

BOROUGH OF OCEAN GATE

COUNCIL MEETING ADDENDUM

January 10, 2018

CONSENT AGENDA

The items listed below are considered to be routine by the Borough of Ocean Gate and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

ORDINANCE 613-18 AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ALL ZONING, LAND USE AND DEVELOPMENT ORDINANCES OF THE BOROUGH TO BAN MARIJUANA DISPENSARIES

Motion to introduce ord. 613-18: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

- Resolution 2018-51 Authorizing Professional Services/Brilliant Environmental
- Resolution 2018-52 Authorizing the Award of Contract for Municipal engineer
- Resolution 2018-53 Appointing Members to the Land Use Board
- Resolution 2018-54 Executive Session

Motion: _____ Second: _____
Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

ORDINANCE 613-18

AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ALL ZONING, LAND USE AND DEVELOPMENT ORDINANCES OF THE BOROUGH TO BAN MARIJUANA DISPENSARIES

WHEREAS, the Borough of Ocean Gate, in the County of Ocean and State of New Jersey (the "Borough") has a Master Plan and Development Ordinances implementing that Master Plan; and

WHEREAS, the Borough has determined that businesses selling medicinal and recreational marijuana present a special concern for safety, security and location; and

WHEREAS, the Borough desires to ensure that such facilities are not permitted within ¼ mile of a school, church, or playground, or in the any zoning district within the Borough; and

WHEREAS, there is no area of the Borough which can safely permit and accommodate a business selling medicinal and recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Ocean Gate, in the County of Ocean and State of New Jersey, as follows:

SECTION I.

The Zoning, Land Use and Development Ordinances of the Borough of Ocean Gate collectively are hereby amended and supplemented as follows:

Businesses selling medicinal and/or recreational marijuana and/or the paraphernalia that facilitates the use of such marijuana are not permitted within ¼ mile of any school, church or playground or in any zoning district within the Borough.

SECTION II.

All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION III.

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION IV.

This Ordinance shall be subject to review and recommendation by the Borough Planning Board in accordance with N.J.S.A. 40:55D-26.

SECTION V.

The Ocean County Planning Board shall be provided notice of this proposed ordinance in accordance with N.J.S.A. 40:27-6.10.

SECTION VI.

This Ordinance shall take effect immediately upon its final passage and publication as required by law and filing with the Ocean County Planning Board.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on January 10, 2018 and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on January 24, 2018 at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

INTRODUCED:

ADOPTED:

Ileana Vazquez-Gallipoli, R.M.C.
Municipal Clerk

Paul J. Kennedy, Mayor

RESOLUTION 2018-51

AUTHORIZING PROFESSIONAL SERVICES CONTRACT TO BRILLIANT ENVIRONMENTAL SERVICES, LLC

WHEREAS, the Borough Council of the Borough of Ocean Gate (the “Borough”), County of Ocean, State of New Jersey has received the Ground Water Remedial Action Permit (GW RAP) from the New Jersey Department of Environmental Protection for the Bona Service Station on December 7, 2017. In accordance with the Site Remediation Reform Act, N.J.S.A. 58:10C-1 et seq., and the Administrative Requirements for the Remediation of Contaminated Sites, N.J.C.A. 7:26C-1.1 et seq. The GW RAP requires the preparation and submission of a Limited Restricted Use Response Action Outcome (RAO), and the sealing of monitoring wells MW-4, MW-6, and MW-8 that are not included in the GW RAP; and

WHEREAS, Brilliant Environmental Services, LLC (“Brilliant”) has previously been engaged as the environmental consultant and a Licensed Site Remediation Professional (LSRP) for the ongoing investigation at the Bona Service Station; and

WHEREAS, additional environmental service work will be required such as ground water sampling in September, 2019 which is not required to be performed at this time and is not included in this contract award; and

WHEREAS, the Borough reviewed the scope of work proposal dated December 18, 2017 and has decided that it is in the best interest of the Borough to enter into an agreement with Brilliant for the completion of Tasks 1 through 2 as detailed in their scope of work proposal; and

WHEREAS, the fee for completion of Tasks 1 through 2 as outlined in Brilliant’s scope of work proposal shall not exceed \$4,965.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that a Resolution authorizing the award of public contracts as “Professional Services” without competitive bid and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Ocean Gate, County of Ocean, State of New Jersey, as follows:

- The Mayor and Clerk are authorized and directed to execute any documents necessary to effectuate the professional services contract with Brilliant Environmental Services, LLC for an amount not to exceed \$4,965.00 which is also the maximum amount of the contract.
- The contract is awarded without the need for competitive bidding as a “Professional Service” contract under the provisions of the “Local Public Contracts Law,” N.J.S.A. 40A:11-5(1)(a) as a contract for services to be performed by persons authorized by law to practice recognized professions.

- The award of this contract is subject to a certification by the Chief Financial Officer as to the availability of funds.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Reorganization meeting held on January 10, 2018.

Ileana Vazquez-Gallipoli, RMC, CMR

Municipal Clerk

RESOLUTION 2018-52

**AUTHORIZING THE AWARD OF CONTRACT FOR
MUNICIPAL ENGINEER**

WHEREAS, the Governing Body of the Borough of Ocean Gate has a need to acquire the services of Municipal Engineer to be provided) as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 as appropriate; and,

WHEREAS, the Chief Financial Officer has determined that the value of the acquisition may exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is three (3) years retroactive to January 1, 2018 thru December 31, 2020 or until a successor may be appointed; and

WHEREAS, Remington, Vernick & Vena, PE, has submitted a proposed contract indicating they will provide the services of Municipal Engineer retroactive to January 1, 2018 and term ending December 31, 2020, and;

WHEREAS, Remington, Vernick & Vena, PE has completed and submitted a Business Entity Disclosure Certification which certified that Remington, Vernick & Vena, PE has not made any reportable contributions to a political candidate or candidate committee in the Borough of Ocean Gate in the previous one year, and that the contract will prohibit the firm of Remington, Vernick & Vena, PE from making any reportable contributions through the term of the contract, and

WHEREAS, the award of any contract shall be subject to a certification of the availability of funds (N.J.A. C. 5:30-5.4.)

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Ocean Gate authorizes the Mayor to enter into a contract with Remington, Vernick & Vena, PE as described herein; and,

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

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

1. Remington, Vernick & Vena, PE
2. Ed Simone, Chief Financial Officer

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council meeting held on January 10, 2018.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2018-53

APPOINTING MEMBERS TO THE LAND USE BOARD

BE IT RESOLVED, that the Mayor and Council of the Borough of Ocean Gate hereby appoint the following persons to the Planning Board/Board of Adjustment:

<u>NAME</u>	<u>TERM ENDING</u>
Mayor Paul Kennedy – Class I	12/31/18
Richard Mihalkovitz– Class I	12/31/20
James Fry – Class I	12/31/20
Greg Hanusey – Class I	12/31/20
Councilman Bruce Cox – Class II	12/31/18
Paul Butow – Class III	12/31/18
George Chernego-Alternate I	12/31/19

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

1. Jeanne Teller, Board Secretary

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a Council Workshop Meeting held on January 10, 2018.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk

RESOLUTION 2018-54

TO ENTER INTO EXECUTIVE SESSION

WHEREAS, the Mayor and Council of the Borough of Ocean Gate, have determined that in accordance with the provisions of N.J.S.A. 10:4-12b, closed session to discuss pending litigation, contract negotiations and matters of personnel.

NOW THEREFORE BE IT RESOLVED, that said Mayor and Council close the open session and enter into executive session to discuss matters of personnel.

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted during a Council Workshop Meeting on January 10, 2018.

Ileana Vazquez-Gallipoli, RMC, CMR
Municipal Clerk