

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

SEPTEMBER 16, 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
Councilmember(s) Acerra, Long and Schepiga

Absent: Deputy Mayor Garofalo

Others: Martin J. Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager
Jessie M. Joseph, Deputy 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 September 3, 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:

Councilmember Schepiga reminded all that FallFest will be held on September 26, 2015.

Councilmember Long, as a member of the Human Services Council, announced that enrollment for Project Extend program for the 2016/2017 school year will commence in February 2016.

Andrew Brannen, Township Manager, reminded everyone to place their brush at the curb in the next few weeks as collection will be done prior to the start of the leaf collection season.

The following did not issue a Report:

Councilmember Acerra
Martin J. Arbus, Township Attorney

PROCLAMATION:

Ocean Township United Soccer Association U-14 Boys Spartans

Mayor Siciliano introduced Coach Jim Sintic who discussed the successes that this team achieved including appearing in the championship game of the National Cup XIV Finals.

Coach Sintic elaborated that the team had to go through a 64-team single-elimination tournament to win the State Championship. They went on to win the Mid-Atlantic Regional in Pennsylvania to advance to the Finals in Westfield, Indiana.

The following were presented Certificates of Accomplishment:

Tommy Adams	Stephen Carton	Dylan Dougher	Brent Gaber
Erick Gonsalez	Mark Mauro	Shane McBride	Leo Montesinos
Alex Poniros	Raul Rodriguez	Evan Savino	James Schutz
Andrew Shaw	Zach Sintic	Kyle Stivala	Jason Tango
Will Tisony	Luke Yates	Max Alia	William Dempsey
Jeffrey Mendez	Dominic Saenz	Jake Turner	Max Winters
Anthony Zamorra			

Darren Spurrier, Coach/Trainer

Tony Mauro, Assistant Coach

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Scott Yates, Assistant Coach
Frank Cocchi, Trainer

Michael Stivala, Assistant Coach

OATH OF OFFICE:

Mayor Siciliano administered the Oaths of Office to the following Police Officers:

Joseph M. Larkins
David A. Marino, Jr.
James A. Woodley, III

Steven R. Peters, Police Chief, spoke about the qualifications and experiences that each officer brings to the department and know that they will serve the residents well in their new positions.

Mayor Siciliano, on behalf of the Governing Body, wished them well and reminded them to listen, learn and, most importantly, to be safe.

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:

There were no questions at this time.

CONSENT AGENDA:**MINUTES:**

September 3, 2015 - Workshop and Public Meeting

RESOLUTIONS:

15-175 Approve the release of Closed Session Minutes from September 3, 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;

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:

September 3, 2015

15-176 Authorize the Receipt of Bids for the following:

a. Roadway Re-striping

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

Roadway Re-striping

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

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

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

1. Township Manager
2. Director of Public Works
3. Township Engineer

Vote on All Consent Items:

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					
Absent/Excused	X				

INDIVIDUAL ACTION:

VOUCHERS: \$ 15,521,696.11

See next page for full list of vouchers

RESOLUTIONS:

15-177 Authorize a Professional services Contract with Sockler Realty Services Group, Inc. for appraisal services at a cost not to exceed \$21,000.00 for the period July 1, 2015 through June 30, 2016

WHEREAS, there exists a need for appraisal services with regard to pending or future tax appeal litigation, general real estate appraisal services for the period July 1, 2015 through June 30, 2016; and

WHEREAS, Sockler Realty Services Group, Inc. has submitted a proposal for the consultation, preparation, property inspection, analysis and preparation of appraisal reports, where necessary, and testimony at the Tax Court of New Jersey or County Board of Taxation in a 3 phase fee schedule as follows:

Residential Properties:

Phase 1	Value Summary	\$250
Phase 2	Site Inspection & Value Summary	\$500
Phase 3	Complete Tax Court Ready Appraisal	\$750

Commercial Properties:

Phase 1	Value Summary	\$500
Phase 2	Site Inspection & Value Summary	\$1,500
Phase 3	Complete Tax Court Ready Appraisal	\$3,500

Large Commercial Properties:

Phase 1	Value Summary	\$1,000
Phase 2	Site Inspection & Value Summary	\$2,000
Phase 3	Complete Tax Court Ready Appraisal	\$6,500

WHEREAS, it is the recommendation of the Township Manager and Tax Assessor that Sockler Realty Services Group, Inc. be appointed to handle said appraisal services for the period July 1, 2015 through June 30, 2016; and

WHEREAS, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions N.J.S.A. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-To Play Law; and

WHEREAS, the firm of Sockler Realty Services Group, Inc. will be required to complete and submit the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that the firm of Sockler Realty Services Group, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit the firm of Sockler Realty Services Group, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

WHEREAS, the Director of Finance has certified that there are funds available not to exceed \$21,000.00 for this work under Assessment of Taxes, account #5-01-20-710-219 and Manager – Professional Services, account #5-01-20-703-201; and

WHEREAS, the local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for “Professional Services” without competitive bids and the contract itself must be available for public inspection; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that;

- a. Sockler Realty Services Group, Inc. is hereby authorized and directed to provide the above at a cost in accordance with their proposal.

- b. This contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A11-5(1) (a) of the Local Public Contracts Law because services are to be performed by a person authorized by law to practice a recognized profession.
- c. A notice of this action shall be published according to law.
- d. Certified copies of this resolution shall be forwarded to:
 - 1. Sockler Realty Services Group, Inc.
 - 2. Director of Finance
 - 3. Township Auditor

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					
Absent/Excused	x				

15-178 Authorize a contract with Fernandes Construction, Inc., South River, NJ for the 2015 road improvement program at a cost not to exceed \$2,030,750.00

WHEREAS, the Township of Ocean authorized the receipt of bids for the 2015 Roadway Improvement Program on June 4, 2015; and

WHEREAS, the Township Clerk did duly advertise on August 6, 2015 to receive bids for said project; and

WHEREAS, in connection therewith the following five (5) bids were received by the Township of Ocean on August 27, 2015: Fernandes Construction, Inc., South River, NJ, Meco, Inc., Clarksburg, NJ, S. Batata Construction, Inc., Parlin, NJ, Fiore Paving Company, Oceanport, NJ, Stavola Contracting Co., Inc., Red Bank, NJ; and

WHEREAS, the following three (3) prospective bidders picked up bid documents but failed to submit said bid: Earle Asphalt Company, Farmingdale, NJ, P & A Construction, Inc., Colonia, NJ, Lucas Construction Group, Morganville, NJ; and

WHEREAS, it was determined that the lowest responsible bidder meeting specifications for the bid was Fernandes Construction, Inc., South River, NJ at a cost not to exceed \$2,030,750.00; and

WHEREAS, the Township Manager and the Township Engineer have recommended that a contract be awarded to Fernandes Construction, Inc., South River, NJ as per their bid proposal for the 2015 Roadway Improvement Program at a cost not to exceed \$2,030,750.00; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the following accounts:

C-04-55-800-813	\$ 33,486.75
C-04-55-934-916	\$ 65,579.74
C-04-55-936-922	\$ 82.50
C-04-55-939-925	\$ 167,725.00
C-04-55-939-928	\$ 753,876.01
C-04-55-947-915	\$1,010,000.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Fernandes Construction, Inc., South River, NJ, as per their be proposal for the 2015 Roadway Improvement Program as set forth in their bid submitted in the amount of \$2,030,750.00; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders; and

BE IT FURTHER RESOLVED that this award of contract is conditioned upon the delivery and execution thereof within ten (10) days from the date of the within resolution accompanied by such appropriate insurance certificate, Affirmative Action certificate and performance bonds as may be required by the specifications; and

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

1. Township Engineer
2. Director of Finance
3. Fernandes Construction, Inc.

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					
Absent/Excused	x				

Introduction(s):

Ord #2249 (P.H. 10/15 Coaster)

An ordinance amending and supplementing Chapter 21 – The Land Development Ordinance of the Township of Ocean

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

Section 21-6 Abbreviations and Definitions shall be amended to read:

“Affordable Apartment Flats” shall mean a development consisting of multi-family residential dwelling units with each unit being on a single floor. A specific number of the dwelling units in such a development shall be affordable to and occupied by low and moderate income families as required and defined by the State of New Jersey Council on Affordable Housing and the Uniform Housing Affordability Controls (“UHAC”) at NJAC 5:80-26.1 et seq.

Section 21-6 Abbreviations and Definitions shall be amended to add:

“Wellness Center” is a building or facility that is devoted to the promotion of healthy living. Mental and medical healthcare professionals, nutritionists and life coaches provide a variety of treatments and services for the health of their clients’ minds and bodies. For the purpose of this definition, the Center will not be open to the general public. There will be no monthly memberships for any services, including group fitness/movement sessions. All participants shall be Wellness Center clients. All clients must be accepted into the program following an intake interview with a licensed psychologist or licensed clinical social worker. All group sessions shall be limited to a maximum of 10 participants with only one such group session to

be run in the Center at any one time. Group sessions shall never overlap or run back to back with a minimum of 15 minutes between group sessions.

Section 21-32.1.a Principal Buildings and Uses shall be amended to add:

4. Affordable Apartment Flats

Section 21-32.1.b Accessory Buildings, Structures and Uses shall be amended to add:

3. Accessory buildings, structures and uses incidental to affordable apartment flat developments, either within, attached to or freestanding from residential buildings.

Section 21-32.1.c Conditional Uses shall be amended to delete:

4. Affordable Apartment Flats

Section 21-32.2.b shall be amended to read:

- b. In the event that the applicant elects to develop the property as an affordable residential development, the following standards shall apply, except for Affordable Apartment Flats (see Section 21-32.2.c).

Section 21-32.2.c shall be added:

- c. In the event the applicant elects to develop the property as Affordable Apartment Flats, the following standards shall apply:
 1. Bulk Requirements
 - Minimum Lot Acres -- 3.0 acres
 - Minimum Lot Width -- 200'
 - Minimum Lot Depth -- 200'
 - Minimum Building Setbacks –
 - Front Yard -- 50'
 - Side Yard -- 30'
 - Rear Yard – 50'
 - Maximum Building Height -- 45'
 - Maximum Stories Above Grade – 3
 - Maximum Impervious Coverage – 50% (Based on gross tract area)
 - Maximum Density – 14 dwelling units/gross acre
 2. Accessory buildings shall conform to the height and setback requirements of the principal building.
 3. No unit shall have more than 2 bedrooms except that affordable units may have 3 bedrooms per unit up to the number of units necessary to comply with New Jersey Council On Affordable Housing (COAH) regulations, UHAC regulations or to fulfill HMFA's low income housing tax credit (LIHTC) funding requirement. The only exception would be that one unit may be specified for an on-site superintendant or for management purposes.
 4. The total number of units to be affordable units shall be based on applicable COAH regulations. More specifically, if the development is intended to address Round 2 COAH regulations, a minimum of 15% of the total units shall be affordable units. If the development is intended to address Round 3 COAH regulations, a minimum of 20% of the units shall be affordable units. In the event the applicant proposes to provide affordable housing units by expanding an existing facility the applicant

shall calculate the affordable obligation as a percentage of the existing market units and add that product to the total.

5. The provision of affordable units shall be based on a plan approved by the appropriate Municipal Agency. The affordable housing units shall comply with all applicable COAH and UHAC regulations including but not limited to those regulations concerning pricing; bedroom distribution; the statutory requirement for 13% of the units be reserved for very low income households and the low/moderate income split such that the affordable units shall be at least 13% very low income, at least 37% low income and no more than 50% moderate income; affirmative marketing and ongoing monitoring.
6. An existing approved Senior Independent Living Facility may be converted to Affordable Apartment Flats either by including affordable units in the existing facility or by expanding the facility to include affordable units. In either event, the COAH required percentage of affordable 2 bedroom and 3 bedroom units must be provided or bonded for prior to such conversion as described below. In the event the applicant chooses to provide affordable housing units within the existing building, without expansion of the building, the applicant must bond for the minimum number of 3 bedroom units required by COAH until such time as existing units are modified to provide the required number of 3 bedroom units. The amount of the bond shall be determined by the Township Engineer based on plans provided by the applicant, and shall be equivalent to the cost of converting existing units to the required number of 3 bedroom units. In the event that the applicant chooses to expand the existing building by adding new units, the applicant shall bond for the minimum required number of 3 bedroom units until such time as the new 3 bedroom units are constructed and have received a Certificate of Occupancy. The amount of the bond shall be determined by the Township Engineer, and shall be equivalent to the cost of construction of the required number of 3 bedroom units based on plans provided by the applicant. The remaining required affordable units must be made available for rent from existing units at the COAH determined rent levels until such time as any new affordable units are constructed and have received a Certificate of Occupancy. Recreational amenities shall be provided on site to accommodate anticipated families with children. Such amenities shall include play equipment for children and may also include such amenities as a swimming pool, courts for games, and sitting areas for adults.

Section 21-41 O-1/40 Office – Research Zone shall be amended to read in part as follows:

Section 21-41.1 Permitted Uses. A building may be erected, altered or used and a lot or premises may be occupied and used for any of the following purposes:

- a. Principal Uses shall include office and research related facilities including:
 1. Office buildings for executive or administrative purposes, professional or general offices, and medical or dental offices.
 2. Laboratories, similar to the following (but not including manufacturing): biological, chemical, dental, pharmaceutical and general research.
 3. Data processing and computer operations.
 4. Wellness Center.
 5. In addition to the above, any office-research facility not inconsistent with the above, that is similar in purpose, function, character and effort.

Section 21-45.17.a shall be amended to add:

21-45.17.a.6. Affordable Apartment Flats – 1.5 parking spaces per unit.

Section 21-45.17.b shall be amended to add:

21-45.17.b.24 Wellness Center – 1 space per 150 sq. ft. of floor area.

Section 21-51.45 shall be reserved for future use.

All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.

If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

Record of Vote	Deputy Mayor 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					
Absent/Excused	X				

PUBLIC:

Randall Miller discussed the ongoing issue with the deer population.

Mayor Siciliano said that a symposium will be held in the Township of Ocean on September 28, 2015 with the surrounding municipalities to discuss the problem and potential solutions.

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
Opposed					
Not Voting/Recuse					
Absent/Excused	X				

Respectfully submitted,

Christopher P. Siciliano
Mayor

Jessie M. Joseph, RMC/CMR
Deputy Township Clerk