

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

JANUARY 10, 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) Hiers, 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.

PRESENTATIONS: Honoring Deputy Mayor J. David Hiers

Mayor Larkin commented that the evening was bittersweet since he was honoring a man that served the Township well in his capacity as both Councilman and Deputy Mayor. Mayor Larkin stated that Deputy Mayor Hiers has always been a great sounding board for him and he always appreciated Dave's commitment to doing what is in the best interest of the residents.

On behalf of the entire Governing Body, as well as the residents and businesses of the Township of Ocean, Mayor Larkin presented Deputy Mayor Hiers with a Plaque honoring him for his service to the Township.

Stu Newman, President of the Oakhurst Fire Company, presented a Plaque to Deputy Mayor Hiers thanking him for his tremendous service to the Township, its residents, and the volunteer services.

Deputy Mayor Hiers thanked Janice, his wife, for her support throughout his many year's of involvement both on the Council and through his volunteer service. He also thanked his children and grandchildren, who are one of the greatest joys of his life.

Deputy Mayor Hiers spoke about how proud he was to have been able to serve on two tremendous Councils and the fact that he played a very small part in so many positive changes that have occurred during his tenure. He thanked all the employees for their hard work and commitment to making the Township the best community in the State. Finally, he offered his special thanks to the many individuals who serve this Township in their volunteer activities, especially the firefighters and EMS workers.

In conclusion, Deputy Mayor Hiers wished everyone a happy and healthy 2011.

A short recess was taken to enjoy some refreshments with Deputy Mayor Hiers.

The meeting reconvened at 7:25 pm.

PUBLIC COMMENTS:

Larry Loigman inquired as follows:

1. Resolution #11-017 – are the Department Heads receiving this salary adjustment and if so, why. Mr. Loigman stated that in today's economy, he does not believe that the managerial employees should receive any salary increase. He also inquired on how the Township planned to make the budget come in under the 2% budget CAP if they give this 2.25% cost of living adjustment.

Andrew Brannen, Township Manager stated that this adjustment pertains to all PBA, SOA and non-union employees, including the supervisory employees. Mr. Brannen also stated that the projected salaries for Township employees are less in 2011 than they were in 2010 and 2009. This is mainly due to the fact that there are less employees now than there were in those years.

2. Resolution 11-012a – who is this vehicle being purchased for and is it really needed

Mr. Brannen stated that the vehicle in question is being purchased for the Department of Public Works and this four-wheel drive vehicle is needed by the administrative staff.

3. Resolution #11-014 – when is the tax sale being held

Mr. Brannen stated that the date is October 19, 2011.

Mr. Loigman inquired why we are not holding it sooner, as this brings in revenue for the Township.

Mr. Brannen informed Mr. Loigman that this is the date selected by the Tax Collector and it gives the residents who are delinquent a chance to bring their account current.

4. Resolution #11-006 – how much did we pay Mr. Surenian in 2010 and are we putting a cap on the amount we pay Mr. Surenian this year.

Mr. Brannen stated that the litigation is currently ongoing but should it be resolved in 2011, then yes, Mr. Surenian's services will not longer be needed.

Mayor Larkin stated that the Township would probably not be able to hire someone of Mr. Surenian's expertise if the Township put a hard cap in place for this matter.

5. Resolution #11-003 – will this contract include towing vehicles that get abandoned during snow storms

Mr. Brannen stated that all the towing contracts contain that provision.

6. Does the Township have any ordinance prohibiting parking on major arteries

Mr. Brannen stated that the Township does prohibit parking on various roadways throughout the Township.

Brian Lefferson inquired as follows:

1. Resolution #11-004 – how many year's has Mr. Villapiano been on the Sewerage Authority and will he receive health benefits when he is no longer serving

Mayor Larkin stated that he does not believe that Mr. Villapiano receives benefits, as TOSA had recently changed the policy.

2. Inquired about the cost of the Municipal Election

Mayor Larkin stated it was approximately \$35,000.00

Don Geiger inquired as follows:

1. Resolution #11-006 – what happens if the Township exceeds the “not to exceed” provision stated in the resolution

Mr. Brannen stated that the Council would need to approve, by resolution, an amendment to the contract.

2. Resolution #11-013 – is this work that the Township garage cannot handle

Deputy Mayor Hiers stated that the first choice would be to utilize our in-house facility but should they get backed up, we would then utilize this facility.

3. Resolution #11-019 – is this cost passed on to the users

Mr. Brannen stated that the cost is passed on to those utilizing the on-line payment option.

There were no additional questions at this time.

CONSENT AGENDA:

MINUTES:

December 6, 2010 – Workshop, Public and Closed Meeting
 December 13, 2010 – Public and Closed Meeting
 December 16, 2010 – Public and Closed Meeting
 December 30, 2010 – Public Meeting

RESOLUTIONS:

11-001 Accept the Performance Guarantees for the following:

a. Block 37.06, Lot 15 – 21 Eaton Place – Edward and Annette Kubinec

WHEREAS, Louis J. Lobosco, P.E., P.P., representing the Township Engineer, requested the posting of \$250.00 for inspection fees for Block 37.06, Lot 15 also known as 21 Eaton Place; and

WHEREAS, Edward and Annette Kubinec have posted the \$250.00 inspection fees for Block 37.06, Lot 15 also known as 21 Eaton Place; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that the inspection fees posted by Edward and Annette Kubinec for Block 37.06, Lot 15 also known as 21 Eaton Place are hereby accepted.

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Director of Finance
5. Edward and Annette Kubinec

b. Block 11, Lot 12.01 – 150 Norwood Avenue – Eliot & Lori Tawil

WHEREAS, the Township of Ocean has approved a development project on Block 11, Lot 12.01 also known as 150 Norwood Avenue; and

WHEREAS, Eliot and Lori Tawil have posted performance guarantees totaling \$29,988.00 along with engineering inspection fees totaling \$5,998.00 and the required certificate of insurance.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Eliot and Lori Tawil

c. Block 44, Lot 7 – 404 Maple Avenue – David J. Jemal

WHEREAS, the Township of Ocean has approved a development project on Block 44, Lot 7 also known as 404 Maple Avenue; and

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

WHEREAS, David J. Jemal has posted performance guarantees totaling \$7,164.00 along with engineering inspection fees totaling \$2,194.00 and the required certificate of insurance.

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

BE IT FURTHER RESOLVED that the performance guarantees are hereby accepted; and

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. David J. Jemal

11-002 Authorize the Reduction of Performance Guarantees for the following:**a. Block 189, Lots 6 & 9 – 1110 Highway 35 – Italian American Association of the Township of Ocean**

WHEREAS, the Italian American Association of the Township of Ocean has received Site Plan Approval with Variance and Waivers by the Township of Ocean Planning Board by way of resolution dated December 14, 2009 for property located on Block 189, Lots 6 & 9, 1110 Highway 35 to amend an existing approved site plan for the purpose of legitimizing an existing enclosure of an outdoor freezer, enclosing a bocce court and providing a trash area; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated July 7, 2010 with the Italian American Association of the Township of Ocean, for Site Plan Approval with Variance and Waivers for property located on Block 189, Lots 6 & 9, 1110 Highway 35 to amend an existing approved site plan for the purpose of legitimizing an existing enclosure of an outdoor freezer, enclosing a bocce court and providing a trash area; and

WHEREAS, the Italian American Association of the Township of Ocean posted performance guarantees totaling \$15,240.00 in the form of a cash bond; and

WHEREAS, the Township Clerk is in receipt of a letter from Angelo Schiraldi, a representative of the Italian American Association of the Township of Ocean dated November 15, 2010, requesting release of the performance guarantees; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, P.E., P.P., dated December 2, 2010 denying the request for release of the performance guarantees; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, P.E., P.P., dated December 14, 2010 stating that the Italian American Association of the Township of Ocean has requested a reduction of the performance guarantees and after an inspection by the Township Engineer's representative they recommend the reduction of the performance guarantees; and

WHEREAS, the Township Council is willing to reduce the amount of the performance guarantees to 30% of the original performance guarantee estimate amount.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize and approve a reduction of the performance guarantee to the sum of \$4,572.00 in the form of a cash bond, representing 30% of the original amount of the performance guarantee pursuant to N.J.S.A. 40:55D-52.e.(1) expressly subject to the following conditions:

1. All required certificates of insurance be properly filed with the Office of the Township Clerk
2. Payment of any outstanding engineering inspection fees

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Italian American Association of the Township of Ocean, Inc.

b. Block 1.02, Lots 73 – 1033 West Park Avenue – St. George Greek Orthodox Church

WHEREAS, St. George Greek Orthodox Church received Conditional Use, Site Plan and Variance Approvals from the Township of Ocean Planning Board by way of resolution dated September 22, 2008, for property located on Block 1.02, Lot 73, 1033 West Park Avenue to raze an existing residential building and construct a House of Worship on a 6.386 acre parcel. The development will consist of three (3) buildings; a sanctuary/chapel, an administrative/educational building and a gymnasium/social hall with a total of 236 parking spaces; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated April 22, 2009 with St. George Greek Orthodox Church, for Conditional Use, Site Plan and Variance Approvals for property located on Block 1.02, Lot 73, 1033 West Park Avenue to raze an existing residential building and construct a House of Worship on 6.386 acres which will consist of three (3) buildings: a sanctuary/chapel, and administrative/educational building and a gymnasium/social hall with a total of 236 parking spaces; and

WHEREAS, St. George Greek Orthodox Church posted performance guarantees totaling \$1,164,840.00 by way of Irrevocable Letter of Credit Number SM23469W issued by Wachovia Bank, National Association, Winston-Salem, NC on behalf of St. George Greek Orthodox Church in the total amount of \$1,048,356.00 together with a cash bond of \$116,484.00; and

WHEREAS, the Township Council granted a reduction of the performance guarantees to \$943,543.80 by resolution dated September 21, 2009; and

WHEREAS, the Township Council granted a second reduction of the performance guarantees to \$887,939.40 by resolution dated February 12, 2010; and

WHEREAS, St. George Greek Orthodox Church requested the second reduction be rescinding and the Township Council granted the request by way of resolution dated May 18, 2010; and

WHEREAS, the Township Council granted a third reduction of the performance guarantees to \$675,986.76 by way of resolution dated July 7, 2010; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, P.E., P.P., dated December 14, 2010 recommending a performance guarantee reduction; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does authorize and approve a reduction of the performance guarantee to the sum of \$360,300.00 in the form a performance bond in the amount of \$324,270.00 and cash in the amount of \$36,030.00, pursuant to N.J.S.A. 40:55D-52.e(1) expressly subject to the following conditions:

1. All required certificates of insurance be properly filed with the Office of the Township Clerk
2. Payment of any outstanding engineering inspection fees

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. St. George Greek Orthodox Church
5. Wachovia Bank, National Association

11-003 Authorization to accept bids for the following:**a. Towing Services**

WHEREAS, the Township Council is desirous of receiving bid(s) for the following:

Police Department:

Towing Services (3-year contract)

WHEREAS, specifications for the aforesaid items will be on file in the Police Department and will be 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(s) as per the specifications on file and will be received by the Township Manager in the Township Manager's Conference Room, Third 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. Director of Finance
2. Police Department, Traffic Safety Division

b. Telecommunications Lease for Police Tower

WHEREAS, the Township Council is desirous of receiving bid(s) for the following:

Police Department:

Telecommunications Lease for Police Tower

WHEREAS, specifications for the aforesaid items will be on file in the Police Department and will be 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(s) as per the specifications on file and will be received by the Township Manager in the Township Manager's Conference Room, Third 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. Director of Finance
2. Police Department

11-004 Authorize appointment to the Township of Ocean Sewerage Authority effective February 1, 2011

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:

MEETING MINUTES

JANUARY 10, 2011

**TOWNSHIP OF OCEAN
SEWERAGE AUTHORITY**

| | <i>Member</i> | <i>Starting</i> | <i>Ending</i> |
|-------------|-----------------|------------------|------------------|
| 5 year term | John Villapiano | February 1, 2011 | January 31, 2016 |

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

11-005 Authorize the Developer's Agreement for the following:

a. Block 25, Lot 33 – 325 Deal Road – Congregation Magen David of West Deal, Inc.

WHEREAS, Congregation Magen David of West Deal, Inc. (Developer) are the owners of property known as Block 25, Lot 33 as shown on the official tax map of the Township of Ocean, which property is located at 395 Deal Road in the R-2 (Low Density Single Family Residential) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer has received Site Plan Approval with Variances by the Township of Ocean Planning Board by way of Resolution dated November 24, 2008 to construct a 2,019 square foot addition to the rear of a synagogue for the purpose of increasing the seating in the midrash by 136 seats to a total of 240 seats. In addition, some minor grade changes will be made to accommodate ADA accessibility; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plans, Synagogue of West Deal, Tax Block 25, Tax Lot 33, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc., consisting of eight (8) sheets dated August 26, 2008 and last updated December 8, 2010 and Maps entitled Proposed Alteration Addition, Magen David Congregation, Deal Road, Deal, New Jersey, Lot 33, Block 25 by James J. Monteforte, AIA of Monteforte Architectural Studio, LLC, consisting of two (2) sheets dated August 8, 2008; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated December 14, 2010 prepared by the Township of Ocean Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Ocean and Congregation Magen David of West Deal, Inc., subject to the following conditions first being met:
 - a. Required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting of Performance Guarantees in the total amount of \$29,640.00 and Inspection Fees in the amount of \$2,235.00.

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

1. Township Engineer
2. Director of Community Development
3. Construction Official

- 4. Director of Finance
- 5. Congregation Magen David of West Deal, Inc.

Vote on all Consent Agenda Items:

| Record of Vote | Deputy Mayor Hiers | Councilman Garofalo | Council-woman Schepiga | Councilman Siciliano | Mayor Larkin |
|-------------------|--------------------|---------------------|------------------------|----------------------|--------------|
| Motion To Approve | | | X | | |
| Motion to Second | X | | | | |
| Approved | X | X | X | X | X |
| Opposed | | | | | |
| Not Voting/Recuse | | | | | |
| Absent/Excused | | | | | |

INDIVIDUAL ACTION:

RESOLUTIONS:

11-006 Authorize a Professional Services contract with Jeffrey R. Surenian, Esq., and the Firm Jeffrey R. Surenian and Associates, LLC to assist the Township with its affordable housing responsibilities for the period January 1 through December 31, 2011

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

WHEREAS, 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 2011; and

WHEREAS, the anticipated term of this contract is for the one year period from January 1 through December 31, 2011; and

WHEREAS, Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC has submitted a proposal to perform said legal services for the Township of Ocean at a fee of \$175.00 per hour, not to exceed \$75,000.00; and

WHEREAS, Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, will complete and submit a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form which certifies that Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, have not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, from making any reportable contributions through the term of the contract which shall be made a part of the fully executed 2011 contract; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under the following: Litigation – account #1-01-20-712-217

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Ocean, County of Monmouth that authorization is hereby given to enter into a contract with Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC to assist the Township of Ocean and its legal counsel in helping the Township address its responsibilities with respect to its affordable housing obligations at a fee of \$175.00 per hour, not to exceed \$75,000.00; and

BE IT FURTHER RESOLVED that the completed Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form be placed on file with this Resolution and Contract; and

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

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

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

1. Director of Finance
2. Township Auditor
3. Jeffrey R. Surenian and Associates, LLC

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

11-007 Authorize a Professional Services contract with Michael R. DuPont, Esq., McKenna, DuPont, Higgins & Stone, to provide legal services related to tax appeals for the period January 1 through December 31, 2011.

WHEREAS, the Township of Ocean has a need to engage the services of an attorney licensed in the State of New Jersey specializing in the defense of tax appeals; 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 2011; and

WHEREAS, the anticipated term of this contract is one year from January 1, 2011 to December 31, 2011; and

WHEREAS, Michael R. DuPont, Esq., and the firm of McKenna, DuPont, Higgins & Stone, has submitted a proposal of special counsel pertaining to tax appeals matters at an hourly rate of \$125.00, not to exceed \$45,000.00; and

WHEREAS, the firm of McKenna, DuPont, Higgins & Stone has completed and submitted a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form which certifies that the firm of McKenna, DuPont, Higgins & Stone has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year and that the contract will prohibit the firm of McKenna, DuPont, Higgins & Stone from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under the following line item appropriation:

Defense of Tax Appeals – 1-01-20-710-219.

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Township of Ocean, County of Monmouth authorizes the Mayor and Township Clerk to enter into a contract with the firm of McKenna, DuPont, Higgins & Stone as described herein and with a not to exceed \$45,000.00 provision; and

BE IT FURTHER RESOLVED that the completed Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form be placed on file with this Resolution and Contract; and

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

BE IT FURTHER RESOLVED that notice of this action shall be published according to law.

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

1. Director of Finance
2. Township Auditor
3. McKenna, DuPont, Higgins and Stone

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

11-008 Authorize the Inter-local Services Agreement between the Township of Ocean and City of Long Branch for animal control services

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

WHEREAS, the Township of Ocean and the City of Long Branch are desirous of entering into an agreement whereby the City of Long Branch will provide animal control services to the Township of Ocean for the period January 1 through December 31, 2011, pursuant to an Agreement being entered into by both parties; and

WHEREAS, the said Agreement provides for the aforementioned services being provided by the City of Long Branch at a cost not to exceed \$34,100.00 for said period; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget, Account #1-01-27-788-247, Animal Control Contractual Services; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Mayor and Municipal Clerk are hereby authorized to execute and deliver the Inter-local Services Agreement to the City of Long Branch for the joint provision of animal control services for the period January 1 through December 31, 2011 at a cost not to exceed \$34,100.00; and

FURTHER BE IT RESOLVED that said Agreement shall be maintained in the Office of the Municipal Clerk and available for public inspection during regular business hours; and

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

1. Director of Community Development
2. Director of Finance
3. City of Long Branch

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

11-009 Authorize a Professional Services contract with James W. Higgins Associates for Planning Services for the period January 1 through December 31, 2011.

WHEREAS, the Township of Ocean is in need of general consulting services for the year 2011 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 2011; and

WHEREAS, the anticipated term of this contract is for the one year period from January 1 through December 31, 2011; 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, not to exceed \$60,000.00; and

WHEREAS, James W. Higgins of James W. Higgins Associates has completed and submitted a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form 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 2011 Township of Ocean Temporary and Final Budget under the following line item appropriations:

Planning Board – Planning – 1-01-21-720-263
Board of Adjustment – Planning – 1-01-21-721-263
Various Escrow Accounts

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

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 the completed Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form be placed on file with this resolution and Contract; and

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

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

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

11-010 Authorize the Mayor and Municipal Clerk to execute the Agreement with Monmouth County for the Special Citizens Area Transportation (SCAT) for 2011.

WHEREAS, the Township of Ocean heretofore entered into an agreement as authorized by resolution dated November 19, 2007 with the Monmouth County Board of Chosen Freeholders, specifically the Office of Special Citizens Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals, among others, residing within the Township of Ocean for the year 2008 pursuant to an agreement between the Township of Ocean and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Township Council wishes to continue said services through the calendar year 2011 at a cost of \$150.00 per half day; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under account # 1-01-28-797-304;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that the aforesaid agreement be renewed upon its expiration for the calendar year 2011 at a cost of \$150.00 per half day; and

BE IT FURTHER RESOLVED by the Township Council that certified copies of this resolution be forwarded to the following:

1. Henry R. Nicholson, Director
Monmouth County Special Citizens Area Transportation (w/ 3 certified copies)
2. Richard F. Ponton, Director of Human Services

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

11-011 Authorize a contract for the following:

a. Geese Chasers, LLC to provide environmentally safe geese control

WHEREAS, the Township of Ocean owns and operates the Colonial Terrace Golf Course; and

WHEREAS, the Township of Ocean is desirous of providing environmentally safe goose control measures to deter geese from the grounds of the facility; and

WHEREAS, the Township of Ocean desires to enter into an annual agreement with Geese Chasers, LLC, 42 Broadacre Dr., Mt. Laurel, NJ 08054 for the provision of the aforementioned services in an amount not to exceed \$12,100.00 for 2011; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under the following line item appropriation:

Colonial Terrace Golf Course – Outside Services – 1-01-28-799-252

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Township Manager is hereby authorized to execute a service contract with Geese Chasers, LLC for 2011 goose control measures at the Colonial Terrace Golf Course at a cost not to exceed \$12,100.00; and

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

1. Geese Chasers, LLC
2. Department of Human Services
3. Director of Finance

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

b. Golf Car Specialties, LLC to provide 23 golf cars for Colonial Terrace Golf Course

WHEREAS, the Township of Ocean will resume operations of the Colonial Terrace Golf Course as of April, 2011; and

WHEREAS, the Township of Ocean intends to provide golf cars available for rent by course users during the operating season; and

WHEREAS, the Township of Ocean desires to enter into a full service lease agreement with Golf Car Specialties, LLC, 136 Washington St., Gloucester City, NJ 08030 for the provision of 23 reconditioned Yamaha gasoline golf cars for the 2011 operating season in an amount not to exceed \$12,400.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under the following line item appropriation:

Colonial Terrace Golf Course – Outside Services 1-01-28-799-252

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Township Manager is hereby authorized to execute a Full Service Lease Agreement with Golf Car Specialties, LLC for the 2011 Colonial Terrace Golf Course operating season at a cost not to exceed \$12,400.00; and

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

1. Golf Car Specialties
2. Department of Human Services
3. Director of Finance

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

c. Various Road Materials

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 2011 on October 18, 2010; and

WHEREAS, the Township Clerk did duly advertise said bid on October 30, 2010 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 Chemung Supply Corp., Elmira, NY, Campbell Foundry Co., Harrison, NJ, Stavola Construction Materials, Inc., Red Bank, NJ, International Salt Co., Clarks Summit, PA, Trap Rock Industries, Inc., Kingston, NJ; 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. \$16.20 per ton

ITEM 1B Dense Graded Aggregate – Picked Up

Stavola Construction Materials, Inc. \$16.00 per ton

ITEM #2A Clean Broken Stone 3/8” to 12” – Delivered

Stavola Construction Materials, Inc.

| | |
|---------------------------|-----------------|
| 3/8” clean broken stone | \$21.60 per ton |
| 3/4” clean broken stone | \$16.60 per ton |
| 5/8” clean broken stone | \$18.60 per ton |
| 1” clean broken stone | \$20.00 per ton |
| 1-1/2” clean broken stone | \$17.60 per ton |
| 2-1/2” clean broken stone | \$17.60 per ton |
| 3”-5” clean broken stone | \$18.60 per ton |
| 6”-12” clean broken stone | \$19.60 per ton |

ITEM #2B Clean Broken Stone 3/8" to 12" – Picked-Up*Stavola Construction Materials, Inc.*

| | |
|--------------------------|-----------------|
| 3/8" clean broken stone | \$22.00 per ton |
| 3/4" clean broken stone | \$17.00 per ton |
| 5/8" clean broken stone | \$19.00 per ton |
| 1" clean broken stone | \$21.00 per ton |
| 1-1/2 clean broken stone | \$18.60 per ton |
| 2-1/2 clean broken stone | \$18.60 per ton |
| 3"-5" clean broken stone | \$19.60 per ton |
| 6-12" clean broken stone | \$20.60 per ton |

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

| | |
|--------------------------------------|-----------------|
| Stavola Construction Materials, Inc. | \$80.00 per ton |
|--------------------------------------|-----------------|

ITEM #4 Sodium Chloride - Delivered

| | |
|-----------------------------|-----------------|
| International Salt Co., LLC | \$54.60 per ton |
|-----------------------------|-----------------|

ITEM #5 Reinforced Concrete Pipe – Delivered

No Award

ITEM #6 Smooth Interior Corrugated Polyethylene Storm Sewer Pipe, Plastic Drainage Pipe - Delivered*Chemung Supply Corp.*

| | |
|--|------------------|
| 8" smooth interior corrugated storm/drainage pipe | \$3.63 per foot |
| 10" smooth interior corrugated storm/drainage pipe | \$4.29 per foot |
| 12" smooth interior corrugated storm/drainage pipe | \$4.77 per foot |
| 15" smooth interior corrugated storm/drainage pipe | \$6.38 per foot |
| 18" smooth interior corrugated storm/drainage pipe | \$8.99 per foot |
| 24" smooth interior corrugated storm/drainage pipe | \$15.08 per foot |
| 30" smooth interior corrugated storm/drainage pipe | \$20.28 per foot |
| 36" smooth interior corrugated storm/drainage pipe | \$26.64 per foot |

ITEM #7 Inlet Frames and Grates and Extension Frames - Delivered*Chemung Supply Corp.*

| | |
|---|----------|
| A. Inlet frames and grates, 8" heads Campbell Foundry Pattern #2618, Type B, or Equivalent equal | No Award |
| B. Inlet frames and grates, 8" heads Campbell Foundry Pattern #2617, Type D, or Equivalent equal | No Award |
| C. Inlet frames and grates, standard highway type with bicycle type grate (A) Campbell Foundry #3405, or Equivalent equal | No Award |
| D. Inlet frames and grates, standard highway type with bicycle type grate (E) Campbell Foundry #3425, or Equivalent equal | No Award |

MEETING MINUTES

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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 | \$153.25 each |
| F. 2" extension frames Campbell Foundry Design Model #3402 to fit Campbell Foundry Inlets Type A or Equivalent equal | \$153.25 each |
| G. 2" extension frames Campbell Foundry Design Model #3402 and #3440 used in pairs to fill Inlets Type E or Equivalent equal | \$153.25 each |

ITEM #8 Manholes, Frames, Covers and Extension Rings

Chemung Supply Corp.

- | | |
|--|---------------|
| A. Manhole frames and covers Campbell Foundry design Model #1202 or equivalent equal | No Award |
| B. Extension rings 24" diameter covers Campbell Foundry Design Model #1007 or equivalent equal | \$103.25 each |
| C. Extension rings 25.5" diameter covers Campbell Foundry Pattern #1202 or equivalent equal | \$103.25 each |
| D. Extension rings 30" diameter covers Campbell Foundry Pattern #1011 or equivalent equal | \$115.75 each |

ITEM #9 High Performance Cold Patch Materials

Stavola Construction Materials, Inc. \$140.00 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 2011 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., Red Bank, NJ, International Salt Co. LLC, Clarks Summit, PA and Chemung Supply Corp., Elmira, NY as per their proposals submitted for the year 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. Stavola Construction Materials, Inc.
- 4. International Salt Co. LLC
- 5. Chemung Supply Corp.

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

11-012 Authorize the purchase of the following:

a. One (1) Chevrolet Tahoe SSV 4x4 – Day Chevrolet (State Contract #A73849) at a cost not to exceed \$35,100.00

WHEREAS, N.J.S.A. 40:11-12 requires that any local contracting unit purchasing materials, supplies or equipment under a contract entered into by the State Division of Purchasing and Property shall authorize the award of such contract by Resolution of the Governing Body, and

WHEREAS, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to Day Chevrolet, Egg Harbor Township, NJ under State Contract A73849; and

WHEREAS, the Township of Ocean wishes to purchase one (1) 2011 Chevrolet Tahoe SSV 4x4 vehicle at a cost not to exceed \$35,100.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under the following line item appropriation: Purchase of Township Vehicles, account #1-01-30-810-354

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 for Day Chevrolet, Egg Harbor Township, NJ for the purchase of one (1) 2011 Chevrolet Tahoe SSV 4x4 vehicle at a cost not to exceed \$35,100.00; and.

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

- 1. Director of Finance
- 2. Director of Public Works
- 3. Township Auditor

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

b. Three (3) Ford Crown Victoria Police vehicles from Winner Ford (State Contract #A72467) at a cost not to exceed \$66,900.00

WHEREAS, N.J.S.A. 40:11-12 requires that any local contracting unit purchasing materials, supplies or equipment under a contract entered into by the State Division of Purchasing and Property shall authorize the award of such contract by Resolution of the Governing Body, and

WHEREAS, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to Winner Ford, Cherry Hill, NJ under State Contract A72467; and

WHEREAS, the Township of Ocean wishes to purchase three (3) Ford Crown Victoria Police vehicles at a cost not to exceed \$66,900.00; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget under the following line item appropriation: Purchase of Police Vehicles, account 0-01-30-810-355

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 Winner Ford, Inc., Cherry Hill, NJ for the purchase of three (3) Ford Crown Victoria Police vehicles at a cost not to exceed \$66,900.00; and.

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

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

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

11-013 Authorize a contract with Seacoast Chevrolet to perform various vehicles repairs for the period January 1 through June 30, 2011 (State Contract #A76415)

WHEREAS, the Township of Ocean wishes to authorize a contract with an outside vendor to perform vehicle repairs on various Township vehicles; and

WHEREAS, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to Seacoast Chevrolet, Ocean Township, NJ under State Contract A76415, and

WHEREAS, it is the recommendation of the Director of Public Works that a contract be awarded to Seacoast Chevrolet, Ocean Township, NJ at a cost not to exceed \$30,000 for the period January 1, 2011 through June 30, 2011; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget for the Department of Public Works – account #1-01-26-767-252;

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 Seacoast Chevrolet, Ocean Township, NJ, to perform vehicle repairs on various Township vehicles for the period January 1, 2011 through June 30, 2011 at a cost not to exceed \$30,000.00; 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. Seacoast Chevrolet

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

11-014 Authorize the 2011 Tax Sale

WHEREAS, the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2010 on October 19, 2011 at 10:00 AM in a manner prescribed by N.J.S.A. 54-5-19, and as amended by Chapter 99, Public Laws of 1997 and

WHEREAS, in lieu of any two publications, the Tax Collector is directed to mail notice to the property owner and to any person or entity entitled to notice of foreclosure pursuant to section 20 of P.L. 1948, c. 96 (C. 54:5-104.48) and may be given by regular or certified mail, the costs of which shall be added to the cost of the sale in addition to those provided in R.S. 54:5-38, not to exceed \$25.00 for each set of notices for a particular property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, that the Tax Collector is hereby authorized to advertise for two consecutive weeks and directed to sell all municipal liens in accordance with New Jersey Law, and as stated above.

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

1. Director of Finance
2. Deputy Tax Collector
3. Township Auditor

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

11-015 Setting 2011 Interest Rates and Penalties for Delinquent Taxes and Assessments

WHEREAS, N.J.S.A.54: 4-67 et seq., permits the Governing Body to fix the rate of interest to be charged for the non-payment of taxes, assessments or other municipal charges.

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

1. The rate of interest on unpaid taxes, assessments or other municipal charges shall be eight (8%) percent per annum on the first One Thousand Five Hundred (\$1,500.00) Dollars of delinquent taxes, assessments or other municipal charges that become delinquent after the due date and eighteen (18%) percent per annum on any amount in excess of One Thousand Five Hundred (\$1,500.00) Dollars to be calculated from the date the tax, assessments or other municipal charges was payable until the date of actual payment, provided that no interest shall be charged if payment of any installment is made on or before the tenth calendar day following the date upon which the same became payable and, where the 10th falls on a Saturday, Sunday or legal holiday, than they will be payable the next working day; and,
2. In addition to the interest provided above, on all delinquencies in excess of Ten Thousand (\$10,000.00) Dollars not paid prior to the end of the fiscal year, the Tax Collector shall also collect a penalty of six (6%) percent of the amount of the delinquency in excess of Ten Thousand (\$10,000.00)
3. For all taxes, assessments, and other municipal charges sold as tax liens to outside lien holders or struck to the Township of Ocean, a redemption penalty shall be charge for an additional two (2%) percent when the redemption is over \$200.00 but not over \$5,000.00; four (4%) percent when the redemption is over \$5,000.00 but less than \$10,000.00 and six (6%) percent for redemptions in excess of \$10,000.

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

1. Tax Collector
2. Township Auditor

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

11-016 Approve the 2011 Temporary Budget

WHEREAS, in the normal operation of the Township of Ocean it is necessary for the making of contracts, commitments and payments prior to the adoption of the regular budget, and

WHEREAS, N.J.S. 40A:4-19 of the State of New Jersey provides the Governing Body of any municipality may make temporary appropriations to provide for any contracts, commitments or payments to be made between the beginning of the budget year and adoption of the final budget, and

WHEREAS, the total amount of the appropriations attached hereto and made a part thereof in the amount of \$7,616,379.00 does not exceed twenty-six and one-quarter (26.25) percent of the Local Budget Appropriations of the Township of Ocean for the year 2010, exclusive of any 2010 appropriations made for Debt Service and Capital Improvement Fund, and exclusive of 2011 Debt Service Appropriations.

NOW, THEREFORE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, that the attached Temporary Budget for the year 2011 be adopted.

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

1. Director of Finance
2. Township Auditor

2011 Temporary Budget

| Department | | 2011 Temporary Budget | |
|--------------------------------|------------------|-----------------------|----------------|
| | | Salary & Wages | Other Expenses |
| Governing Body | Salary and Wages | 7,241.00 | |
| Governing Body | Other Expenses | | 1,436.00 |
| Township Manager | Salary and Wages | 70,395.00 | |
| Township Manager | Other Expenses | | 11,422.00 |
| Township Clerk | Salary and Wages | 50,353.00 | |
| Township Clerk | Other Expenses | | 6,115.00 |
| Finance Office | Salary and Wages | 66,608.00 | |
| Finance Office | Other Expenses | | 4,976.00 |
| Annual Audit | Other Expenses | | 8,190.00 |
| Data Processing | Salary and Wages | 16,580.00 | |
| Data Processing | Other Expenses | | 48,868.00 |
| Tax Collector | Salary and Wages | 50,315.00 | |
| Tax Collector | Other Expenses | | 1,485.00 |
| Tax Assessor | Salary and Wages | 35,720.00 | |
| Tax Assessor | Other Expenses | | 71,579.00 |
| Legal Services | Other Expenses | | 191,120.00 |
| Engineering Services | Other Expenses | | 27,704.00 |
| Planning Board | Other Expenses | | 6,178.00 |
| Board of Adjustments | Other Expenses | | 9,852.00 |
| Planning Administration | Salary and Wages | 63,763.00 | |
| Planning Administration | Other Expenses | | 3,035.00 |
| Construction Code | Salary and Wages | 87,236.00 | |
| Construction Code | Other Expenses | | 20,717.00 |
| Liability Insurance | Other Expenses | | 327,799.00 |
| Workers Compensation Insurance | Other Expenses | | 644,754.00 |
| Group Health Insurance | Other Expenses | | 483,245.00 |
| Police Department | Salary and Wages | 1,588,310.00 | |
| Police Department | Other Expenses | | 78,204.00 |
| Dispatch | Salary and Wages | 84,662.00 | |
| Dispatch | Other Expenses | | 460.00 |
| Office of Emergency Management | Other Expenses | | 1,313.00 |

2011 Temporary Budget

| Department | | 2011 Temporary Budget | |
|------------------------------------|------------------|-----------------------|----------------|
| | | Salary & Wages | Other Expenses |
| Municipal Prosecutor | Salary and Wages | 10,362.00 | |
| Municipal Prosecutor | Other Expenses | | 552.00 |
| Director of Public Works | Salary and Wages | 80,675.00 | |
| Director of Public Works | Other Expenses | | 4,282.00 |
| Streets and Roads | Salary and Wages | 237,312.00 | |
| Streets and Roads | Other Expenses | | 144,282.00 |
| Maintenance of Equipment | Salary and Wages | 89,281.00 | |
| Maintenance of Equipment | Other Expenses | | 198,760.00 |
| Sanitation | Salary and Wages | 359,543.00 | |
| Sanitation | Other Expenses | | 3,816.00 |
| Recycling | Salary and Wages | 7,633.00 | |
| Recycling | Other Expenses | | 3,263.00 |
| Buildings & Grounds | Salary and Wages | 212,586.00 | |
| Buildings & Grounds | Other Expenses | | 91,748.00 |
| Board of Health | Salary and Wages | 18,025.00 | |
| Board of Health | Other Expenses | | 92,229.00 |
| Animal Control Services | Other Expenses | | 17,864.00 |
| Director of Human Services | Salary and Wages | 45,412.00 | |
| Director of Human Services | Other Expenses | | 1,497.00 |
| Mon Alliance In Kind SW Match | Salary and Wages | 18,065.00 | |
| Mon Alliance In Kind OE Match | Other Expenses | | 4,364.00 |
| Community Services Office | Salary and Wages | 46,205.00 | |
| Community Services Office | Other Expenses | | 6,031.00 |
| Recreation | Salary and Wages | 99,676.00 | |
| Recreation | Other Expenses | | 21,388.00 |
| Senior Citizen Transportation | Other Expenses | | 16,450.00 |
| Pool & Tennis Club | Salary and Wages | 22,396.00 | |
| Pool & Tennis Club | Other Expenses | | 10,630.00 |
| Colonial Terrace Golf Course | Salary and Wages | 22,415.00 | |
| Colonial Terrace Golf Course | Other Expenses | | 245,522.00 |
| Public Celebration | Other Expenses | | 3,938.00 |
| Deal Lake Commission | Other Expenses | | 19,750.00 |
| Purchase Township Vehicles | Other Expenses | | 140,000.00 |
| Postage | Other Expenses | | 20,100.00 |
| Newsletter | Other Expenses | | 10,000.00 |
| Shade Tree Commission | Other Expenses | | 1,500.00 |
| Environmental Commission | Other Expenses | | 2,900.00 |
| Electricity | Other Expenses | | 98,532.00 |
| Street Lighting | Other Expenses | | 78,000.00 |
| Telephone Services | Other Expenses | | 22,862.00 |
| Water Service | Other Expenses | | 16,591.00 |
| Natural Gas | Other Expenses | | 106,000.00 |
| Heating Oil | Other Expenses | | 10,158.00 |
| Sewerage Disposal | Other Expenses | | 6,000.00 |
| Motor Fuels | Other Expenses | | 150,000.00 |
| Solid Waste | Other Expenses | | 273,618.00 |
| Social Security | Other Expenses | | 162,014.00 |
| Matching Funds for Grants | Other Expenses | | 5,000.00 |
| Monmouth Co Drug & Alcohol Abuse | Salary and Wages | 42,812.00 | |
| DYFS Parent Child Visitation Grant | Salary and Wages | 49,912.00 | |
| Monmouth Co Alliance Grant | Salary and Wages | 28,615.00 | |
| Monmouth Co Alliance Match | Salary and Wages | 6,021.00 | |
| Monmouth Co Alliance Match | Other Expenses | 546.00 | |
| Monmouth Co ASAM Level I Grant | Salary and Wages | 44,960.00 | |
| Municipal Court | Salary and Wages | 73,441.00 | |
| Municipal Court | Other Expenses | | 5,081.00 |
| Public Defender | Salary and Wages | 4,095.00 | |
| Public Defender | Other Expenses | | 400.00 |
| COPS Universal Hiring | Salary and Wages | 26,747.00 | |
| COPS Universal Hiring | Other Expenses | | 4,887.00 |
| | Totals | 3,667,372.00 | 3,949,007.00 |
| Total Temporary Budget | | | 7,616,379.00 |

MEETING MINUTES

JANUARY 10, 2011

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

11-017 Approve a 2011 COLA adjustment for PBA, SOA and non-union Township personnel

WHEREAS, the Township Council of the Township of Ocean wish to provide a cost of living adjustment for those employees represented by the PBA and SOA Collective Bargaining Agreements, as well as non-union employees for the year 2011; and

WHEREAS, it is recommended that a 2.25% adjustment be granted to said employees for the year 2011; and

WHEREAS, the Director of Finance has certified that funds are available in the 2011 Temporary and Final Budget;

NOW THEREFORE, BE IT FURTHER RESOLVED, by the Township Council of the Township of Ocean that authorization is hereby given for all employees represented by the PBA and SOA Collective Bargaining Agreements, as well as all non-union employees to receive a cost of living adjustment of 2.25% for 2011 on their respective salaries; and

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

1. Director of Finance

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

11-018 Approve the 2011 Cash Management Plan

WHEREAS, The Director of the Division of Local Government Services requires the annual adoption of a Cash Management Plan pursuant to guidelines in N.J.S.A. 40A:5-14; and

WHEREAS, The Mayor and Council and Municipal Clerk have received the 2011 Cash Management and desire that the Township of Ocean, Monmouth County follow the provisions contained in the plan for the investment of the Townships' idle funds;

BE IT RESOLVED, that the Mayor and Council of the Township of Ocean, Monmouth County approve and adopt the 2011 Cash Management Plan.

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

1. Director of Finance
2. Township Auditor

**CASH MANAGEMENT PLAN OF THE TOWNSHIP OF OCEAN IN THE COUNTY OF
MONMOUTH, NEW JERSEY**

I. Statement of Purpose:

This Cash Management Plan (the "plan") is prepared pursuant to the provisions of N.J.S.A. 40A:5-14 in order to set forth the basis for the deposits ("Deposits") and investments ("Permitted Investments") of certain public funds of the Township of Ocean, pending the use of such funds for the intended purposes. The Plan is intended to assure that all public funds identified herein are deposited in interest bearing Deposits or otherwise invested in Permitted Investments hereinafter referred to. The intent of the Plan is to provide that the decisions made with regard to the Deposits and the Permitted Investments will be done to insure the safety, the liquidity (regarding its availability for the intended purposes), and the maximum investment return within such limits. The Plan is intended to insure that any Deposit or Permitted Investment matures within the time period that approximates the prospective need for the funds deposited or invested so that there is not a risk to the market value of such Deposits or Permitted Investments.

II. Identification of Funds and Accounts to be covered by The Plan.

- A. The plan is intended to cover the deposit and or investment of the following funds and accounts of the Township of Ocean:
 1. Current Fund Account
 2. Payroll Account
 3. General Capital Fund Account
 4. Other Trust Fund Accounts
 5. Animal Control Trust Fund Account
 6. Public Assistance Trust Fund Account
 7. Election Account
- B. It is understood that this Plan is not intended to cover certain funds and accounts of the Township of Ocean, Specifically:
 1. Developers Escrow Account

III. Designation of Officials of the Township of Ocean Authorized to Make Deposits and Investments Under The Plan.

The Chief Financial Officer of the Township of Ocean or Designee is hereby authorized and directed to deposit and or invest the funds referred to in The Plan. Prior to making any such Deposits or any Permitted Investments, such officials of the Township of Ocean are directed to supply to all depositories or any other parties with whom the Deposits or Permitted Investments are made a written copy of this Plan which shall be acknowledged in writing by such parties and a copy of such acknowledgement kept on file with such officials.

IV. Designation of Depositories.

The following banks and financial institutions are hereby designated as official depositories for the Deposit of all public funds referred to in the Plan, including any certificates of deposit which are not otherwise invested in Permitted Investments as provided for in this Plan:

- A. Bank of America (Formerly Fleet Bank)
- B. Hudson City Savings Bank
- C. Investors Savings Bank
- D. Ocean First/Central Jersey Bank
- E. New Jersey ARM
- F. New Jersey Cash Management Plan
- G. Provident Savings Bank
- H. Santander (Formerly Sovereign Bank)
- I. TD Bank
- J. Wachovia Bank (Wells Fargo)

All such depositories shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

V. Official Check Signers

The Township of Ocean does hereby designate the following to be the official check signers for all accounts: Director of Finance, Township Manager and the Township Clerk.

VI. Designation of Brokerage Firms and Dealers With Whom The Designated Officials May Deal.

There are currently no Brokerage Firms or Dealers with whom the Designated Officials may deal with. In the event that, subsequent to the passage of this Plan by the Governing Body of the Township of Ocean, a resolution shall be made and duly passed authorizing amendment of this plan, all such brokerage firms and or dealers shall acknowledge in writing receipt of this Plan by sending a copy of such acknowledgement to the Designated Official(s) referred to in Section III above.

VII. Authorized Investments.

- A. Except as otherwise specifically provided for herein, the Designated Official(s) is hereby authorized to invest the public funds covered by this Plan, to the extent not otherwise held in Deposits, in the following Permitted Investments.
 - 1. Bonds or other obligations of the United States of America or obligations guaranteed by the United States of America including Treasury Bills, Treasury Notes and Treasury Bonds.
 - 2. Government money market mutual funds.
 - 3. Any federal agency or instrumentality obligation authorized by Congress that matures within 397 days from the date of purchase, and has a fixed rate of interest not dependent on any index or external factors.
 - 4. Bonds or other obligations of the local unit or school districts of which the local unit is a part.
 - 5. Any other obligations with maturities not exceeding 397 days, as permitted by the Division of Investments.
 - 6. Local government investment pools, such as New Jersey CLASS, and the New Jersey Arbitrage Rebate Management (NJ ARM) program.
 - 7. New Jersey State Cash Management Fund.
 - 8. Repurchase agreements (repos) of fully collateralized securities if:

- a. The underlying securities are permitted investments pursuant to paragraphs 1 and 3 of this subsection A;
- b. The custody of collateral is transferred to a third party;
- c. The maturity of the agreement is not more than 30 days
- d. The underlying securities are purchased through a public depository as defined in section 1 of P.L. 1970, c.236 (C.17:9-41; and
- e. A master repurchase agreement providing for the custody and security of collateral is executed.

For purposes of the above language, the terms “government money market mutual fund” and “local government investment pool “ shall have the following definitions:

Government Money Market Mutual Fund. An investment company or investment trust:

- a. which is registered with the Securities and Exchange Commission under the “Investment Company Act of 1940,” 15 U.S.C. sec. 80a-1 et seq., and operated in accordance with 17 C.F.R. sec. 270.2a-7.
- b. The portfolio of which is limited to U.S. Government securities that meet the definition of any eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities; and
- c. Which has:
 - i. attained the highest ranking or the highest letter and numerical rating of a nationally recognized statistical rating organization; or
 - ii. retained an investment advisor registered or exempt from registration with the Securities and Exchange Commission pursuant to the “Investment Advisors Act of 1940,” 15 U.S.C. sec.80b-1 et seq., with experience investing in U.S. Government Securities for at least the most recent past 60 months and with assets under management in excess of \$500 million.

Local Government Investment Pool. An investment pool:

- a. Which is managed in accordance with 17 C.F.R. sec. 270.2a-7;
- b. Which is rated in the highest category by a nationally recognized statistical rating organization;
- c. Which is limited to U.S. Government securities that meet the definition of an eligible security pursuant to 17 C.F.R. sec. 270.2a-7 and repurchase agreements that are collateralized by such U.S. Government securities;
- d. Which is in compliance with rules adopted pursuant to the “Administrative Procedure Act.” P.L. 1968, c.410 (c.52:14B-1 et seq.) by the Local Finance Board of the Division of Local Government Services in the Department of Community Affairs, which rules shall

provide for disclosure and reporting requirements, and other provisions deemed necessary by the board to provide for the safety, liquidity and yield of the investments.

- e. Which does not permit investments in instruments that: are subject to high price volatility with changing market conditions; cannot reasonably be expected, at the time of interest rate adjustment, to have a market value that approximates their par value; or utilize an index that does not support a stable net asset value; and
 - f. Which purchases and redeems investments directly from the issuer, government money market mutual fund, or the State of New Jersey Cash Management Fund, or through the use of a national or State bank located within this State, or through a broker-dealer which, at the time of purchase or redemption, has been registered continuously for a period of at least two years pursuant to section 9 of P.L. 1967 c,9 (C349:3-56) and has at least \$25 million in capital stock (or equivalent capitalization if not a corporation), surplus reserves for contingencies and undivided profits, or through a securities dealer who makes primary markets in U.S. Government securities and reports daily to the Federal Reserve Bank of New York its position in and borrowing on such U.S. Government securities.
- B. Notwithstanding the above authorization, the monies on hand in the following funds and accounts shall be further limited as to maturities, specific investments or otherwise as follows:
- 1. All Permitted investments are to have a maturity of not more than 397 Days. Permitted investments are as follows:
 - a. Certificates of Deposit.
 - b. New Jersey Cash Management Plan.
 - c. New Jersey Arbitrage Rebate Management Program.
 - d. U.S. Government Treasury Bills, Notes, and Bonds not having a maturity greater than 1 year.
 - e. Government Money Market Mutual Funds.

VIII. Safekeeping Custody Payment and Acknowledgement of Receipt of Plan.

To the extent that any Deposit or Permitted Investment involves a document or security which is not physically held by the Township of Ocean, then such instrument or security shall be covered by a custodial agreement with an independent third party, which shall be a bank or financial institution in the State of New Jersey. Such institution shall provide for the designation of such investments in the name of the Township of Ocean to assure that there is no unauthorized use of the funds or the Permitted Investments or Deposits. Purchase of any Permitted Investments or securities shall be executed by a "delivery versus payment" method to insure that such Permitted Investments are either received by the Township of Ocean or by a third party custodian prior to or upon the release of the Township of Ocean's Funds.

To assure that all parties with whom the Township of Ocean deals either by way of Deposits or Permitted Investments are aware of the authority and the limits set forth in this Plan, all such parties shall be supplied with a copy of this Plan in writing and all such parties shall acknowledge the receipt of that Plan in writing, a copy of which shall be on file with the Designated Official(s).

IX. Reporting Requirements.

On the fifteenth day of each month during which this Plan is in effect, the Designated Official(s) referred to in Section III hereof shall supply to the Township Manager of the Township of Ocean a written report of any Deposits or Permitted Investments made pursuant to this Plan, which shall include, at a minimum, the following information:

- A. The name of any institution holding funds of the Township of Ocean.
- B. The amount of securities or Deposits purchased or sold during the immediately preceding month.
- C. The class or type of securities purchased or Deposits made.
- D. The book value of such Deposits or Permitted Investments.
- E. The earned income on such Deposits or Permitted Investments
- F. The fees incurred to undertake such Deposits or Permitted Investments.
- G. The market value of all Deposits or Permitted Investments as of the end of the immediately preceding month.
- H. All other information which may be deemed reasonable from time to time by the Township Manager.

X. Term of Plan.

This Plan shall be in effect from January 1, 2011 to December 31, 2011. Attached to this Plan is a resolution of the governing body of the Township of Ocean approving this Plan for such period of time. The Plan may be amended by the Council, the Designated Official is directed to supply copies of the amendments to all of the parties who otherwise have received the copy of the originally approved Plan, which amendment shall be acknowledged in writing in the same manner as the original Plan was so acknowledged.

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

11-019 Authorize the execution of a contract for the implementation of the Web Inquiry and Payment Program provided by Edmunds and Associates provided through Paymentech, LLC

WHEREAS, the Township of Ocean desires the taxpayer to have the ability to review tax and sewer billing and payment information through a link on the Township’s web site and allow taxpayers to make credit card and check payments through the internet, and

WHEREAS, a new software application from Edmunds and Associates, which currently provides computer services to the Township of Ocean for Tax and Sewer Collections, allows taxpayers to Inquire about tax and sewer accounts and make credit card and check payments through the internet via a software program called W.I.P.P.; and

WHEREAS, the payment portal through W.I.P.P. is provided through Paymentech, LLC; and

WHEREAS, it is the recommendation of the Township Manager and the Director of Finance that credit card processing services provided through the Web Inquiry and Payment Program through Paymentech, LLC, be authorized and that the Web Inquiry and Payment Program provided by Edmunds and Associates be implemented by the Township of Ocean at a cost not to exceed \$1,200.00;

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget for the Data Processing – account #1-01-20-707-335;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Township Manager is hereby authorized to execute and deliver all necessary documents related to the implementation of the Web Inquiry and Payment Program provided by Edmunds and Associates with credit card processing on-line provided through Paymentech, LLC at a cost not to exceed \$1,200.00; and

FURTHER BE IT RESOLVED that said Agreement shall be maintained in the Office of the Municipal Clerk and available for public inspection during regular business hours; and

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

1. Director of Finance
2. Paymentech, LLC

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

ORDINANCES:

Mayor Larkin announced that Ordinance #2162 will be pulled from the Agenda and not acted on at this meeting.

Adoption(s)

Ordinance #2164 – An Ordinance amending and supplementing Chapter 21 of the Comprehensive Land Development Ordinance of the Township of Ocean creating the “R-2HD” Overlay Zone
(Coaster)

The following vote was taken to open the Public Hearing on Ordinance #2164

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

Mr. Brannen reported that this Ordinance pertains to the Martelli Development settlement, which will consist of 29 single-family homes being built.

Public Comments:

Bob Ades inquired about the zone prior to this change.

Mr. Brannen stated that the zone will remain R-2, however, now there is an overlay zone to accommodate the Martelli settlement.

Seeing that there were no public comments on Ordinance #2164, the following vote was taken to close the Public Hearing:

| Record of Vote | Deputy Mayor Hiers | Councilman Garofalo | Councilwoman Schepiga | Councilman Siciliano | 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 #2164 and advertise according to law:

| Record of Vote | Deputy Mayor Hiers | Councilman Garofalo | Councilwoman Schepiga | Councilman Siciliano | 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 #2163 – An Ordinance amending and supplementing Chapter 21 of the Comprehensive Land Development Ordinance of the Township of Ocean creating an “Alternative Single-Family Overlay Residential Option” in the R-3 Zone
 (P.H. 2/7/11 Coaster)

ORDINANCE #2163

**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 as follows:

1. Chapter 21, The Comprehensive Land Development Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:
2. Article IV, Subsection 21-18 Official Zoning Map is hereby amended to create an "Alternative Single-Family Overlay Residential Option" in the R-3 Zone on the following lots:

Block 25.15 Lots 37, 38, 42, 44 & 45

3. ARTICLE IV Subsection 21-25 shall be amended to add:

21-25.25 Alternative Single-Family Overlay Residential Option. The purpose of the R-3 Alternative Single-Family Overlay Residential Option is to provide for an alternative single family residential infill development on minimum 5 acre tracts with a gross density of not more than 3.4 units/acre and lots of no less than 7,000 sq. ft.

- a. Permitted Uses. A building may be erected, altered, or used, and a lot or premises may be occupied and used for any one of the following purposes:
 1. Principal permitted uses and structures.
 - (a) Detached one-family dwelling.
 - (b) Family day care home
 2. Accessory buildings and structures:
 - (a) Accessory structures including, but not limited to decks, sheds, pools, play courts, basketball nets, and play equipment, are prohibited unless specifically permitted below.
 - (b) One project identification sign, limited to a height of 5' and a sign area of 32 sq. ft., is permitted. The sign shall be located on commonly owned property a minimum of 15' from any street right-of-way or any street pavement, whichever is greater.
 - (c) Fences and hedges shall be subject to the special conditions of this chapter.
 - (1) Permitted fencing is limited to open fencing around the perimeter of any subdivision, on residential property lines that are coincident with common lands under Homeowner Association ownership, or along common rear property lines of abutting residences. Such fencing shall not exceed 6' in height, except that any fencing within 30' of a street right-of-way or pavement shall not exceed 4' in height. For the purpose of this requirement, open fencing is defined as estate style ornamental fencing that has no more than 1/4 of the area of its face in any 8' section, as measured from the highest point of the fence to the ground, consisting of fencing materials. Plantings shall be provided along the fence to soften the appearance of the fence where the rear property line of a residential lot that is created by any

subdivision within the overlay zone abuts a property line of any existing adjacent residential lot. Such plantings shall be a mix of evergreen and deciduous materials and shall not form a screen. For the purpose of Section 21-25.5, a privacy screen is a grouping of plants exceeding 3' in height that form a visual barrier for a distance of 8' or longer. All such fencing and landscaping on residential lots shall be located within an easement granted to the Homeowners Association for the purpose of control and maintenance of the fencing and landscaping. Individual lots or yards may not be fenced-in with an enclosure.

- (2) Privacy screens and fences may be planted around patios and may not exceed 5' in height. Privacy screens and fences around patios shall not exceed 30 linear feet in total length for each individual dwelling unit.
- (3) Privacy screens and fences around patios and open perimeter fencing shall comply with all other requirements and restrictions for fencing within Chapter 21.
- (d) One (1) patio per dwelling, not exceeding 325 sq. ft. in area shall be permitted. Front porches shall be permitted provided they are covered by a roof and meet the front and side setback requirements of the principal dwelling.

b. Development Standards. The Alternative Single-Family Overlay Residential Option Zone specified herewith shall be occupied only as indicated in this chapter and shall only be located on a contiguous tract of 5 acres or greater.

1. Principal buildings.

- | | |
|---|--|
| (a) Maximum gross density | - 3.4 units per acre |
| (b) Minimum lot area | - 7,000 sq. ft. |
| (c) Minimum lot width | - 60 feet |
| (d) Minimum lot depth | - 100 feet |
| (d) Minimum front yard setback (measured from the homeward edge of the sidewalk or curb in the event there is no sidewalk) | - 20 feet to the residential portion of the building - 22 feet to any garage |
| (e) Minimum side yard setback | - 7.5 feet |
| (f) Minimum rear yard setback | - 15' feet to the first story above grade - 25' for all other stories above grade |
| (g) Minimum gross floor area | |
| (1) Two story dwellings ; | |
| First floor minimum | - 700 sq. ft. |
| Overall minimum | - 1,400 sq. ft. |

(2) One and one-half story dwellings:

| | |
|---------------------|-----------------|
| First floor minimum | - 850 sq. ft. |
| Overall minimum | - 1,400 sq. ft. |

(3) Single story dwellings - 1,300 sq. ft.

- (h) Maximum lot coverage building impervious - 45% of buildable lot area
- 67% of buildable lot area
- (i) Maximum building height - 30 feet
- (j) Maximum stories - 2 stories above grade

2. Other Provisions and Requirements.

(a) Off-street parking is required subject to the following:

| | |
|-----------|------------|
| 2 Bedroom | 1.5 spaces |
| 3 Bedroom | 2.0 spaces |
| 4 Bedroom | 2.5 spaces |
| 5 Bedroom | 3.0 spaces |

Note: A 2 car garage with a minimum 20' long driveway shall count as 3.5 parking spaces.

- (b) To allow adequate room for on-street parking, street pavement width shall be 30', and driveways shall be located so as to allow for the maximum amount of on-street parking.
- (c) A landscaped buffer shall be placed along all public street frontages except for residential lots that have driveway access to a public street. This buffer shall be a minimum of 25' wide on common land, 15' wide on residential lots, and include a berm of varying heights, but a minimum of 2' high. The buffer area shall include a substantial planting of evergreen trees, shrubs and deciduous trees, and may also include fencing as permitted in this section. A substantial portion of the buffer shall consist of 2 rows of evergreen trees spaced 10' on centers, but in order to provide visual interest these rows shall be broken up with less formal plantings of evergreen and deciduous trees and shrubs.
- (d) No more than 24" of unfinished foundation shall be exposed above ground in the front of any building, and no more than 42" of unfinished foundation shall be exposed above ground in the architectural rear of any building.
- (e) No portion of any garage shall be converted to living space.
- (f) Street trees shall be located a minimum of 30' on centers, and no fewer than 2 street trees shall be provided per lot.
- (g) The applicant shall be required to provide affordable or workforce housing, or a donation to a fund established to construct affordable or workforce housing if such housing is required by State regulation or law. The decision as to whether the applicant shall provide a donation or construct such housing shall be at the sole discretion of the Township, unless otherwise dictated by State regulation or law. Such housing construction or donation shall be in accordance with the requirements or regulations of the New Jersey Council

on Affordable Housing or its successor agency or, in absence of such agency, in accordance with the applicable State regulations governing the provision of affordable or workforce housing that are in effect at the time of final subdivision approval. The housing or donation shall be provided at the time of the issuance of the first building permit or prior to the sale of the first lot if the subdivision is not to be built by one developer.

- (h) A Homeowners Association shall be required to be established by a Master Deed. The homeowners association shall be, at a minimum, responsible for control and maintenance of all drainage structures, fencing, and common open space within the development.
- (i) No street or driveway access shall be permitted to Monmouth Rd.
- (j) Architectural plans shall be submitted for all buildings or building types at the time of preliminary and final subdivision/site plan application. The purpose of requiring such plans is to insure the provision of a desirable visual environment as provided in the Municipal Land Use Law. Architectural plans shall include floor plans and elevations indicating the number of bedrooms, styles, materials and colors of all proposed buildings. Building styles, materials and colors shall maintain a consistent theme throughout the development, but shall provide enough variety so as to avoid monotony. The Planning Board shall have the right to require the applicant to alter building styles, materials and/or colors in order to achieve the goal of a desirable visual environment.

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

5. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

6. This ordinance shall take effect following the final adoption and publication pursuant to the law subject to the filing of a copy of same with the Monmouth County Planning Board.

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

Ordinance #2165 – An Ordinance amending Chapter II, Section 10.2 of the “Revised General Ordinance of the Township of Ocean, 1965” entitled: “Fees for Copies”
(P.H. 2/7/11 Coaster)

ORDINANCE #2165

AN ORDINANCE AMENDING CHAPTER II, OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965"

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter II, Section 2-10.2 entitled "Fees for Copy" shall be amended and supplemented in the following manner:

Section 2-10 Public Records shall be amended in part to read:

2-10.2 Fees for Copies.

AMEND: Item c. Shall be amended to read:

The fee for copying architectural plans which exceed 11" x 14" in size shall be at the following rates:

| Sheet Size | 0-5 Sheets | 5+ Sheets |
|------------|------------|-----------|
| 18" x 24" | \$5.00 | \$3.00 |
| 24" x 36" | \$5.00 | \$3.50 |
| 30" x 42" | \$6.00 | \$4.00 |
| 46" x 48" | \$7.00 | \$5.00 |

Item d. Shall be amended to read:

Requests made for copies of public records in electronic format shall be provided by the Township at a cost of \$2.50 per disk.

ADD: Item S. Tax Redemption Calculation Fees

In accordance with N.J.S.A.54:5-54, the tax collector shall provide to any party entitled to redeem a certificate, two calculations of the amount required for redemption within the calendar year at no cost. For each subsequent calculation requested from the tax collector there shall be a \$50.00 fee. A request for a redemption calculation shall be made in writing to the tax collector.

In accordance with N.J.S.A. 54:5-97.1, the tax collector may charge a lienholder of a tax lien \$50.00 for the calculation of the amount due to redeem the tax lien. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the tax collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54

Section II

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section III

This ordinance shall take effect upon its final passage and publication as required by law.

MEETING MINUTES

JANUARY 10, 2011

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

Council Reports:

Mayor Larkin offered his thanks to Deputy Mayor Hiers for his service and stated that it has been a true honor to serve with him.

Councilmember(s) Garofalo, Schepiga and Siciliano, as well as Mr. Brannen and Martin Arbus, Township Attorney, echoed those same comments.

PUBLIC COMMENTS:

Don Geiger commended Deputy Mayor Hiers for a “job well done” and wished him well in his future endeavors.

Mr. Geiger also inquired as follows:

1. Had a replacement had been selected.

Mayor Larkin stated that a replacement would be selected within the next few days.

2. Stated that he believes that Mr. Brannen does a tremendous job for the Township and is “worth every penny” he receives.

3. How did Colonial Terrace Golf Course do during 2010, from a financial standpoint.

Mr. Brannen will get that information from the Director of Finance and provide a report at the next meeting.

4. Wanted to inform the Council that the snow has not been cleared from bus stop on Logan Road and Grasmere Avenue.

Mr. Brannen will have Public Works attend to it.

Brian Lefferson inquired as follows:

1. Resolution #11-013 – why is the contract only through June 30, 2011 and what type of vehicles will the vendor be servicing

Mr. Brannen explained the Township may be exploring a joint venture with the Board of Education. If that does not materialize, the Township may look into hiring an additional mechanic.

Mr. Lefferson inquired about the number of mechanics the Township currently employs

Mr. Brannen reported that the Township currently has three on staff

MEETING MINUTES

JANUARY 10, 2011

2. How many people applied to fill the vacancy created by Deputy Mayor Hiers resignation

Mayor Larkin stated that 6 individuals applied and all were interviewed.

Larry Loigman stated that he believes the Township employees did a great job during the last snow storm and they should be commended.

Mr. Loigman inquired if the Township had taken responsibility for Route 35 and Route 18 during that last storm

Mr. Brannen stated that the Township had assisted with the rescue of stranded vehicles along those roadways. The Township will be seeking reimbursement from both FEMA and/or the State.

Mr. Loigman believes the Township can do a better job in the area of communication with the residents during these situations.

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

| Record of Vote | Deputy Mayor Hiers | Councilman Garofalo | Council-woman Schepiga | Councilman Siciliano | Mayor Larkin |
|-------------------|--------------------|---------------------|------------------------|----------------------|--------------|
| Motion To Approve | | X | | | |
| Motion to Second | | | X | | |
| Approved | | X | X | X | X |
| Opposed | | | | | |
| Not Voting/Recuse | | | | | |
| Absent/Excused | X | | | | |

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk