

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

OCTOBER 15, 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
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.

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 everyone of the Deal Lake Fall Clean-Up, Saturday, October 24th, 9:00 am and Ocean Township Clean Sweep on Sunday, October 25th at 11:00 am.

Councilmember Long, reported that the Community Hope Fund gave out \$500.00 gift cards per family to the victims of the fire. He also reminded everyone of the Thanksgiving Food Drive for the less fortunate families in the Township. All donations can be dropped off at the High School and must be received by November 2, 2015.

Andrew Brannen, Township Manager announced that there will be a Public Information Session with Monmouth County on October 28th at 6:00 pm in Town Hall to discuss the West Park Avenue Improvements.

Mayor Siciliano announced that the Township will be suspending the Monmouth County Pilot Tax Program until the issues surrounding the program are resolved.

The following did not issue a Report:

Deputy Mayor Garofalo
Councilmember Acerra
Martin J. Arbus, Township Attorney

CEREMONY:

Mayor Siciliano introduced Rosemary Macksey, Peggy Hildebrand and Lois Stewart – longtime volunteers in and around the Township of Ocean. Mayor Siciliano, and the entire Governing Body expressed their appreciation to each for their long-standing services to those in need.

Ms. Macksey, Ms. Hildebrand and Ms. Stewart expressed their gratitude to the Council for recognizing their efforts.

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: October 1, 2015 – Workshop and Public Meetings

15-189 Authorize the Receipt of Bids for the following:

- a. **Bulky Waste Recovery Facility to accept Construction and Demolition Waste, Rubbish, Bulky Trash, Tied and Containerized Brush and Other Type #13 and #13C Waste Materials as delivered by the Township of Ocean and to provide dumpster and container services for said materials**

WHEREAS, the Township Council is desirous of receiving Bid(s) for the following:

Public Works Department:

Bulk Material Recovery Facility to accept Construction and Demolition Waste Rubbish, Bulky Trash, Tied and Containerized Brush and Other Type #13 and #13C Waste Materials as delivered by the Township of Ocean and to provide dumpster and container services for said material

WHEREAS, specifications for the aforesaid items will be on file in the Public Works Department 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 bids for the aforesaid item(s) as per the specifications on file and will be received by the Township Manager in the Township Manager's Conference Room, Third 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. Director of Public Works

15-190 Approve the release of the Closed Session Minutes from October 1, 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:

October 1, 2015

15-191 Approve the placement of a trash dumpster and storage trailer at Heritage Village at Ocean, LLC, located at 400 Stacey Drive, for the period not to Exceed past December 31, 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, CIS Construction, LLC is requesting approval to place one storage container at Heritage Village at Ocean, LLC (formerly Whalepond Village) located at 400 Stacey Drive from October 15 through December 31, 2015; and

WHEREAS, CIS Construction, LLC is also requesting approval to place a trash dumpster on said site for the period October 15 through December 31, 2015;

WHEREAS, CIS Construction, LLC wishes to utilize the trash dumpster during roof and siding repairs at Heritage Village at Ocean, LLC and the storage container for the storage of merchandise during their construction;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that approval is hereby granted to allow CIS Construction, LLC to place one (1) trash dumpster and one (1) storage container at Heritage Village at Ocean, LLC for a period not to extend past December 31, 2015; and

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

1. CIS Construction, LLC
2. Director of Community Development
3. Zoning Official
4. Code Enforcement Official

Vote on All Consent Items (except Minutes):

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 Minutes:

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
Opposed					
Not Voting/Recuse	X	X			
Absent/Excused					

INDIVIDUAL ACTION:**VOUCHERS: \$7,113,396.85****See next page for full list of vouchers**

15-192 Authorize the extension of the contract with Mazza & Sons for the Bulky Waste Recovery Facility to accept Construction and Demolition Waster and Other Type #13 and #13C Waster Materials as delivered by the Township of Ocean and to provide dumpster and container services for said materials

WHEREAS, the Township Council of the Township of Ocean awarded a contract for Bulky Material Recovery Facility to Accept Construction and Demolition Waste and Other Type #13 and #13C Waste Materials as Delivered by the Township of Ocean to Mazza & Sons, Tinton Falls, NJ on September 17, 2013; and

WHEREAS, Mazza and Sons, Tinton Falls, NJ has agreed to maintain their current pricing through November 30, 2015; and

WHEREAS, the Township Manager and the Public Works Director have recommended that the contract awarded to Mazza and Sons, Tinton Falls, NJ be extended through November 30, 2015; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize an extension of the contract for Bulky Material Recovery Facility to Accept Construction and Demolition Waste and Other Type #13 and #13C Waste Materials as Delivered by the Township of Ocean to Mazza & Sons, Tinton Falls, NJ through November 30, 2015 at the price stipulated in their bid proposal;

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

1. Director of Finance
2. Public Works Department
3. Mazza and Sons

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					

15-193 Authorize a contract with Civil Solutions, a division of Adams, Rehmann & Heggan Associates, Inc., Hammontown, NJ to perform tax map updates at a Cost not to exceed \$10,000.00

WHEREAS, the need exists for an engineering firm to provide the development of an updated certified tax map and GIS updates for the Township of Ocean; and

WHEREAS, Civil Solutions, a division of Adams, Rehmann & Heggan Associates, Inc., Hammontown, New Jersey is an experienced professional in this field; and

WHEREAS, Civil Solutions has submitted a proposal as follows:

- Hosting the Web GIS data and Viewer \$ 2,400.00
- Tax Map Maintenance, Collaboration Center & Map Viewer \$ 2,600.00
- Miscellaneous GIS work/updates and additions \$ 5,000.00
- Grand Total \$10,000.00

WHEREAS, the Township Council of the Township of Ocean has elected to utilize the “non-fair and open” process in making this appointment pursuant to the provisions of 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, as required by law, Civil Solutions will be required to compete and submit a Business Entity Disclosure Certification and a C.271 Political Contribution Disclosure Form, certifying that Civil Solutions has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit Civil Solutions from making any reportable contributions to a political and/or candidate committee in the Township of Ocean throughout the term of this contract; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for the purpose of this award in the following: GIS System, account #5-01-20-707-339; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bids, as well as the contract itself, shall be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that authorization is hereby given to enter into a contract with Civil Solutions, a division of Adams, Rehmann & Heggan Associates, Inc., Hammonton, New Jersey to provide the above noted services for the Township of Ocean at a total cost not to exceed \$10,000.00 for the period July 1, 2015 through June 30, 2016; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with Civil Solutions, a division of Adams, Rehmann & Heggan Associates, Inc., Hammonton, New Jersey ; and

BE IT FURTHER RESOLVED, that this resolution shall be advertised according to law; and

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

1. Civil Solutions
2. Tax Assessor
3. Director of Finance
4. Township Auditor
5. Public Agency Compliance 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					

15-194 Authorizing a Developer’s Agreement between the Township of Ocean and the Affordable Housing Alliance – Block 1.02, Lot 51.11 – Clearview Drive

THIS AGREEMENT entered into this _____ day of _____, 2015 between the Township of Ocean, a municipal corporation, in the County of Monmouth, State of New Jersey, having its office at 399 Monmouth Road, Oakhurst, New Jersey 07755 (hereinafter “Municipality” or “Ocean”) and the Affordable Housing Alliance having an office at 59 Broad Street, Eatontown, New Jersey 07724 (hereinafter “AHA” or “Developer”).

WHEREAS, Southern Burlington County NAACP v. Tp. of Mount Laurel, 92 N.J. 158 (1983) (hereinafter “Mount Laurel”), the Fair Housing Act, N.J.S.A. 52:27D-301, et seq., the regulations adopted by the Council On Affordable Housing (hereinafter “COAH”), and other applicable laws require all New Jersey municipalities to create a realistic opportunity for the provision of low and moderate income housing (hereinafter "affordable housing"); and

WHEREAS, it has been determined that the Municipality must address its obligation of its affordable housing Fair Share Plan, meaning the Municipality must provide a realistic opportunity for the creation of units affordable to low and moderate income households and conforming to the regulations of COAH and the Uniform Housing Affordability Controls (“UHAC”); and

WHEREAS, to address this obligation the Municipality and AHA have conducted several discussions with regard to creating a rental community of 48 apartments on Block 1.02 /Lot 51.11 referred to as the “West Park Avenue Project,” which contemplates the construction of 48 rental units which will be affordable to certified low and moderate income households; and

WHEREAS, the Municipality is also cognizant that if West Park Avenue Project fails to materialize, it must still address its obligation to satisfy a portion of its affordable housing obligations with rental housing; and

WHEREAS, the Municipality has therefore committed to collaborating and forming an agreement with AHA; and

WHEREAS, the Municipality owns the West Park Avenue parcel, the Municipality has committed to transferring ownership of this parcel to AHA to facilitate the construction of said units and to enhance the economic feasibility of the project; and

WHEREAS, AHA has developed and submitted to the Municipality a proposal for the construction and administration of a 48-unit, municipally-sponsored rental program, attached hereto as Exhibit A; and

WHEREAS, the AHA proposal includes a *pro forma* and a construction schedule in conformity with N.J.A.C. 5:93-5.5; and

WHEREAS, AHA will endeavor to secure sufficient funding from several funding sources in order to complement the use of any municipal funds; and

WHEREAS, in the event that AHA is unable to secure a portion of the funds necessary to complete this project, the Municipality has formally committed to fund any shortfall via Resolution entitled “A Resolution of the Township Council of the Township of Ocean Expressing Its Intent to Fund for the Municipality's Affordable Housing Obligation,” dated _____, and attached hereto as Exhibit B; and

WHEREAS, the Municipality has also committed to act in good faith, to assist AHA to the extent possible in securing any and all permits necessary to commence construction of the proposed project and to zone the site for the purposes intended in this contract; and

WHEREAS, AHA will assure that the affordable units comply with all applicable regulations of COAH including but not limited to those regulations concerning pricing, bedroom mix, low/moderate income split, affirmative marketing, and all other applicable COAH and UHAC regulations; and

WHEREAS, AHA shall comply with the statutory requirement for 13% of all affordable units to be affordable to very low-income households at 30% of the region’s median income; and

WHEREAS, the subject property is available, approvable, developable and suitable, as those terms are defined in N.J.A.C. 5:93-5.3(b), for the project illustrated by Exhibit A; and

WHEREAS, the parties anticipate that the Municipality shall be entitled, pursuant to N.J.A.C. 5:93-5.15(d)1, to rental bonuses for some or all of the 48 affordable housing units provided pursuant to this project, which will address some of the Municipality's fair share obligation, and

NOW, THEREFORE, be it agreed as follows:

A. Purpose of Agreement

The purpose of this agreement is to create a realistic opportunity for the construction of 48 rental units affordable to very low, low and moderate income households under COAH's regulations, UHAC and Fair Housing Act.

B. Obligations of Developer

1. AHA shall file development applications with the Planning Board based upon the ordinance incorporating the relevant standards. All applications shall be substantially in accordance with the concept plan attached as Exhibit A and shall also comply with all RSIS standards.

2. AHA shall take all necessary steps to provide and maintain the creditworthiness of the affordable units or the total number of units approved by the Planning Board and constructed by this agreement against any present or future Mount Laurel obligation. Accordingly, as to the affordable units, AHA shall comply with all applicable laws including but not limited to those set forth in COAH regulations, UHAC, the New Jersey Fair Housing Act, as amended, and other applicable laws. In addition, AHA shall comply with the Land Use and Development Regulations of the Municipality Code as well as any amendments that may be necessary or desirable to ensure that the Township of Ocean complies with applicable Mount Laurel requirements.

3. AHA agrees to record deed restrictions on all units in conformance with all relevant COAH regulations and the UHAC set forth at N.J.A.C. 5:80-26 et. seq. Said controls on affordability shall be in effect for a period not less than 30 years.

4. AHA agrees to act as affordable housing administrator for the rental units associated with this project and to administer the rent controls and other associated duties consistent with COAH and UHAC regulations and other applicable laws.

5. In addition, AHA agrees to establish the aesthetics of the units in keeping with the character **of the** neighborhood including, but not limited to, landscaping and building maintenance.

6. The construction schedule shall provide for construction to begin within two years of substantive certification/judgment of repose. N.J.A.C. 5:93-5.5. Developer shall submit documentation explaining the progress of the development to the Municipality upon reasonable request by the Municipality.

C. General Conditions

1. In the event that AHA fails to perform any of the duties addressed in this agreement, the Municipality shall have a right to make application with the Court to void the agreement and to seek any relief available in law or equity. It is understood that the transfer of the property shall not occur until all approvals are received and all financing is in place.

2. Any Planning Board approval shall be subject to full compliance with this agreement as an essential and non-severable condition of the approval.

3. The Developer shall have the right to declare this agreement null and void and of no further force and effect in the event that the Approving Authority of Ocean fails to approve an application made pursuant to this agreement within 120 days from the date that such application is deemed complete pursuant to the provisions of the Municipal Land Use Law, provided that Developer pursues said approvals with reasonable diligence. In the event that the application for the development of the proposed project is reasonably rejected or denied by any land use board or the governing body of the Municipality, this agreement shall be null and void *ab initio*. Nothing in this agreement shall restrict Developer from utilizing its right to review or appeal any decisions of the Municipality or its land use boards relevant to this project."

4. The parties shall exercise good faith, cooperate and assist each other in fulfilling the intent and purpose of this Agreement; including, but not limited to, the adoption of the Zoning Amendment and Fair Share Plan amendments, compliance with any reasonable requirements of the Superior Court in conjunction with Ocean Township’s efforts to secure approval of its housing element and fair share plan, and the development of the property consistent with the terms hereof and the defense of any challenge with regard to any of the foregoing.

5. The provisions of this Agreement shall run with the land, and the obligations and benefits hereunder shall be binding upon and inure to the benefit of the Parties, their successors and assigns, including any person, corporation, partnership or other legal entity which at any particular time may have a fee title interest in the subject property which is the subject of this Agreement. This Agreement may be enforced by any of the parties, and their successors and assigns, as herein set forth.

6. This Agreement has been fully negotiated, reviewed and drafted by all parties hereto and their respective attorneys. Accordingly, the common law presumption of resolving ambiguities against the drafter shall not apply.

7. AHA may assign this Developer’s Agreement to an entity in which AHA is a general partner or managing member and owns an equity ownership interest of not less than forty percent.

The terms of this agreement shall be binding upon the parties, their successors and/or assigns.

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 #2249 - (Coaster)

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

The following vote was taken to open the Public Hearing on Ordinance #2249

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					

Public Comments:

The following residents wanted to voice their concerns and objections regarding the Ordinance:

MEETING MINUTES

OCTOBER 15, 2015

Judy Zagha, 18 Fairway Lane, Russ Bey, 700 Bowne Road, Rose Meyer, 79 Whalepond Road, James Case, 745 Bowne Road,

Mr. Brannen explained the Ordinance and the road program. He will get together with the homeowners and answer any of their questions. This program is not slated to begin work until next spring.

The following vote was taken to close the Public Hearing on Ordinance #2249

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 #2249 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					

Ord #2250 - (Coaster)

A Bond Ordinance providing for various improvements, appropriating \$225,000 thereof, authorizing the issuance of \$213,750 bonds or notes to finance a portion of the cost and directing the Special Assessment of the costs

The following vote was taken to open the Public Hearing on Ordinance #2250

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					

Public Comments:

There were no Public comments on Ordinance #2250

The following vote was taken to close the Public Hearing on Ordinance #2250

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					

PUBLIC COMMENTS:

Marwin Meller, Redwood Drive, reported that the residents of Cedar Village raised \$1,350.00 for the Seidle Family and the Twinbrook Apartment fire victims. They will be holding their 6th Annual Breast Cancer Walk on Saturday, October 17th at 10:00 am and all are invited. The proceeds go to Jersey Shore Hospital for research. They will also be holding a Bake Sale on October 25th and the proceeds will be given to the First Aid Squad.

Seeing 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

Jessie M. Joseph, RMC/CMR
Deputy Township Clerk