

**BOROUGH OF OCEAN GATE**  
**COUNCIL WORKSHOP MEETING**  
**AGENDA**  
**March 7, 2018**

**CALL TO ORDER:**

**SUNSHINE STATEMENT:** Notice of this meeting was advertised in the Asbury Park Press issue of November 22, 2017 and posted in the Municipal Office Building, Adrian Hall and the Ocean Gate Post Office.

**SALUTE TO THE FLAG AND MOMENT OF SILENCE**

ROLL CALL: Mayor Kennedy, Council President Kendrick, Councilwoman Nicastro, Councilman Serpica, Councilman Haug, Councilman Martinez, Councilman Cox

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

**MINUTES:** Verification that all members received copies of the following minutes and notes of any errors or omissions: Executive session minutes of February 7, 2018.

Motion to approve above mentioned minutes: \_\_\_\_\_ Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

**Report of James Gluck, Municipal Attorney**

**Report of Greg DePaul, Licensed Water/Sewer Operator**

**REPORT OF MAYOR KENNEDY**

**CORRESPONDENCE**

**REPORTS OF COUNCIL**

Council President Kendrick  
Councilwoman Nicastro  
Councilman Serpica  
Councilman Haug  
Councilman Martinez  
Councilman Cox

**ORDINANCE**

**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 ACTIVITIES AND DISPENSARIES**

Motion to open public hearing for ord.#613-18: \_\_\_\_\_ Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

Motion to close public hearing for ord.#613-18: \_\_\_\_\_ Second: \_\_\_\_\_

Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

Motion to adopt ord#613-18: \_\_\_\_\_ Second: \_\_\_\_\_  
Roll call vote: Kendrick, Nicastro, Serpica, Haug, Martinez, Cox

**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.**

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

- Resolution 2018-75 Ratifying Fire Company By-Laws
- Resolution 2018-76 Authorizing the Municipal Engineer to Prepare 2018 NJDOT Design
- Resolution 2018-77 Authorizing Lease Addendum/T-Mobile
- Resolution 2018-78 Authorizing Municipal Engineer to Advertise for Bids/NJDOT Project

**PRIVILEGE OF THE FLOOR**

**Motion to adjourn:**

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

RESOLUTION 2018-75

RATIFYING CERTAIN AMENDMENTS TO THE BY-LAWS OF THE  
OCEAN GATE FIRE COMPANY

WHEREAS, Ordinance 86, Section 9 of the Borough of Ocean Gate, County of Ocean, State of New Jersey governs the manner in which the By-Laws and all Rules and Regulations relating to the Ocean Gate Fire Company shall be adopted and ratified; and

WHEREAS, the members of the Ocean Gate Fire Company have prepared and duly adopted the proposed By-Law amendments, which are attached hereto and made a part hereof; and

WHEREAS, the Governing Body and its professional staff have reviewed the proposed By-Law amendments as forwarded by Ocean Gate Fire Company Chief Larry Murray and have no objection thereto.

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

1. That the actions taken by the members of the Ocean Gate Fire Company in adopting the attached revisions to the By-Law's of the Ocean Gate Fire Company are hereby ratified and approved as submitted.
2. This resolution shall take effect immediately upon adoption.

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

1. Fred Ebenau, Chief Financial Officer
2. Larry Murray, Chief Ocean Gate Fire Company
3. James J. Gluck, Esq, Municipal Attorney

CERTIFICATION

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, hereby certify that the forgoing resolution was duly adopted by the Ocean Gate Borough Council at a Council Workshop Meeting held on March 7, 2018.

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Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk

## 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 ACTIVITIES AND 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, cultivating, manufacturing, and testing medicinal and recreational marijuana present a special concern for safety, security, and location; and

**WHEREAS**, the Borough desires to ensure that such facilities are prohibited within any zoning district within the Borough; and

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

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and approved on first reading at the regular meeting of the Governing Body of the Borough of Ocean Gate, in the County of Ocean, State of New Jersey held on the 10th day of January, 2018 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 7 day of March, 2018 at 7:00p.m. in the meeting room of the Municipal Building, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at which time and place any person desiring to be heard for or against the adoption of the within ordinance will be given an opportunity to be so heard.

Introduced: \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
ILEANA VAZQUEZ-GALLIPOLI, RMC  
Municipal Clerk

Approved this \_\_\_ day of \_\_\_\_\_, 2018:

\_\_\_\_\_  
Borough of Ocean Gate  
PAUL J. KENNEDY, MAYOR

**RESOLUTION 2018-76**

**AUTHORIZING THE MUNICIPAL ENGINEER TO PREPARE THE  
2018 NJDOT DESIGN FOR CURBS AND SIDEWALKS ON OCEAN GATE AVENUE**

**BE IT RESOLVED**, by the Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that Remington & Vernick Engineers, Municipal Engineer, is hereby authorized and directed to prepare the design for the 2018 NJDOT Curbs and Sidewalks on Ocean Gate Avenue.

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

1. James J. Gluck, Esq., Municipal Attorney
2. Remington and Vernick Engineers
3. Fred Ebenau, Chief Financial Officer

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a regular Council Workshop Meeting held on March 7, 2018.

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Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk

**RESOLUTION 2018-77**

**AUTHORIZING LEASE ADDENDUM BETWEEN  
THE BOROUGH OF OCEAN GATE AND T-MOBILE NORTHEAST LLC**

**WHEREAS**, the Borough of Ocean Gate (hereinafter the "Borough"), County of Ocean, State of New Jersey, entered into an agreement (hereinafter the "Lease Agreement") with Metro PCS New York, LLC for the leasing of space for cellular antennas in February 2009; and

**WHEREAS**, in 2015, Metro PCS merged with T-Mobile to form T-Mobile US, Inc.; and

**WHEREAS**, as a result of the merger, T-Mobile Northeast LLC, a subsidiary of T-Mobile US, Inc., assumed responsibility for the obligations of Metro PCS New York, LLC under the Lease Agreement; and

**WHEREAS**, the initial term of the Lease Agreement has ended and the parties wish to execute a Lease Addendum to extend the term of the Lease Agreement; and

**WHEREAS**, T-Mobile Northeast LLC proposed a new base rent of \$2,900.00 per month for a New Initial Term of five (5) years; and

**WHEREAS**, The New Initial Term shall automatically renew for three (3) successive renewal terms of five (5) years each with a seven percent (7%) escalation for each renewal period; and

**WHEREAS**, the Lease Addendum has been reviewed and approved by the Borough Attorney; and

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

1. The Mayor is hereby authorized to execute and the Municipal Clerk to attest to a Lease Addendum, which shall be attached hereto and made a part hereof, between the Borough of Ocean Gate and T-Mobile Northeast LLC.

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

1. Mayor and Council
2. James J. Gluck, Esq.
3. All other parties interest.

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution duly adopted by the Ocean Gate Borough Council at a Council meeting held on the 7th day of March, 2018.

\_\_\_\_\_  
Ileana Vazquez-Gallipoli, RMC, CMR  
Borough Clerk

**RESOLUTION 2018-78**

**AUTHORIZING THE MUNICIPAL ENGINEER TO ADVERTISE FOR  
BIDS FOR CURBS AND SIDEWALKS ON OCEAN GATE AVENUE**

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Ocean Gate, County of Ocean, State of New Jersey, that Remington, Vernick & Vena, the Municipal Engineer, is hereby authorized to advertise for bids for the Curbs and Sidewalks on Ocean Gate Avenue project in accordance with plans and bid specifications prepared by Remington, Vernick & Vena, Municipal Engineer for the Borough of Ocean Gate, and in accordance with the provisions of the Local Public Contracts Law;

**BE IT FURTHER RESOLVED**, the award of any bid received shall be subject to a certification of the availability of funds and review of the Municipal Attorney.

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

1. Remington, Vernick & Vena, Municipal Engineer
2. Fred Ebenau, CFO
3. James J. Gluck, Esq., Municipal Attorney

**CERTIFICATION**

I, Ileana Vazquez-Gallipoli, Municipal Clerk of the Borough of Ocean Gate, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution is a true and correct copy of a resolution adopted at a regular Council Workshop Meeting held on March 7, 2018.

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Ileana Vazquez-Gallipoli, RMC, CMR  
Municipal Clerk