety of the citizens of the community; and

WHEREAS, the Whale Pond Brook Watershed Association, made up of volunteers from Eatontown, Long Branch, Ocean Township, Tinton Falls and West Long Branch, had been formed and has been working together to help restore the Whale Pond Brook watershed, including Takanassee Lake; and

WHEREAS, the Whale Pond Brook Watershed Association has been made aware that a grant exists entitled: "Watershed Institute – Outreach and Education Grant" that will assist them in providing a five-part educational series consisting of the following:

- The ecology of the Whale Pond Brook Watershed
- Stormwater management through rain gardens
- Build a community rain garden
- Watershed Advocacy
- NJ Watershed Ambassador benefit sampling fieldwork

WHEREAS, the Township of Ocean believes that the benefits that will come out of providing such a comprehensive educational program will be far reaching and long lasting;

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 offer its full support and endorsement for the submission of the "Watershed Institute – Outreach and Education Grant"; and

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

1. Whale Pond Brook Watershed Association
2. Township Manager
3. Ocean Township Environmental Commission

Vote on All Consent Items (except No. 15-166):

Record of Vote	Deputy Mayor Garofalo	Councilman Acerra	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					

Vote on Resolution No. 15-166:

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

INDIVIDUAL ACTION:

RESOLUTIONS:

15-174 Approve the waiver of the permit fee associated with the placement of a trash dumpster at Fox Floors located at 3213 Sunset Avenue

WHEREAS, the Township of Ocean will be replacing the carpet in the offices located in Town Hall as part of the interior renovation project; and

WHEREAS, due to the lack of parking at Town Hall, a dumpster will be placed at Fox Floors located at 3213 Sunset Avenue; and

WHEREAS, a permit will be issued by the Township Zoning Officer for the placement of the dumpster for a period of 30 days, with the possible renewal for an additional 30 days; and

WHEREAS, the Township wishes to waive the fee associated with the issuance of the permit for said trash dumpster;

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 the waiver of the permit fee for the placement of a trash dumpster at Fox Floors located at 3213 Sunset Avenue being utilized for the replacement of the carper at Town Hall; and

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

1. Director of Community Development
2. Zoning Officer

Record of Vote	Deputy Mayor Garofalo	Councilman Acerra	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					

ORDINANCES:

Adoption(s):

Ord #2246 (Coaster)

An ordinance to amend Chapter XII of the "Revised General Ordinances of the Township of Ocean, 1965" prohibiting parking on portions of Beechwood Avenue

The following vote was taken to open the Public Hearing on Ordinance #2246

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					

There were no Public comments on Ordinance #2246

The following vote was taken to close the Public Hearing on Ordinance #2246

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 #2246 and advertise according to law:

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					

Introduction(s):

Ord #2247 (P.H. 10/1 Coaster)

An ordinance amending and supplementing Chapter XVI of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Parks and Playgrounds

BE IT ORDAINED, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be and are hereby amended to read as follows:

CHAPTER XVI PARKS AND PLAYGROUNDS

16-4.2 Use of Indoor and Picnic Facilities.

- a. Usage of indoor recreational and picnic facilities at any of the township's parks or recreation buildings owned or leased by the Township of Ocean, by a resident or nonresident service organization, private concern or individual for social events or gatherings shall be permitted upon obtaining a permit from the recreation office on a first-come, first-served basis. Those organizations, concerns, or individuals shall follow the procedures established by the recreation office and pay the township such fees as provided for below.
- b. The closing hours for the use of any indoor recreational facility shall be: 11:00 p.m. (prevailing time) Sunday through Thursday and 12:00 a.m. (prevailing time) on Friday and Saturday.
- c. In addition to fees for rental of indoor and picnic facilities, the recreation office shall collect a security deposit of two hundred (\$200.00) dollars for indoor facilities and one hundred (\$100.00) dollars for picnic facilities, for each occasion of use. This fee will be payable in cash and is refundable in full upon leaving the facility in a condition which is deemed satisfactory by the recreation office. If the facility is left in an unsatisfactory condition, the township will refund only that portion of the security deposit which is not used to return the facility to a satisfactory condition. The security deposit may also be forfeited if inappropriate behavior/action warrants the termination of the event.

For use of the southeast quadrant of the Deal Test Site for special events, organizations will post a security deposit in the amount of one thousand (\$1,000.00) dollars to ensure the return of the site to original condition and the maintenance of order during the event.
- d. The township reserves the right to reject the usage of township facilities by any organization or individual for reasons of the public good.
- e. Residency within the township shall be based on whether the individual, or in the case of an organization over 50 percent of the membership, resides within the township.
- f. A Facility Supervisor will be scheduled when meeting rooms are rented for private social events. These part-time employees will be on premises from the start of the event until the facility is cleaned and locked. At the discretion of the Recreation Director, a Facility Supervisor may also be scheduled when an event is held that is not social in nature.
- g. The individual or organization renting or reserving any recreational facility assumes full responsibility for the conduct and safety of the guests at that event.
- h. Reserved.

- i. Additional requirements for teen social functions:
 - 1. Adult chaperone ratio of one adult/ten teens required.
 - 2. Complete guest list of teens invited to function will be provided to recreation office prior to event
 - 3. The number of teen guests (12–19 years) is limited to a maximum of 60.
 - 4. Adult securing use of the facility for a teen function must reside within the Township of Ocean.

16-5.1 Rental Fees for Indoor Facilities.

- a. West Park Recreation Center – Downstairs (per six hours of use)

Residents:	\$255.00 - \$280.00
Nonresidents:	\$300.00 - \$350.00

- b. West Park Recreation Center – Upstairs (per six hours of use)

Residents:	\$170.00 - \$195.00
Nonresidents:	\$225.00 - \$265.00

- c. Oakhurst Park Meeting Room (per six hours of use)

Residents:	\$210.00 - \$235.00
Nonresidents:	\$275.00 - \$310.00

- d. For events in which the rental fee is waived but a Facility Supervisor is assigned, the group will pay a fee of \$20.00 per hour from the start of the event until the facility is cleaned and locked (maximum of 6 hours of use).
- e. A facility renter may request to extend their use of a meeting room. If approved, there will be an additional charge of \$20.00 per hour. This arrangement will be considered up to 4 weeks prior to the scheduled event. Events will not be extended on the day of the function.
- f. For events hosted in the large meeting room of the West Park Recreation Center, that accommodate between 85 – 130 guests and at which alcohol is on the premises, the Department reserves the right to schedule a second facility supervisor at an additional Cost of \$90.00 to be paid by the facility renter.

16-5.6 Rental Fees for Picnic Grove.

Resident	\$35.00
Nonresident	\$65.00

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistencies; and

BE IT FURTHER ORDAINED, if any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subparagraph, clause or provision or adjusted and the remainder of the ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, This ordinance shall take effect after publication and passage as provided by law.

Record of Vote	Deputy Mayor Garofalo	Councilman Acerra	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					

Ord #2248 (P.H. 10/1 Coaster)

An Ordinance authorizing the Private Sale of Non-Conforming Real Property known as Block 123, Lot 41 to a contiguous property owner

WHEREAS, NJSA 40A:12-13(B)(5) authorizes the sale of municipally-owned property which is less than the minimum size required for development under the Municipal Zoning Ordinance, and which is without any capital improvement thereon, to the owners of contiguous real property; and

WHEREAS, the Township Council has found and determined that the real property designated as Block 123, Lot 41 known as Wardell Place aforesaid will not be needed for public use and may be offered for sale to the contiguous owners pursuant to the cited statutes.

WHEREAS, the Tax Assessor of the Township of Ocean has recommended the sale of the subject lot with a minimum bid price of \$8,000.00 "Schedule A" attached.

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

SECTION I

Within five (5) days following final enactment of this Ordinance, the Township Clerk shall post on the regular Town Hall bulletin board and advertise in a newspaper circulating the Township, a notice setting forth the following information as to the sale of Block 123, Lot 41, property location as Wardell Place of the Township of Ocean Tax Map, whose sale is hereby authorized. A copy of this notice shall also be mailed by certified mail by the Township Clerk to all contiguous property owners of the property being offered for sale within the aforesaid five (5) day period.

PUBLIC NOTICE

ORDINANCE #2247 – SALE OF LAND

TAKE NOTICE that pursuant to an Ordinance of the Township of Ocean adopted pursuant to NJSA 40A:12-13(b)(5) on **October 1, 2015** the Township of Ocean offers for sale the following property to contiguous property owners under the following terms and conditions:

- a) Property offered for sale: Block 123, Lot 41 known as Wardell Place of the Township of Ocean Tax Map;
- b) Minimum price: \$8,000.00
- c) **Deed Restriction:** Block 123, Lot 41 known as Wardell Place of the Township of Ocean Tax Map shall be precluded from further sale as a separate lot by the contiguous owner purchasing said property pursuant to this ordinance. Nothing contained herein shall prohibit the development of Block 123, Lot 41 of the Township of Ocean Tax Map for accessory uses to the principal, contiguous lot with which it shall be merged; or shall preclude its development as a fully buildable lot providing it is included with other lands

from the principal contiguous lot if a subdivision is approved by the Township of Ocean Planning Board or Board of Adjustment.

- d) The sale is made subject to all restrictions, covenants, restrictions and conditions of record, with said property being sold in an “as is” condition and is being sold subject to such other facts that an accurate, certified survey would reveal.
- e) **Any contiguous property owner desiring to make an offer for the purchase of the property being offered for sale herein shall, within twenty (20) days following advertisement of this notice or a receipt of a mailed copy of this note, make an offer in writing by certified mail addressed to the Township Council c/o Township Clerk, Township of Ocean, 399 Monmouth Road, Oakhurst, New Jersey 07755 at no less than the minimum price set forth hereinabove. All bids must be received no later than 3:00pm on Tuesday, November 10, 2015, all bids must be marked “Sealed Bid Enclosed”.**
- f) The Township Council of the Township of Ocean reserves the right to reject any and all offers, and shall accept or reject any offer within thirty (30) days of the advertisement of this public notice. If the Township Council fails to accept or reject any offer within the aforesaid time period, all offers will be deemed rejected. Where there is more than one owner with real property contiguous to the property being offered for sale, the subject property will be sold to the highest bidder or offer from among all such owners submitting an offer as provided for herein. All offers shall be accompanied by a certified or cashier’s check in the amount of ten percent (10%) of the offer made, payable to the Township of ocean; the balance shall be paid at closing of title.
- g) The closing of title shall be by a bargain and sale deed without covenants as to grantor. Closing shall take place no later than ninety (90) days after the acceptance of the offer by the Township Council. The Township of Ocean makes no representation as to the condition or marketability of title a to the subject property.
- h) In addition to the purchase or offer price, it shall be the responsibility of the successful bidder to pay at closing the administrative, advertisement and mailing costs in connection with this sale and the Township Attorney’s fee for the preparation of the deed in connection with this sale. If the successful bidder or offerer shall fail to close title through no fault of the Township, the successful bidder or offerer shall forfeit the deposit made for the sale, which shall be retained by the Township as liquidated damages.
- i) The Township Clerk shall file with the Director, Division of Local Government Services in the Department of Community Affairs, a sworn affidavit verifying publication of advertisement as required by this ordinance.

SECTION II

All ordinances and parts of ordinances in consistent herewith are hereby repealed.

SECTION III

Since this ordinance is not legislative in nature, it need not be codified in the “Revised General Ordinances of the Township of Ocean.”

Record of Vote	Deputy Mayor Garofalo	Councilman Acerra	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					

PUBLIC:

Susan Borea said that she used the Own Ocean card recently and wanted to tell the Mayor and Council “kudos” – it is terrific. She also got an email telling her what her rebate balance is.

Barbara Hudson inquired if the Township has any intentions of holding other events at Palaia Park such as a Farmers Market.

Mrs. Hudson went further to say that, since not everyone is interested in attending the Italian American Festival, it would be nice to hold some other events at that facility.

Mrs. Hudson inquired about the cost to the Township for the Italian American Festival. She also heard that there were over 80,000 attendees over the five-day period. Who makes the money.

Councilmember Schepiga responded that most of the vendors are not from Ocean Township, however, there are 4 or 5 that are located in the Township. The Italian American Association makes zeppoli’s and sausage and pepper sandwiches. All the money raised from the games and raffles go towards scholarships.

Mrs. Hudson asked if any Township funds are utilized for this festival.

Mr. Brannen said that there are Township dollars expended.

Deputy Mayor stated that this event is a great opportunity for non-profit organizations to raise money. Deputy Mayor Garofalo went further to say that the Italian American Association has given over \$36,000.00 in scholarships and between \$50,000.00 - \$60,000.00 to youth groups in Ocean Township.

F.K. Hudson asked for an update on COAH

Martin Arbus, Township Attorney, reported the Case Management Conference Hearing scheduled before Judge Kapalko has been postponed.

The Township is still negotiating with the litigants in hopes of reaching a settlement.

The Township has also filed an application granting us continued immunity from any additional lawsuits related to COAH.

Mayor Siciliano said the Historical Museum will be holding a 50th Anniversary celebration for the Township of Ocean High School. The Museum will also be hosting a concert starring Johnny Petillo who is an excellent crooner.

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

Record of Vote	Deputy Mayor Garofalo	Councilman Acerra	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
Township Clerk