

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

OCTOBER 19, 2009

OAKHURST, NEW JERSEY

The Regular Meeting of the Township Council was held in the Township Meeting Room, First Floor, Public Meeting Room, 399 Monmouth Road, Oakhurst, NJ 07755 at 7:00 p.m.

Present: Mayor Larkin
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga, Siciliano

Others: Martin Arbus, Esq. Township Attorney
Andrew Brannen, Township Manager
Vincent Buttiglieri, Township Clerk

Mayor Larkin presided and called the meeting to order and asked for the Pledge of Allegiance.

Statement of Compliance with the Open Public Meetings Act:

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual 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 16, 2008 and June 15, 2009.

Fire Exit Procedures:

There are two emergency exits on the wall to my right that will take you to the front of the building and another one to my left that will take you to the rear parking lot.

NOTICE:

All cell telephones must be turned off. If you need to make a call, please make your call outside the meeting room.

CERTIFICATES OF ACCOMPLISHMENT:

***Clean Communities Advisory Committee
Coloring and Poetry Contest Winners***

Mayor Larkin introduced Carol Algor, who presented the following winners with their Certificates of Accomplishment:

Pre-Kindergarten

Wayside School	Rachel Philip
Wanamassa School	Alexandra Brannen
Wesley Pre-School	Samantha Brannen

Kindergarten

Wayside School	Alinee Hernandez
Wanamassa School	Erin Novabilsky
Ocean Township Elementary School	Gabriella Campo

First Grade

Wayside School	Gabriella Goehring
Wanamassa School	Abigail Chernet
Ocean Township Elementary School	Namari Rivers

Second Grade

Wayside School	Asha Shah
Wanamassa School	Victoria Den Bleyker
Ocean Township Elementary School	Lia Sano

Third Grade

Wayside School (First Place)	Isabella Goehring
Wayside School (Second Place)	Michael Leitner
Ocean Township Elementary School	Kayla Lepping

Fourth Grade

Wayside School	Gabrielle Saintilma
Wanamassa School	Kiernan Walsh
Ocean Township Elementary School	Jaclyn Snyder

Poetry Contest Winners

First Place	Danielle Goldwert
Second Place	Steven Topper
Third Place	Sage O'Toole

At the conclusion of the presentations, Ms. Algor thanked the teachers and parents for their encouragement of the students.

Mayor Larkin also expressed his appreciation to Ms. Algor for her commitment to the program.

A group picture was taken with all the recipients, the Council and Ms. Algor.

Mayor's Statement: Public Portion to Ask Questions with Regards to Resolutions and Vouchers

The purpose of this public portion is solely to ask questions to understand Resolutions and/or Vouchers that appear on the 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:

Larry Loigman inquired about following Agenda items:

1. Resolution 09-164 – shouldn't the Township release all closed session items that can be released, while holding just those items that are still ongoing as opposed to the current practice.
2. Resolution #09-166 – inquired about the ownership of all stated parcels noted on said resolution. Mr. Loigman continued to inquire as to the specifics of said resolution.
Due to the many questions about this resolution, the Township Council decided to remove Resolution #09-166 from the Agenda and clarify it for the next meeting.
3. Resolution #09-162 – inquired why the Township would pass a resolution for an item whose date had occurred prior to the actual date it was being passed. Mr. Loigman also felt that the Township was not devoting their attention to the matter of dangerous drivers on the roadways and he felt passing this resolution was hypocritical.
4. Vouchers – inquired about a the following vouchers:
 - a. Ceasar's Atlantic City – Mayor Larkin responded that some Township Officials were attending the League of Municipalities Convention in November, which allows them to obtain their continuing education credits needed for their State licenses.
 - b. Ruderman & Glickman – wanted a breakdown of the \$4,425.00 payment. Mr. Brannen responded that 95% of that was due to disciplinary matters and the other 5% pertained to ongoing litigation. Mr. Loigman inquired as to the time that these matters had been ongoing, as well as their status and when they were to be concluded. Mr. Brannen responded that some matters have been active for 8-9 months.

- c. TD Bank – wanted an explanation of this payment. Mr. Brannen responded that it was for \$25.00 gift cards presented to those employees who had perfect attendance for the previous twelve months.

Brian Lefferson, with regards to Resolution #09-164, he believed that all minutes having to do with the expenditure of public funds must be released immediately. Mr. Lefferson also asked if any of the Township Police Officers received the gift cards.

Don Geiger asked for an explanation on Resolution #09-163a. Mr. Brannen explained that this system assists the Township Clerk with the disposal of public records in accordance with the retention schedules established by the State Division of Archives and Records Management.

CONSENT AGENDA

On a motion by Councilmember Schepiga and seconded by Councilmember Hiers, it was moved to approve the following Consent items:

MINUTES:

September 21, 2009 – Workshop, Public and Closed
October 13, 2009 – Workshop and Closed

RESOLUTIONS:

Resolution #09-166 was removed from this Agenda and will not be acted upon at this meeting.

09-158 Accept the Performance Guarantee for the following:

a. Block 10, Lot 25 – 200 Park Avenue – Abe M. Cohen

WHEREAS, the Township of Ocean has approved a development project on Block 10, Lot 25 also known as 200 Park Avenue; and

WHEREAS, the performance guarantees for this project total less than \$20,000.00; and

WHEREAS, Abe M. Cohen has posted cash performance guarantees totaling \$12,672.00 along with engineering inspection fees totaling \$2,960.00 and the required certificate of insurance.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean in the County of Monmouth, that all requirements for entering into a developer's agreement are hereby waived; and

BE IT FURTHER RESOLVED that the performance guarantees are hereby accepted.

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

1. Abe M. Cohen
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

09-159 Authorize the Reduction of Performance Guarantees for the following:

a. Block 54, Lot 3 – 104 Crosby Avenue – A.S. Builders

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by Developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, A.S. Builders have heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$9,324.00 to guarantee the completion of all improvements on premises located on Block 54, Lot 3 also known as 104 Crosby Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 18, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the **FULL RELEASE OF PERFORMANCE GUARANTEES FOR A. S. BUILDERS** totaling \$9,324.00 are hereby released, canceled and discharged.

BE IT FURTHER RESOLVED by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. A.S. Builders
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

b. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Hillel School of the Shore Area

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a developers agreement dated December 18, 1996 with the Hillel School of the Shore Area, Inc. for site plan approval with bulk variances for property located on Block 34.03, Lots 2 and 2.01 also known as 1025 Deal Road; and

WHEREAS, the Hillel School of the Shore Area, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$447,115.80 (in the form of Performance Bond No. 960632 posted by International Fidelity Insurance Company, Newark, NJ in the total amount of \$402,404.22 and cash in the amount of \$44,711.58) to guarantee the completion of all improvements on premises known as block 34, Lots 2 and 2.01; and

WHEREAS, the Township Council granted a reduction of the performance guarantees to \$134,143.74 by resolution dated September 14, 2005; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated September 18, 2009 a copy of which is on file in the

Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$134,143.74 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$55,899.48 said maintenance bond to run for a period of two (2) years to cover maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of pending and future engineering inspection and administrative fees in the amount to be determined by the Township engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the office of the Township Clerk

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

1. Hillel School of the Shore Area, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official
6. International Fidelity Insurance Company

c. Block 1.05, Lot 2 – 2108 Kings Highway – Metro PCS New York, LLC

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55-D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a developer's agreement dated April 6, 2009 with Metro PCS New York, LLC for preliminary and final minor site plan approval with conditional use permit described as Block 1.05, Lot 2 located at 2108 Kings Highway; and

WHEREAS, Metro PCS New York, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$4,080.00, in the form of Performance Bond No. 020025377 issued by Liberty Mutual Insurance Company in the amount of \$3,672.00 and cash in the amount of \$408.00 to guarantee the completion of all improvements on premises known as Block 1.05, Lot 2; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter September 18, 2009 a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$4,080.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$510.00 and said maintenance bond to run for period of two (2) years to cover maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of pending and future engineering inspection and administrative fees in the amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Metro PCS New York, LLC
6. Liberty Mutual Insurance Company

d. Block 1.05, Lot 2 – 2108 Kings Highway – Omnipoint Communications, Inc.

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55-D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a developer's agreement dated May 18, 2009 with Omnipoint Communications, Inc./T-Mobile USA, Inc. for preliminary and final minor site plan approval with conditional use permit described as Block 1.05, Lot 2 located at 2108 Kings Highway; and

WHEREAS, Omnipoint Communications, Inc./T-Mobile USA, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$1,860.00, in the form of Performance Bond No. 070007522 issued by Liberty Mutual Insurance Company in the amount of \$1,674.00 and cash in the amount of \$186.00 to guarantee the completion of all improvements on premises known as Block 1.05, Lot 2; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter September 18, 2009 a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$1,860.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$232.50 and said maintenance bond to run for period of two (2) years to cover maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of pending and future engineering inspection and administrative fees in the amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Metro PCS New York, LLC
6. Liberty Mutual Insurance Company

e. Block 33.42, Lot 3 – 1633-1635 Bellmore Street – Bellmore, LLC

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a developers agreement dated December 26, 2001 with Bellmore, LLC for a major subdivision described as Block 33.42, Lot 3 also known as 1633 & 1635 Bellmore Street; and

WHEREAS, performance guarantees were posted for Block 33.42, Lot 3 totaling \$47,763.34 in the form of Performance Bond #69248340 issued by Western Surety Company and was reduced by a performance guarantee reduction to \$11,724.00 by Council resolution dated November 17, 2003 to guarantee the completion of all improvements on Block 33.42, Lot 3; and

WHEREAS, the Township has made numerous requests and demands for completion of the improvements and the Developer has failed to comply; and

WHEREAS, the Township has agreed to perform all outstanding work that is the responsibility of Bellmore, LLC and has formally made a demand upon the Performance Bond #69248340 in the amount of \$11,724.00 and the cash of \$1,302.64 based on the remaining work as calculated by the Township Engineer; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of Township of Ocean in the County of Monmouth, that the Township of Ocean hereby accepts the performance guarantees in the amount of \$11,724.00 from Western Surety Company and the cash guarantees of \$1,302.64 representing the amount owed to the Township for completion of the project; and

BE IT FURTHER RESOLVED that there shall be no requirement for Bellmore, LLC to post any maintenance bond or other maintenance guarantees for Block 33.42, Lot 3; and

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

1. Bellmore, LLC
2. Township Engineer
3. Director of Finance
4. Construction Official
5. Director of Public Works
6. Director of Community Development

f. Block 35, Lot 88 – 38 Brandywine Road – MGO Group, Inc.

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, M.G.O. Group, Inc. have heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$4,669.20 to guarantee the completion of all improvements on premises located on Block 35, Lot 88, also known as 38 Brandywine Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 18, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the cash performance guarantee totaling \$4,669.20 are hereby released, canceled and discharged.

BE IT FURTHER RESOLVED by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,945.50) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. M.G.O. Group, Inc.

09-160 Authorize the Release of Maintenance Bond(s) for the following:

a. Block 67, Lot 2 – 512 Myrtle Avenue – Alan and Michelle Karp

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, Alan and Michelle Karp has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,302.00 for premises known as Block 67, Lot 12 also known as 512 Myrtle Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 18, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,302.00 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance posted.

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

1. Alan and Michelle Karp
2. Director of Finance
3. Construction Official
4. Director of Community Development

09-161 Authorize the Developers Agreement for the following:

a. Block 3, Lots 13, 14 & 15 – 2105 Highway 35 – 2105 Highway 35 Associates, LLC

WHEREAS, the Developer is the owner of certain property known as Block 3, Lots 13, 14, 15, as shown on the official tax map of the Township of Ocean which property is located at 2105 Highway 35 in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, L. Waldron, LLC, is the applicant looking to develop 4,102 square feet of the existing retail structure from the Developer of the property known as Block 3, Lots 13, 14, 15, located at 2105 Highway 35 in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, L. Waldron was granted Preliminary and Final Site Plan Approval, Bulk Variance for Width of Parking Spaces, Bulk Variance and Use Variance from the Zoning Board of Adjustment of the Township of Ocean by way resolutions dated July 9, 2009 to utilize a 4,102 square foot portion of the existing building for the purpose of an indoor play entertainment center for children 8 years of age and younger; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Site Plan Prepared for 2105 Highway 35 Associates, Lots 13, 14 & 15, Block 3, Township of Ocean, Monmouth County, New Jersey by Charles Surmonte, P.E. & P.L.S., consisting of two (2) sheets dated June 17, 2009 and last updated August 13, 2009 and the Landscape Plan Map entitled 2105 Highway #35 Landscape Plan by Ted Hindin, Landscape Architect, consisting of one (1) sheet dated August 11, 2009; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated September 16, 2009 prepared by the Township of Ocean Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement, between the Township of Ocean and 2105 Highway 35 Associates, LLC, subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting of Performance guarantees in the total amount of \$27,480.00 and Inspection Fees in the amount of \$2,145.00

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Township Clerk to each of the following:

1. Township Engineer
2. Director of Finance
3. Planning Board
4. Township Attorney
5. 2105 Highway 35 Associates, LLC
6. L. Waldron, LLC

09-162 Authorize *Put the Brakes on Fatalities Day* in the Township of Ocean

WHEREAS, across the nation, traffic crashes caused nearly 40,000 fatalities in 2008, and are the leading cause of death for young people ages 3 to 34: and,

WHEREAS, in New Jersey, 591 individuals lost their lives in traffic crashes in 2008; and,

WHEREAS, alcohol-related crashes accounted for 26 percent of the State's traffic fatalities; and,

WHEREAS, unsafe speed was a factor in more than 22,000 crashes; and,

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 78 motorcyclists, 21 bicyclists and 135 pedestrians were killed in New Jersey in traffic related crashes in 2008; and,

WHEREAS, safer driving behaviors such as buckling up every ride; obeying posted speed limits; avoiding aggressive driving behaviors; never drinking and driving; wearing proper safety gear when riding motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and death on our roadways;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that October 10, 2009 is proclaimed **Put the Brakes on Fatalities Day** and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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

1. Office of Attorney General Division of Highway Traffic Safety P.O. Box 048
Trenton NJ 0048
2. Chief of Police
3. Traffic Safety Bureau

09-163 Authorize the execution of the following**a. Mayor and Municipal Clerk to execute the OPRS – RIM with the County of Monmouth**

WHEREAS, under the New Jersey uniform Shared Services and Consolidation Act, namely C. 40A:65-1, et seq., local units, such as the County of Monmouth and this Municipality, may enter into shared services agreements with each other; and

WHEREAS, the County of Monmouth has entered into an agreement with Sunrise Systems, Inc. ("Sunrise"), whereby the County is licensed to access and use Sunrise's web-based system known as the Open Public Records Search System – Records Information Management ("OPRS-RIM"); and

WHEREAS, under the terms of its agreement with Sunrise, the County of Monmouth may sublicense access and use OPRS-RIM to municipalities within Monmouth County; and

WHEREAS, the County of Monmouth, has offered to enter into a shared services agreement with this Municipality, whereby the Municipality will be authorized as a sublicense to access and use OPRS-RIM; and

WHEREAS, a copy of this agreement is attached to this resolution; and

WHEREAS, the OPRS-RIM provides for the Inventory Management, Retention Management, and Disposition Management of official records and includes an imaging module that permits the scanning of paper records into TIFF images, which may be stored long-term, searched and retrieved electronically;

NOW THEREFORE, BE IT FURTHER RESOLVED, by the Governing Body of the Township of Ocean that the Mayor and Municipal Clerk be and they are hereby authorized to enter into the proposed OPRS-RIM shared services agreement with the County of Monmouth; and

BE IT FURTHER RESOLVED, that there is no need for a certification of available funds for the period of September 1, 2009 through August 31, 2010, since this Municipalities obligation will be paid through a PARIS grant obtained by the County of Monmouth; and

BE IT FURTHER RESOLVED, that if and when funds are required from this Municipality to pay for its continued participation in the OPRS-RIM agreement, the Chief Financial Officer shall file a certification of available funds, identifying the budget line item(s) and amount(s) certified.

b. Sustainable Energy

WHEREAS, Local Units of the State of New Jersey are authorized to enter into a joint contract to provide for the formation of a joint meeting for the joint procurement of natural gas, electricity and other forms of energy as permitted by N.J.S.A. 40A:65-14 et seq.; and

WHEREAS, the statutes regulating the creation and establishment of a Joint Meeting contain a mechanism for local units to aggregate their collective energy consumption in order to negotiate and contract for energy in a cost-effective, environmentally sensitive manner, furthering the public interest entrusted to such a Joint Meeting; and

WHEREAS, the governing body of the Township of Ocean has determined that membership in the Joint Meeting is in the best interest of the Township of Ocean.

NOW THEREFORE, BE IT RESOLVED, that the governing body of the Township of Ocean does hereby resolve and agree to become a member in the New Jersey Sustainable Energy Joint Meeting (NJSEM) for the purpose of joining with other Local Units in the State to aggregate purchasing power of energy so as to achieve financial savings and to encourage Local Units to cooperate in seeking ways to jointly implement sustainable energy alternatives;

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the Joint Contract Joinder Agreement, attached hereto, and that Andrew G. Brannen, Township Manager is hereby designated to represent the Local Unit as a member of the State Management Committee of the NJSEM; and

BE IT FURTHER RESOLVED that the Mayor is authorized and directed to execute such other documents signifying their membership in the NJSEM, and make payment of the Initial Membership Fee of \$600 as required by the NJSEM's Bylaws and to deliver same to the Executive Director of the NJSEM.

c. Fiber Telecommunications for the Ocean Township Board of Education

WHEREAS, the Township of Ocean Board of Education is desirous to utilize fiber optic cable to enhance telecommunication capabilities for the Board of Education; and

WHEREAS, Sunesys, who has been hired by the Township of Ocean Board of Education, is seeking to obtain a right of way and use agreement with the Township of ocean, pursuant to N.J.S.A. 48:17-10, et seq., which would allow it to install fiber optic cabling on existing poles owned by Verizon and/or JCP&L and in underground conduit already installed in the public rights of way; and

WHEREAS, Sunesys does not anticipate installing or placing any new poles or underground conduit as part of this installation; and

WHEREAS, the Township of Ocean will be entitled to compensation from Sunesys calculated on a \$250.00 per mile basis, as well as the payment of \$1,500.00 as reimbursement for the Township's legal and engineering review costs;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given for the appropriate Township Officials to execute the Right of Way and Use Agreement, as prepared by Sunesys, LLC, for the installation of fiber optic cable on existing poles and in underground conduit owned by Verizon and JCP&L located on the Township right of ways; and

BE IT FURTHER RESOLVED that, as part of the execution of the Right of Way and Use Agreement, the Township of Ocean will hereby receive compensation in the amount of \$250.00 per mile, as well as the payment of \$1,500.00 as reimbursement for the Township's legal and engineering review costs.

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

1. Township of Ocean Board of Education
2. Township Engineer
3. Director of Public Works

09-164 Authorize the release of various 2007 and 2008 Closed Session Minutes

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 but not longer than yearly, 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;

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 for public inspection:

2007
June 28, 2007

2008
May 19, 2008
June 16, 2008

BE IT FURTHER RESOLVED, that the following closed session minutes **shall not** be released as there are still open items which if released, would jeopardize the Township's ability to bring these matters to proper conclusion:

2007

March 19, 2007
November 19, 2007

2008

February 20, 2008
April 14, 2008
May 5, 2008
September 15, 2008
November 13, 2008

09-165 Authorize the submission of the following Grant:**a. Federal Emergency Management Grant for Hazard Mitigation**

WHEREAS, the Federal Emergency Management Agency, through the New Jersey Office of Emergency Management, has made available various grants to assist municipalities with hazard mitigation; and

WHEREAS, the following grants provide funding for eligible mitigation activities that reduce disaster losses and protect life and property from future disaster damages:

Hazard Mitigation Grant Program
Flood Mitigation Assistant Program
Pre-Disaster Mitigation Program
Repetitive Flood Claims Program
Severe Repetitive Loss Program

WHEREAS, the Township of Ocean wishes to submit said grant applications for the various hazard mitigation grants available; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to submit the grant applications for any and all of the available Grants through the Federal Emergency Management Agency, administered by the New Jersey office of Emergency management, to assist the Township of Ocean in efforts associated with hazard mitigation; and

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

1. Township of Ocean Emergency Management Coordinator
2. Director of Finance

ROLL CALL (on all Consent Items):

YES: Garofalo (except as noted below), Hiers, Schepiga, Siciliano, Larkin
ABSTAIN: Garofalo (for September 21, 2009 Minutes)
RECUSE: Garofalo (for Resolution #09-163b)

INDIVIDUAL ACTION:

On a motion by Councilmember Schepiga and seconded by Councilmember Hiers, the Voucher List, as submitted by the Township Manager, was approved and ordered paid:

VOUCHERS: \$ 5,455,871.48

**Township of Ocean
Department of Finance
Voucher List for October 19, 2009**

Vendor Name	Description	Amount	Contract
<u>2009 Current Fund Appropriation Payments</u>			
33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - AUGUST	112.00	
33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - SEPTEMBER	139.00	
A&J MANAGEMENT CO	PD- PRISONER FOOD - JUNE	67.22	
A&J MANAGEMENT CO	PD- PRISONER FOOD - JULY	28.10	
A&J MANAGEMENT CO	PD- PRISONER FOOD - AUGUST	28.13	
A&J MANAGEMENT CO	PD- PRISONER FOOD - SEPTEMBER	13.79	
ABC RENTAL	Rental of boom lift	210.00	
ACCESS NEW JERSEY INC	PD- FIRST AID/EVIDENCE GLOVES	450.90	
ACCURINT FOR LAW ENFORCEMENT	PD- BACKGROUND SEARCHES-SEPT	33.50	
AFLAC - NEW YORK	SEPT 2009 MEDFLEX ADMIN FEES	25.00	
ALEXIS SCIAULINO	REFUND OF WPA ROOM RENTAL FEE	115.00	
ALL AMERICAN TURF INC	August misc lawn mower parts	285.29	
ALLIED OIL LLC	Sept unlead & diesel fuel	32,008.92	
AMANDA RABELO DE DEUS	PARTIAL REFUND OF SECURITY DEP	125.00	
AMBASSADOR MEDICAL SERVICE INC	Random drug/alcohol test	270.00	
AMERICAN COLLEGE OF FORENSIC	ANNUAL DUES	171.00	
AMERICAN HOSE & HYDRAULICS CO	Misc parts for sani trk #2	1,300.00	
AMERICAN PLUS PRINTERS INC	Fall 2009 Newsletter Printing	3,966.00	
AMERICAN WEAR INC	August uniform rental	948.60	
AMERICAN WEAR INC	Sept uniform rental	1,177.71	
AMERICAN WEAR INC	Sept rags for shop use	60.00	
ASBURY AUTO TOPS	Upholster seat in truck #97	335.00	
ATLANTIC GLASS CO	Replace windshield sani trk #7	300.00	
ATLANTIC GLASS CO	Replace windshield/sani trk #5	325.00	
ATLANTIC PLUMBING SUPPLY CORP	August misc plumbing supplies	176.88	
ATLANTIC PLUMBING SUPPLY CORP	Sept misc plumbing supplies	446.51	
BLUE RIBBON EXTERIOR	REFUND OF PERMIT OVERPAYMENT	71.00	
BRENDA SOFIELD	REFUND OF LIFE GUARD CERTIFICAT	145.00	
BULLET LOCK & SAFE CO INC	Sept misc keys for Twp bldgs	103.50	
BUTTIGLIERI, VINCENT CMC	REIMBURSEMENT MCANJ	305.05	
BUTTIGLIERI, VINCENT CMC	SEPTEMBER 2009 PETTY CASH	188.70	
BUTTIGLIERI, VINCENT CMC	SEPTEMBER 2009 PETTY CASH	80.65	
CAESARS ATLANTIC CITY	DEPOSIT FOR ROOMS	1,749.00	
CCC - MAYOR'S BALL	MAYOR'S BALL-AD JOURNAL	225.00	
CENTER FOR CREDENTIALING & CHRISTIE ALSTON	DUES CLINICAL SUPERVISOR	35.00	
COMCAST SPOTLIGHT INC	REFUND OF REC SOCCER REG FEE	30.00	
CONNER STRONG RISK CONTROL	CTGC ADVERTISING SEPTEMBER	1,528.00	
COPY QUICK PRINTING CO	RIGHT TO KNOW SERVICE	2,800.00	
COURTNEY NERENBERG	Letterhead 8-1/2x11/2000Sheets	220.00	
CRYSTAL SPRINGS	REFUND OF REC SOCCER REG FEE	30.00	
CRYSTAL SPRINGS	WATER 3RD QUARTER	59.55	
CRYSTAL SPRINGS	Sept spring water	32.00	
DARE NEW JERSEY INC	PD- TRAINING - CARTER	175.00	
DAVISON CARPET CLEANING	Clean carpets in Library	925.00	
DELTA DENTAL PLAN OF NJ	October Dental Insurance	10,655.55	
DOWD, JACQUELINE A	CERTIFICATION	137.60	
DOWD, JACQUELINE A	Court Rules Training	19.30	
EDWARDS TIRE CO INC	August recap & service tires	2,526.40	
EDWARDS TIRE CO INC	August tires for Twp vehicles	2,065.00	
EDWARDS TIRE CO INC	Sept recap & service tires	3,188.25	
EDWARDS TIRE CO INC	Sept tires for Twp vehicles	1,750.90	
EDWARDS TIRE CO INC	Tires needed for loader #68	1,544.08	
EDWARDS TIRE CO INC	Tires needed for sani trk #8	3,288.24	
ELECTRONIC MEASUREMENT LAB INC	Calibration of gas meters	841.25	
ENCON MECHANICAL CORP	Heating & Air contract 2nd qtr	14,600.00	
ENCON MECHANICAL CORP	Replace compressor #2 chiller	11,716.40	
ENCON MECHANICAL CORP	Remove & rebuild exist motor	5,786.00	
F & C AUTOMOTIVE SUPPLY INC	Sept misc parts	3,404.55	
FARRUGGIA, SALVATORE	Reimbursement for Cell Phone	75.00	
FEDEX	PD- ALCOTEST SHIPPING FEES	28.96	

**Township of Ocean
Department of Finance
Voucher List for October 19, 2009**

Vendor Name	Description	Amount	Contract
FLAGSHIP HEALTH SYSTEMS INC	October Flagship Dental Ins	791.70	
FLEETWASH INC	August washing sanitation trks	497.50	
FLEETWASH INC	Sept wash sanitation trucks	455.00	
FORT DEARBORN LIFE INS CO	October Life Insurance	648.00	
GALETON GLOVES INC	Safety gloves & vests	432.95	
GEESE CHASERS LLC	GEESE CONTROL SEPT.	862.33	
GILES & RANSOME INC	August misc loader parts	51.21	
GILES & RANSOME INC	Misc parts for cat paver	1,052.85	
GINA PARRINO	REFUND OF LIFEGUARD CERTIFICAT	145.00	
GOLF CAR SPECIALITIES LLC	2 UTILITY CARS CTGC - SEPT.	140.00	
GOLF CAR SPECIALITIES LLC	GOLF CAR LEASE 5TH PAY SEPT	1,900.00	
GOVCONNECTION INC	PD- MIS SUPPLIES	82.00	
GOVCONNECTION INC	HP 3500 Toner	944.00	
GOVCONNECTION INC	Symantec Anti-Virus Software	1,042.00	
GOVCONNECTION INC	PD- TONER CARTRIDGE	183.00	
GRASS ROOTS TURF PRODUCTS	MISC SUPPLIES CTGC	142.00	
GRAYBAR ELECTRIC CO	August misc supplies	228.01	
HEARTLAND SERVICES INC	SEPT PYMT FOR CREDIT CARD SALE	662.49	
HEWLETT-PACKARD CO	HP 146GB 3G SAS 10K SFF	218.00	
IDEAL LUMBER & SUPPLY CO	Sept misc lumber supplies	173.30	
INSTITUTE FOR PROFESSIONAL	10/16 MUNICIPAL BUDGETING SEM	99.00	
JAMES HIGGINS ASSOCIATES	PB meeting attendance	200.00	
JAMES HIGGINS ASSOCIATES	Attend Zoning Board Meeting	200.00	
JANET SURMONTE	REFUND OF LIFEGUARD CERTIFICAT	145.00	
JENNIFER TROCCHIA	REFUND OF WPA ROOM RENTAL FEE	140.00	
JERSEY CENTRAL POWER & LIGHT	August electric general usage	45,706.37	
JERSEY CENTRAL POWER & LIGHT	Sept electric genral usage	26,624.43	
JERSEY CENTRAL POWER & LIGHT	Sept street lighting	19,697.87	
JESCO INC	Misc parts for bomag roller	107.85	
JIM CURLEY PONTIAC GMC TRUCK	Sept misc parts	21.19	
JODI BARLETT	PAYMENT FOR ATTENDANT AT THE	14.00	
JOHN E REID & ASSOC INC	PD- TRAINING/JACKIEWICZ	420.00	
JOHNNY ON THE SPOT INC	ADA PALAIA PK/COL TERRACE SEPT	159.71	
JUNGLE LASER LLC	August 2009 Invoice	3,455.00	
JUNGLE LASER LLC	September 2009 Invoice	3,470.00	
LAKWOOD AUTO/ASBURY NAPA	Sept misc parts	1,512.19	
LANGUAGE LINE SERVICES	Telephone Interpreting July	59.50	
LANGUAGE LINE SERVICES	August telephone Interpreting	32.30	
LANIGAN ASSOCIATES INC	PD- SAFETY SUPPLIES - SEPT	328.80	
LANIGAN ASSOCIATES INC	PD- REPLENISH ROAD FLARES	475.00	
LAURA ZIEGLER	REFUND OF REC SOCCOR REG FEE	30.00	
LEE BATTERY SERVICE INC	Sept misc batteries	500.99	
LESCO - PROX	Sept misc fertilizer & supply	205.77	
LESCO - PROX	Paint for marking soccer field	1,055.68	
LINE SYSTEMS, INC.	SEPT 2009 PHONE SERVICE CHGS	3,934.93	
LOWES INC	August misc building supplies	458.26	
LOWES INC	Sept misc building supplies	677.84	
LYNN PEAVEY CO	PD- EVIDENCE SUPPLIES	290.00	
MAACO COLLISION REPAIR & AUTO	Paint 1997 Chevy Tahoe	947.00	
MAACO COLLISION REPAIR & AUTO	Paint & repair OEM vehicle	1,555.00	
MAACO COLLISION REPAIR & AUTO	PD- REPAINT CAR #68	1,412.15	
MARIA SOTTILE	REFUND OF LIFEGUARD CERTIFICAT	145.00	
MARTINEZ, SUZANA DAROCA	Spanish Interpreter 8-25-09 pm	130.00	
MAZZA & SONS INC	September dump fees bulk mater	3,759.36	
MAZZA & SONS INC	September recycle concrete	75.32	
MAZZA & SONS INC	August dump fees bulk material	3,899.20	
MC GRATH, LAURIE	Reimbursement for shipping	72.06	
MC KENNA-BALLACK, JOANNE C	REIMBURSEMENT FINGERPRINTING	26.25	
MC MAHON, WILLIAM	Cell phone reimbursement	25.00	
MCAA OF MONMOUTH COUNTY	MCAA September Meeting	64.00	
McHEFFEY, DR DINA A	MEDICAL CONSULT 3RD QUARTER 09	300.00	
MIAMI SYSTEMS INC	warrants 2 part 1 carton	66.60	

**Township of Ocean
Department of Finance
Voucher List for October 19, 2009**

Vendor Name	Description	Amount	Contract
MIDGALIA PEREZ	REFUND OF WPA ROOM RENTAL FEE	140.00	
MIKE GRIMES	REFUND OF REC SOCCER REG FEE	70.00	
MODERN EQUIPMENT SALES &	August misc parts	95.00	
MODERN EQUIPMENT SALES &	Sept misc parts	140.25	
MON CTY POLICE ACADEMY	PD- 3RD QUARTER TRAINING	50.00	
MON CTY REGIONAL HEALTH	4Q09 HEALTH/NURSING FEES	39,178.75	
MONMOUTH PAPER CO	COPY PAPER	450.00	
NEPTUNE AUTO SUPPLY	August misc parts	1,431.30	
NEW JERSEY CHAPTER APWA	Registration one day seminar	25.00	
NEXTEL-SPRINT PO MANAGEMENT	7/27/09 - 8/26/2009 Air Cards	99.98	
NJ GANG INVESTIGATORS ASSOC	PD- ADVANCED TRAINING EVENT	50.00	
NJ MOTOR VEHICLE SERVICES	PD- REGISTRATION 4-NEW VEH'S	240.00	
NJ NATURAL GAS CO	August gas usage	1,654.75	
NJ ST LEAGUE OF MUNICIPALITIES	NJ MUNICIPAL SALARY REPORT	50.00	
NJ STATE HEALTH BENEFITS FUND	October Health Insurance	126,688.36	
NJAWC	August water usage	5,824.70	
NJPSAC	PD- ACCREDITATION CONFERENCE	600.00	
OLD DOMINION BRUSH CO	Misc parts for #52 & #53 sweep	220.37	
O'SHEA TRUCK CENTER	Sept misc parts	480.24	
PALMER, MICHAEL W JR	PD- 2ND QRT UNIFORM REIMBURSE	208.75	
POWERPHONE INC	PD- DISPATCH TRAINING	378.00	
RACHEL BIRZIN	PARTIAL RETURN OF SECURITY DEP	136.00	
RELIABLE WOOD PRODUCTS LLC	August recycle brush	6,104.00	
ROBERT SNYDER	REFUND OF LIFEGUARD CERTIFICAT	145.00	
RUDERMAN & GLICKMAN PC	8/16-9/30-LABOR RELATIONS MATT	4,425.00	
SANITATION EQUIPMENT CORP	Misc parts for truck #78	432.60	
SANITATION EQUIPMENT CORP	Misc parts for sani trk #2	3,540.76	
SEA BREEZE FORD INC	Sept misc parts	709.66	
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - SEPTEMBER	32.85	
SEABOARD WELDING SUPPLY INC	770320,770529 - SEPTEMBER	392.00	
SEABOARD WELDING SUPPLY INC	Sept propane for patch truck	180.90	
SEACOAST CHEVROLET OLDSMOBILE	Sept misc parts	425.49	
SETH BELLER C/O RITE AID	STATE TAX APPEAL BL 34 L23	9,522.34	
SHEARON ENVIRONMENTAL DESIGN	MAINTENANCE CONTRACT SEPT #7	23,178.64	
SIPERSTEIN'S PAINT	Sept misc paint & supplies	134.25	
SISSCO MATERIAL HANDLING EQUIP	Inspections of hoist @ Garage	975.00	
SPRINT PO MANAGEMENT	PD- NEXTEL SERV PLAN- SEPT	626.30	
SPRINT PO MANAGEMENT	Service for Aug 27 - Sept 26	49.99	
STATE EXTERMINATING CO	Extermination for ants	70.00	
STAVOLA ASPHALT CO INC	August recycle concrete	1,008.00	
STAVOLA ASPHALT CO INC	Sept 1st half patch program	458.65	
STAVOLA ASPHALT CO INC	Sept 2nd half patch program	585.61	
STAVOLA ASPHALT CO INC	Sept recycle concrete	512.60	
STEINBERG, MARK A ESQ	BOA Meetings and Resolutions	875.00	
STORR TRACTOR CO	Sept misc parts	568.34	
SUE GALA	REFUND OF SENIOR FITNESS REG	35.00	
T.E.A.M. LIFE INC	AED PADS FOR DEFIBRILLATION	405.00	
TD BANK	EMPLOYEE GOOD ATTEND.	700.00	
THATCHER, LINDA	SUPERVISOR BIDDY SOCCER AUG	11.75	
THATCHER, LINDA	SUPERVISER BIDDY SOCCER - SEPT	199.75	
THE NEW COASTER LLC	9/17 FALL FEST FULL PAGE AD	661.00	
THE NEW COASTER LLC	10/1/2009 LEGAL ADVERTISEMENTS	279.31	
THE PHOTO CENTER	PD- 2-DIGITAL CAMERAS	614.00	
TONI MARIE DE GENNARO	REFUND OF ROOM RENTAL FEE	150.00	
TOWNE HARDWARE	August misc maint supplies	146.25	
TOWNE HARDWARE	Sept misc maint supplies	173.20	
TREASURER COUNTY OF MONMOUTH	Sept dumping fees	60,755.42	
TREASURER OF SCHOOL MONIES	OCT 2009 SCHOOL TAXES PAYABLE	4,460,128.65	
TREASURER ST OF NJ	JULY 2009 MARRIAGE LICENSES	1,400.00	
TREASURER STATE OF NEW JERSEY	JULY,AUG,SEPT.2009 DOM.PARTS.	25.00	
TREASURER STATE OF NJ	Elevator inspection Library	368.00	
TREASURER STATE OF NJ	Quartely DCA Fees	7,563.00	

**Township of Ocean
Department of Finance
Voucher List for October 19, 2009**

Vendor Name	Description	Amount	Contract
TREASURER STATE OF NJ/1989 GT	PMT #31 1989 GREEN TRUST FUND	9,580.88	
TRICO EQUIPMENT INC	Sept misc parts	84.70	
TRIOUS INC	Misc parts for truck #85	90.00	
TWP OF OCEAN PAYROLL ACCOUNT	PERS pension for comp employee	344.87	
TWP OF OCEAN SEWERAGE AUTH	4th qtr 2009 sewerage payment	2,338.44	
UNITED CLEANING CONTRACTORS IN	July janitorial service	5,205.00	
UNITED STATES POSTAL SERVICE	REPLENISH POSTAGE METER	5,000.00	
US 1 AUTO PARTS	Sept misc parts	464.39	
VALENTINO, JOSEPH	Cell Phone Reimbursement	75.00	
VANTAGEPOINT TRANSFER AGENTS	Retiree Health Benefits Oct.	2,811.69	
VERIZON	TELEPHONE&ISDN SERVICES 10/09	516.27	
VERIZON WIRELESS	PD- MODEM SERV PLAN- SEPTEMBER	600.10	
VERIZON WIRELESS	PD- MODEM SERV PLAN- SEPTEMBER	600.10	
VIKKI LEIBOWITZ	REFUND OF LIFEGUARD CERTIFICAT	145.00	
W W GRAINGER INC	Sept misc supplies	379.96	
WALKER, GLORIA	Training August 26,2009	19.30	
WALKER, GLORIA	POMCA Level I	28.03	
WINNER FORD OF CHERRY HILL	PD- 4- NEW PATROL VEHICLES	89,412.00	
WM RECYCLE AMERICA LLC	Tip fee single stream recycle	2,210.20	
<u>Total</u>		5,133,284.13	
<u>Total 2009 Current Fund Appropriations Payments</u>		5,133,284.13	
<u>General Capital Payments</u>			
ALL BUSINESS SOLUTIONS INC	PD- NCIC "GREEN" PROJECT	1,795.00	
NJ DEPT OF TRANSPORTATION	HWY 35 # SC-035-2-10-0010457	100.00	
NJ DEPT OF TRANSPORTATION	HWY 35 # SC-035-2-10-0010456	100.00	
QUALITY COMMUNICATIONS	PD- 4- MDT'S NEW VEHICLES	22,516.00	
RALPH CLAYTON & SONS	Payment due for mason sand	395.78	
STAVOLA ASPHALT CO INC	Pave Helen Court	8,145.58	C9-00011
STAVOLA ASPHALT CO INC	Pave Vernon Street	12,458.19	C9-00011
STAVOLA ASPHALT CO INC	Pave Pinecrest Road	16,282.93	C9-00011
WPCS INT'L INC - LAKEWOOD	PD- FCC LICENSE DIGITAL BAND	1,775.00	
<u>Total</u>		63,568.48	
<u>Total General Capital Payments</u>		63,568.48	
<u>Grants Payments</u>			
BENDINER & SCHLESINGER INC	DRUG SCREEN - AUGUST	1,056.50	
DELTA DENTAL PLAN OF NJ	October Dental Insurance	111.65	
DRAEGER SAFETY DIAGNOSTIC INC	PD-ALCOTEST CALIBRATION/CERT	142.00	
LANIGAN ASSOCIATES INC	PD-REPLACEMENT BODY ARMOR	716.95	
LAWMAN SUPPLY CO OF NJ INC	PD/CERT- SIMUNITION BLUE GUN	609.00	
LAWMAN SUPPLY CO OF NJ INC	PD- BODY ARMOR- MARTINEZ	675.00	
LAWMAN SUPPLY CO OF NJ INC	PD- REPLACE BODY	675.00	
NJ STATE HEALTH BENEFITS FUND	October Health Insurance	1,594.60	
<u>Total</u>		5,580.70	
<u>Total Grants Payments</u>		5,580.70	
<u>Law Enforcement Trust Payments</u>			
SPRINT PO MANAGEMENT	PD/TOLET- NEXTEL SERV - SEPT	45.88	
<u>Total</u>		45.88	
<u>Total Law Enforcement Trust Payments</u>		45.88	
<u>TORTA Payments</u>			
LAURIE SMITH	REFUND-PROGRAM CANCELLED	40.00	
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 10/02/09 payroll	832.50	

**Township of Ocean
Department of Finance
Voucher List for October 19, 2009**

Vendor Name	Description	Amount	Contract
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 10/16/09	1,231.45	
<u>Total</u>		2,103.95	
<u>Total TORTA Payments</u>		<u>2,103.95</u>	
<u>Trust Other Payments</u>			
BROWN, SANFORD ESQ	Ocean Seniors reviews & reso	262.50	
CAPITAL REAL ESTATE MGMT LLC	MAINT REL ON 401 BROOKSIDE AVE	2,097.72	
CHEMTOB CONSTRUCTION	PERF REL ON 205 PARK AVE	3,933.46	
ENTERPRISE RENT-A-CAR	PERF REL ON 725 HWY 35	87,197.65	
FIELDSTONE ASSOCIATES	MAINT REL ON 20 HIDDEN MEADOWS	14,016.47	
JAMES HIGGINS ASSOCIATES	DEC 06-STG LANDSCAPE INSP	187.50	
JAMES HIGGINS ASSOCIATES	Reviews R & S Realty	187.50	
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	2,059.00	
JAMES HIGGINS ASSOCIATES	Landscaping Reviews	437.50	
KOLARSICK BUILDERS INC	PERF REL ON 1404 VINA AVE	18,402.10	
LEON S AVAKIAN INC	ENG INSP THUR APRIL 15,2009	988.75	
LEON S AVAKIAN INC	THUR SEP 08-HOLLYWOOD GOLF CLU	1,431.25	
LEON S AVAKIAN INC	THUR MAR 2009-401 BROOKSIDE	695.00	
LEON S AVAKIAN INC	THRU MAY 09-7 MALLARD LANE	503.75	
LEON S AVAKIAN INC	JUL/AUG VARIOUS INSPECTIONS	2,797.50	
NJ DIVISION OF TAXATION	SEPT 2009 SALES & USE TAX	806.61	
NORWOOD AVENUE CVS LLC	PERF REL ON 246 NORWOOD AVE	52,371.51	
OCEAN TOWNSHIP AUTO BODY	REPAIR OF '95 CHEV SUBURBAN	502.10	
ORTIZ, CARLOS	PERF REL ON 1607 HOLBROOK ST	6,562.85	
PASQUALE J GRANT	DED. REIMB. 9/8/09 VEH. DMG.	224.70	
SETH BELLER C/O RITE AID	REFUND OF REMAINING INSP FEES	138.00	
ST GEORGE GREEK ORTHODOX	PERF REDUCTION ON 1033 W PARK	22,237.26	
STEINBERG, MARK A ESQ	BOA Resolutions	643.75	
TWP OF OCEAN CURRENT FUND	Off Duty Admin/Police Car Use	1,840.00	
TWP OF OCEAN CURRENT FUND	Off Duty Police Admin/Car fees	4,010.00	
TWP OF OCEAN PAYROLL ACCOUNT	OFF DUTY POLICE 10/02/09	8,380.00	
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Vacation	3,285.71	
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 10/16/09	15,000.00	
<u>Total</u>		251,200.14	
<u>Total Trust Other Payments</u>		<u>251,200.14</u>	
<u>Animal Control Trust Payments</u>			
NJ STATE DEPT OF HEALTH	JULY'09 STATE DOG REPORT	55.80	
NJ STATE DEPT OF HEALTH	SEPT'09 STATE DOG REPORT	32.40	
<u>Total</u>		88.20	
<u>Total Animal Control Trust Payments</u>		<u>88.20</u>	
<u>Total Bill List for September 21, 2009</u>			
Appropriation Reserve Total			
Current Fund Total		5,133,284.13	
General Capital Fund Total		63,568.48	
State & Federal Grant Total		5,580.70	
Law Enforcement Trust Total		45.88	
TORTA Total		2,103.95	
Trust Other Total		251,200.14	
Animal Control Total		88.20	
Bid Deposit Refund			
State Unemployment Trust			
Trust Assessment Fund			
Total of All Funds		<u>5,455,871.48</u>	

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin (*)

*Yes, except to those in which I may have a conflict:

Sanford Brown, Esq.
Encon Mechanical Corp.
James Higgins Associates
Jungle Laser, LLC

RESOLUTIONS:

09-167 Authorizing the Township to Execute an Amendment to the Agreement with the New Jersey Department of Environmental Protection, Green Acres Program known as Ocean Township Incentive Program 1337-97-111

Councilmember Schepiga offered the following resolution and moved its adoption; seconded by Councilmember Hiers

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State") , provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Ocean desires to further the public interest by obtaining funding in the amount of \$500,000.00 from the State to fund the following project(s): Ocean Township Planning Incentive Project;

NOW, THEREFORE, the Governing Body resolves that Andrew G. Brannen or the successor to the office of Township Manager is hereby authorized to:

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish such documents as may be provided, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council of the Township of Ocean that:

1. The Township Manager of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Township Planning Incentive Project;
2. The applicant has its matching share of the project, if a match is required, in the amount of \$500,000.00;
3. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
5. This resolution shall take effect immediately.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

09-168 Authorize a contract with Jeffrey R. Surenian, Esq., and the Firm Jeffrey R. Surenian and Associates, LLC to assist the Township with its affordable housing responsibilities at a cost not to exceed \$15,000.00

Councilmember Schepiga offered the following resolution and moved its adoption; seconded by Councilmember Hiers

WHEREAS, there exists a need for the services of an attorney to assist the Township of Ocean and its legal counsel in helping the Township address its responsibilities with respect to its affordable housing obligations; and

WHEREAS, Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, has been recommended as an expert in this field; and

WHEREAS, Jeffrey R. Surenian, Esq. has submitted a proposal to perform said legal services for the Township of Ocean at a fee of \$175.00 per hour, not to exceed \$15,000.00; and

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, Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, will complete and submit a Business Entity Disclosure Certification which certifies that Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, have 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 Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, from making any reportable contributions through the term of the contract which shall be made a part of the fully executed 2009 contract; and

WHEREAS, the Director of Finance has certified that funds are available in the Reserve for Affordable Housing, Account # T-03-56-866-866; 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;

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Ocean, County of Monmouth that authorization is hereby given to enter into a contract with Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC to assist the Township of Ocean and its legal counsel in helping the Township address its responsibilities with respect to its affordable housing obligations; and

FURTHER BE IT RESOLVED that the mayor and Municipal Clerk are hereby authorized to execute any and all documents associated with this contract; and

FURTHER BE IT RESOLVED that this contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(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; and

FURTHER BE IT RESOLVED that the award of this contract shall be published according to law.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

09-169 Consideration of the following bid:**a. Compost Leaves from Joe Palaia Park (2 years)**

Councilmember Schepiga offered the following resolution and moved its adoption; seconded by Councilmember Hiers

WHEREAS, the Township of Ocean solicited proposals for the removal of composted leaves from Joe Palaia Park for a two-year period from October 1, 2009 to September 30, 2011; and

WHEREAS, in connection therewith, the following proposals were received by the Township of Ocean for said service: Carl Fraley and Sons, Inc., 3540 Shafto Road, Neptune, NJ and Grinnell Recycling, 482 Houses Corner Road, Sparta, NJ

WHEREAS, the following fees are to be paid by the above referenced vendors for the removal of composted leaves from the compost site:

Carl Fraley and Sons, Inc.	\$0.27 per cubic yard (no exceptions)
Grinnell Recycling	no fees paid to the Township for removal (no exceptions)

WHEREAS, the Township manager and Director of Public Works have recommended that a contract be awarded to Carl Fraley and Sons, Inc., Neptune, NJ, as per their proposal for the removal of composted leaves from Joe Palaia Park in return for payment in the amount of \$0.27 per cubic yard of unscreened leaf compost material; and

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 Carl Fraley and Sons, Inc., Neptune, NJ as per their proposal as set forth in return for payment in the amount of \$0.27 per cubic yard of leaf compost material for the removal of composted leaves from Joe Palaia Park for a two-year period from October 1, 2009 through September 30, 2011; and

BE IT FURTHER RESOLVED that the award of this contract is conditioned upon the delivery and execution thereof within 10 days from the date of this resolution accompanied by such appropriate insurance certificate and bonds, as required; and

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

- a. Director of Public Works
- b. Director of Finance
- c. Carl Fraley and Sons, Inc.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

09-170 Authorize the Township Manager to execute and submit a grant application to the Monmouth County Historical Commission.

Councilmember Schepiga offered the following resolution and moved its adoption; seconded by Councilmember Hiers

WHEREAS, the Township of Ocean is desirous of restoring the historic Eden Woolley House to be used as the new home of the Township of Ocean Historical Museum; and

WHEREAS, a five thousand (\$5,000.00) dollar historical grant, with a minimum one hundred (100%) per cent match by the applicant, administered by the Monmouth County Historical Commission would greatly assist in this restoration project which is to be entitled: "Phase II of the Replication of Historic Window Shutters to conform to the Secretary of the Interior's guidelines for Historical preservation";

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean County of Monmouth, State of New Jersey that the Township manager is hereby authorized to submit to the Monmouth County Historical Commission a five thousand (\$5,000.00) dollar grant application with a minimum one hundred (100%) match by the Township; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to execute any and all documents related to said grant; and

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

1. Monmouth County Historical Commission
2. Township of Ocean Historical Museum
3. Township Manager
4. Director of Finance

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

09-171 Confirming the Private Sale of Real Property to Bruce Horn for property located on Logan Road and Thomas Avenue, Block 211, Lot 1

Councilmember Schepiga offered the following resolution and moved its adoption, seconded by Councilmember Hiers

WHEREAS, the Township Council of the Township of Ocean adopted Ordinance #2129, authorizing the private sale of certain municipality owned, non-conforming real property known as Block 211, Lot 1, Logan Road and Thomas Avenue, pursuant to and in accordance with N.J.S.A. 40A:12-13(b)(5) for a minimum bid price of \$2,000.00; and

WHEREAS, the Township Clerk received one (1) bid from Bruce Horn, 1903 Logan Road, Ocean, New Jersey for the purchase of the said real property at the minimum bid price of \$2,000.00, accompanied by a bank check in the amount of \$200.00 and has otherwise met the terms and conditions of the Ordinance;

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

- Horn
1. That the sale of Block 211, Lot 1, Logan Road and Thomas Avenue, to Bruce for the minimum bid price of \$2,000.00 be and is hereby confirmed.
 2. That the Township Clerk shall provide certified copy of this resolution to the following:
 1. Bruce Horn
 2. Tax Assessor
 3. Tax Collector
 4. Township Attorney

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

09-172 Approve a Chapter 159 for the following Grants:

a. Federal Bulletproof Vest Partnership 2009 Grant

Councilmember Schepiga offered the following resolution and moved its adoption, seconded by Councilmember Hiers

WHEREAS, N.J.S.A.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for any equal amount, and

WHEREAS, the Township of Ocean registered with US Department of Justice on August 27, 1999 to participate in a federal program in which the Township of Ocean would receive from the US Department of Justice 50% of the cost that the Township expends for bulletproof vests, and

WHEREAS, the Township of Ocean opened a special checking account to facilitate the receipt of such funds as required, and

WHEREAS, the Township has received an award of \$7,193.00 which has been made available from the Bureau of Justice Assistance Office of Justice Programs with an additional \$7,193.00 provided from The New Jersey State Bullet Proof Grant representing the 50% matching fund requirement as a special item of revenue pursuant to N.J.S.A. 40A:4-87, and

NOW, THEREFORE BE IT RESOLVED that the Township of Ocean, County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget year 2009 the sum \$7,193.00 which is now available as a revenue from the Bureau of Justice Assistance Office of Justice Programs with an additional \$7,193.00 provided from the New Jersey State Bullet Proof Grant representing the 50% matching fund requirement.

BE IT FURTHER RESOLVED that a like sum is hereby appropriated under the caption of:

Bulletproof Vest Program Grant 2009 - Other Expenses.....\$7,193.00

BE IT FURTHER RESOLVED that two copies of this resolution be forwarded to the following

- 1. Director, Division of Local Government Services
PO Box 803, Trenton NJ 08625-0803
- 2. Chief of Police
- 3. Director of Finance
- 4. Township Auditor

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

b. Emergency Management Assistance Grant 2009

Councilmember Schepiga offered the following resolution and moved its adoption, seconded by Councilmember Hiers

WHEREAS, N.J.S.A.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for any equal amount, and

WHEREAS, the Township has received an award of \$5,000.00 which has been made available from the State of New Jersey Department of Law and Public Safety as a special item of revenue pursuant to N.J.S.A. 40A:4-87, and \$5,000.00 to be provided from the Matching Funds for Grants Account in the 2009 budget and

NOW, THEREFORE BE IT RESOLVED that the Township of Ocean, County of Monmouth hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget year 2009 the sum \$5,000.00 which is now available as a revenue from the State of New Jersey Department of Law and Public Safety with an additional \$5,000.00 provided from the Matching Funds for Grants Account in the 2009 budget representing the 50% matching fund requirement.

BE IT FURTHER RESOLVED that a like sum is hereby appropriated under the caption of:

Emergency Management Assistance Grant 2009 – Other Expenses . \$5,000.00

BE IT FURTHER RESOLVED that two copies of this resolution be forwarded to the following

1. Director, Division of Local Government Services
PO Box 803, Trenton NJ 08625-0803
2. Ocean Township Emergency Management Coordinator
3. Director of Finance
4. Township Auditor

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

c. Edward Byrne Memorial Justice Assistance Grant 2009

Councilmember Schepiga offered the following resolution and moved its adoption, seconded by Councilmember Hiers

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2009 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of any item of appropriation for equal amount, and

WHEREAS, the Township of Ocean has been awarded \$25,845.00 from the County of Monmouth as the administrators of the Federal Recovery Act: Edward Byrne Memorial Justice Assistance grant 2009,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Ocean, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$25,845.00 for the purpose of purchasing 6 Motorola portable radios, for which item is now available as a revenue from the County of Monmouth, State of New Jersey.

BE IT FURTHER RESOLVED, that a like sum of \$25,845.00 be and the same is hereby appropriated under the caption of:

Edward Byrne Memorial Justice Assistance Grant 2009
 Other Expenses \$25,845.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution are to be filed with

1. Director of the Division of Local Government Services.
2. Director of Finance
3. Township Auditor

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

09-173 Declare Township of ocean's intent to comply with its Mount Laurel obligation

Councilmember Schepiga offered the following resolution and moved its adoption, seconded by Councilmember Hiers

RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, DECLARING ITS INTENT TO COMPLY WITH ITS *MOUNT LAUREL* OBLIGATIONS AND TO SERVE AS A "CATALYST FOR CHANGE" WITHOUT THE NECESSITY OF THE FILING AND SERVING OF ANY ADDITIONAL MOUNT LAUREL LAWSUITS

WHEREAS, in *Mount Laurel II*, the New Jersey Supreme Court ruled, subject to various other limitations, that, in order for a plaintiff to be entitled to a builder's remedy, it must "succeed in litigation" (see *Mount Laurel II* at 279-280); and

WHEREAS, in 2002, the Supreme Court underscored that a developer must be a "catalyst for change" in order to qualify as a successful plaintiff (see *Toll Bros. v. Tp. of West Windsor*, 173 N.J. 502, 507 (2002)); and

WHEREAS, Ocean Township is a fundamentally inclusionary community consisting of in excess of 3,000 low and moderate income apartments and other modest housing and has not used its zoning powers to exclude low and moderate income households; and

WHEREAS, notwithstanding its open-door zoning policies, on or about September 3, 2009, BVB II Associates ("BVB") filed a builder's remedy lawsuit and on or about October 15, 2009, Avalon Bay Communities, Inc ("Avalon") filed a builder's remedy lawsuit against the Township declaring that the Township is exclusionary and demanding that Ocean comply with its Mount Laurel requirements; and

WHEREAS, BVB and Avalon sought site specific relief for the construction of a court-ordered inclusionary development on the same property purportedly to rectify the purported exclusionary zoning of the community; and

WHEREAS, the Township hereby stipulates that, on the date BVB and Avalon filed suit, the Planning Board had not adopted and the Township had not endorsed a Housing Element and Fair Share Plan that satisfied Ocean's obligation to provide sufficient low and moderate income housing pursuant to COAH's **current** substantive regulations; and

WHEREAS, however, the Township contends that its failure to satisfy its obligations did not arise from exclusionary zoning, but instead is a direct result of several fundamental flaws in COAH's regulations; and

WHEREAS, the Township is aware of several pending appeals to COAH's regulations, and is aware that a decision by the Appellate Division regarding these appeals will likely occur in the near future; and

WHEREAS, notwithstanding these pending appeals, the Township is considering the exercise of its independent right to challenge the legal validity of certain COAH regulations; and

WHEREAS, in addition, the Township reserves its right to comply “under protest” and to thereby exercise its independent right to demonstrate that it has not violated the principles upon which the Mount Laurel doctrine is based and that therefore the defect lies not in the land use regulations of the Township, but rather in the regulations COAH has adopted to implement the doctrine; and

WHEREAS, in view of the foregoing, however, if anyone is the “catalyst for change”, it is BVB and Avalon and none other; and

WHEREAS, in view of the foregoing, there is no need to further litigate (a) whether defendants complied with the current regulations of COAH at the point BVB and Avalon filed suit or (b) whether BVB and Avalon were the “catalyst” for causing the Township to comply with COAH’s current regulations; and

WHEREAS, other than the foregoing two issues, all other issues relating to BVB’s and Avalon’s entitlement to a builder’s remedy have not been stipulated to by defendants and are properly before the Court; and

WHEREAS, despite the aforementioned lawsuits and any associated defenses thereto, the Township of Ocean now wishes to formally declare its intent to comply, to the extent that it has not already complied, with its Mount Laurel obligations in their current form and as may be further amended, and to serve as the “catalyst for change” vis-à-vis any additional individuals or entities that may hereafter file and serve a Mount Laurel builder’s remedy lawsuit, an exclusionary zoning lawsuit and/or any other lawsuit premised upon the Mount Laurel doctrine; and

WHEREAS, the Township of Ocean wishes to make clear that the Township’s commitment through this Resolution will ensure that the Township will take the actions necessary to achieve constitutional compliance, thus rendering any additional Mount Laurel lawsuits “unnecessary litigation.”

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township of Ocean hereby formally declares its intent to achieve constitutional compliance, to the extent it has not done so already, but reserves its right to comply “under protest”.
2. The Township directs its professionals to review the current state of Mount Laurel compliance and to take whatever actions may be necessary to achieve a formal judgment of constitutional compliance by the Court or a grant of substantive certification by the Council On Affordable Housing.
3. The Township hereby directs its professionals to furnish this Resolution to the Court and to place this Resolution on file in Town Hall so as to put the public and all interested parties on notice of the Township’s formal commitment to comply with its Mount Laurel obligations.
4. The Township hereby directs its professionals to seek immunity from additional Mount Laurel lawsuits on the basis of its stipulation that it is not in compliance with COAH’s current regulations and that it is committed to comply, other than from BVB and Avalon with respect to the properties that are the subject of that suit.

This Resolution shall take effect immediately.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

ORDINANCES:

Announcement

At this juncture, Mayor Larkin announced that Ordinance #2138 was being removed from the Agenda and upon further review, it will be placed on a future meeting agenda.

Adoption(s)

Mayor Larkin announced that the Council was going to reaffirm their vote that was previously taken for Ordinance #2127. This ordinance's Public Hearing was held on June 15, 2009 however, due to some timing issues, a reaffirmation is required.

Township Clerk read Ordinance #2127 by Title:

Ordinance #2127 – A Bond Ordinance providing for various improvements, more specifically for Public Works equipment and vehicles; Police Department equipment; acquisition of MIS equipment; recreation improvements and various road improvements.
(Coaster)

On a motion by Councilmember Garofalo and seconded by Councilmember Siciliano, it was moved to adopt Ordinance #2127 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

Township Clerk read the following Ordinances by Title:

Ordinance #2139 - An ordinance amending Chapter XI of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: "Health"
(Coaster)

On a motion by Councilmember Garofalo and seconded by Councilmember Siciliano, it was moved to open the Public Hearing on Ordinance #2139

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

No public comments were received

On a motion by Councilmember Garofalo and seconded by Councilmember Siciliano, it was moved to close the Public Hearing on Ordinance #2139

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

On a motion by Councilmember Garofalo and seconded by Councilmember Siciliano, it was moved to adopt Ordinance #2139 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

Introduction(s)

Ordinance #2130 - An ordinance amending and supplementing Chapter II of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Department of Administration to remove Civil Defense and Disaster Control Council and replace it with Emergency Management
(P.H. 11/9/09 Coaster)

On a motion by Councilmember Garofalo seconded by Councilmember Siciliano, it was moved to approve Ordinance #2130 on first reading and advertise according to law in

The Coaster together with the notice of the Public Hearing which will be held on November 9, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE NO. 2130

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER II OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965" ENTITLED DEPARTMENT OF ADMINISTRATION

BE IT ORDAINED by the Township of Ocean in the County of Monmouth, State of New Jersey, that Chapter II of the "Revised General Ordinances of the Township of Ocean, 1965", entitled: Department of Administration is hereby amended to remove Section 2-6.5 Civil Defense and Disaster Control Council and replace it with Section 2-6.5 Emergency Management with all other sections not listed to remain the same:

SECTION I

Chapter II – Department of Administration

2-6.5 Emergency Management

a. Department - General

There shall be an Office of Emergency Management, the head of which shall be the Township Emergency Management Director.

b. Definitions

As used in article, the following terms shall have the meanings indicated:

- *DECLARATION OF A STATE OF LOCAL DISASTER EMERGENCY* – The determination by the Director or his authorized Deputy, upon consultation with the Township Manager, that a disaster has occurred or is imminent requiring activation of all or part of the Township civil defense and disaster control (CD-DC) organization, from which determination a proclamation of a state of local disaster emergency shall issue.
- *DIRECTOR* – Oversees the Office of Emergency Management both operationally and administratively. Also known as the Coordinator.
- *DEPUTY COORDINATOR* – Assists the Township Emergency Management Director
- *DISASTER* – Includes, but is not limited to, actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic or other impending or actual calamity endangering or threatening to endanger health, life or property or constituted government.
- *EMERGENCY MANAGEMENT FORCES* – The employees, equipment and Township facilities of all departments, boards, institutions and commissions. In addition, it shall include all volunteer personnel, equipment and facilities contributed by, or obtained from, volunteer persons or agencies.
- *EMERGENCY MANAGEMENT VOLUNTEER* – Any person duly registered, identified and appointed by the Township Director of the Office of Emergency Management and assigned to participate in the emergency management activity. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General provisions, Art. IV)
- *EXPENDABLE ITEMS* – Any items used to extinguish any fire and/or stop or control or contain any leak or spill involving hazardous material which cannot be reused or cannot be replenished without cost after that particular fire, leak or spill. These include, but are not limited to, fire-fighting foam, chemical extinguishing agents, absorbent material, sand, recovery drums and specialized protective equipment to

- include, but not be restricted to, acid suits, acid gloves, goggles and protective clothing.
- *HAZARDOUS MATERIALS* – Any material, solid, liquid or gas, listed as a hazardous substance or material including, but not limited to, substances and materials listed under the National Fire Protection Association (NFPA) Guide of Hazardous Material, the Department of Transportation Guide Book and the list of hazardous substances and toxic pollutants designated by the Federal Environmental Protection Agency and the New Jersey Department of Environmental Protection.
- *VEHICLE* – Any motorized equipment, registered or unregistered, including, but not limited to, a passenger car, motorcycle, truck, tractor trailer, construction equipment, farm machinery, watercraft, aircraft and trains.
- *VESSEL* – Any container, drum, box, cylinder, bottle or tank used to hold, contain, carry or store any hazardous material.

c. Purpose

Because of the existing and increasing possibility of disasters of unprecedented size and destructiveness, resulting from fire, flood, earthquake, hurricane, tropical storm, plane crash or other natural or man-made causes, and in order to ensure that preparations of this Township will be adequate to deal with such disasters in addition to civil insurrection, war or any hostility towards the United States, and generally to provide for the common defense and to protect the public peace, health and safety and to preserve the lives and property of the residents of this Township, it is hereby found and declared to be necessary.

d. Comprehensive Plan

It is further declared to be the purpose of this article and the policy of this Township that all emergency functions of the state government, including its various departments and agencies, of the county government and of the other Township and private agencies of every type to be included in the emergency operations plan so that a comprehensive plan can be developed to make use of all available resources in the event that a disaster does occur.

e. Liability

1. This chapter is an exercise by the Township of its governmental functions for the protection of the public peace, welfare, health and safety. During an emergency, neither the Township nor agents and representatives of said Township, nor any individual, receiver, firm, partnership, corporation, association or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this chapter, shall be liable for any damage sustained to persons or property as a result of said activity.
2. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants to Township the right to inspect, designate and use the whole or any part or parts of such real estate or premises, for the purpose of sheltering persons during an emergency, shall not be civilly liable for the death of or injury to any persons on or about such real estate or premises under such license, privilege or other permission, or for loss of or damage to the property of such persons.

f. Director

The Township Emergency Management Coordinator will be known as the Township Emergency Management Director and shall be appointed by the Township Manager pursuant to law. The Emergency Management Director shall serve for a term of three (3) years, provided that the requirements of this section are fulfilled and that individual must be a resident of the Township of Ocean. As a condition of appointment, the Emergency Management Director shall have successfully completed, at the time of appointment or within one year immediately following said appointment, the current approved Emergency Management Director course. The Township Emergency Management Director shall:

1. Maintain the Township of Ocean Emergency Operations Plan
2. Supervise and/or maintain departmental records, prepare budget requests and oversee the day-to-day operation of Emergency Management divisions.
3. Keep all books and records for emergency services related to federal and state-mandated and/or optional programs, including National Incident Management System
4. Upon request, shall prepare public education programs, maintain emergency operations center, coordinate and review school evacuation plans, industrial evacuation plans, oversee a disaster recovery plan, be responsible for grant applications and critique an annual emergency exercise.
5. The Emergency Management Director shall be responsible for the planning, activating, coordinating and the conduct of disaster control operations within the Township.
6. Whenever, in his or her opinion, a disaster has occurred or is imminent in the Township, the Emergency Management Director shall proclaim a state of local disaster emergency within the Township.
7. The Emergency management Director, in accordance with regulations promulgated by the State Office of Emergency Management Director, shall be empowered to issue and enforce such orders as may be necessary to implement and carry out disaster control operations and to protect the health, safety and resources of the residents of the Township.
8. Establish and staff a Township Emergency Operations Center and act as a frequency coordinator for the Township radio system.
9. In emergency situations, coordinate the altering and mobilization of the Township Emergency Management organizations and assist in the processing of requests for emergency aid and the dispatching of aid to the points of greatest need.
10. Shall act as the Township Director for the CERT (Community Emergency Response Teams) and NIMS (National Incident Management System) program and act as a liaison for Township Fire Departments and First Aid Squads.
11. When necessary, respond to the scene of major emergencies involving fire, rescue, hazardous material units, Emergency Medical Service units, Emergency Management activity and other major conditions that affect public safety.

g. Emergency Management Deputy Coordinator(s)

The Emergency Management Director shall appoint an Emergency Management Deputy Coordinator(s) who shall assist the Emergency Management Director and, further, shall assume the functions, powers and duties of the Emergency Management Director in the absence of the Emergency Management Director. Whenever possible, such Deputy(s) shall be appointed from among the salaried officers or employees of the Township.

h. Compensation

The salary of the Emergency Management Director and/or Deputy Coordinator(s) shall be set forth by the Township Manager.

i. Reimbursable Items

Costs incurred by the Township Office of Emergency Management and/or other mutual aid responding units for the following items in connection with the suppression, control or cleanup of a fire, leakage or spillage involving any hazardous substance or hazardous material shall be reimbursed to the aforesaid respective organizations by the responsible parties as set forth below:

1. The cost of replacement of expendable items.
2. The expense incurred by the Township for the wages (regular and/or overtime) paid to its employees/agents, as a result of a hazardous material incident.
3. Any and all medical cost incurred by responding personnel.
4. Any and all environmental tests required to ensure a hazard-free environment (soil-water-air).

5. A fixed hourly rate, for use of any apparatus at incidents, computed at a rate determined for the use of specialized equipment and/or vehicles and an hourly rate for the use of any other equipment and/or vehicles to the Township.
6. All expenses incurred by other mutual aid responding units at the rate above.
7. Services rendered by any recovery company, towing company or other technical assistance called for by the Emergency Management Director, or designee, to handle such incidents.

j. Responsible Parties

Reimbursement to the Township for any reimbursement items, as set forth above, shall be made by the following parties:

1. The owner or operator of any vehicle responsible for any fire, leak or spill of hazardous material.
2. The owner or person responsible for any vessels containing hazardous material involved in any fire, leak or spill on public or private property, whether stationary or in transit, whether accidental or through negligence.
3. The owner or person responsible for any property from which any leak or spill of hazardous material emanates.
4. Any person responsible for any fire, leak or spill of hazardous material on public or private property.

k. Time Limit for Payment

Any responsible party shall reimburse the Township for the full price of any reimbursable items used to extinguish such a fire, stop or contain such a leak or control and clean up such a spill within 30 days after receipt of a bill for such items from the Township.

l. Violations and Penalties

1. Any responsible party who fails to reimburse the Township for reimbursable items within 30 days after receipt of the bill shall be subject to a fine of not less than \$100.00 nor more than \$5,000.00 or imprisonment for a period of not more than 45 days, or both. Upon failure to reimburse the Township of the cost of such items within said 45 day period, and in addition to any penalty provided for herein, the Township may take such action, as may be provided by law, to recover such costs from the responsible party.
2. Any person, firm or corporation violating any provision of this chapter, or any rule or regulation promulgated hereunder, upon conviction thereof, shall be punished by a fine of not more than \$5,000.00, and costs of prosecution, or imprisonment for a period of not more than 30 days, or both, in the discretion of the court.

m. Violation or Regulations; Obstruction

It shall be unlawful for any person to violate any provision of this chapter, or of the regulations or plans issued pursuant to the authority contained herein, or to willfully obstruct, hinder or delay any member of the emergency management organization, as herein defined, in the enforcement of the provisions of this chapter or any regulation or plan issued hereunder.

SECTION II

All other ordinances or parts of ordinances thereof enacted prior to the adoption of this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

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 remained of this ordinance shall be deemed valid and effective.

SECTION IV

This ordinance shall take effect as provided by law after final passage

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

Ordinance #2140 - An ordinance amending and supplementing Chapter 21 – The
(P.H. 11/9/09 Coaster) Comprehensive Land Development Ordinance of the Township of Ocean

On a motion by Councilmember Garofalo and seconded by Councilmember Siciliano, it was moved to approve Ordinance #2139 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on November 9, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE #2140

ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 21 – THE COMPREHENSIVE 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:

1. Chapter 21, the Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:

Section 21-6 shall be amended in part to read:

“School, parochial” shall mean a facility or use primarily for the education and instruction of individuals in academic or religious subjects and operated on a not-for-profit basis, from pre-school through Grade 12, and administered, supervised, and directly affiliated with an exempted nonprofit organization.

Section 21-9 shall be amended to read:

21-9 Fees.

The Municipal Agency shall charge fees as set forth hereinafter which shall be non-refundable and which shall be for the purpose of offsetting in-house administrative, clerical, and technical costs, exclusive of expenses for professional consultants, such as legal, planning, engineering, and other professional fees, costs, and expenses. Such professional fees shall be designated as escrow fees and as referred to hereinafter.

The Township shall furnish a copy of the fee schedule upon request.

a. Site plans.

<u>Acres</u>	<u>Preliminary</u>	<u>Per Acre</u>
0-2	\$ 850.00	
2-10	\$1,700 plus	\$400.00
10-25	4,900 plus	200.00
25-100	7,900 plus	100.00
100 & up	\$15,400 plus	50.00

<u>Acres</u>	<u>Final</u>	<u>Per Acre</u>
0-2	\$ 350.00	
2-10	\$ 600 plus	\$125.00
10-25	1,600 plus	75.00
25-100	2,725 plus	50.00
100 & up	\$6,475 plus	25.00

Amended Site Plan	\$850.00
Minor Site Plan	\$850.00
Minor Site Plan Subcommittee Review If required by the Planning Administrator: (Amended Nov. 20, 1995 – Ordinance 1716)	\$350.00
Extension of Site Plan Approval Pursuant to N.J.S. 40:55D-52	\$350.00
Trash and Recyclables Materials Storage Area (Amended March 19, 1997 – Ordinance 1770)	\$125.00
Flag Pole Plan (Amended October 24, 2001 – Ordinance 1901)	\$125.00

WAIVER:

The site plan fee may be waived by the Township Council by resolution upon application by non-profit corporations devoted to recreational purposes under Title 15 of the Revised General Statutes of New Jersey and applications by the Fire Districts and Sewerage Authority within the Township of Ocean.

b. Subdivisions

Classification	(Required on all Subdivisions)	\$100.00
Amended Subdivision		\$800.00
Minor(2 to 4 lots)	\$400 plus	\$100 per lot
Major Preliminary	\$300 plus	\$100 per lot
Final	\$100 plus	\$50.00 per lot

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c. Variances (Amended June 2, 1999 – Ordinance 1831)

40:55D-68	(Certification of Use)	\$275.00
40:55D-70a	(Appeals)	275.00
40:55D-70b	(Interpretations)	275.00
40:55D-20c	(Hardship)	
	Single Family Residential	200.00
	All others	500.00
40:55D-70d	(Use)	
	Single family residential, per unit	275.00
	Multi-family residential / Townhouse	525.00
	Commercial and Industrial	1,500.00
	All others	1,500.00
d.	Conditional Uses	350.00
e.	Official Map Appeals	275.00
f.	Appeals to Governing Body	275.00
g.	Certified List of Property Owners	\$10.00
h.	Whenever an application for development shall include more than one request or action, the total accumulated fees of each separate action shall be charged.	
i.	Professional Review Fees: The Municipal Agency may require the payment of fees into an escrow account for the purpose of reimbursing the Township for direct fees, costs, charges, and expenses of professional consultants retained by or on behalf of the Township, its Boards, or agencies and employees and staff of the Township, its boards or agencies in reviewing and testifying and/or assisting the Township in the processing of applications pursuant to the ordinances of the Township and/or assisting the Township in the evaluation, planning, and proper design of municipal services and facilities in order to meet the needs of the proposed project. Such escrow account will be based upon the following schedules:	

Site Plans:

Major (Preliminary and/or Final)		Total Initial Escrow Fee
ACRE	0-2	\$ 2,000.00
	2-10	3,500.00
	10-25	5,000.00
	25-100	10,000.00
	100 & up	\$15,000.00
	Minor Site Plan	\$1,500.00
	Minor Site Plan Subcommittee Review if required by the Planning Administrator (Amended Nov 20, 1995 – Ordinance 1716)	500.00
	Amended Site Plan	1,500.00
	Billboard Relocation	2,000.00
	Billboard Relocation	2,000.00

Subdivision:

Amended Subdivision		\$1,500.00
Minor	(2 to 4 lots)	\$2,000.00
Major	(5 to 12 lots)	3,000.00
	(13 to 24 lots)	4,000.00
	(25 to 50 lots)	5,000.00
	(51 and up)	10,000.00
40:55D-68	(Certification of Use)	1,000.00
40:55D-70a	(Appeals):	1,000.00
40:55D-70b	(Interpretations):	1,000.00
40:55d-70c	(Bulk Variance) Non-residential	500.00
40:55d-70d	(Use Variance):	2,000.00

No professional reviews will be undertaken until the escrow has been established. If, in the judgment of the Planning Board or Board of Adjustment, additional funds are required after 75% of the original escrow account has been exhausted, these monies shall be paid to the appropriate account or accounts.

- i. The fee for inspection for improvements for site plans, subdivisions, and single lot residential development shall be calculated at the rate of 5% of the cost of improvements or \$500.00, whichever is greater.

For those developments for which the fees are \$10,000.00 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the fees. When the balance on deposit drops to 10% of the fee because the amount deposited by the developer has been reduced by the amount paid to the municipal engineer for inspection, the developer shall make additional deposits of 25% of the fees. The municipal engineer shall not perform any inspections if sufficient funds to pay for those inspections are not on deposit. (Amended December 4, 1996 – Ordinance 1754)

- j. Special Meetings for the Planning Board or Board of Adjustment

If the Board of Adjustment or Planning Board is requested to, and decided to hear an application at one or more special meetings, the applicant(s) shall pay an additional two thousand five hundred (\$2,500.00) dollars for each special meeting at which the matter is heard. (Amended January 10, 2001 – Ordinance 1873)

- k. Conceptual Review

At the request of a developer, the Planning Board shall grant an informal review of a concept plan for development for which the developer intends to prepare and submit an application for development. The fees for such an informal review are:

Application Fee	- \$150.00
Escrow for Professional Review	- \$250.00

The amount of any fees for such an informal review shall be a credit toward fees for review of the application for development if applied for within 180 days of such an informal review.

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l. Legal Reviews by Township Attorney.

Guarantee Review	(per review)
Review of performance guarantee by Township Attorney	\$150.00
Review of maintenance guarantee by Township Attorney	\$150.00

Guarantee Review:	(per review)
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Preparation of developer's agreements by Township Attorney (Amended December 2, 1992 – Ordinance 1610)	\$500.00
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Preparation of extension to developer's agreement	\$150.00
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Miscellaneous reviews: Master Deed, Certificate of Incorporation, Bylaws, Unit Deeds, etc.	\$150.00
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m. Site Plan Charges Computation

In cases where only a portion of a parcel or site are to be involved in the proposed site plan, the site area charge shall be based upon an area extending 20 feet outside the limits of all construction, including grading and landscaping as well as all other areas of the site the Township Engineer believes are reasonably affected by the development application. The 20 feet around the disturbed area shall not extend beyond the property lines. The Township may still require reasonable improvements and upgrading to the portions of the site not within the disturbed or affected areas.

n. Grading plans

Pools -	\$250.00	for the original submittal and site visit.
	\$ 75.00	for each re-submittal or re-inspection.
	\$250.00	for the final as-built submittal and site visit.
	\$ 75.00	for each final as-built re-submittal or re-inspection.

Single lot, residential -

\$300.00	For the original submittal and site visit.
\$ 75.00	for each re-submittal or re-inspection.
\$300.00	for the final as-built submittal and site visit.
\$ 75.00	for each final as-built re-submittal or re-inspection.

o. Zoning Permits: Zoning permits shall be required for the following items: (Added January 10, 2001 – Ordinance 1873)

Fences:	\$ 35.00
Sheds under 101 square feet:	\$ 50.00
Driveways and patios:	\$ 35.00

p. Zoning Letters:

Residentially zoned property	\$ 75.00
All others	\$125.00

Section 21-22.1 shall be amended to add:

8. Rehabilitation and vocational training center for the physically and/or neurologically disabled.

Section 21-44.5 shall be amended to read:

21-44.5. Temporary Signs

- a. Any person or organization desiring to erect a temporary sign or signs as set forth hereinafter shall apply for a sign permit from the Township of Ocean for which there shall be a fee of fifteen (\$15.00) dollars.

Section 21-48.6. shall be amended to read:

21-48.6. Swimming Pool. There shall be a fence of a type approved by the construction official not less than four feet high completely enclosing any below-ground swimming pool, any above ground swimming pool four feet in height or greater, and any other swimming pool of 100 square feet of surface water area or more and which is less than four feet above the ground. Each gate in a pool fence shall be self-closing and capable of being locked when not in use.

Section 21-51.28 shall be revised to read:

21-51.28 Rehabilitation and vocational training centers for the physically and/or neurologically disabled. Such facilities may include rehabilitation, therapy, education, vocational training, supported employment, related administrative services, and child care and similar services related to the primary function of the facility. (Section 21-51.28 added 11/16/92 – Ordinance 1608)

- | | | |
|----|----------------------------|-----------|
| a. | Minimum Lot Area | - 5 acres |
| b. | Minimum Front Yard Setback | - 100' |
| c. | Minimum Rear Yard Setback | - 45' |
| d. | Minimum Side Yard Setback | - 45' |

5. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.
6. 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.
7. 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.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

Council Reports:

Councilmember Schepiga reminded everyone that, due to the rainout, Operation Clean Sweep has been rescheduled for Sunday, October 25, 2009 beginning at 11:30 a.m.

Councilmember Siciliano commended all those involved with the Mayor's Charity Ball. It is a sellout.

The following gave no reports:

Councilmember(s) Garofalo, Hiers
Andrew Brannen, Township Manager
Martin Arbus, Township Attorney.

PUBLIC COMMENTS:

Don Geiger asked the following questions:

1. Regarding the Automated Trash Collection Program:
 - a. has a survey been done by the Township regarding the proposed changes
 - b. how the utilization of different trucks impact the collection process
 - c. how will the automated trucks be able to handle the narrow streets when cars are parked in front of the respective homes
 - d. will the Township's liability insurance cover any vehicle damage caused by the automated collection process

Mr. Brannen explained the collection process and the fact that there will still be regular garbage trucks that will be utilized and they may be required to handle the collection on the narrower streets. Mr. Brannen also explained that the Township will be replacing the existing garbage trucks with the automated one's through the normal replacement process.

2. Regarding Health Benefits:
 - a. Has the Township considered having the employees contribute towards the cost of their health insurance?

Mr. Brannen explained that a procedure was established in 2009 by where the employee will contribute 3%, 6% and 9% towards their health insurance premiums in 2009, 2010 and 2011, respectively.

3. Contracting for Services:
 - a. Has the Township considered contracting out for certain services rather than hire employees to perform those duties in-house?

Mr. Brannen reported that the Township has already done that in the instances of the maintenance of the Colonial Terrace Golf Course and will be looking into that further in the coming years.

4. Flex Schedules for Employees:
 - a. Has the Township considered going to a four-day a week work schedule in an effort to realize savings.

Mr. Brannen explained that most of the savings would be from an energy standpoint with the closing of the building however, due to use by the Police Department, that would not be feasible and therefore, revising the work schedule would not give the Township any savings.

5. Has the Township considered increasing the fees they charge for services such as permits?

Mr. Brannen explained that the Township is exploring that option, as evidenced by the adoption of Ordinance #2139 at this meeting. All Departments have been instructed to look at their fees and see if State Statute would permit increases and would the increases be warranted and feasible.

6. Status of the Stop and Shop Litigation

Martin Arbus, Township Attorney, reported that the litigation is ongoing and another court date has been scheduled.

7. Since Monmouth County has decided not to proceed with the Armstrong Boulevard jughandle project, what is the Township doing now to alleviate traffic?

Mayor Larkin responded that, since West Park Avenue is a County road, he wants the County to come up with a plan that will give some relief to those who travel on that road.

8. Since most of the taxes paid by the property owners go to the Board of Education, does anyone from the Council attend their meetings? Could the Township partner with them for the purchase of some items, which could result in a savings for both entities?

Mr. Brannen reported that the Township is in the process of doing full Requests for Proposals for office supplies, banking services, telecommunications and automotive supplies.

Joseph Contreras, Chairperson for the Quality of Life Committee from Monmouth University, along with other members of his committee, wanted to let the Council know that they were trying to enlighten the other students about the dangers of drinking by promoting a program called "Party Smart". Also, this Committee would continue to work with the Township to get the message out to the students in light of improving the quality of life for the residents in the area of the University.

Brian Lefferson asked the following questions:

- a. Noticed that the State of New Jersey awarded \$104 million in aid for transportation projects and wanted to know what project the Township was going to utilize the funds for.

Mr. Brannen stated that the Township was going to continue with the Sunset Avenue Road Project with those funds.

- b. Inquired as to the status of the property located by 777 West Park Avenue and would it be left as open space?

Mayor Larkin stated that he did not want to do anything to lock up that property.

- c. Inquired what the Township's plans were to alleviate the traffic problem at the west Park Avenue intersection?

Mayor Larkin responded that, since West Park Avenue is a County road, he wants the County to come up with a plan that will give some relief to those who travel on that road.

Pamela Larson asked the following:

- a. stated that she noticed that the Hillel School was delinquent in their taxes and do they usually pay it off or does it actually go to tax sale?

Mr. Brannen stated that the delinquency is usually cleared up prior to the tax sale.

- b. Ms. Larson also inquired if the Township had explored any alternative energy sources such as solar panels or wind towers.

Mr. Brannen explained that the Township is exploring solar panels for the Municipal Building and concurred that it could reduce energy costs for the Township

Leslie Dorsett stated that the Board of Education installed solar panels on the Intermediate School, as well as water controls, and this has reduced operating costs. Ms. Dorsett also stated that she was happy that the Armstrong Boulevard project was defeated.

Al Kerecman - The Greenway at Ocean Project

Mr. Kerecman gave a brief presentation on what he envisions as a way to provide for safe, accessible and continuous means for the public to utilize other ways of navigating through the Township without the use of automobiles.

Mr. Kerecman went on to explain that there are many professionals that he would like to get together to discuss the feasibility of this project, including members of the Council, students from Monmouth University, Representatives from the Township Environmental Commission and other Township officials to.

Mayor Larkin stated that it appears to be an interesting concept and Mr. Kerecman should set the meeting up with Mr. Brannen.

Barbara Hudson stated that the project discussed by Mr. Kerecman should be done in stages and as part of the Master Plan. Mrs. Hudson also stated that the Township should consider putting summaries for each item on the Agenda, which would make it easier to understand.

Larry Loigman asked the following questions:

- a. How could the Council vote on Ordinance #2127 when it did not appear on the Agenda.

Mayor Larkin explained that it was on the Workshop Agenda that night but the Council decided that they wanted to hold the vote during the ordinance portion the Public Meeting.

- b. Inquired about the total amount paid to CMX for the design of the Armstrong Boulevard jughandle project and were there any outstanding invoices.

- c. Inquired as to how many Police Officers were on terminal leave and the length of time they would be out of work. Mr. Loigman also inquired as to the staffing levels of the Police Department and stated that he believed the current staffing level should be increased.

Brian Lefferson stated that he believed the bigger issue with the Police Department is how they are dispatched rather than the staffing levels, as previously mentioned. Mr. Lefferson also inquired about Township-owned property on Cleaview Drive and whether said property has been sold.

Mayor Larkin explained that the Township has no plans to sell the property at the current time.

Al Kerecman stated that if there were funds left from the Armstrong boulevard project, they could be utilized to initiate The Greenway at Ocean project he mentioned earlier.

F.K. Hudson inquired if the contract with CMX had been terminated yet and when would the transcript from the Scoping Hearing be ready for review.

No other public comments were received.

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to adjourn the meeting.

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk