

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

FEBRUARY 23, 2011

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
Councilmember(s) Evans, Garofalo, Schepiga, Siciliano

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

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 6, 2010.

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.

PROCLAMATION – March 2011

At this time, Mayor Larkin invited Barbara Calvo and the other teachers and students up to accept the following Proclamation:

Youth Art Month

PROCLAMATION

YOUTH ART MONTH MARCH 2011

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following:

- Art education develops students' creative problem-solving and critical thinking abilities;
- Art education teaches sensitivity to beauty, order, and other expressive qualities;
- Art education gives students a deeper understanding of multi-cultural values and beliefs;
- Art education reinforces and brings to life what students learn in other subjects; and
- Art education interrelates student learning in art production, art history, art criticism, and aesthetics; and

WHEREAS, our national leaders have acknowledged the necessity of including arts experiences in all students' education; and

WHEREAS, March is officially recognized as

Youth Art Month

in the Township of Ocean and I, William F. Larkin, Mayor, hereby endorse the observance of Youth Art Month and encourage the support of quality school art programs for children and youth.

Ms. Calvo thanked the Governing Body for the Proclamation and explained the various activities planned throughout the Township.

Developmental Disabilities Awareness Month

PROCLAMATION

DEVELOPMENTAL DISABILITIES AWARENESS MONTH MARCH 2011

WHEREAS, intellectual and developmental disabilities are conditions which affect more than 7 million Americans and their families; and

WHEREAS, public awareness and education enhance a community's understanding of the issues affecting people with intellectual and developmental disabilities; and

WHEREAS, people with intellectual and developmental disabilities can be vital and vibrant members of our communities, improving the quality of life for all of us; and

WHEREAS, the month of March has been designated Developmental Disabilities Awareness Month by the state of New Jersey with 20 chapters of The Arc undertaking public awareness, educational and fundraising initiatives;

WHEREAS, The Arc of Monmouth serves over 2000 individuals with intellectual disabilities throughout Monmouth County and advocates for and with people with intellectual and developmental disabilities and their families;

WHEREAS, The Arc of Monmouth is celebrating 62 years of service to families and individuals throughout Monmouth County;

NOW, THEREFORE, I, William F. Larkin, Mayor of the Township of Ocean Township, do hereby proclaim March, 2011 as

DEVELOPMENTAL DISABILITIES AWARENESS MONTH

in the Township of Ocean and urge that the citizens of the Township give full support to efforts towards enabling people with intellectual and developmental disabilities to live full and productive lives of inclusion in our communities.

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 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 COMMENTS:

Larry Loigman inquired as follows:

1. Vouchers:

Payment to Judge Louis Garippo – what period did this payment cover

Andrew Brannen, Township Manager, explained that the rate was \$400 per session and the Township has two sessions per week.

Mayor Larkin stated that the Township would look in to the fee paid

2. Resolution #11-038 – while the Township Clerk has done an admirable job, why has the Township Resolutions and Ordinances not been placed on the Township website prior to the meetings. He believes that this should be done in the name of transparency.

Mayor Larkin stated that the Township would look in to that request.

3. Resolution #11-041 – was this item bid

Mr. Brannen stated that this item was paid for through the Law Enforcement Trust Fund, as well as being purchased off of State Contract, therefore, bids were not required.

Don Geiger inquired about the following Vouchers:

1. Payments to – Sanford Brown, Esq., Vincent Buttiglieri, Township Clerk, Central Towing, Jerome Donlon, Gill Associates, International Salt, and Bergeys

Mr. Brannen explained the nature of all payments questioned by Mr. Geiger to his satisfaction.

2. Inquired about Excess Balances in Animal Control and Public Defender Fees

Mr. Brannen stated that these were fees collected for the various items that have not been utilized to date and they must be moved to a Reserve Account and can not be used for any other expenditure.

Brian Lefferson stated that he does not concur with earlier statements that the payments made to Judge Garippo are excessive.

Martin Arbus, Township Attorney, stated that the Township has an agreement for court services with West Long Branch and therefore, it makes sense to utilize Judge Garippo when the need arises.

Bob Ades inquired the timeliness of the ordinance updates on the Township's website

Vincent Buttiglieri, Township Clerk, explained that this is done annually by Coded Systems, after a review of each modification to insure that there are no conflicts. Mr. Buttiglieri stated that to codify more than annually is very cost prohibitive.

There were no additional questions at this time.

CONSENT AGENDA:

At this juncture, Mayor Larkin announced that Resolution #11-039 was being pulled from the Agenda and would not be acted upon at this meeting.

MINUTES:

February 5, 2011 – Public and Closed Meeting

February 7, 2011 – Workshop, Public and Closed Meeting

RESOLUTIONS:**11-036 Authorize the submission of the Cops in Shops – College Fall Initiative
2010/2011 Grant**

WHEREAS, there are funds available from the New Jersey Division of Alcoholic Beverage and New Jersey Division of Highway Traffic Safety. The grant is titled Cops in Shops – College Fall Initiative 2010-2011; 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 2010-2011 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

11-037 Authorize the receipt of bids for an abandoned vehicle

WHEREAS, the procedure for disposition of abandoned vehicles in the possession of a municipality is set forth in N.J.S.A. 39:10A-1 et seq.; and

WHEREAS, N.J.S.A. 39:10A-1 provides that when such vehicles remain unclaimed by the owner for a period of 30 days, they may be sold at public auction in a public place. The public agency must give notice of the sale by certified mail, to the owner, if his name and address are known and to the holder of any security interest filed with the director of the Division of Motor Vehicles and by publication at least five (5) days before the date of the sale, in a newspaper published in the state and circulating in the municipality in which the motor vehicle is held; and

WHEREAS, the traffic safety officer of the Township of Ocean has requested that the vehicles listed below be auctioned, that proper notice of the sale shall be advertised as required.

	YEAR	MAKE	MODEL	VIN#	Minimum Bid
1.	1978	MERCEDES	450S Conv.	10704412045014	\$3,066.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Township Manager or his designee is hereby authorized to receive bids for abandoned vehicles to be auctioned" on **Tuesday, March 15, 2011**, at 3:00 PM, at the Township of Ocean Town Hall, 399 Monmouth Road, Oakhurst, N.J. 07755.

BE IT FURTHER RESOLVED that the prospective bidders may examine the vehicle to be auctioned at Central Towing, 31 Central Ave., Red Bank, N.J. 07701, between the hours of 10:00 AM and 2:00 PM, on Friday, **March 11, 2011**.

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

1. Police Department (Traffic Bureau)
2. Towing Company
3. Township Manager

11-038 Appoint Vincent Buttiglieri as Municipal Clerk, Registrar of Vital Statistics and Assessment Search Officer for a three year term commencing on March 9, 2011

WHEREAS, Vincent Buttiglieri was duly appointed to the following position for a three (3) year term commencing on March 9, 2008:

1. **Municipal Clerk** (in accordance with N.J.S.A. 40A:9-133 et seq.)
2. **Registrar of Vital Statistics** (in accordance with N.J.S.A. 26:8-11 thru 26:8-22)
3. **Assessment Search Officer** (in accordance with N.J.S.A. 40:56-23)

WHEREAS, Vincent Buttiglieri RMC/CMR is and has been certified as a Registered Municipal Clerk since April 2000, and a Certified Municipal Registrar since September 2008 and has satisfied the continuing education requirements for said certifications; and

WHEREAS, the Township Council of the Township of Ocean is desirous of reappointing Vincent Buttiglieri, RMC/CMC to the positions of **Municipal Clerk, Registrar of Vital Statistics** and **Assessment Search Officer** for the Township of Ocean;

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

1. Vincent Buttiglieri, RMC/CMR is hereby reappointed to the position of **Municipal Clerk, Registrar of Vital Statistics, and Assessment Search Officer** for the Township of Ocean effective March 9, 2011; and
2. Vincent Buttiglieri, RMC/CMR has, upon this reappointment, attained tenure in the position of Municipal Clerk pursuant to N.J.S.A. 40A:9-133 et. seq.

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

1. Township Manager
2. Municipal Clerk

11-040 Authorize the auction of various Township equipment that is no longer needed for public use

WHEREAS, the Township Council of the Township of Ocean is desirous of conducting an on-line municipal auction of various surplus vehicles and other equipment no longer needed for public use; and

WHEREAS, the Township Council approved Resolution #11-029 on February 7, 2011 which authorized said on-line auction

WHEREAS, said on-line auction will be held beginning at 9:00 a.m. on Monday, April 4, 2011 and ending at 4:00 p.m. on Friday, April 8, 2011; and

WHEREAS, Stephan J. Miranti, Auction Liquidation Services, P.O. Box 1216, Eatontown, NJ will conduct said auction on their website located at www.usgovbid.com for a commission rate of 5.5% of the gross selling price; and

WHEREAS, the sale will be conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-36 requires authorization of a sale of property via adoption of a Resolution; and

WHEREAS, the fair market value of the property to be sold does exceed 15% of the bid threshold; and

WHEREAS, the Township of Ocean wishes to add the following item(s) to the previously approved auction list:

Lucent Merlin Legend with 75 Lucent MLX-16DP Handsets

WHEREAS, the above mentioned item, along with the previously approved list of vehicles and equipment will be published in the Asbury Park Press no earlier than 14 days not later than 7 days prior to said auction;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Township be and is hereby authorized to dispose of the a Lucent Merlin Legend with 75 Lucent MLX-16DP Handsets through the process of an online auction to be held beginning at 9:00 a.m. on Monday, April 4, 2011 and ending on Friday, April 8, 2011 on the website located at www.usgovbid.com; and

BE IT FURTHER RESOLVED that the Mayor is authorized to execute the contract with Auction Liquidation Services, Eatontown, NJ; and

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

1. Township Manager
2. Director of Public Works

Vote on all Consent Agenda Items:

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

MEETING MINUTES**FEBRUARY 23, 2011****INDIVIDUAL ACTION:****VOUCHERS: \$5,187,927.92****Department of Finance
Voucher List for February 23, 2011**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
AIR SYSTEMS MAINTENANCE INC	Heating & Air contract	14,729.42	
AIR SYSTEMS MAINTENANCE INC	Install Glycol to chiller	3,150.00	
ARBUS, MARTIN ESQ	2010 RETAINER BALANCE FOR LEGA	2,133.74	C0-0008
ATLANTIC IRRIGATION	Oct. misc irrigation supplies	81.69	
BROWN, SANFORD ESQ	PB meeting attendance	462.00	
BROWN, SANFORD ESQ	Comart v T of O PB	1,125.00	
CALLAWAY GOLF CO	RETAIL ITEMS FOR CTGC	341.46	
CARDINAL ROOFING & SUPPLY CORP	Repair damaged box gutters	9,800.00	
CENTRAL TOWING & RECOVERY INC	Tow from Beecroft/Engine (#64)	411.50	
CITY OF LONG BRANCH	4THQTR/ANIMAL CONTROL	8,118.75	
CLARK PRODUCTS INC	Toilet tissue for all bldgs.	1,555.00	
COOPER ELECTRIC SUPPLY CO	Service Contract/Sunset Ave	215.00	
CUSTOMER RELATIONS FULL SOURCE	Safety Vests	760.51	
DAVID TISONY	FINGERPRINT REIMBURSEMENT	26.25	
ELIZABETH BENNETT	REIMBURSE FINGERPRINTING	26.25	
FEDEX	PD- FACE MASKS/MAINTENANCE	70.46	
HANDI-LIFT SERVICE CO INC	Service contract/TOWN HALL	945.00	
JERSEY CENTRAL POWER & LIGHT	January electric general usage	163.96	
LAKEWOOD AUTO/ASBURY NAPA	Dec misc parts for vehicles	1,781.19	
LANGUAGE LINE SERVICES	Dec 2010 phone interpreting	54.40	
LERTCH RECYCLING CO	July recycle brush	5,427.52	
LERTCH RECYCLING CO	Aug. recycle brush	5,562.48	
LERTCH RECYCLING CO	Recycle asphalt/brick	608.04	
LERTCH RECYCLING CO	August recycle asphalt/concrete	422.28	
LERTCH RECYCLING CO	Sept. recycle brush	4,585.00	
LERTCH RECYCLING CO	Sept. recycle asphalt/concrete	202.98	
LERTCH RECYCLING CO	Oct. recycle brush	5,931.52	
LERTCH RECYCLING CO	Oct. recycle asphalt/concrete	703.28	
LERTCH RECYCLING CO	Nov recycle brush	469.28	
LERTCH RECYCLING CO	Dec recycle brush	1,762.16	
LERTCH RECYCLING CO	Dec recycle asphalt/concrete	134.52	
LESCO - PROX	2 Pallets 50LB Pure Melt	1,171.10	
LIBERTY PRINTING CO	BROCHURES	1,776.00	
LIBERTY PRINTING CO LLC	Business Cards / Envelopes	149.00	
MGL PRINTING SOLUTIONS	TAX LIST BINDERS	538.55	
MULTI HEALTH SYSTEMS	DRUG ASSESSMENTS:SASSI	387.45	
OAKHURST PIZZA & RESTAURANT	Snow storm emergency	754.00	
SEA BREEZE FORD INC	Dec misc parts for Twp.	530.66	
SEMCOR EQUIPMENT & MFG CORP	RENTAL ELEC STAPLER	50.00	
THE PREVENTION RESEARCHER	COUNSELING PUBLICATION	88.00	
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	924.81	
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	894.46	
<u>Total</u>		79,024.67	
<u>Total Appropriation Reserves Payments</u>		<u>79,024.67</u>	
<u>2011 Current Fund Appropriation Payments</u>			
33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - JAN 2011	185.50	
AKA INCORPORATED	PLAQUE FOR J. DAVID HIERS	45.00	
AMERICAN WEAR INC	January uniform rental	709.60	
AMERICAN WEAR INC	January rags for shop use	48.00	
ARBUS, MARTIN ESQ	2011 RETAINER LEGAL	314.50	
C1100001			

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ARBUS, MARTIN ESQ C1100001	FEB RETAINER,JAN-GEN,LOCH ARB	8,702.66
ATLANTIC DETROIT DIESEL-	Misc parts for truck #91	194.89
ATLANTIC PLUMBING SUPPLY CORP	January misc plumbing supplies	140.52
AUTOSHRED	SHRED DOCS FOR DESTRUCTION	400.00
BETH NOLAN	FINGERPRINT REIMBURSEMENT	26.25
BOROUGH OF LITTLE SILVER	TWO RIVERS COUNCIL OF MAYORS	125.00
BROWN, SANFORD ESQ	Comart Litigation	1,020.00
BROWN, SANFORD ESQ	PB Meeting & reviews	518.00
BULLET LOCK & SAFE CO INC	January misc keys for Twp.	321.00
BUTTIGLIERI, VINCENT CMC	COUNCIL MEETING SUPPLIES	60.67
BUTTIGLIERI, VINCENT CMC	REIMB. HOTEL - REGION II CONF.	212.92
BUTTIGLIERI, VINCENT CMC	REPLENISH PETTY CASH	260.67
CASO, SHERRY	SUPERVISOR BB 1/22,1/29, 2/5	88.00
DAHROUGE, PHIL	Reimbursement/car wash tokens	50.00
DOCUTRAC INC	QUICDOC PROGRAM	627.00
EDWARDS TIRE CO INC	January recap & service tires	475.85
EDWARDS TIRE CO INC	January tires for Twp vehicles	1,657.57
GANNETT NJ NEWSPAPERS	A/C9459 VAR DATES-HS CUSTODIAN	358.57
GARIPPO, LOUIS JUDGE	2/1/11 Substitute Judge AM/PM	800.00
GARIPPO, LOUIS JUDGE	2/8/11 substitute judge am/pm	800.00
GEESE CHASERS LLC C1100003	GEESE CONTROL JAN	862.33
GEORGE WALL LINCOLN MERCURY	January misc parts for Twp	107.42
GILES & RANSOME INC	January misc loader parts	72.65
GLOBE PETROLEUM INC	Fuel oil for 240 Whalepond Rd.	6,057.52
GLORIA GONZALEZ	REIMB FOR COUNCILING FEE PAID	455.00
GOLF CAR SPECIALITIES LLC	UTILITY CAR LEASE JANUARY	140.00
GRAMCO BUSINESS	CD'S FOR RECORDING EQUIPMENT	63.70
GRAYBAR ELECTRIC CO	January misc supplies	1,094.87
INDUSTRIAL MOTOR SUPPLY INC	HI Skid shoe for snow plows	850.00
JAMES HIGGINS ASSOCIATES	PB and BOA meeting attendance	400.00
JERSEY CENTRAL POWER & LIGHT	January electric general usage	9,070.24
JERSEY CENTRAL POWER & LIGHT	January street lighting	19,676.98
JIM CURLEY PONTIAC GMC TRUCK	January misc parts for Twp	1,690.32
L3 COM MOBILE-VISION INC	PD- MVR HARD DRIVES	514.00
L3 COM MOBILE-VISION INC	PD- SERVICE CALLS - JAN 2011	255.00
LAKWOOD AUTO/ASBURY NAPA	January misc parts for Twp	2,067.32
LEE BATTERY SERVICE INC	January misc batteries for Twp	347.60
LEON S AVAKIAN INC	COPIES OF PLANS-1603 HOLBROOK	10.00
LINE SYSTEMS, INC.	JAN 2011 PHONE SERVICE CHARGES	5,086.64
LOWES INC	January misc building supplies	498.06
MARTINEZ, SUZANA DAROCA	interpreter-1/18/11	162.50
MAZZA & SONS INC	January dump fees for bulk	2,965.12
MC EVOY, SALLY	SUPERVISOR BB JAN 22 & JAN 29	152.75
MCANJ	2011 DUES-BUTTIGLIERI & JOSEPH	175.00
MODERN GROUP LTD	January misc parts for Twp	4,678.84
MON CTY REGIONAL HEALTH	1q MCRHC PUBLIC SERVICE FEES	45,834.50
MONMOUTH COUNTY POLICE CHIEFS	PD- ANNUAL MEMBERSHIP	150.00
MUN CLERK'S ASSOC OF MON CTY	2011 MEMBERSHIP DUES	150.00
NEPTUNE AUTO SUPPLY	January misc parts for Twp.	1,603.91
NJ NATURAL GAS CO	January gas usage for Twp.	23,319.69
NJ POLICE TRAFFIC OFFICERS	PD- 2011 ANNUAL DEPT DUES	35.00
NJ ST LEAGUE OF MUNICIPALITIES	BUDGET UPDATE SEMINAR 3/8/2011	110.00
NJ STATE HEALTH BENEFITS FUND	February Health Insurance	162,702.90
NJAWC	January Water usage	2,242.54
OAKHURST PIZZA & RESTAURANT	Snow storm emergency	320.00
OAKHURST PIZZA & RESTAURANT	Snow storm emergency	320.00
PETERS, STEVEN	PD- FBI-NA DUES REIMBURSEMENT	82.00
PUBLIC WORKS ASSOC OF NJ	Annual membership for 2011	50.00
QUALITY AUTO GLASS INC	Windshield for Truck 84	179.22
RACHLES/MICHELE'S OIL CO	January gasoline & diesel fuel	14,034.24
RIGGINS INC	January fuel for Twp. vehicles	40,799.63
ROBIN J HYSON	REIMBURSE FINGERPRINTING	26.25
RUDERMAN & GLICKMAN PC C1100006	JAN 2011 LABOR RELATIONS MATTE	3,150.00
RUTGERS THE STATE UNIVERSITY	One day seminar/Tonnage Report	45.00

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SCHOCH, DEAN H II	PD- SLEO II UNIFORM REIMBURSE	52.24
SEA BREEZE FORD INC	January misc parts for Twp	643.95
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - JAN 2011	99.15
SEABOARD WELDING SUPPLY INC	January propane	391.30
SEABOARD WELDING SUPPLY INC	PD- OXYGEN REFILLS - JAN 2011	455.00
SEACOAST CHEVROLET OLDSMOBILE	January misc parts for Twp	343.33
SEACOAST CHEVROLET OLDSMOBILE	January vehicle repairs	635.69
SPRINT PO MANAGEMENT	PD- NEXTEL SERV PLAN - JAN 11	1,223.93
STAVOLA ASPHALT CO INC	January 2nd half patch program	515.20
STEINBERG, MARK A ESQ	BOA meeting and resolutions	770.00
STEWART BUSINESS SYSTEMS	Printing Services	666.08
TEE'S PLUS	PD- DARE SUPPLY ORDER	1,458.04
THATCHER, LINDA	SUPERVISOR GJ 1/22,1/29,2/5	117.00
THE NEW COASTER LLC	JAN/FEB I ORD 2166, TAX LIST	19.84
TOWNE HARDWARE	January misc maint supplies	490.91
TREASURER STATE OF NJ	Recycling compliance fees	2,282.50
TRICO EQUIPMENT SERVICES LLC	January misc parts for Twp.	414.60
TRIOUS INC	RPR BONNELL SPREADER # 85	2,661.06
TRIOUS INC	Dual Control Joystick/Truck 85	308.06
TWP OF OCEAN RECREATION ACCT	2nd INSTALLMENT BB OFFICIALS	2,300.00
VERIZON COMMUNICATIONS	BROADBAND SERVICES 2/11	61.76
VERIZON WIRELESS	PD- AIRCARD SERV PLAN - JAN 11	440.11
VERIZON WIRELESS	PD- AIRCARD SERV PLAN - JAN 11	400.10
WARAR, NEIL	SUPERVISOR BB 1/22, 1/29 & 2/5	146.25
WILENSKY, MARIANNE	Medical Reimbursement	364.97
WPCS INT'L INC - LAKEWOOD	PD- EVENTIDE MAINTENANCE	3,900.00
<u>Total</u>		391,911.98
<u>Non Budget Account Payments</u>		
DANASSIA MENDEZ	REFUND OF REC ROOM RENTAL FEE	85.00
KATHLEEN GEMBICKI	REFUND OF MESSY SCHOOL REG FEE	40.00
LUZ RODRIGUEZ	REFUND OF ROOM RENTAL FEE	140.00
TREASURER OF SCHOOL MONIES	MAR 2011 SCHOOL TAXES PAYABLE	4,633,418.56
TWP OF OCEAN SEWERAGE AUTH	SEWER TAXES ON B34, L1	460.00
<u>Total Non Budget Account Payments</u>		4,634,143.56
<u>Total 2010 Current Fund Appropriations Payments</u>		
<u>5,026,055.54</u>		
<u>General Capital Payments</u>		
GOVCONNECTION INC	Switch 2510G-24	672.00
LERTCH RECYCLING CO	Recycle asphalt/concrete	473.64
<u>Total</u>		1,145.64
<u>Total General Capital Payments</u>		
<u>1,145.64</u>		
<u>Grants Payments</u>		
KA MAILERS LLC	Mailing automation	348.26
NJ STATE HEALTH BENEFITS FUND	February Health Insurance	6,017.30
<u>Total</u>		6,365.56
<u>Total Grants Payments</u>		
<u>6,365.56</u>		
<u>Law Enforcement Trust Payments</u>		
SUNRISE TRAVEL CENTER INC	PD/LETF- DORSETT INVEST CA/WA	424.40
<u>Total</u>		424.40
<u>Total Law Enforcement Trust Payments</u>		
<u>424.40</u>		
<u>TORTA Payments</u>		
DEBRA SCHATZOW	TORTA REFUND	45.00
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 2/11/2011 payroll	1,155.00
<u>Total</u>		1,200.00
<u>Total TORTA Payments</u>		
<u>1,200.00</u>		
<u>Trust Other Payments</u>		

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ARBUS, MARTIN ESQ	JAN 2011 COAH	3,888.00
BROWN, SANFORD ESQ	COAH Litigation	135.00
BROWN, SANFORD ESQ	PB Reviews and Resolutions	182.00
BROWN, SANFORD ESQ	COAH Litigation	330.00
FITZGERALD, WILLIAM	PB Reviews	168.75
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	1,562.50
MASER CONSULTING, P.A.	JAN/FEB 2011 VARIOUS INSP FEES	2,386.25
STEINBERG, MARK A ESQ	BOA Resolutions & Reviews	560.00
TWP OCEAN TAX COLLECTOR'S ACCT	TAXES ON 1310 LAUREL AVE ASSOC	11,337.74
TWP OF OCEAN CURRENT FUND	Off Duty Police Admin/Car Use	831.25
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police	2,850.00
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Sick Pay 2/11/2011	32,637.50
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Vacation 2/11/11	10,670.39
TWP OF OCEAN SEWERAGE AUTH	SEWER PYMT FOR 1310 LAUREL AVE	115.00
TWP OF OCEAN TRUST OTHER ACCT	TRANSFER TMOBILE WIRED INTO	3,020.36
US BANK CUST CCTS CAP.LLC	REDEMPTION 25.06 1 10-00008	457.15
US BANK CUST CCTS CAP.LLC	REDEMPTION B200 L4	2,238.25
US BANK CUST CCTS CAP.LLC	REDEMPTION 10-00007 B23 L6	186.97
<u>Total</u>		73,557.11
	<u>Total Trust Other Payments</u>	<u>73,557.11</u>
	<u>Animal Control Trust Payments</u>	

LIBERTY PRINTING CO LLC	Envelopes for Dog/Cat mailings	155.00
<u>Total</u>		155.00
	<u>Total Animal Control Trust Payments</u>	<u>155.00</u>

Total Bill List for February 23, 2011

Appropriation Reserve Total	<u>79,024.67</u>
Current Fund Total	<u>5,026,055.54</u>
General Capital Fund Total	<u>1,145.64</u>
State & Federal Grant Total	<u>6,365.56</u>
Law Enforcement Trust Total	<u>424.40</u>
TORTA Total	<u>1,200.00</u>
Trust Other Total	<u>73,557.11</u>
Animal Control Total	<u>155.00</u>
Bid Deposit Refund	
State Unemployment Trust	
Trust Assessment Fund	
Total of All Funds	<u>5,187,927.92</u>

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X (*)
Opposed					
Not Voting/Recuse					
Absent/Excused					

*Yes, except to those in which I may have a conflict:
 Sanford Brown, Esq.
 James Higgins Associates

RESOLUTIONS:

11-041 Amend Resolution #11-031 authorizing the purchase of a license plate reader by the Police Department

WHEREAS, it is the desire of the Township of Ocean, County of Monmouth to maximize police resources for the Police Department and allow officers to capture images of license plates and simultaneously compare them with millions of records to identify vehicles of interest (Wanted, Stolen, etc.) so that they may respond more effectively in the pursuit of crime and criminals, and;

WHEREAS, this system will be part of a shared service with the County of Monmouth through the Sheriffs Department to share database information, and

WHEREAS, the required authorization to spend up to \$24,674.00 from the Township of Ocean Law Enforcement Trust Fund for the purpose of purchasing the equipment has been granted by the Monmouth County Prosecutor; and

WHEREAS, the Director of Finance has certified that there are sufficient funds available in Law Enforcement Trust Fund, account # L-03-56-850-801

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the Township Manager's execution of a purchase order to GTBM Inc. / Info-Cop, East Rutherford, NJ, State Contract # A69834, in an amount not to exceed \$24,674.00 for the purchase of an Automatic License Plate Reader system.

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

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

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

11-042 Approve a credit/refund to the owner of Block 1.10, Lot 33 whose Veteran Deduction was inadvertently omitted for the years 2008 and 2009

WHEREAS, it was previously determined that the owner of Block 1.10, Lot 36, commonly known as 55 Rolling Meadows Boulevard South, qualified for a Veteran Property Tax Deduction on their home in Ocean Township; and

WHEREAS, from the time said property owner was deemed qualified up through December 31, 2007, the property owner was receiving the \$250.00 Veteran Property Tax Deduction; and

WHEREAS, due to an omission of this property in 2008, the owner was removed from receiving his Veteran Property Tax Deduction in both 2008 and again in 2009, totaling \$500.00; and

WHEREAS, after investigation by the Township of Ocean Tax Assessor and Tax Collector, as well as confirmation by Monmouth County Tax Administrator, it was determined that said owner's Veteran Property Deduction should be reinstated and the omitted 2008 and 2009 should be credited to future payments;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, that the Tax Collector is hereby authorized to credit the Real Estate Taxes for the 2nd quarter of the 2011 tax year for the following property.

Block	Lot	Owner	Credit 2011 Taxes
			2 nd QTR
1.10	36	William W. Vamvas & Susan E. Losaw	500.00
Totals			\$500.00

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

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

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused	X				

11-043 Authorize the cancellation of old outstanding checks issued by the Township of Ocean

AUTHORIZING THE TOWNSHIP OF OCEAN TO CANCEL OLD OUTSTANDING CHECKS AND RECONCILING ITEMS

WHEREAS, certain checks have been identified in the Current Fund Bank Account by the Director of Finance as outstanding; and

WHEREAS, it is a normal financial practice to review the bank accounts for old outstanding items for cancellation with the balances to be returned to the Current Fund Balance; and

WHEREAS, it is necessary to formally cancel said checks so that the unnecessary balances may be returned to the Surplus Balance in the Current Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that the following old outstanding checks, be cancelled;

Current Fund Account	Outstanding Date (prior to)	Check#	Amount
Old Check	2007	21708	\$ 5.00
Old Check	2010	28226	\$14.00
Old Check	2010	28213	\$70.00
Total to Cancel			\$89.00

BE IT FURTHER RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that the following be canceled:

BE IT FURTHER RESOLVED, That two certified copies of the resolution are to be filed with the Director of the Division of Local Government Services and that a certified copy of this resolution shall be provided by the Township Clerk to each of the following:

1. Director of Finance
2. Township Auditor

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused	X				

11-044 Authorize the Mayor and Municipal Clerk to execute the Inter-local Services Agreement between the Township and the Board of Education for the rental of school buses for the 2011 Summer Recreation Program.

WHEREAS, N.J. S. A. 40:8A-1 et seq. authorizes a municipality to enter into a contract with any other local unit for the joint provision of services; and

WHEREAS, the Township of Ocean is desirous of entering into a Rental Agreement with the Township of Ocean Board of Education for the use of seven (7) 54-passenger school buses for the Township of Ocean Summer 2011 Recreation Program; and

WHEREAS, the Rental Agreement provides that the Township of Ocean Board of Education will receive a flat fee of \$8,000.00; and

WHEREAS, the Director of Finance has certified that there are adequate sufficient funds available under the following line item appropriation: Recreation Trust, account # N-03-56-850-801

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Mayor and Municipal Clerk are hereby authorized to execute the Rental Agreement with the Township of Ocean Board of Education for the use of seven (7) 54-passenger school buses for the Township of Ocean Summer 2011 Recreation Program, for the period June 20, 2011 through August 19, 2011; and

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

1. Township of Ocean Board of Education
2. Department of Human Services
3. Department of Public Works

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

ORDINANCES:

Adoption(s)

Ordinance #2166 – An Ordinance providing for the vacation of a certain part of Lawrence Avenue in the Township of Ocean, County of Monmouth (Coaster)

The following vote was taken to open the Public Hearing on Ordinance #2166

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve		X			
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Mr. Brannen stated that this vacation request, made by Seaview Orthopaedic, pertains to a small portion of Lawrence Avenue.

Public Comments:

Seeing that there were no public comments on Ordinance #2166, the following vote was taken to close the Public Hearing:

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve		X			
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

The following vote was taken to adopt Ordinance #2166 and advertise according to law:

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve		X			
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Introduction(s):

Ordinance #2167 - An Ordinance amending and supplementing Chapter 21 of the Comprehensive Land Development Ordinance of the Township of Ocean establishing regulations for the Affordable Housing Development Fees (P.H. 3/21/11 Coaster)

ORDINANCE #2167

ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21 OF 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 that the following be and is hereby added:

ARTICLE III. be and is hereby amended to include the following:

21-9A. Affordable Housing Development Fees.

SECTION I

1. *Purpose*

- a) In Holmdel Builder’s Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing’s (COAH’s) adoption of rules.
- b) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction may retain fees collected from non-residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH’s regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH’s rules on development fees, codified at N.J.A.C. 5:97-8.

2. *Basic requirements*

- a) This ordinance shall not be effective until approved by the Superior Court or COAH pursuant to N.J.A.C. 5:96-5.1.
- b) Ocean Township, Monmouth County, shall not spend development fees until the Superior Court or COAH has approved a plan for spending such fees in conformance with N.J.A.C. 5:97-8.10 and N.J.A.C. 5:96-5.3.

3. *Definitions*

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. "Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. "COAH" or the "Council" means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
 - iii. "Development fee" means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.
 - iv. "Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. "Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).
 - vi. "Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

4. *Residential Development fees*

- a) Imposed fees
 - i. Within all zoning districts, residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for residential development, provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance) has been permitted, developers may be required to pay a development fee of six percent (6%) of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and a half percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development
 - i. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
 - iv. Developers of new single-family detached dwelling units built on an in-fill lot or as part of a minor subdivision that does not involve the creation of more than one new lot shall be exempt from paying a development fee.

5. *Non-residential Development fees*

- a) Imposed fees
 - i. Unless otherwise prohibited by law, within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemptions for non-residential development

- i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - ii. The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time as the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by Ocean Township as a lien against the real property of the owner.
6. *Collection procedures*
- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
 - b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
 - c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
 - d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
 - e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
 - f) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated

equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

- g) Should Ocean Township fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.
- i) Appeal of development fees
 - 1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by Ocean Township. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
 - 2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by Ocean Township. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

7. *Affordable Housing trust fund*

- a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 - 1. payments in lieu of on-site construction of affordable units;
 - 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - 3. rental income from municipally operated units;
 - 4. repayments from affordable housing program loans;
 - 5. recapture funds;
 - 6. proceeds from the sale of affordable units; and
 - 7. any other funds collected in connection with Ocean Township's affordable housing program.

- c) Within seven days from the opening of the trust fund account, Ocean Township shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

8. *Use of funds*

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address Ocean Township's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse Ocean Township for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- d) Ocean Township may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- e) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a

new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

9. *Monitoring*

- a) Ocean Township shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with Ocean Township's housing program, as well as to the expenditure of revenues and implementation of the plan approved by the court. All monitoring reports shall be completed on forms designed by COAH.

10. *Ongoing collection of fees*

- a) The ability for Ocean Township to impose, collect and expend development fees shall expire with its judgment of compliance unless Ocean Township has filed an adopted Housing Element and Fair Share Plan with COAH or the Superior Court, has petitioned for substantive certification or filed a declaratory action seeking a judgment of repose, and has received COAH or a court's approval of its development fee ordinance. If Ocean Township fails to renew its ability to impose and collect development fees prior to the expiration of its judgment of compliance it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). Ocean Township shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall Ocean Township retroactively impose a development fee on such a development. Ocean Township shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION II. Non-Residential Fee Provisions.

This Ordinance and the provisions set forth in Article I above are being adopted in accordance with Section 8 of P.L. 2008, c. 46 (N.J.S.A. 52:27D-329.2(a)) and the policies, procedures and requirements of the New Jersey Council on Affordable Housing ("COAH"). Pursuant to COAH's requirements for approval of a municipal development fee ordinance and the model ordinance promulgated by COAH, the Township is required to, and has, included provisions for the assessment and collection of non-residential development fees. Notwithstanding the inclusion of such provisions as required by COAH, the Township notes and acknowledges that recently there have been legislative enactments impacting upon the collection of non-residential development fees, including but not limited to, Sections 32 through 38 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.1 through 40:55D-8.7), known as the "Statewide Non-Residential Development Fee Act," and Sections 36 through 41 of P.L. 2009, c. 90, known as the "Economic Stimulus Act of 2009." The Township shall continue to abide by the applicable law concerning the collection of non-residential development fees.

SECTION III.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION IV.

This Ordinance will take effect upon passage and publication according to law.

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve		X			
Motion to Second	X				
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Council Reports:

Councilmember Schepiga reminded everyone about the St. Patrick's Dinner, which will be held on March 17, 2001 at the Renaissance.

Councilmember Siciliano noted that additional senior programs have been implemented by our Recreation Department.

The following Councilmember(s) offered no report:
Councilmember(s) Garofalo, Evans

Andrew Brannen, Township Manager
David A. Krenkel, Assistant Township Attorney

PUBLIC COMMENTS:

Brian Lefferson inquired about the cost of the License Plate Reader noted in Resolution #11-041 and is this equipment going to be installed in only one vehicle.

Mr. Brannen stated that the cost is \$24,674.00 for one reader.

Mr. Lefferson also inquired as follows:

1. Status of putting a video camera in a police vehicle to be shown on Ocean 77 TV which would enable residents to view actions by the Township during winter storms.

Mr. Brannen stated that the Township does not have the capabilities to stream line the video from the vehicle to Ocean 77.

2. Feels that the automated collection program is running smoother than the initial reports. Also, he inquired if the Township would increase collection to two (2) times a week during the summer months.

Mayor Larkin stated that the Township will monitor the summer months and make revisions accordingly.

3. How much is the Township paying for tipping fees

Mr. Brannen stated \$73.00 per ton

4. Has the Township been collecting Developer's fees and if so, how much does the Township have in that account

Mr. Brannen stated that we have not been collecting them since we did not have an ordinance to authorize said collection.

5. Is the Township planning on laying anyone off in the Public Works Department and merging the divisions

Mr. Brannen stated that the Township is viewing all areas as they relate to cost savings.

Bob Ades inquired if the Township kept track of how much (weight-wise) was collected in each route

Mr. Brannen stated that the Township does but it is not by route but rather by truck.

Don Geiger stated that he had seen that Monmouth County was making budget presentations throughout the County and thought that the Township could consider doing the same with regard to the services we could provide other municipalities.

Precious Parker inquired about receiving additional garbage cans, as she has a family of seven people living in her house and one can is not working for her. She also feels that the Township should not charge for the extra can if a need can be verified based on family size.

Mr. Brannen stated that the Township will review their policy based on her comments

F.K Hudson asked that the Township review their snow removal policy as it relates to sidewalks.

Mr. Hudson also inquired about the COAH Litigation

Mr. Arbus stated that the Township has had ongoing meetings with the Planner and the litigants. Mr. Arbus also stated that the Plan needs to be filed by April 2011, which he believes will be accomplished.

Seeing that there were no other questions, the meeting was adjourned.

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Siciliano	Mayor Larkin
Motion To Approve	X				
Motion to Second			X		
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk