

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

**JUNE 3, 2010**

**OAKHURST, NEW JERSEY**

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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 5:30 p.m.

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

**Absent:** Councilmember Siciliano

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

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

**Statement of Compliance with the Open Public Meetings Act:**

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 9, 2009 and revised on May 27, 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.

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At this point, Mayor Larkin read the following Closed Session Resolution:

**RESOLUTION  
DECLARING CLOSED SESSION**

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

C1. Litigation – COAH Update

3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the Township of Ocean and make a recommendation to the Governing Body which minutes should be considered for

public record. The minutes which are made public shall not thereafter be treated as confidential but may be seen and copied by any person(s) in the same manner as any meeting minutes of the Township of Ocean.

4. This resolution shall take effect immediately.

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	

The Governing Body re-entered the Public Meeting at 6:00 pm.

**RESOLUTIONS:**

**10-071 Accept the bid for the following:**

**d. Heating and Air Conditioning Services**

**WHEREAS**, the Township Council of the Township of Ocean authorize receipt of bids for heating and air conditioning services for all Township facilities on March 15, 2010; and

**WHEREAS**, the Township Clerk did duly advertise on April 30, 2010 to receive said bids; and

**WHEREAS**, in connection therewith, the following two (2) bids were received by the Township of Ocean on May 12, 2010: Encon Mechanical Corp., Ocean, NJ and Air Systems Maintenance, Inc., Kenilworth, NJ; and

**WHEREAS**, it was determined that the lowest responsible bidder meeting specifications was Air Systems Maintenance, Inc., Kenilworth, NJ, at a cost of \$89,600.00 (plus labor at the rates as stated in their bid); and

**WHEREAS**, the Township Manager and the Public Works Director have recommended that a contract be awarded to Air Systems Maintenance, Inc., Kenilworth, NJ as per their bid proposal for the heating and air conditioning service for the one year period from June 1, 2010 through May 31, 2012, with at a following costs:

	<u>YEAR 1</u>	<u>YEAR 2</u>
Service and repair work	\$44,800.00	\$44,800.00
Discount % on parts and supplies	0%	0%
Regular labor billing rate per hour	\$80.00	\$82.00

**WHEREAS**, the total contract amount for the period June 1, 2010 through May 31, 2012 is a not to exceed \$147,900.00, including labor; and

**WHEREAS**, funds for said contract have been certified by the Director of Finance and are available in account the following account(s): Contract Services, account #0-01-26-772-247 (\$58,950.00) and Outside Services Repairs, account #0-01-26-772-252 (\$15,000.00);

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the contract for heating and air conditioning service at all Township facilities to Air Systems Maintenance, Inc., Kenilworth, NJ for the two year period from June 1, 2010 through May 31, 2012 at the following cost, and with a not to exceed contract amount of \$147,900.00:

## MEETING MINUTES

JUNE 3, 2010

	<u>YEAR 1</u>	<u>YEAR 2</u>
Service and repair work	\$44,800.00	\$44,800.00
Discount % on parts and supplies	0%	0%
Regular labor billing rate per hour	\$80.00	\$82.00

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders for this particular bid item.

**BE IT FURTHER RESOLVED** that this award of contract is conditioned upon the delivery and execution thereof within ten (10) days from the date of the within resolution accompanied by such appropriate insurance certificate, Affirmative Action certificate and performance bonds as may be required by the specifications.

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

1. Director of Finance
2. Public Works Department
3. Air Systems Maintenance, Inc.

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	

#### 10-079 Approve the settlement with Martelli at Wayside, LLC

**WHEREAS**, Martelli at Wayside, LLC is the owner of property located in the Township of Ocean, County of Monmouth known and designated as Block 37.16, Lots 34, 36, 46 and 47 and is the contract purchaser for Block 37.16 Lot 33, 33.01 and 35; and

**WHEREAS**, the Martelli at Wayside, LLC instituted litigation against the Township of Ocean and the Township of Ocean Planning Board asserting claims concerning compliance by the Township of Ocean with its obligation to provide a realistic opportunity for a fair share of housing affordable to lower income households; and

**WHEREAS**, it is the desire of Martelli at Wayside, LLC, the Township of Ocean and the Township of Ocean Planning Board to settle said litigation; and

**WHEREAS**, all parties have reached an agreement involving the proposed zoning of the Martelli Property; and

**WHEREAS**, the Agreement is contingent upon Court approval in the litigation following a Fairness Hearing and the subsequent adoption of the implementing Ordinance along with any necessary Master Plan amendment, all in accordance with applicable legal requirements;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given for the Mayor to execute the Litigation Settlement Agreement with Martelli at Wayside, LLC

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

1. Township Manager
2. Township Attorney
3. Salvatore Martelli, Martelli at Wayside, LLC

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
Opposed					
Not Voting/Recuse	X				
Absent/Excused				X	

**ORDINANCES:**

**Adoption(s):**

Ordinance #2145 – A bond ordinance providing for various improvements and appropriating (Coaster) \$2,320,604 and authorizing the issuance of \$1,859,603 bonds or notes to finance a portion thereof

The following vote was taken to open the Public Hearing on Ordinance #2145

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					
Absent/Excused				X	

Seeing that there were no public comments on Ordinance #2145, 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
Opposed					
Not Voting/Recuse					
Absent/Excused				X	

The following vote was taken to adopt Ordinance #2145 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
Opposed					
Not Voting/Recuse					
Absent/Excused				X	

**Reports:**

**Martin Arbus, Township Attorney**, commended the job done by Marianne Wilensky, Director of Community Development, with regard to Resolution #10-079. It was a tireless effort and she deserves a great deal of credit for bringing this matter to a satisfactory conclusion

**The following made no Reports:**

Councilmember(s) Hiers, Garofalo, Schepiga  
Andrew Brannen, Township Manager

**PUBLIC COMMENTS:**

No public comments were received.

Seeing that there were no comments, Mayor Larkin entertained a motion to adjourn the meeting.

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Adjourn			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