

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

DECEMBER 8, 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

Absent: Councilmember 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, June 15, 2009 and revised on November 30, 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.

Mayor's Statement: Public Portion to Ask Questions with Regard 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. Vouchers – asked for clarification on a number of payments that appeared on the voucher list including:
 - a. Reimbursement to the Municipal Clerk for the League of Municipalities Conference
 - b. Payment of legal fees to Martin J. Arbus, Township Attorney – Mr. Loigman questioned if any of those fees pertained to Mr. Arbus's defense of the lawsuit that was brought on by Mr. Loigman against Mr. Arbus.
 - c. Payments to Leon S. Avakian, Township Engineer – Mr. Loigman inquired if it would not be more cost effective to have an in-house engineering staff, as opposed to paying these fees to an outside contractor.

Andrew Brannen, Township Manager, responded that the Township had explored this option a few years ago and it was not more cost effective to bring those services in-house.

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- d. reimbursement to a Human Services employee
- e. Payment to Ruderman & Glickman – Mr. Loigman asked for a breakdown of the charges.

Mr. Brannen stated that approximately 80% was for the final submission for the ongoing labor issues and 20% was for disciplinary matters.

- 2. Resolution #09-197 – asked if the Township solicited proposals for services.

Mr. Brannen explained that Mr. Higgins has been the Township Planner for a number of years and has done a great job and there was no reason not to reappoint him.

- 3. Resolution 09-200 – inquired about the process utilized for selection and whether the Township solicited any proposals for services. Mr. Loigman inquired about the qualification of Mr. Krenkel and whether he had represented the Township previously. Mr. Loigman also inquired why the Township was appointing an Assistant Township Attorney.

Martin Arbus, Township Attorney, explained that this resolution is a result of a lawsuit instituted by Mr. Loigman due to the fact that David Krenkel, Esq. attended the August 8, 2009 Council Meeting on behalf of Mr. Arbus, who was on vacation. As a result, the Township was instructed by Judge Lawson to pass this resolution as he would dismiss certain counts of the litigation.

Robert Ades, inquired as follows:

- 1. Resolution #09-192 – inquired if the Township felt it was prudent to undertake the reconstruction of tennis courts based on the tough financial climate the Township is facing.
- 2. Vouchers – inquired as to the reason for the payment to the Monmouth County Treasurer.

Mr. Brannen explained that that payment is the remittance of the County taxes paid to the Township.

CONSENT AGENDA

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

MINUTES:

November 9, 2009 – Workshop and Closed

RESOLUTIONS:**09-189 Approve the 2010 Township Council Meeting schedule**

WHEREAS, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975, it is necessary for the Township Council of the Township of Ocean to post and maintain a schedule of the meetings of the Township Council that will be held during the year 2010; and

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October 18, 2010
 November 8, 2010
 December 6, 2010
 January 10, 2011

*** January 23, 2010 and February 6, 2010 meeting will begin at 8:30 a.m.

09-190 Approve appointments to the Monmouth County Community Development Committee, Deal Lake Commission and the Public Agency Compliance Officer

BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the following person(s) be and are hereby appointed for the terms hereinafter provided:

**PUBLIC AGENCY
 COMPLIANCE OFFICER**

<i>Member</i>	<i>Starting</i>	<i>Ending</i>	
1 year term	Vincent Buttiglieri	January 1, 2010	December 31, 2010

**DEAL LAKE
 COMMISSION**

<i>Member</i>	<i>Starting</i>	<i>Ending</i>	
1 year term	John Everson	January 1, 2010	December 31, 2010
1 year term	John A. Villapiano (Alternate)	January 1, 2010	December 31, 2010

**MONMOUTH COUNTY
 COMMUNITY
 DEVELOPMENT COMM.**

<i>Member</i>	<i>Starting</i>	<i>Ending</i>	
1 year term	Andrew Brannen	January 1, 2010	December 31, 2010
1 year term	Adrienne Burke (Alternate)	January 1, 2010	December 31, 2010

All other previously made appointments and associated terms shall remain in full force and effect.

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

1. Board/Committee or Department
2. Public Agency Compliance Officer
3. Municipal Clerk

09-191 Approve the appointment of Susan Horton to the Senior Citizen Housing Corporation to fill the unexpired term of Barbara Gould

BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the following person(s) be and are hereby appointed for the terms hereinafter provided:

**SENIOR CITIZEN
 HOUSING CORPORATION**

<i>Member</i>	<i>Starting</i>	<i>Ending</i>	
5 year term	*Susan Horton (Community Representative)	December 8, 2009	April 30, 2010

Ms. Horton is filling the unexpired term of Barbara Gould, which will expire at the date noted above

All other previously made appointments and associated terms shall remain in full force and effect.

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

1. Board/Committee or Department
2. Public Agency Compliance Officer
3. Municipal Clerk

09-192 Authorize receipt of bids for the reconstruction of the Municipal Tennis Courts at Oakhurst Park

WHEREAS, the Township Council is desirous of receiving bids for:

Municipal Tennis Court Reconstruction

WHEREAS, specifications for the aforesaid item is on file in the Human Services (Recreation) Department and is available for inspection;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for bids for the aforesaid item as per the specifications on file in the Human Services (Recreation) Department to be received by the Township Manager at the Township Council Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Township Manager
2. Director of Finance
3. Recreation Director

09-193 Authorize the Mayor and Municipal Clerk to execute the Stormwater Management Agreements for Block 3, Lots 13, 14 & 15 – 2105 Highway 35 – L. Waldron, LLC

WHEREAS, the Township of Ocean Planning Board as part of a site plan approval for lands designated as **Block 3, Lots 13, 14 and 15** located at **2105 Highway 35**, required the applicant to enter into a Stormwater Management Easement and Escrow Fund Agreement; and

WHEREAS, the Township professionals in conjunction with the property owners' representatives prepared a Stormwater Management Easement and Escrow Fund Agreement, a copy of which is maintained in the Township Clerks office; and

WHEREAS, this Stormwater Management Easement and Escrow Fund Agreement is subject to review and approval by the Township Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to sign this Agreement on behalf of the Township of Ocean so that said Agreement can be recorded in the County of Monmouth.

BE IT FURTHER RESOLVED that a condition of the approval of this Agreement shall be that the metes and bounds description for the entire property be included as an attachment to the Agreement with both the Agreement and the attached being recorded in the County of Monmouth.

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

1. L. Waldron, LLC
2. Jennifer Krimko, Esq., Attorney for 2105 Highway 35
3. Martin J. Arbus, Esq., Township Attorney
4. Marianne Wilensky, Director of Community Development

09-194 Authorize the execution of the Grant Agreement for the 2009-2010 Cops in Shops College/Fall Initiative Grant

WHEREAS, there are funds available from the New Jersey Division of Alcoholic Beverage and New Jersey Division of Highway Traffic Safety through the Cops in Shops-College/Fall Initiative 2009-2010 Grant; and

WHEREAS, \$2,400.00 is available to cover overtime wages for the Township of Ocean Police Officers to enforce underage drinking laws; and

WHEREAS, the Township of Ocean Police Chief has recommended that this allocation be accepted; and

WHEREAS, it is in the best interest of the Township of Ocean to apply for said grant,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean, County of Monmouth, and State of New Jersey, that the appropriate officials are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of Grant Funds between the Township of Ocean, County of Monmouth and the New Jersey Division of Alcoholic Beverage Control for the Cops in Shops-College/Fall Initiative 2009-2010 Grant

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

1. Director of Finance
2. Chief of Police

09-195 Authorize the Township Manager to execute the revised License Agreement with Crown Castle for Block 184, Lot 7, 3437 Sunset Avenue.

WHEREAS, Crown Atlantic Company, LLC, hereinafter referred to as the Licensor, with an address at 2000 Corporate Drive, Canonsburg, PA 15317 entered into a Land Lease Agreement on July 20, 2000 for the property known as Block 184, Lot 7, also known as 3437 Sunset Avenue, in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Township of Ocean, hereinafter referred to as the Licensee, wishes to formalize the previous agreement by where the Township of Ocean could install, operate and maintain various equipment on said site for the use in providing wireless communications; and

WHEREAS, in addition to formalizing the previously approved resolution and due to changes in technology, the Township of Ocean wishes to revise the equipment list it has located at this site, the listing of which is attached to, and made part of, said revised Agreement between the Township of Ocean and Crown Castle; and

WHEREAS, there are no other changes to the original Agreement between the parties;

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NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that the Township Manager is hereby authorized to execute the Tower License Agreement with Crown Castle for Block 184, Lot 7, also known as 3437 Sunset Avenue, Township of Ocean, NJ formalizing said agreement and amending the equipment that will be located on said site; and

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

1. Director of Finance
2. Crown Atlantic Company, LLC
3. Township Auditor
4. Township Attorney

ROLL CALL (on all Consent Items):

YES: Garofalo (except for Minutes), Hiers, Schepiga, Larkin

ABSTAIN: Garofalo (on Minutes only)

ABSENT: Siciliano

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: \$ 10,303,012.74

**Township of Ocean
Department of Finance
Voucher List for December 8, 2009**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
COOPER ELECTRIC SUPPLY CO	New service contract/Municipal	230.00	
<u>Total</u>		230.00	
<u>Total Appropriation Reserves Payments</u>			
<u>2009 Current Fund Appropriation Payments</u>			
ABC RENTAL	Rental of trencher/Golf Course	100.00	
ADPRO IMPRINTS/BUDGET BANNERS	PD- DISPATCHER UNIFORMS	315.70	
ALBERTA E FARY	REFUND OF HOMESTEAD REBATE	1,147.31	
ALLIED OIL LLC	Nov unlead & diesel fuel	33,925.54	
AMBASSADOR MEDICAL SERVICE	Random drug/alcohol test	410.00	
AMERICAN WEAR INC	Novemeber uniform rental	1,295.60	
AMERICAN WEAR INC	November rags for shop use	48.00	
AQUATIC DISTRIBUTORS INC	BELTS/PULLEYS FOR POOL	589.40	
ARBUS, MARTIN ESQ 00007	NOV RETAINER, SEPT/OCT LEGAL	7,426.33	C9-
ARBUS, MARTIN ESQ 00007	DEC RETAINER,10/29-12/02 LEGAL	13,170.33	C9-
BOARD OF FIRE COMMISSIONERS	4TH QTR 2009 FIRE DISTRICT #1	320,498.75	
BOARD OF FIRE COMMISSIONERS	4TH QTR 2009 FIRE DISTRICT #2	307,726.50	
BROOKE MCKEE-BASS	REFUND REC SOCCER REG FEE	30.00	
BROWN, SANFORD ESQ	PB Meeting, reveiws, resos	1,285.00	
BULLET LOCK & SAFE CO INC	Nov misc keys for Twp building	191.35	
BUTTIGLIERI, VINCENT CMC	REIMBURSEMENT-LEAGUE OF	321.00	
BUTTIGLIERI, VINCENT CMC	NOVEMBER 2009 PETTY CASH	115.69	
CALABRO, PHIL	SUPERVISE ADULT BB NOVEMBER	52.00	
CAMPBELL SUPPLY CO INC	Metal door for Buildings/Grnds	270.00	

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CAMPBELL SUPPLY CO INC	Metal door frame for Blds&Grnd	97.00
CLASSIC TOURS	POPLAR VILLAGE TRIP 11/06/09	920.00
COMCAST SPOTLIGHT INC	CTGC ADVERTISING OCTOBER	745.00
COOPER ELECTRIC SUPPLY CO	Renew contract for generator	206.70
CRAFT OIL CORP	Misc oils & antifreeze Twp trk	8,118.00
CROWN CASTLE USA INC	PD- TOWER STRUCTUAL ANALYSIS	2,000.00
CRYSTAL SPRINGS	October spring water	89.12
DELTA DENTAL PLAN OF NJ	December Dental Insurance	11,163.22
DENISE SWEET & ASSOC LLC	AUG 09 VILLAGE OF LOCH ARBOUR	317.50
DOWD, JACQUELINE A	reimbursement for supplies	55.22
EAST COAST EMERGENCY LIGHTING	PD- NEW VEHICLE EQUIPMENT	1,790.24
EASTERN ST CRIMINAL INV ASSOC	PD- GANGS/GUN VIOLENCE TRNG	200.00
EDWARDS TIRE CO INC	Nov recap & service tires	3,324.55
EDWARDS TIRE CO INC	Nov tires	1,557.05
ETHYLEN D MATOS	REFUND OF ROOM RENTAL FEE	140.00
EVELYN CASTRO	REFUND OF ROOM RENTAL FEE	150.00
F & C AUTOMOTIVE SUPPLY INC	October misc parts	2,193.01
F & C AUTOMOTIVE SUPPLY INC	Nov misc parts	2,054.48
FALCO, GARRET	SUPERVISE TEEN WRESTLING NOV	78.00
FAMILY DEVELOPMENT RESOURCES	AAPI ONLINE TESTS	250.00
FARRUGGIA, SALVATORE	REIMBURSEMENT FOR WORK BOOTS	125.00
FITNESS LIFESTYLES	EQUIPT FOR SENIOR FITNESS	592.50
FLAGSHIP HEALTH SYSTEMS INC	December Flagship Dental Ins	791.70
FLEETWASH INC	Oct washing sanitation trks	672.50
FORT DEARBORN LIFE INS CO	Life Insurance December	659.28
GANNETT NJ NEWSPAPERS	A/C9459 NOV 09 ADVERTISEMENTS	35.10
GANNETT NJ NEWSPAPERS	A/C 9459 NOV LEGAL ADS	10.80
GANNETT NJ NEWSPAPERS	A/C9459 11/28 MASTER PLAN REEX	19.98
GANNETT NJ NEWSPAPERS	A/C 9459 12/2 OLD MTG/NEW MTG	27.00
GEESE CHASERS LLC	GEESE CONTROL NOVEMBER	862.33
GOFFCO INDUSTRIES INC	OT Traffic Tickets	519.00
GOLF CAR SPECIALITIES LLC	UTILITY VEHICLES CTGC	140.00
GRAMCO BUSINESS	cds for recorder	63.70
GRAYBAR ELECTRIC CO	Cat5 48 port patch panel	193.50
GRAYBAR ELECTRIC CO	October msic supplies	1,043.22
GROVE RADIATOR WAREHOUSE INC	Radiator needed/sani trk #9	425.00
HALSEY, MATTHEW	SUPERVISE ADULT VOLLEYBALL NOV	78.00
HEARTLAND SERVICES INC	NOV PYMT FOR CREDIT CARD	19.11
HIGGINS, JAMES	REIMBURSEMENT FINGERPRINTING	26.25
IDEAL LUMBER & SUPPLY CO	November misc lumber supplies	81.61
JAMES HIGGINS ASSOCIATES	PB and BOA meetings	600.00
JERSEY CENTRAL POWER & LIGHT	November street lighting	19,543.49
JET-VAC INC	Misc parts for Jet Vac #77	1,435.63
JIM CURLEY PONTIAC GMC TRUCK	Nov misc parts	87.55
JOHNNY ON THE SPOT INC	ADA UNIT PALAIA PK NOVEMBER	102.40
KATHLEEN DE CAMP	REFUND OF BOYS INSTRUCTIONAL	40.00
LAKWOOD AUTO/ASBURY NAPA	November misc parts	1,985.96
LEON S AVAKIAN INC	THRU JUN 09-DPW YD IMP,SHARON	3,517.50
LEON S AVAKIAN INC	THRU SEPT 09 POOL INSPECTIONS	1,113.75
LEON S AVAKIAN INC	JULY-OCT 2009 GENERAL ENGINEER	6,907.50
LEON S AVAKIAN INC	THRU OCT 2009-RES SITE INSPECT	7,930.00
LEON S AVAKIAN INC	POPLAR VIL,FEMA MAPPING,ASSIST	9,957.50
LINDA BRANDOW	REFUND OF REC SUMMER CAMP REG	45.00
LINE SYSTEMS, INC.	NOV 2009 PHONE SERVICE CHGS	3,942.80
LL ENTERPRISES LLC	PD- BLUETOOTH HEADSET	99.98
LOMBARDI TRAFFIC STRIPING CORP	Line striping Hope Road	2,385.00
LOWES INC	November misc building supply	163.55
LOWES INC	Water cooler for Public Works	117.00
MANASQUAN GENERATOR SHOP	Alternator needed/trks #86]	300.00
MARIOS GRIVAS	REFUND OF HOMESTEAD REBATE	1,200.00
MARTINEZ, SUZANA DAROCA	Interpreter 10/27/09 AM sess.	130.00
MASSARO, SALVATORE	JAN-SEPT CELL PH REIMBURSMT	225.00
MAZZA & SONS INC	November dump fees bulk	1,609.12
MC MAHON, WILLIAM	Cell phone reimbursement	25.00
MC MAHON, WILLIAM	Cell phone reimbursement	25.00
METRO FIRE & COMMUNICATIONS	Service call alarm in Library	294.00
MODERN EQUIPMENT SALES &	November misc parts	49.20
MONMOUTH COUNTY TREASURER	4TH QTR 2009 GENERAL CTY TAXES	3,161,599.21

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MONMOUTH COUNTY TREASURER	4TH QTR 2009 OPEN SPACE TAXES	204,110.94
MONMOUTH COUNTY TREASURER	4TH QTR 2009 LIBRARY TAXES	183,128.55
MOORE WALLACE NORTH AMERICA	CERT PAPER 8-1/2 X 14 REG-42B	133.16
NENA	PD- ANNUAL MEMBERSHIP	120.00
NEPTUNE AUTO SUPPLY	October misc parts	1,986.73
NEPTUNE AUTO SUPPLY	November misc parts	877.80
NEPTUNE DOOR CO	Repairs to garage door	296.00
NEW JERSEY LAW JOURNAL	2010 IOCAL GOVERNMENT	129.95
NEW JERSEY TECH SUPPLY	Patch plugs for tires	37.54
NEXTEL-SPRINT PO MANAGEMENT	8/27/09 - 9/27/09 AIR CARDS	99.98
NJ NATURAL GAS CO	October gas usage Twp building	4,665.10
NJ PLANNING OFFICIALS	NJPO dues Marianne Wilensky	150.00
NJ STATE HEALTH BENEFITS FUND	November Health Insurance	133,033.73
NJAWC	October water usage	2,323.33
NJRPA INC	RECREATION SEMINAR - 11/18/09	35.00
NOVOBILSKY, DIANE	TRAVEL EXPENSE 2009	200.00
OLD DOMINION BRUSH CO	Misc parts for leaf machines	1,670.00
O'SHEA TRUCK CENTER	November misc parts	439.02
PRODUCTION 101 INC	TRAINING MANUAL FOR REC PROG.	102.95
PROFESSIONAL DIVERS INC	PD- DIVE EQUIPMENT	824.40
QUIKIE PRINT & COPY SHOPS	MANUALS BB RULES	100.00
RADIOBOSS	2-WAY RADIOS	113.88
RECREONICS INC	ANCHORS/STEPS	597.11
REGNOW INC	PD- EXTENDED DOWNLOAD	47.45
REISER, KATHY	REIMBURSE/PERISHABLES CTGC	50.88
REISER, KATHY	REIMBURSE COACHES MTG SUPPLY	33.46
REISER, KATHY CUST OF POOL	REIMBURSE POOL SUPPLIES	74.32
RUDERMAN & GLICKMAN PC	OCT 2009 LABOR RELATIONS	4,479.97
SAL AND MARY BETH MASSARO	REFUND OF REC ROOM RENTAL FEE	140.00
SANSONE FORD LINCOLN MERCURY	Diagnosis police car #55	99.95
SEA BREEZE FORD INC	November misc parts	602.15
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - NOVEMBER	39.70
SEABOARD FIRE & SAFETY	November recharge fire exting	56.70
SEABOARD WELDING SUPPLY INC	PD- OXYGEN REFILLS - NOVEMBER	195.00
SHAH, NAVNITLAL	Urdu Intpr Ct Sess 11-10-09	103.00
SHARON DENTE	REFUND OF REC WRESTLING REG FE	30.00
SHEARON ENVIRONMENTAL DESIGN	MAINTENANCE CONTRACT NOV	23,178.64
SIPERSTEIN'S PAINT	November misc paint supplies	98.87
SIPERSTEIN'S PAINT	POLYURETHANE FOR POOL	320.00
SPRINT PO MANAGEMENT	PD- NEXTEL SERV PLAN- OCTOBER	757.68
SPRINT PO MANAGEMENT	Service for Oct 27 - Nov 26	49.99
STATE EXTERMINATING CO	Extermination for bees	320.00
STAVOLA ASPHALT CO INC	Nov 1st half patch program	63.77
STEINBERG, MARK A ESQ	BOA meeting and resolutions	812.50
SUDIA, ERIC	REIMBURSEMENT FOR WORK BOOTS	50.00
SUDIA, ERIC	JAN-SEPT CELL PH REIMBURSMT	135.00
SUNSET FARM MARKET	November misc supplies	189.75
THE BANK OF NEW YORK	MON CTY IMPROV AUTH BOND/INT	933,421.70
THE NEW COASTER LLC	NOV 12,19 LEGAL ADS	122.76
THE NEW COASTER LLC	11/25 CONTRACT-AVAKIAN,CLARKE	23.56
THOMAS GEORGE	REIMBURSE FINGERPRINTING	26.25
TOWNE HARDWARE	November misc maint supplies	154.43
TREASURER COUNTY OF MONMOUTH	November dumping fees	53,538.12
TREASURER OF SCHOOL MONIES	DEC 2009 SCHOOL TAXES PAYABLE	4,460,128.65
TREASURER STATE OF NJ	Registration underground tanks	150.00
TRICO EQUIPMENT INC	November misc parts	1,123.10
TRUIS INC	Misc parts for sani trk #3	533.45
TWIN BROOK APARTMENTS	2009 GARBAGE REIMBURSEMENT	77,263.20
US 1 AUTO PARTS	November misc parts	665.36
US POSTAL SVS(NEOPPOST ON CALL)	REPLENISH POSTAGE METER	5,000.00
V E RALPH & SON INC	PD- FIRST AID SUPPLIES	993.34
VANTAGEPOINT TRANSFER AGENTS	Retiree Health Benefits	2,811.69
VERIZON	TELEPHONE & ISDN SERVICE 12/09	814.77
VERIZON WIRELESS	PD- MODEM SERV PLAN-	500.12
VERIZON WIRELESS	PD- MODEM SERV PLAN-	500.10
VIRTUAL F/X	PD- NEW VEHICLE GRAPHICS	2,160.00
W H POTTER & SON INC	November misc lawn mower parts	163.65
WILENSKY, MARIANNE	Cell Phone Reimbursement	125.00

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WILENSKY, MARIANNE	League of Municipalities	105.00
WILTBANK, LARRY	INSTRUCTOR COACHES TRAINING	160.00
ZAKI, NADIA	Arabic Intpr Ct sess 11-10-09	260.00
<u>Total</u>		10,064,032.51
<u>Total 2009 Current Fund Appropriations Payments</u>		<u>10,064,032.51</u>
<u>General Capital Payments</u>		
ARMSTRONG TREE SERVICE LLC	tree work @ Golf Course	1,200.00
ASBURY PARK ELECTRIC SUPPLY	Misc wire for irrigation clock	471.51
FOX RENTALS	Rental vibratory wire puller	852.50
GOVCONNECTION INC	HP Scanjet 5590 Scanner	270.00
LEON S AVAKIAN INC 00010	JUNE-SEPT 2009-2008 ROAD PROGR	9,470.00 C8-
LEON S AVAKIAN INC 00004	JUN/JUL 2009-2009 ROAD PROGRAM	26,960.00 C9-
LEON S AVAKIAN INC	THRU JUN 09-2010 TRANS TRUS FD	106.25
LEON S AVAKIAN INC 00018	THRU AUG 09-POLICE COM TOWER	742.50 C9-
LEON S AVAKIAN INC 00019	THRU 8/09 SUNSET AVE SIDEWALK	17,400.00 C9-
PERRY'S TROPHY CO INC	PLAQUES - WEST WING/POL COMM	3,269.00
VERIZON WIRELESS	Verizon Air Cards (Garage)	116.09
WPCS INT'L INC - LAKEWOOD	PD/CAP- RADIO PROJECT	4,390.00
YRC INC	Shipping cost for scarab parts	1,458.78
<u>Total</u>		66,706.63
<u>Total General Capital Payments</u>		<u>66,706.63</u>
<u>Grants Payments</u>		
BENDINER & SCHLESINGER INC	DRUG SCREENS OCTOBER	1,073.00
DELTA DENTAL PLAN OF NJ	December Dental Insurance	111.65
JAMES HIGGINS ASSOCIATES 00006	OCT 2009-OPEN SPACE STUDY	562.50 C9-
LEON S AVAKIAN INC 00001	THRU JUNE 09-OCEAN GLADES	1,242.50 C9-
MC GRATH, LAURIE	Reimbursement for supplies	97.82
MON CTY REGIONAL HEALTH	Flu Shots	1,006.00
NJ STATE HEALTH BENEFITS FUND	November Health Insurance	1,594.60
<u>Total</u>		5,688.07
<u>Total Grants Payments</u>		<u>5,688.07</u>
<u>Law Enforcement Trust Payments</u>		
SPRINT PO MANAGEMENT	PD/TOLET- NEXTEL SERV - OCT	47.08
<u>Total</u>		47.08
<u>Total Law Enforcement Trust Payments</u>		<u>47.08</u>
<u>TORTA Payments</u>		
ALI, NANCY	INSTRUCT "WANNA COOK"	200.00
MUSICAL ME LLC	INSTRUCT MUSICAL ME	300.00
REISER, KATHY	REIMBURSE GOLF LGUE BANQUET	140.17
TIME & SPACE CONSULTING	INSTRUCT SENIOR YOGA NOVEMBER	500.00
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 11/13/09 payroll	992.05
TWP OF OCEAN PAYROLL ACCOUNT	TORTA payroll 11/25/09	1,477.05
<u>Total</u>		3,609.27
<u>Total TORTA Payments</u>		<u>3,609.27</u>
<u>Trust Other Payments</u>		
BROWN, SANFORD ESQ	Reviews Ocean Seniors	950.00
CCTS TAX LIENS II LLC	33.01 7 REDEMPT 08-00004	18,730.10
CCTS TAX LIENS II LLC	REDEMPTION 33.01 7 08-0004	700.00
CHRISTOPHER ILVENTO	Reimbursement for surety bond	500.00
CLARKE CATON HINTZ 00016	OCT 2009 COAH PLANNING CONSULT	5,005.03 C9-

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CRUSADER SERVICING CORP	REDEMPT B34 1 -C155 07-00001	-00.00
DAIDONE ELECTRIC INC	Off Duty Escrow Reimbursement	385.00
GOLD COAST AUTO LLC	PERF REL ON 2121-2123 HWY 35 N	21,139.25
HIGH POINT UTILITIES	Off Duty Escrow Reimbursement	90.00
JAMES HIGGINS ASSOCIATES	APR 09-ROLLING MEADOWS PH 2	468.75
JAMES HIGGINS ASSOCIATES	APR 09-ROLLING MEADOWS PH 3	625.00
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	2,468.75
JAMES HIGGINS ASSOCIATES	Landscaping Inspections	343.75
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	437.50
KITCHELL CONTRACTING LLC	PERF REL ON 200 PARK AVE	15,235.03
LEON S AVAKIAN INC	VAR MONTHS - 167 MONMOUTH	1,007.50
LEON S AVAKIAN INC	THRU AUG 2009-35 BRUNS RD	850.00
LEON S AVAKIAN INC	THRU AUG 2009 38 BRANDYWINE	446.25
LEON S AVAKIAN INC	JUN/JUL VARIOUS INSPECTIONS	6,630.00
LEON S AVAKIAN INC	THRU SEPT 09-VARIOUS INPECTION	10,297.50
LEON S AVAKIAN INC	THRU SEPT-LONGVIEW, CONG SON	445.00
MARMORA, JOHN ESQUIRE	Reviews for Hiers Application	500.00
MASER CONSULTING, P.A.	JULY-NOV 09-ROLLING MEAD PH 2	9,231.25
MASER CONSULTING, P.A.	JUL-NOV 09-ROLLING MEAD PH 3	7,556.25
MASER CONSULTING, P.A.	JUL-NOV 09-ROLLING MEAD PH I	11,507.50
MASER CONSULTING, P.A.	OCT/NOV 2009-MECCIA SUBDIVISIO	1,141.25
MASER CONSULTING, P.A.	OCT 2009 CEDAR VILLAGE PH I,II	757.50
METRO PCS NEW YORK	PERF REL ON 2108 KINGS HWY	408.00
MGO GROUP OF COMPANIES	PERF REL ON 38 BRANDYWINE RD	3,507.72
OLDE MONMOUTH BUILDERS INC	PERF REL ON 35 BRUNS RD	3,626.00
PALATIAL HOMES INC	PERF REL ON 1320 VINA AVE	1,217.00
REMINGTON VERNICK & VENA ENG	Review fees for Hiers Subdiv.	1,260.00
STEINBERG, MARK A ESQ	BOA Resolutions	781.25
SUNSET FARM MARKET	2 Evergreens Trees	502.20
SUNSET FARM MARKET	2 Red Oaks-Historical Museum	398.00
SUNSET FARM MARKET	Replacement trees-Darough Park	686.00
TEMPLE BETH TORAH	Reimbursement-off duty detail	260.00
TWP OF OCEAN BOARD OF ED	Overpayment Wayside Parade	50.00
TWP OF OCEAN CURRENT FUND	Off Duty Admin/Police Car Use	7,078.75
TWP OF OCEAN CURRENT FUND	Off Duty Police Admin/Car Use	382.50
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty 11/13/09	19,195.00
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 11/25/09 pay	4,390.00
WILLMS, DOUGLAS	Workers comp Scibal Ck#42858	984.03
WILLMS, DOUGLAS	TWP Share Scibal Ck\$42858	499.97

Total 162,674.58

Total Trust Other Payments 162,674.58

Animal Control Trust Payments

NJ STATE DEPT OF HEALTH OCT'09 STATE DOG LIC REPORT 24.60

Total 24.60

Total Animal Control Trust Payments 24.60

Total Bill List for December 8, 2009

Appropriation Reserve Total 230.00

Current Fund Total 10,064,032.51

General Capital Fund Total 66,706.63

State & Federal Grant Total 5,688.07

Law Enforcement Trust Total 47.08

TORTA Total 3,609.27

Trust Other Total 162,674.58

Animal Control Total 24.60

Bid Deposit Refund

State Unemployment Trust

Trust Assessment Fund

Total of All Funds 10,303,012.74

ROLL CALL:

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

ABSTAIN: Hiers (on payment to John Marmora, Esq. only)

ABSENT: Siciliano

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

Sanford Brown, Esq.

James Higgins Associates

RESOLUTIONS:**09-196 Authorize the award of the following bids:****a. Recap Tires, Accessories & Road Service to Custom Bandag, Keyport, NJ**

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

WHEREAS, the Township Council of the Township of Ocean authorized the Municipal Clerk to advertise for the receipt of bids for the Recapping of Tires, Accessories and Road Service on September 21, 2009; and

WHEREAS, the Township Clerk did duly advertise to receive bids for the recapping of tires, accessories and road service on October 24, 2009 and bids were opened on November 4, 2009; and

WHEREAS, in connection therewith, the following bidders submitted proposals for said service: Edwards Tire Co., Inc., Farmingdale, NJ, and Custom Bandag, Inc., Keyport, NJ; and

WHEREAS, the Director of Public Works has reviewed said proposal and has recommended to the Township Manager that a contract be awarded to Custom Bandag, Keyport, NJ as per their bid proposal for the recapping of tires, accessories and road service at a cost not to exceed \$43,417.36, which represents an 8.1% decrease from 2009; and

WHEREAS, the Director of Finance shall certify that funds for the purpose of award of this contract will be provided for in the 2010 Temporary and Adopted Budget subject to provisions provided by the Governing Body in the Township of Ocean in the Public Works Budget, account # 0-01-26-767-249

WHEREAS, the Township Council has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the award of a contract to Custom Bandag, Keyport, NJ for the recapping of tires, accessories and road service at a cost not to exceed \$43,417.36; and

BE IT FURTHER RESOLVED that the award of this contract is conditioned upon the delivery and execution of the appropriate insurance certificate, Affirmative Action Certificate and performance bonds as may be required by said specifications; and

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. Custom Bandag

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

b. Various Road Construction Materials to Stavola Construction Materials, Inc., Red Bank, NJ, Campbell Foundry Company, Harrison, NJ and Kennedy Culvert and Supply Company, Clementon, NJ

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

WHEREAS, the Township Council of the Township of Ocean did duly authorize the Township Clerk to advertise for bids for various road construction materials for 2010 and 2011 on September 21, 2009; and

WHEREAS, the Township Clerk did duly advertise said bid on October 24, 2009 for various road construction materials including dense graded aggregate, clean broken stone, bituminous asphalt (winter use), sodium chloride, reinforced concrete pipe, plastic drainage pipe, inlet frames and grates, manhole frames and grates, and high performance cold patch materials; and

WHEREAS, in connection therewith bids were received by the Township of Ocean from LE-ED Concrete & Supply, Co., Toms River, NJ, Campbell Foundry Co., Harrison, NJ, Kennedy Culvert & Supply Co., Clementon, NJ, Stavola Construction Materials, Inc., Red Bank, NJ, International Salt Co., Clarks Summit, PA, Trap Rock Industries, Inc., Kingston, NJ; and

WHEREAS, the bid for Sodium Chloride – Delivered, the pricing exceeds that available through the Monmouth County Cooperative Purchasing Agreement, therefore, the bid submitted by International Salt Co. will be rejected; and

WHEREAS, the Director of Public Works and the Township Manager have recommended that contracts be awarded to the following items:

ITEM #1A Dense Graded Aggregate - Delivered

Stavola Construction Materials, Inc.	\$14.25 per ton
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ITEM 1B Dense Graded Aggregate – Picked Up

Stavola Construction Materials, Inc.	\$7.50 per ton
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ITEM #2A Clean Broken Stone 3/8” to 12” – Delivered

Stavola Construction Materials, Inc.

3/8” clean broken stone	\$20.20 per ton
3/4” clean broken stone	\$16.15 per ton
5/8” clean broken stone	\$17.60 per ton
1” clean broken stone	\$16.15 per ton
1-1/2” clean broken stone	\$16.15 per ton
2-1/2” clean broken stone	\$16.15 per ton
3”-5” clean broken stone	\$18.50 per ton
6”-12” clean broken stone	\$18.50 per ton

ITEM #2B Clean Broken Stone 3/8” to 12” – Picked-Up

Stavola Construction Materials, Inc.

3/8” clean broken stone	\$13.45 per ton
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3/4" clean broken stone	\$9.40 per ton
5/8" clean broken stone	\$10.85 per ton
1" clean broken stone	\$9.40 per ton
1-1/2 clean broken stone	\$9.40 per ton
2-1/2 clean broken stone	\$9.40 per ton
3"-5" clean broken stone	\$11.75 per ton
6-12" clean broken stone	\$11.75 per ton

ITEM #3 Bituminous Patch (winter use) – Picked-Up

Stavola Construction Materials, Inc.	\$75.00 per ton
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ITEM #5 Reinforced Concrete Pipe – Delivered*Campbell Foundry Company*

12" reinforced concrete pipe	\$10.95 per foot
15" reinforced concrete pipe	\$12.35 per foot
18" reinforced concrete pipe	\$15.55 per foot
21" reinforced concrete pipe	\$20.10 per foot
24" reinforced concrete pipe	\$25.05 per foot
30" reinforced concrete pipe	\$36.10 per foot
36" reinforced concrete pipe	\$46.70 per foot

ITEM #6 Smooth Interior Corrugated Polyethylene Storm Sewer Pipe, Plastic Drainage Pipe - Delivered*Campbell Foundry Company*

8" smooth interior corrugated storm/drainage pipe	\$2.40 per foot
10" smooth interior corrugated storm/drainage pipe	\$3.70 per foot
12" smooth interior corrugated storm/drainage pipe	\$4.20 per foot
15" smooth interior corrugated storm/drainage pipe	\$5.25 per foot
24" smooth interior corrugated storm/drainage pipe	\$13.25 per foot
36" smooth interior corrugated storm/drainage pipe	\$22.80 per foot

Kennedy Culvert & Supply Company

18" smooth interior corrugated storm/drainage pipe	\$8.05 per foot
30" smooth interior corrugated storm/drainage pipe	\$18.22 per foot

ITEM #7 Inlet Frames and Grates and Extension Frames - Delivered*Campbell Foundry Company*

A. Inlet frames and grates, 8" heads Campbell Foundry Pattern #2618, Type B, or Equivalent equal	\$629.00 each
B. Inlet frames and grates, 8" heads Campbell Foundry Pattern #2617, Type D, or Equivalent equal	\$568.00 each
C. Inlet frames and grates, standard highway type with bicycle type grate (A) Campbell Foundry #3405, or Equivalent equal	\$366.00 each
D. Inlet frames and grates, standard highway type with bicycle type grate (E) Campbell Foundry #3425, or Equivalent equal	\$688.00 each

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- | | |
|--|---------------|
| E. 2" extension frames Campbell Foundry Design Model #2701 to fit Campbell Foundry Inlets Type B and D or Equivalent equal | \$79.00 each |
| F. 2" extension frames Campbell Foundry Design Model #3402 to fit Campbell Foundry Inlets Type A or Equivalent equal | \$124.00 each |
| G. 2" extension frames Campbell Foundry Design Model #3402 and #3440 used in pairs to fill Inlets Type E or Equivalent equal | \$249.00 each |

ITEM #8 Manholes, Frames, Covers and Extension Rings

Campbell Foundry Company

- | | |
|--|---------------|
| A. Manhole frames and covers Campbell Foundry design Model #1202 or equivalent equal | \$262.00 each |
| B. Extension rings 24" diameter covers Campbell Foundry Design Model #1007 or equivalent equal | \$113.00 each |
| C. Extension rings 25.5" diameter covers Campbell Foundry Pattern #1202 or equivalent equal | \$104.00 each |
| D. Extension rings 30" diameter covers Campbell Foundry Pattern #1011 or equivalent equal | \$137.00 each |

ITEM #9 High Performance Cold Patch Materials

Stavola Construction Materials, Inc. \$120.00 per ton

WHEREAS, the Director of Finance shall certify that funds for the purpose of the award of these contracts will be provided for in the 2010 Temporary and Adopted Budget subject to provisions provided by the Governing Body in the Township of Ocean in the following line item appropriations:

Road Repairs and Maintenance – Other Expenses
Various Capital Ordinances

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award contracts to Stavola Construction Materials, Inc., Campbell Foundry Company, and Kennedy Culvert & Supply Company as per their proposals submitted for the year 2010; and

BE IT FURTHER RESOLVED, that these award of contracts are conditioned upon the delivery and execution thereof within ten days from the date of the resolution by such appropriate insurance certificate, Affirmative Action forms and performance bonds as may be required in the specifications; and

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

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

1. Director of Finance
2. Director of Public Works
3. Stavola Construction Materials, Inc.
4. Campbell Foundry Company

5. Kennedy Culvert & Supply Company

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

c. Motor Oil and Lubricants to Craft Oil Corporation, Lakewood, NJ

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

WHEREAS, the Township Council of the Township of Ocean did duly authorize the Township Clerk to advertise for bids for motor oil and lubricants for 2010 and 2011 on September 21, 2009; and

WHEREAS, the Township Clerk did duly advertise said bid on October 24, 2009 for motor oil and lubricants for 2010 and 2011; and

WHEREAS, in connection therewith, bids were received by the Township of Ocean from Craft Oil Corporation, Lakewood, NJ; and

WHEREAS, the bid, as submitted by Craft Oil Corporation represents an overall 3.4% decrease in 2010 and a 1.3% decrease for 2011; and

WHEREAS, the Director of Public Works and the Township Manager have recommended that contracts be awarded to Craft Oil Corporation at a total cost of \$55,617.00 for 2010 and \$61,818.00 for 2011, and broken down as follows:

	<u>ITEM</u>	<u>QUANTITY</u>	<u>COST</u>	
			<u>2010</u>	<u>2011</u>
1	Motor Oil (55 Gal Drum – Delivered)			
A	FL Select SAE 15W-40W	20	\$7,600.00	\$8,800.00
B	Super Duty 5W-30	10	\$3,500.00	\$4,050.00
C	5W-20 Motor Oil	10	\$3,550.00	\$4,100.00
2	Hydraulic Fluid (55 Gal Drum – Delivered)			
A	AW-32	20	\$5,800.00	\$6,800.00
B	Hyken 052 10W-20	10	\$3,500.00	\$4,100.00
C	AW 46	10	\$2,650.00	\$3,100.00
D	AW 68	3	\$ 795.00	\$ 930.00
E	#46 Biodegradable	10	\$8,900.00	\$9,600.00
3	Supply Gear Lubricants (120 lbs – Delivered)			
A	Citgo SAE 85W-140	6	\$ 792.00	\$ 930.00
B	New Synthetic 80-140	2	\$ 760.00	\$ 798.00
4	Supply Automatic Transmission Fluid (55 Gal Drum – Delivered)			
A	Synthetic Blend AFT	10	\$5,400.00	\$5,800.00

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5	Supply Antifreeze (55 Gal Drum – Delivered)			
A	Fleet charge 50/50 premix antifreeze	10	\$3,000.00	\$3,200.00
B	Peak Global extended life antifreeze	10	\$5,950.00	\$5,950.00
6	Supply Grease (120 lbs – Delivered)			
A	Five Star 0710 MP Lithium Grease – EP #2	12	\$3,420.00	\$3,660.00
7	Used Oil Analysis (as requested)			NO CHARGE
	LUMP SUM FOR ESTIMATED QUANTITIES: NO 1-7		\$55,617.00	\$61,818.00

WHEREAS, the Director of Finance shall certify that funds for the purpose of the award of this contract will be provided for in the 2010 and 2011 Temporary and Adopted Budget subject to provisions provided by the Governing Body of the Township of Ocean in the following line item appropriation: Department of Public Works - Lubricants

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 Craft Oil Corporation as per their proposals submitted for the year 2010 and 2011; and

BE IT FURTHER RESOLVED, that these award of contracts are conditioned upon the delivery and execution thereof within ten days from the date of the resolution by such appropriate insurance certificate, Affirmative Action forms and performance bonds as may be required in the specifications; and

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

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

1. Director of Finance
2. Director of Public Works
3. Craft Oil Corporation

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

09-197 Authorize a Professional Services Contract with James W. Higgins Associates for Planning Services for the year 2010.

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

WHEREAS, the Township of Ocean is in need of general consulting services for the year 2010 to assist in the preparation of zoning ordinances, to assist in the evaluation of zone change requests, to assist in analysis of landscape plans and provide other general assistance as may be required; 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, the Township Manager has determined that the value of these services is expected to exceed \$17,500.00 in the calendar year of 2009; and

WHEREAS, James W. Higgins of James W. Higgins Associates has submitted a proposal for Planning Services at an hourly rate of \$125.00, as well as a fee of \$200 per meeting of the Township Planning Board and Zoning Board of Adjustment; and

WHEREAS, James W. Higgins of James W. Higgins Associates has completed and submitted a Business Entity Disclosure Certification which certifies that James W. Higgins Associates has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit James W. Higgins of James W. Higgins Associates from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract; and

WHEREAS, the Director of Finance shall certify that funds for the purpose of the award of this contract will be provided for in the 2010 Temporary and Adopted Budget subject to provisions provided by the Governing Body in the Township of Ocean in the following line item appropriations:

Planning Board – Planning – 0-01-21-720-263
Board of Adjustment – Planning – 0-01-21-721-263
Various Escrow Accounts

NOW THEREFORE, BE IT FURTHER RESOLVED, that the Township Council of the Township of Ocean authorized the Mayor and Municipal Clerk to enter into a contract with James W. Higgins of James W. Higgins Associates as described herein and with a not to exceed provision of \$60,000.00; and

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

BE IT FURTHER RESOLVED, that the required Business Entity Disclosure Certification shall be filed with this Resolution and Contract; and

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

1. Director of Finance
2. James W. Higgins Associates
3. Director of Community Development

ROLL CALL:

YES: Garofalo, Hiers, Schepiga

ABSTAIN: Larkin

ABSENT: Siciliano

09-198 Authorize the purchase and installation of equipment for the Police Communications System from Train's Tower, Inc. (State Contract #A60657) at a cost not to exceed \$41,329.40.

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

WHEREAS, in the past, the Township of Ocean, Monmouth County has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey pursuant to N.J.S.A. 40A:11-10; and

WHEREAS, it is desirable from time to time to obtain materials, supplies, equipment and services under contracts for such items through the State of New Jersey without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS, the Township of Ocean, Monmouth County desires to purchase and install radio communications equipment for the Police Communication System from Train's Tower Inc., Haddon Heights, NJ under state contract # A60657 entered into on behalf of the State of New Jersey by said Council during the year 2009; and

WHEREAS, the Director of Finance has certified that there are available funds for the purchase of said equipment in the Capital Improvement Fund, account # C-04-55-924-909;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Township of Ocean, County of Monmouth, State of New Jersey, that the purchase and installation by the Township of Ocean, Monmouth County for radio communications equipment from Train's Towers, Haddon Heights, NJ for a total of \$41,329.40 under State of New Jersey Contract A60657

BE IT FURTHER RESOLVED, that a certified copy of this resolution are to be filed with:

1. Director of Finance
2. Township Auditor
3. Police Department

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

09-199 Authorize refunds to property owners due to overpayments resulting from homestead rebates.

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

WHEREAS, The State of New Jersey remitted Homestead Rebate Payments on properties with delinquent taxes to the Tax Collector, and

WHEREAS, the delinquent taxes reported have been paid and the Homestead Rebate creates a tax overpayment; and

WHEREAS, the tax overpayment refund has been requested by and should be refunded to the property owners;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Tax Collector and the Director of Finance to refund the said tax overpayment to the payer listed below.

Block	Lot	Qual	Owner/Payer Name	Amount	Reason
135	11		Hoelle, Stephen & Jennifer	636.99	Homestead Rebate on Delinquent Account
6	18		Estate of Ada Quinn	1,250.00	Homestead Rebate on Delinquent Account
Total Taxes Overpaid				\$1,886.99	

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

1. Director of Finance/Tax Collector
2. Township Auditor

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

09-200 Amend Resolution #09-099 to appoint The Firm of Martin J. Arbus, Esq. as Township Attorney and to appoint David A. Krenkel, Esq. as Assistant Township Attorney.

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

WHEREAS, Chapter II of the "Revised General Ordinances of the Township of Ocean, 1965" provides for the appointment of a Township Attorney and Assistant Township Attorney and further defines their powers and duties; and

WHEREAS, the Township Council of the Township of Ocean passed Resolution #09-099 on June 15, 2009 authorizing a contract with Martin J. Arbus, Esq. to provide legal services for the year from July 1, 2009 through June 30, 2010; and

WHEREAS, pursuant to the Rules of Council, Chapter IIA-6, Martin J. Arbus Esq., as Township Attorney, has designated David A. Krenkel, Esq. to attend regular and special Council meetings when he has been unavailable to attend said meetings, with the consent and approval of the Township Council; and

WHEREAS, the Township Council of the Township of Ocean wishes to amend Resolution #09-099 to name the Law Firm of Martin J. Arbus as the Township Attorney and to further specifically appoint David A. Krenkel, Esq. as an Assistant Township Attorney; and

WHEREAS, the Township of Ocean desires to enter into a contract for the position of Assistant Township Attorney within the dollar limits as provided by the 2009 Municipal Budget containing appropriations for legal services; 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, as required by law, David A. Krenkel, Esq. has competed and submitted a Business Entity Disclosure Certification certifying that he has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit David A. Krenkel, Esq. from making any reportable contributions to a political and/or candidate committee in the Township of Ocean throughout the term of this contract; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for the purpose of this award, specifically under the aforementioned appropriations; Legal Services & Costs – O/E and various General Capital Ordinances; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that resolution #09-099, approved on June 15, 2009, is hereby amended to name the Firm of Martin J. Arbus as Township Attorney at the previously approved fee and to appoint David A. Krenkel, Esq., as the Assistant Township Attorney, at a rate of \$160.00 per hour, not to exceed \$5,000.00 for the period ending June 30, 2010; and

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BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with David A. Krenkel, Esq. as Assistant Township Attorney; and

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

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

1. David A. Krenkel, Esq.
2. Martin J. Arbus, Esq.
3. Director of Finance
4. Township Auditor
5. Public Agency Compliance Officer

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

ORDINANCES:**Announcement****Adoption(s)**

Township Clerk read Ordinance #2141 by Title:

Ordinance #2141 - An ordinance amending and supplementing various sections of Chapters II, V, VI, VII and XI of the "Revised General Ordinances of the Township of Ocean, 1965" dealing with fees collected by the Township of Ocean
(Coaster)

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to open the Public Hearing on Ordinance #2141

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

Andrew Brannen, Township Manager, explained that this Ordinance deals with fees associated with the Construction and Community Development Departments and it is primarily due to the implementation of the new computer system utilized by those departments.

Larry Loigman inquired about how much additional revenue will be realized by the increase in these fees, what criteria was utilized to determine the new fees and should the increase be higher?

Mr. Brannen explained that the Township is expecting to realize approximately \$30,000 in additional revenue due to these increases and most of the new fees are established by statute so the Township could not increase them higher, even if so desired.

Bob Ades inquired if the fees collected offset the cost of running the Department?

Mr. Brannen reported that it does, for the most part.

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to close the Public Hearing on Ordinance #2141

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ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to adopt Ordinance #2141 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

Township Clerk read the following Ordinances by Title:

Introduction(s)

Ordinance #2142 - An ordinance amending and supplementing Chapters IV, XIV, and XVI of (Coaster) "Revised General Ordinances of the Township of Ocean, 1965" dealing with fees collected by the Township of Ocean

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to open the Public Hearing on Ordinance #2142

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

Andrew Brannen, Township Manager, explained that this Ordinance deals with fees associated with liquor license fee for retail distribution licenses, daily admittance to the community pool, facility rentals and program fees.

Larry Loigman inquired about why the other liquor license fees are not being increased, too.

Mr. Brannen explained that the other license fees are already at the State maximum and cannot be increased.

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to close the Public Hearing on Ordinance #2142

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

On a motion by Councilmember Hiers and seconded by Councilmember Garofalo, it was moved to adopt Ordinance #2142 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

Council Reports:

Councilmember Garofalo reported that he attended the H1N1 clinic at Wanamassa School and was very impressed with the way it was handled.

MEETING MINUTES**DECEMBER 8, 2009**

Councilmember Schepiga reminded everyone that the Annual Italian American Tree Lighting will be held on December 11, 2009 at 7:00 pm.

Councilmember Hiers reported that he attended the "Coaching Boys to Men" event at Monmouth University and found it very rewarding for the students and all those involved. Councilmember Hiers also commended all those volunteers who help deliver food to the needy on Thanksgiving and he also thanked Applebees for providing a great meal to the needy people of Ocean Township.

Councilmember Hiers also congratulated Vincent Buttiglieri, Township Clerk, on being sworn in as President of The Municipal Clerks Association of New Jersey at the Annual League of Municipalities Convention. It's a great honor for Mr. Buttiglieri and also the Township.

Andrew Brannen, Township Manager, reported that West Long Branch Court will finally move their operation to Ocean Township effective January 1, 2010.

The following gave no reports:

Martin Arbus, Township Attorney.

PUBLIC COMMENTS:

Brian Lefferson asked the following questions:

1. Did the Township ever consider purchasing the Apple Farms site and preserving it from any development?

Mayor Larkin stated that it was considered previously, and could again be considered in the near future.

2. Inquired if the Township was going to do anything regarding the deer population?

Mayor Larkin stated that the Township was examining all its options with regard to doing what's best for both the deer and the Township.

Bob Miller, although he was concerned with the overpopulation of deer, he encouraged the Council to look for a non-lethal way to deal with the deer population.

Mayor Larkin explained that the Township has been working with Representatives from the State and County to come up with a plan that all parties are comfortable with.

A Resident (unable to identify), stated that perhaps putting speed limit signs along the main arteries throughout the Township, warning drivers about the deer in the area, would cause them to reduce their speed limit. The resident also suggested utilizing a light-reflector system contraception, education and planting certain vegetation that deer do not like will also aid in reducing the population.

Mike Conti asked Mayor Larkin to fill everyone in on what's happening with the COAH litigation.

Martin Arbus, Township Attorney, stated that there are currently four lawsuits:

1. Martelli Site (Bowne Road)
2. Apple Farms Site (West Park Avenue)
3. Auto Recycling Site
4. Roosevelt Avenue Site

Mr. Arbus stated that there are numerous motions asking for consolidation of the various lawsuits but to date, nothing has been resolved.

Mr. Arbus explained that the lawsuits allege that the Township has not provided its share of affordable housing units, currently 1,250 in number required. The Township believes that it has met its obligation due to the fact that we have over 3,000 low and moderate units throughout the Township. The Township appeared before the Appellate Division to argue that we have complied with the spirit of COAH before it was mandated by the building of those 3,000 units.

Mr. Arbus expressed that the Township is in a position that it must do what is in the best interest of the whole Township, and that may be different than what may be the interest of any specific group.

Richard Block implored the Council to do something to alleviate the problem with the deer. He has experienced issues with deer droppings and destruction at his home and he can not take it any longer. He needs some help now.

Mario Ercolino also implored the Council to help with the deer problem. Mr. Ercolino stated that all anyone has to do is look at the damage the deer are causing to properties around the Township to know that something has to be done immediately. Mr. Ercolino expressed his frustration over this problem.

Bob Ades inquired about where the number of 1,250 affordable unit's came from

Tony Green inquired as to why the Township does not get credit for all the apartments that meet the criteria for low and moderate income housing.

Mr. Arbus explained the criteria utilized to be given credit for pre-1980 units

Lois Pess is concerned with the increase in population that the Township would realize if we are required to build the affordable units and whether a new school would be required due to the influx of children. Mrs. Pess asked if there was a way residents could get involved with the lawsuits, separately from the Township.

Gary Pess inquired as to the size of the Apple Farms property. He believes it is about 80 acres but only 25 of those acres are developable.

Nilay Baxi inquired about a potential timeline, should the litigants be successful in their suits?

Mike Hayes inquired if the Township could force a developer to build a development that was 100% affordable? Mr. Hayes also questioned what the limits were to qualify for low and moderate housing? Does the Township have any other property that could be used to satisfy its low COAH obligations?

Mr. Arbus stated that most of the apartments that currently exist would certainly qualify for low and moderate income, according to the current COAH levels.

Mayor Larkin reiterated that the Township, and all its professionals, are dealing with these lawsuits as quickly as possible and trying to resolve them in the best interest of the Township.

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