

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

MAY 16, 2012

OAKHURST, NEW JERSEY

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

Present: Mayor Larkin
Deputy Mayor Siciliano
Councilmember(s) Schepiga

Absent: Councilmember(s) Evans and Garofalo
Andrew Brannen, Township Manager

Others: Martin J. Arbus, Esq., Township Attorney
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, 2011.

Fire Exit Procedures:

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

NOTICE:

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

PROCLAMATION: Sarah Abdelaziz
2012 Junior Humanitarian of the Year

**SARAH ABDELAZIZ
2012 JUNIOR HUMANITARIAN OF THE YEAR**

WHEREAS, Sarah Abdelaziz is a junior at Ocean Township High School and has been a 3 year starter on the Ocean Township Field Hockey Team, a member of the Varsity Club and a Class Officer; and

WHEREAS, in addition to her many school volunteer activities, Sarah still finds time for her favorite activities – singing and musical drama, where she has participated in the last three musicals in a variety of roles; and

WHEREAS, from a very young age, Sarah has been instilled with a strong sense of community and service by her parents, Sandy and Fuad, and her sisters Alexa, Maya and Nora; and

WHEREAS, Sarah Abdelaziz spent her summers working in the literacy program at Wayside School and, for the past four summers, she volunteered at Camp Invention, a national science-based camp held at the Wanamassa School; and

WHEREAS, since age 11, Sarah has continued her volunteerism by assisting community volunteer leader Darci Lombardo and Team Hampton in many endeavors including the annual Wrap-Up for Hunger at the Monmouth Mall, a program that benefits the Food Bank of Monmouth and Ocean Counties; and

WHEREAS, Sarah Abdelaziz has brought tremendous honor to her family, her friends and the Township of Ocean by being such a phenomenal role model for all to emulate;

NOW, THEREFORE, BE IT PROCLAIMED, by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that we hereby congratulate

SARAH ABDELAZIZ

for being named the **2012 Junior Humanitarian of the Year** by the Foodbank of Monmouth and Ocean Counties

Mayor Larkin congratulated Sarah and stated that she's a great role model for her peers.

Ms. Abdelaziz spoke about how she got involved with her volunteer activities and thanked the Governing Body for the recognition.

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

The purpose of this public portion is solely to ask questions to understand Resolutions and Vouchers that appear on the Agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

PUBLIC COMMENTS:

There were no public comments at this time.

CONSENT AGENDA:

MINUTES:

April 18, 2012 – Workshop, Public and Closed Meeting

RESOLUTIONS:

12-073 Authorize the Release of Performance Guarantee(s) for:

a. Block 33, Lots 47, 1605 Westfield Street, Bevin Irvin Builders, Inc.

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

WHEREAS, Bevin Irvin Builders, Inc. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$5,703.57 to guarantee the completion of all improvements on premises known as Block 33, Lot 47 also known as 1605 Holbrook Street; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated May 9, 2012, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% (\$2,851.79) of the cost of the improvements and any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the

same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the performance guarantees totaling \$5,703.57 are hereby released, canceled and discharged.

BE IT FURTHER RESOLVED by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$2,851.79) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Bevin Irvin Builders, Inc.

b. Block 33, Lots 50 - 55 Holbrook Street Extension, Bevin Irvin Builders, Inc.

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

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated March 19, 2007 with Bevin Irvin Builders, Inc. to extend Holbrook Street for the purpose of Roadway Improvements Only on property described as Block 33, Lots 50-55 more commonly known as Holbrook Street; and

WHEREAS, Bevin Irvin Builders, Inc. posted performance guarantees totaling \$40,200.00 in the form of Letter of Credit #68017614 issued by Bank of America, in the amount of \$36,180.00 together with cash in the amount of \$4,020.00 for property described as Block 33, Lots 5-55 more commonly known as Holbrook Street; and

WHEREAS, the Township Council accepted the replacement of the Letter of Credit in the amount of \$36, 180.00 with cash by way of resolution dated February 22, 2012; and

WHEREAS, the Township Clerk is in receipt of a letter from Bevin Irvin, on behalf of Bevin Irvin Builders, Inc. requesting the release of the performance guarantees; and

WHEREAS, Gregory S. Blash, P.E.. representing the Township Engineer has advised the Township Manager by letter dated May 9, 2012 and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$40,200.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$5,025.00, said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
2. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees

3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Bevin Irvin Builders, Inc.

12-074 Authorize the receipt of Bids/Requests for Qualifications for the following:

a. 2012 Road Improvement Program

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

2012 Road Improvement Program

WHEREAS, specifications for the aforesaid items will be on file in the Township Clerk's Office, 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 items as per the specifications on file and will be received by the Township Manager in the Township Council Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Township Manager
2. Director of Finance
3. Public Works Department
4. Township Engineer

b. Affordable Housing Developer

WHEREAS, the Township Council is desirous of receiving Requests for Qualifications for the following:

Affordable Housing Developers

WHEREAS, specifications for the aforesaid items will be on file in the Township Clerk's Office, 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 items as per the specifications on file and will be received by the Township Manager in the Township Council Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Township Manager
2. Director of Finance
3. Public Works Department
4. Township Engineer

12-075 Authorize the amendment of the Addendum to the Developer's Agreement for K & D Associates, L.P., Block 140, Lot 108 (735 Highway 35)

WHEREAS, K & D Associates, L.P./Renuka Sheth (hereinafter "Developer") is the owner of property known as Block 140, Lot 108, as shown on the Township of Ocean Tax Map in the C-3 (General Commercial) Zone located at 735 Highway 35 North in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Township Council of the Township of Ocean authorized the Mayor and Municipal Clerk to execute a Developer's Agreement, along with an Addendum, with K & D Associates, L.P., by way of resolution dated on October 4, 2010, as well as an initial time extension on December 5, 2011; and

WHEREAS, it was determined that a second amendment to the Addendum of the Developer's Agreement between the Township and K & D Associates, L.S. is necessary and the execution of said Addendum will be required; and

WHEREAS, the Developer has requested an extension for completion of all work covered by the previously obtained permits, with all work scheduled to be completed by December 31, 2012;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that authorization is hereby given to approve the requested time extension for the completion of the renovations for Block 140, Lot 108, located at 735 Highway 35 North, as submitted by K & D Associates, L.P./Renuka Sheth; and

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. K & D Associates/Renuka Sheth
5. Code Enforcement Officer

12-076 Authorize the submission of the Drive Sober or Get Pulled Over 2012 Statewide Crackdown from the New Jersey Division of Highway Traffic Safety

RESOLUTION AUTHORIZING ACCEPTANCE OF THE DRIVE SOBER OR GET PULLED OVER 2012 STATEWIDE CRACKDOWN GRANT

WHEREAS, the Township of Ocean Police Department, County of Monmouth, has received a grant for Drive Sober or Get Pulled Over 2012 Statewide Crackdown from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State of New Jersey has provided \$4,400.00 for the enforcement of impaired driving statutes for the Township of Ocean, County of Monmouth, and

WHEREAS, the Grant will pay for police officers to work overtime for enforcement of impaired driving from August 17 through September 3, 2012.

NOW, THEREFORE BE IT RESOLVED, BY the Township Council to make application to the State of New Jersey and to authorize the Township Mayor, Traffic Safety Officers, and the Director of Finance to accept the Grant.

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

1. New Jersey Division of Highway Traffic Safety, P.O. Box 048, Trenton, N.J. 08625-0048.
2. Chief of Police
3. Director of Finance
4. Township Auditor

12-077 Authorize the rejection of the bid received for the Toro Groundmaster 7210 Mower due to excessive cost

WHEREAS, the Township of Ocean Council authorized the receipt of bids on January 25, 2012 for a Toro Groundmaster 7210 Mower; and

WHEREAS, the Township did duly advertise on March 9, 2012 to receive bids for a Toro Groundmaster 7210 Mower; and

WHEREAS, in connection therewith one (1) bid was received by the Township of Ocean on April 13, 2012 from Storr Tractor Company, Branchburg, NJ; and

WHEREAS, the Township of Ocean determined that the bid price was excessive, and based on said price, the Township Manager and Director of Public Works recommended that the aforementioned bid be rejected; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, that the bid for the Toro Groundmaster 7210 Mower referenced above are hereby rejected.

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

Vote on All Consent Items:

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

INDIVIDUAL ACTION:

VOUCHERS: \$ 9,224,873.42

**Township of Ocean
Department of Finance
Voucher List for May 16, 2012**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
CABLEVISION	W.Park Rec #07866-184155-02-7	54.15	
JEFFREY R SURENIAN & ASSOC LLC C1100008	MARCH 2012 AFFORDABLE HOUSING	834.75	
NEW JERSEY EMERGENCY VEHICLES	PD- STRAPS FOR CAR #46	260.00	
<u>Total</u>		1,148.90	
<u>Total Appropriation Reserves Payments</u>			
<u>2012 Current Fund Appropriation Payments</u>			
33 EAST CAR WASH OF OCEAN	Car Wash - Car #12 Donlon	7.00	
ACCURINT FOR LAW ENFORCEMENT	PD-BACKGROUND SEARCHES- APR 12	33.50	
AFLAC - NEW YORK - FLEX ONE	APRIL 2012 FLEX ONE ADMIN FEE	50.00	
AIR SYSTEMS MAINTENANCE INC	April Heating & Air Contract	9,548.81	
ALL BUSINESS SOLUTIONS INC	PD- SMARTS LICENSE RENEWAL	795.00	
ALLIED OIL LLC	April unleaded/diesel fuel	25,056.75	
AMERICAN WEAR INC	April uniform rentals	724.96	
ASBURY AUTO TOPS	Recover car seat/Truck #21	450.00	
ATLANTIC IRRIGATION	April misc irrigation supplies	301.17	
ATLANTIC PLUMBING SUPPLY CORP	April misc plumbing supplies	546.96	
BARG'S LAWN & GARDEN SHOP INC	Sthil Weed Wacker Repair	135.84	
BERGEY'S INC	April misc parts for Twp	171.32	
BROWN, SANFORD ESQ	PB General	230.00	
BUTTIGLIERI, VINCENT CMC	May 2012 Petty Cash	370.72	
CABLEVISION	Beecroft #07866-193927-02-9	299.60	
CALABRO, PHIL	SUPERVISOR SUNDAY BB APRIL/MAY	130.00	
CDW GOVERNMENT LLC	Misc Equipment	100.00	
CLEARVIEW SPRING WATER	April bottled water for Twp	116.00	
COMCAST SPOTLIGHT INC	CTGC AD MARCH	2,665.00	
COOPER ELECTRIC SUPPLY CO	Wire for Pool Internet	133.43	
COUNTRY CLEAN INC	PAPER SUPPLIES CTGC	195.20	
CRAFTMASTER PRINTING INC	PD- MIRANDA WARNING CARDS	145.00	
DEBRA MARINO	REIMBURSE MESSY SCH SUPPLIES	62.89	
EDWARDS TIRE CO INC	April recap & service tires	5,659.67	
ELIFEGUARD INC	WHISTLES AND LANYARDS-pool stf	148.18	
F & C AUTOMOTIVE SUPPLY INC	April misc parts for Twp	390.78	
FARRUGGIA, SALVATORE	CELL PH REIMBURSMT JAN-MAR '12	75.00	
FERRARO, DIANA	REFUND FACILITY RENTAL FEE	155.00	
FIRE & SAFETY SYSTEMS CO	Annual Inspection Library/Gym	720.00	
FOLEY INC	Road Service Call-Diagnostic	1,082.00	
GANNETT NJ NEWSPAPERS	LEGAL ADVERTISING - APRIL 2012	926.50	
GOVCONNECTION INC	Misc Equipment	138.58	
HERMINIA H REQUIRON	REFUND FACILITY RENTAL FEE	180.00	
INSTITUTE FOR PROFESSIONAL	Registration one day seminar	198.00	
J.T. LYNNE REPRESENTATIVE INC.	VALVES FOR POOL	622.86	
JERSEY CENTRAL POWER & LIGHT	April electric general usage	7,596.92	
KEPWEL SPRING WATER CO	DHS WATER APRIL	65.70	
L3 COM MOBILE-VISION INC	PD- SERVICE CALLS - APR 2012	1,032.00	
LAGER GLASS CO INC	Replace Broken Window/PD Dept	178.00	
LAKEWOOD AUTO/ASBURY NAPA	April misc parts for Twp	2,274.18	
LAMB, KAITLIN	SUPERVISE VARSITY GYM APRIL	104.00	
LEE BATTERY SERVICE INC	April misc batteries for Twp	352.85	
LERTCH RECYCLING CO	April recycle brush	2,390.92	
LOWES INC	April misc building supplies	262.58	

MEETING MINUTES

MAY 16, 2012

MARY ANNE O'BRIEN	REFUND RECREATION FEES	80.00
MAZZA & SONS INC	April dump fees for bulk	5,444.40
NECI	PD- 9-1-1 TRAINING MATERIALS	1,274.95
NEPTUNE AUTO SUPPLY	April misc parts for Twp	1,414.32
NEPTUNE DOOR CO	Garage Door Bay #2 Springs off	1,220.00
NJ LEAGUE OF MUNICIPALITIES	2012 Membership Dues	1,820.00
NJMMA	2012 NJMMA DUES - AGB	210.00
R&H AUTO SPRING & TRUCK	April misc repairs for Twp.	89.99
RUDERMAN & GLICKMAN PC C1100006	MAR 2012 LABOR RELATION MATTER	6,480.00
SANITATION EQUIPMENT CORP	April misc truck parts	1,752.47
SEA BREEZE FORD INC	April misc parts for Twp	1,499.61
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - APRIL 2012	72.20
SEABOARD WELDING SUPPLY INC	April propane patch truck	428.50
SEACOAST CHEVROLET OLDSMOBILE	April vehicles repairs	1,646.31
SEMCOR EQUIPMENT & MFG CORP	LIFT FOR TWP PARKING LOT LIGHT	680.25
SPRINT PO MANAGEMENT	SERVICE MARCH 27 û APRIL 26	836.05
STAVOLA ASPHALT CO INC	April 2nd half patch program	380.38
STEINBERG, MARK A ESQ	BOA Spec. Meeting 4/2/12	490.00
STEWART BUSINESS SYSTEMS	Printing Services	943.79
STORR TRACTOR CO	April misc parts for Toro	568.48
SUPERIOR OFFICE SYSTEMS INC	TONER SUPPLY	180.00
T.E.A.M. LIFE INC	BATTERY for DEFIB	364.00
TF MEDIA GROUP, INC.	ADVERTISING OCEAN TODAY	600.00
THE NEW COASTER LLC	LEGAL ADVERTISING - APRIL 2012	140.70
TOWNE HARDWARE	April misc maint supplies	165.21
TREASURER COUNTY OF MONMOUTH	April dumping fees	42,341.65
TREASURER STATE OF NJ	Recycling Compliance Fees	4,612.50
TREASURER STATE OF NJ/1989 GT	PYMT #36 1989 GREEN TRUST FUND	9,580.87
TRICO EQUIPMENT SERVICES LLC	April misc parts for Twp	174.06
TRONOLONE, JOHN	SUPERVISE ADULT VOLLYBALL- APR	144.00
US 1 AUTO PARTS	April misc parts for Twp	297.95
VALLEYCREST GOLF COURSE MAINT C1200012	MAY 2012 CTGC MAINTENANCE	23,197.33
VERIZON BUSINESS FIOS	Library FIOS #7325314664647	228.24
VIC GERARD GOLF CARS C1200007	GOLF CARS & UTILITY VEHICLES	2,760.00
W W GRAINGER INC	April misc supplies	277.25
WPCS INT'L INC - LAKEWOOD	Micro phones/2 way radio	246.00
<u>Total</u>		179,464.33
<u>Non Budget Account Payments</u>		
MONMOUTH COUNTY TREASURER	2Q 2012 GENERAL COUNTY TAXES	3,559,617.14
TREASURER OF SCHOOL MONIES	MAY 2012 SCHOOL TAXES PAYABLE	4,719,634.80
<u>Total Non Budget Account Payments</u>		8,279,251.94
<u>Total 2012 Current Fund Appropriations Payments</u>		8,458,716.27
<u>General Capital Payments</u>		
CDW GOVERNMENT LLC	Misc Police Equipment	11,609.98
COOPER ELECTRIC SUPPLY CO	Renovation/Police Booking Room	531.60
GOVCONNECTION INC	Barracuda Firewall 3YR Updates	1,937.59
INOVA SOLUTIONS	Inova OnTime Analog Clocks	305.32
JOHNSON & URBAN C1100011	MUN BLDG BOILER & CHILLER REPL	4,000.00
MECO, INC. C1100023	2011 ROADWAY IMPR PROG CERT #4	444,152.75
STEWART BUSINESS SYSTEMS	Printing Services	636.82
SUPERIOR OFFICE SYSTEMS INC	CANON IR3245I FOR COURT	5,133.00
<u>Total</u>		468,307.06
<u>Total General Capital Payments</u>		468,307.06
<u>Grants Payments</u>		
BUTTIGLIERI, VINCENT CMC	May 2012 Petty Cash	41.30
LERTCH RECYCLING CO	April recycle brush	1,117.26
TREASURER COUNTY OF MONMOUTH	April dumping fees	6,754.67

<u>Total</u>		7,913.23
	<u>Total Grants Payments</u>	<u>7,913.23</u>
	<u>TORTA Payments</u>	
G & M TROPHY INC	TROPHYS FOR MAYORS CHALLENGE	100.00
LAMB, KAITLIN	SUPERVISE JV GYM APRIL/MAY	60.00
NASCO	SR PAINTING SUPPLIES SPRING	428.05
REISER, KATHY	MAYORS GOLF CHALLENGE RCPTS.	420.32
TRONOLONE, JOHN	SUPERVISOR JV GYM APRIL/MAY	104.00
<u>Total</u>		1,112.37
	<u>Total TORTA Payments</u>	<u>1,112.37</u>
	<u>Trust Other Payments</u>	
ABADI, SIMON & RENEE	PERFORMANCE GUARANTEE	5,691.75
CELLI, MICHAEL G JR ESQUIRE	PUBLIC DEFENDER APRIL 2012	500.00
CONGREGATION SONS OF ISRAEL	REDUCE PERFORMANCE GUARANTEE	240,404.34
FITZGERALD, WILLIAM	PB Reviews	168.75
JAMES HIGGINS ASSOCIATES	JAN 06 STEFANOUC/TSOUBANOS LAND	125.00
LEON S AVAKIAN INC	THUR 4/1/08-WPA & WOODROW ST	3,475.00
MASER CONSULTING, P.A.	ENGINEER SVCS THROUGH 5/6/12	1,486.25
MID JERSEY MUN JOINT INS FUND	CLAIMS PAID UNDER DED.	10,833.62
MONMOUTH CUSTOM BUILDERS	PERFORMANCE GUARANTEE	13,473.96
PALATIAL HOMES INC	PERFORMANCE GUARANTEE	1,604.50
PLEASANT RUN NURSERY	LIBRARY PROJECT PLANTINGS	411.60
RONALD E. GRAIFF, P.E.	BOA Prof. Services T-Mobile	2,943.33
S&T BUILDERS	PERFORMANCE GUARANTEE	4,070.21
SPALLONE, SCOTT	PERFORMANCE GUARANTEE	573.68
T B C CONSTRUCTION GROUP INC	MAINTENANCE GUARANTEE RELEASE	1,250.00
<u>Total</u>		287,011.99
	<u>Total Trust Other Payments</u>	<u>287,011.99</u>
	<u>Animal Control Trust Payments</u>	
NJ STATE DEPT OF HEALTH	MARCH 2012 DOG LICENSE REPORT	663.60
<u>Total</u>		663.60
	<u>Total Animal Control Trust Payments</u>	<u>663.60</u>

**Township of Ocean
Department of Finance
Voucher List for May 16, 2012**

Vendor Name	Description	Amount	Contract
<u>Total Bill List for May 16, 2012</u>			
	Appropriation Reserve Total	<u>1,148.90</u>	
	Current Fund Total	<u>8,458,716.27</u>	
	General Capital Fund Total	<u>468,307.06</u>	
	State & Federal Grant Total	<u>7,913.23</u>	
	Law Enforcement Trust Total		
	TORTA Total	<u>1,112.37</u>	
	Trust Other Total	<u>287,011.99</u>	
	Animal Control Total	<u>663.60</u>	
	Bid Deposit Refund		
	State Unemployment Trust		
	Trust Assessment Fund		
	Total of All Funds	<u>9,224,873.42</u>	

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

* Yes, except for those in which a conflict exists:

- Sanford Brown, Esq.
- Keepwell Spring Water Co.
- James Higgins Associates

RESOLUTIONS:

12-078 Approve the award of the following bids:

a. Toro Groundmaster 7210 Mower

WHEREAS, the Township of Ocean Council authorized the receipt of bids on January 25, 2012 for a Toro Groundmaster 7210 Mower; and

WHEREAS, the Township did duly advertise on March 9, 2012 to receive bids for a Toro Groundmaster 7210 Mower and said bids were received on April 13, 2012; and

WHEREAS, the Township of Ocean rejected said bid (Resolution 12-077) due to excessive cost; and

WHEREAS, the Director of Public Works has subsequently recommended the purchase of the Toro Groundmaster 7210 Mower from the Middlesex Regional Educational Services Commission Cooperative Pricing System at a cost not to exceed \$18,282.00; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the Capital Improvement Fund, account # C-04-55-931-905;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, that authorization is hereby given to purchase a Toro Groundmaster 7210 Mower from the Middlesex Regional Educational Services Commission Cooperative Pricing System at a cost not to exceed \$18,282.00; 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. Township Manager

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

b. 33 cubic yard Side-Loading Automated Garbage Truck

WHEREAS, the Township Council of the Township of Ocean authorized receipt of bids for the purchase of one (1) 33 Cubic Yard Side-Loading Automated Garbage Truck on October 19, 2011; and

WHEREAS, the Township Clerk did duly advertise on March 9, 2012 to receive bids for said project; and

WHEREAS, in connection therewith the following bids were received by the Township of Ocean on April 13, 2012: THC Enterprises, Inc., Pedricktown, NJ, Bergey's Truck Center, Trenton, NJ, and Cambria Automotive Company, Edison, NJ; and

WHEREAS, it was determined that the lowest responsive bidder meeting specifications for the bid was Bergey's Truck Center, Trenton, NJ at a cost not to exceed \$315,680.00; and

WHEREAS, the Township Manager and the Public Works Director have recommended that a contract be awarded to Bergey's Truck Center, Trenton, NJ as per their bid proposal for a 33 Cubic Yard Side-Loading Automated Garbage Truck at a cost not to exceed \$315,680.00; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the Capital Improvement Fund, account # C-04-55-934-901;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the purchase of a 33 Cubic Yard Side-Loading Automated Garbage Truck from Bergey's Truck Center, Trenton, NJ, as per their bid proposal at a cost not to exceed \$315,680.00; and

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; and

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; and

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. Bergey's Truck Center

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

12-079 Authorize a Developers Agreement for the following:

a. Block 3, Lots 5 & 6 – 2127 Highway 35 – RSC Realities, LLC

WHEREAS, RSC Realities, L.L.C. (hereinafter “Developer”) is the owner of certain property known as Block 3, Lots 5 and 6, as shown on the official tax map of the Township of Ocean, which property is located at 2127 Highway 35 in the C-2 (Highway Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted Approval of Bulk Variances, Approval of Conditional Use and Preliminary and Final Site Plan Approval from the Zoning Board of Adjustment of the Township of Ocean by way of resolutions dated July 14, 2011 to expand the existing automotive sales and service facility, conversion and expansion of a second existing building into an automotive sales and service facility and construction of solar panels over a portion of the automotive parking and storage area; and

WHEREAS, this Agreement relates to a Site Plan of the property entitled Preliminary & Final Major Site Plan, RSC Realities, LLC & CRD Realities, LLC, Lots 5 & 6 – Block 3, Township of Ocean, Monmouth County, New Jersey by James A. Kennedy, P.E. of Kennedy Consulting Engineers, LLC, consisting of nineteen (19) sheets dated October 18, 2010 and last updated March 13, 2012; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated March 16, 2012 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 RSC Realities, L.L.C., subject to the following conditions first being met:
 - a) All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b) Posting of Performance Guarantees in the total amount of \$780,480.00 and Inspection fees in the amount of \$34,020.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. RSC Realities, L.L.C.

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

ORDINANCES:

Adoption(s):

Ordinance #2185 – An Ordinance amending Ordinance #2159, #2004 and #2120 entitled: “An Ordinance fixing salaries and compensation of certain offices, positions and employees in the Township of Ocean, County of Monmouth, State of New Jersey

The following vote was taken to open the Public Hearing on Ordinance #2185:

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

Seeing that there were no additional comments on Ordinance #2185, the following vote was taken to close the Public Hearing:

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

The following vote was taken to adopt Ordinance #2185 and advertise according to law:

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

Ordinance #2186 – Amend Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” prohibiting parking along portions of Fairmount Avenue

The following vote was taken to open the Public Hearing on Ordinance #2186:

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

Seeing that there were no additional comments on Ordinance #2186, the following vote was taken to close the Public Hearing:

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

The following vote was taken to adopt Ordinance #2186 and advertise according to law:

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

Ordinance #2187 – Amend Chapter XII of the “Revised General Ordinances of the Township of Ocean, 1965” regulating parking along Fairmount Avenue

The following vote was taken to open the Public Hearing on Ordinance #2187:

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

Seeing that there were no additional comments on Ordinance #2187, the following vote was taken to close the Public Hearing:

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

The following vote was taken to adopt Ordinance #2187 and advertise according to law:

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

Introduction(s):

Ordinance #2188 – Amend Chapter II of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Department of Police”

AN ORDINANCE AMENDING AND SUPPLEMENTING 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 in the County of Monmouth, State of New Jersey, that Chapter II of an Ordinance entitled “Revised General Ordinances of the Township of Ocean, 1965”, be and the same is hereby amended and supplemented in the following manner:

SECTION I

A. Chapter II, Section 2-5.6 is hereby amended and supplemented to read as follows with all other section not listed remaining the same:

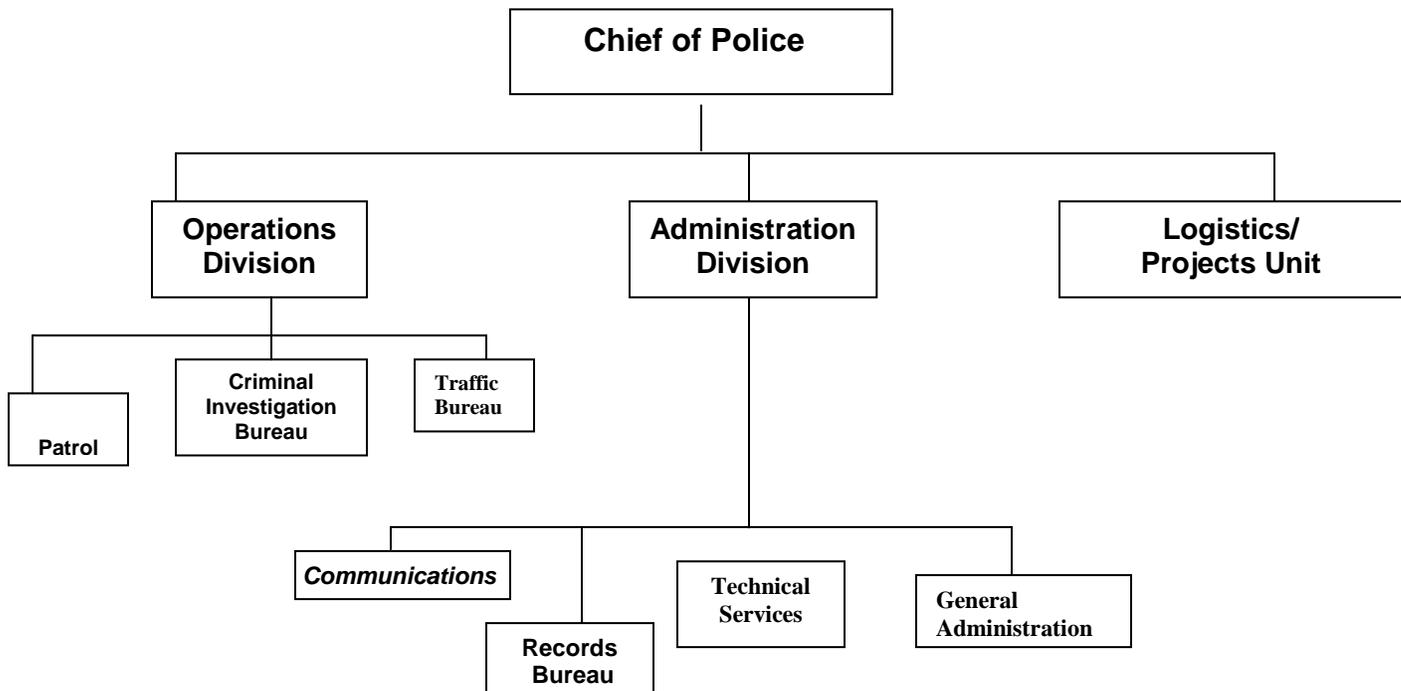
2-5.6 Department of Police.

1. Establishment of Police Department

a. The police department shall consist of a Chief of Police, up to three (3) Captains, up to five (5) Lieutenants, up to twelve (12) Sergeants and up to forty-two (42) Officers which the Township Council deems necessary to preserve the peace of the Township. This staffing level shall be exclusive of any officers on terminal leaving being paid through reserves established for the payment of unused vacation and sick leave. The Township Manager is designated as the appointing authority and may appoint such members of the Department as may be provided within the local municipal budget and this Ordinance. The Organizational Chart shall be as follows:

OCEAN TOWNSHIP POLICE

Table of Organization



2. Organization of Police Department.

- a. Pursuant to the Council-Manager Plan A of the Optional Municipal Charter Law of 1950 (N.J.S.A. 40:69A-81, et seq.), the “appropriate authority” as set forth in N.J.S.A. 40A:14-118 shall be the Township Manager of the Township of Ocean. The Township Manager shall adopt and promulgate rules and regulations for the government of the municipal police department and for the discipline of its members. The aforesaid rules and regulations may be suggested to the Township Manager by the Chief of Police. The Chief of Police shall be the head of the Police Department and shall be in charge of the daily operations of the Department, but shall be directly responsible to the Township Manager for the efficiency and routine day-to-day operations thereof as described in the Duties of the Police Chief established under this Ordinance.
- b. Nothing set forth herein shall prevent the appointment by the Township Council of committees or commissions to conduct investigations of the operation of the Police Department and the delegation to such committees or commissions of such powers of inquiry as the Township Council deems necessary or to conduct such hearing or investigation authorized by law. Nothing herein contained shall prevent the Township Manager from examining at any time the operations of the Police Department or the performance of any officer or member thereof. In addition, nothing herein contained shall infringe upon or limit the power of the Township Manager to act and provide for the health, safety or welfare of the Township of Ocean in an emergency situation through special emergency directives.
- c. Criminal Investigation Bureau. Within the department of police, there shall be a Criminal Investigation Bureau responsible for the investigation of crime, arrest, and prosecution of the perpetrators, and the recovery of stolen property. The Bureau shall be under the supervision and control of the Chief of Police. The senior ranking superior officer assigned to the bureau shall be in command thereof. The officer in command of the bureau shall have the following duties:
 1. Insure or cause to insure that all duties coming within the scope of the Criminal Investigation Bureau are properly and efficiently handled.

2. Make or cause to be made all necessary records, reports and papers pertaining to the workings of the Bureau.
3. Keep the Chief of Police advised as to the workings of the Bureau.
4. Maintain full and close cooperation with the Monmouth County Prosecutor's Office and other law enforcement agencies as may be necessary.

The members of the department assigned to Criminal Investigation Bureau shall be on duty the hours assigned to them, and at such other times as may be ordered by the superior ranking officer of the Bureau or as the work may require.

d. **Special Law Enforcement Officers**

The Manager may appoint Special Law Enforcement Officers for a term not exceeding one (1) year, and revoke such appointments without cause or hearing. Such Special Law Enforcement Officers shall carry out their duties and responsibilities under the direct supervision of the Chief of Police and their powers, rights and duties shall be specifically defined by the Chief of Police. The powers, rights and duties, however, shall immediately cease at the expiration of the term for which they were appointed, or upon revocation of their appointment. Special Officers shall not carry a revolver or other weapon at any time except as otherwise directed by the Chief of Police.

3. Duties of the Chief of Police

- a. The Chief of Police shall serve in a probationary status for a period of one (1) year from the date of appointment. During the probationary period, the Chief shall hold the title of Acting Chief of Police. During the probationary period, the Acting Chief of Police may be demoted to his prior title for cause or no cause.
- b. The Chief of Police shall, pursuant to policies established by the Township Manager:
 - i. Administer and enforce rules and regulations and special emergency directives for the disposition of discipline of the force and its officers and personnel;
 - ii. Have, exercise, and discharge the functions, powers and duties of the force;
 - iii. Prescribe the duties and assignments of all subordinates and other personnel
 - iv. Delegate such authority as he may deem necessary for the efficient operation of the force to be exercised under his direction and supervision; and
 - v. Report at least monthly to the Township Manager in such form as shall be prescribed by the Manager on the operation of the force during the preceding month and make such other reports as may be requested by the Manager.

4. Functions of the Police Department.

- a. The Police Department shall:
 - i. Preserve the public peace, protect life and property, prevent crime, detect and arrest offenders against the penal laws and ordinances effective within the Township, suppress riots, mobs and insurrections, disperse unlawful or dangerous assemblages, and preserve order at all elections and public meetings and assemblages.
 - ii. Administer and enforce laws and ordinances to regulate, direct, control and restrict the movement of vehicular and pedestrian traffic, and the use of the streets by vehicles and persons, to protect the safety and facilitate the convenience of

- motorists and pedestrians, and make and enforce rules and regulations not inconsistent with the ordinances of the Township for such purposes.
- iii. Remove or cause to be removed all nuisances in the public streets, parks and other public places of the Township, inspect and observe all places of public amusement or assemblage and all places of business requiring any State or municipal license or permit and report thereon to the appropriate department.
 - iv. Provide proper police attendance and protection at fires.
 - v. Provide for the attendance of its members in court as necessary for the prosecution and trial of persons charged with crimes and offenses, and cooperate fully with the law enforcement and prosecuting authorities of Federal, State and County governments.
 - vi. Operate a training program to maintain and improve the police efficiency of the members of the department.
 - vii. Perform such other duties to be consistent with Federal, State and local laws; directives of the Attorney General and the Monmouth County Prosecutor; and all other lawful actions to promote the welfare of the public.
5. Qualifications for Police Officers

- a. Except as provided under N.J.S.A. 40A:14-122, all persons appointed as a member of the police department shall:
 - i. be a citizen of the United States;
 - ii. be in good health sufficient to satisfy the Township's physical and psychological examination and the Board of Trustees of the Police and Firemen's Retirement System;
 - iii. be able to read, write and speak the English language well and intelligently;
 - iv. be of good moral character, and never have been convicted of any criminal offense involving moral turpitude;
 - v. pass a written and/or oral examination and one or more oral interviews as determined by the Township Manager;
 - vi. hold at least an Associate degree in a field related to law enforcement.
- b. The Township Manager shall make such appointments from all qualified applicants.
- c. Each successful appointee shall serve a probationary period of one (1) year including his successful completion of a course at a State or county accredited police academy if he does not already hold a valid New Jersey certification as a Class A police officer.

6. Promotions

- a. The Township Manager shall set the evaluating criteria to be used for promotions. Except for the position of Chief of Police, candidates for promotion shall:
 - i. serve in their present rank for a period of five (5) years for promotions to the rank of sergeant and one (1) year for all other ranks;
 - ii. be considered based upon their disciplinary record;
 - iii. be considered based upon their last three (3) performance appraisals;
 - iv. be considered based upon commendations, awards or other recognition;
 - v. pass a written and/or oral examination and an oral interview as determined by the Township Manager;
 - vii. be considered based upon merit and fitness; and

- viii. be otherwise considered based upon N.J.S.A. 40A:122.6.
- b. Newly promoted individuals shall serve a one (1) year probationary period providing the same is provided for in the collective bargaining agreement covering this position. During the probationary period, the officer may be demoted to his prior title for cause or no cause.
- c. In the case of an emergency, the Township Manager, in his sole discretion, may promote a member of the police department to an acting title as he sees fit to preserve the public welfare and the efficiency of the department.

7. Suspension or Removal of Members in Office. Except as otherwise provided by law, no permanent member or officer of the Police Department shall be suspended, removed, fined or reduced in rank from or in office, employment or position therein except for just cause, including but not limited to: incapacity, inefficiency, misconduct, conduct unbecoming a police officer, insubordination, disobedience of departmental rules and regulations, neglect of duty, failure to perform duty, chronic or excessive absenteeism, misuse of public property, violations of federal, state or municipal statues, regulations or policies regarding alcohol and drug testing, acts of discrimination, moral turpitude and other sufficient causes, as hereinbefore provided and then only upon written complaint setting forth the charge or charges against such member or officer. Said complaint shall be filed with the Township Manager and a copy shall be serve upon the member or officer so charged with notice of a designated hearing thereon by the Township Manager or his designee which shall not be less than ten or more than 30 days from the date of service of the complaint. Said hearing shall proceed and be conducted in accordance with the provisions of N.J.S.A. 40A:14-147; 149; 149.1; and case law relating thereto.

SECTION II

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

SECTION III

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

SECTION IV

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

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

Council Reports:

Councilperson Schepiga reminded all that the Memorial Day Services will commence at 11:00 a.m. at Town Hall on May 28, 2012.

Deputy Mayor Siciliano informed everyone that Colonial Terrace Golf Course is running a twi-light special and it is a great opportunity to play a fantastic course at a nominal cost.

The following Councilmember(s) offered no report:
 Councilmember Evans and Garofalo
 Martin Arbus, Esq., Township Attorney

PUBLIC COMMENTS:

Brian Lefferson stated that a property in his neighborhood has not cut their grass and it is now becoming unsightly.

Mr. Lefferson inquired about the Bamboozle concert and whether Asbury Park will be paying for any costs incurred by Ocean Township

Mayor Larkin reported that, according to Chief Peters, the Township will not be incurring any additional costs due to this event. However, should the Township incur any expenses, the Township will certainly bill Asbury Park.

Mr. Lefferson, who works as a member of the camera crew for Ocean 77, stated that they are having some issues that he feels need to be addressed.

Don Brockel mentioned his concern over the clearing of trees at 4 Joda Court, including those in the public right-of-way. Mr. Brockel is concerned that the current tree removal ordinance is too lenient.

Mr. Brockel feels that the process for the removal of trees needs to be reviewed and amended to prohibit the clear-cutting of properties.

Martin Arbus, Township Attorney, stated that Marianne Wilensky, Director of Community Development, is reviewing the current ordinance and will be making recommendations on how to revise said ordinance.

F.K. Hudson inquired about the status of the COAH litigation

Mr. Arbus stated that negotiations are continuing and that the motions are still pending.

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

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

Respectfully submitted,

William F. Larkin
 Mayor

Vincent Buttiglieri, RMC/CMC/MMC
 Municipal Clerk