

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

**SEPTEMBER 2, 2011**

**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 7:00 p.m.

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

**Others:** Martin J. Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Jessie M. Joseph, Deputy 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 August 30, 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.

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**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**

**RESOLUTIONS:**

**11-154 Consideration of Bids:**

**a. 2011 Roadway Improvement Program**

**WHEREAS**, the Township of Ocean authorized the receipt of bids for the 2011 Roadway Improvement Program on July 6, 2011; and

**WHEREAS**, the Township Clerk did duly advertise on August 9, 2011 to receive bids for said project; and

**WHEREAS**, in connection therewith the following six (6) bids were received by the Township of Ocean on August 30, 2011: Stavola Contracting Co., Inc., Red Bank, NJ; Black Rock Enterprises, LLC, Spotswood, NJ; C.J. Hesse, Inc., Atlantic Highlands, NJ; Mecco, Inc., Clarksburg, NJ; Fiore Paving Company, Oceanport, NJ; Mixalia Enterprises, LLC, Shrewsbury, NJ; and

**WHEREAS**, the following two (2) companies picked up bid specifications but failed to submit said bid: Intercounty Paving Associates, LLC, Hackettstown, NJ; Helios Construction, Inc., Ocean, NJ; and

**WHEREAS**, it was determined that the lowest responsible bidder meeting specifications for the bid was Meco, Inc., Clarksburg, NJ; and

**WHEREAS**, the Township Manager and the Township Engineer have recommended that a contract be awarded to Meco, Inc., Clarksburg, NJ, as per their bid proposal for the 2011 Roadway Improvement Program at a cost not to exceed \$1,058,000.00; 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 following accounts:

ACCOUNT #	AMOUNT
C-04-55-934-916	\$ 573,000.00
C-04-55-934-917	\$ 165,000.00
C-04-55-934-918	\$ 160,000.00
C-04-55-934-914	<u>\$ 160,000.00</u>
TOTAL	\$1,058,000.00

**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 Meco, Inc., Clarksburg, NJ, as per their bid proposal for the 2011 Roadway Improvement Program as set forth in their bid submitted in the amount of \$1,058,000.00; 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; 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 Engineer
2. Director of Finance
3. Meco, Inc.

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	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**11-155 Authorizing Amendment No. 7 to the Service Contract between the Township of Ocean and the Township of Ocean Sewerage Authority**

**WHEREAS**, the Township of Ocean (the "Township") is a party to the 1966 Service Contract (the "Service Contract") with the Township of Ocean Sewerage Authority (the

"Authority") which Service Contract provides for the establishment and economic maintenance of a sanitary sewerage system within the Township of Ocean; and

**WHEREAS**, the Authority desires to undertake certain improvements to the sewerage system referred to as the 2011 Project; and

**WHEREAS**, the Authority has determined that it is appropriate to authorize the undertaking and completion of the 2011 Project as described and to expend the sum of \$3,100,000.00 therefor, a portion of which will be paid by the issuance of additional Sewer Revenue Bonds in the amount not to exceed \$3,100,000.00; and

**WHEREAS**, the 2011 Project also provides for the current refunding of its Sewer Revenue Bonds, 1998 Series C dated May 1, 1998 maturing on December 1, 2011 to and including December 1, 2018 (the "Refunded Bonds") at a redemption price of 100% of the principal amount of the Refunded Bonds redeemed, plus interest accrued to the Redemption Date, through the issuance of not exceeding \$1,400,000.00 of additional Sewer Revenue Bonds; and

**WHEREAS**, it is necessary to amend the Contract as to include the 2011 Project as part of the Project defined in the Service Contract; and

**WHEREAS**, the Authority has determined to change its Fiscal Year; and

**WHEREAS**, the Authority has submitted to the Township a draft of Amendment No. 7 to the Service Contract for approval by the Township.

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

1. The Township hereby consents to the construction or acquisition of the 2011 Project by the Authority and the refunding of the Refunded Bonds and to issue bonds of the Authority to a maximum of \$4,500,000.00 for these purposes.
2. The Township hereby approves said Amendment No. 7 to the Service Contract in the form submitted and authorizes the Mayor and the Township Clerk to execute and deliver said Amendment.

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

1. Township of Ocean Sewerage Authority

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	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

### 11-156 Approve an emergency procurement for private contractors to assist the Township in storm removal operations

**WHEREAS**, a severe weather event occurred in the Township of Ocean beginning on August 21, 2011 and again on August 28, 2011; and

**WHEREAS**, the Township of Ocean was in need of assistance from private contractors to assist in the repair and maintenance of the stormwater infrastructures, as well as tree removal, within the Township due to the nature of the storm events; and

**WHEREAS**, the Director of Public Works was able to locate the following four (4) contractors without soliciting bids or quotes, to assist in the repair, maintenance and tree removal operations: Burke Construction, Ocean, NJ; Armstrong Tree Service, Ocean, NJ; Ocean Tree Service, Ocean, NJ and Fernandes Construction, Inc., South River, NJ; and

**WHEREAS**, the Township Manager authorized the award of contracts to avoid further damage and public safety hazards; and

**WHEREAS**, the Director of Finance has certified that funds are available in the 2011 Budget, as follows:

Reserve Joint Insurance Refunds - Account T-03-56-855-855

Burke Construction	\$17,500.00
Fernandes Construction, Inc.	\$30,000.00
Ocean Tree Service	\$ 4,000.00
Armstrong Tree Removal	\$ 7,000.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council in the Township of Ocean, County of Monmouth, that authorization is hereby given to approve emergency procurement of private contractors to assist Township personnel in storm related tree removal operations; and

**BE IT FURTHER RESOLVED** that authorization is hereby given to remit payment as noted above for said services; and

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

1. Director of Finance
2. Director of Public Works

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	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

**11-157 Authorize Decrease Change Order No. 1 for the 2010 Roadway Improvement Program**

**WHEREAS**, on August 9, 2010, the Township Council of the Township of Ocean awarded a contract to Fernandes Construction, Inc. for the 2010 Roadway Improvement Program; and

**WHEREAS**, subsequent to that award, various revisions to said as-built quantities, fuel prices and asphalt prices for said project were identified resulting in a decrease total contract amount from \$1,269,760.00 to \$1,174,555.69, a decrease of \$95,204.31; and

**WHEREAS**, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of the change order in the following accounts:

Account Number	Account Title	Amount
C-04-55-916-920	Miscellaneous Milling & Paving	90,000.00
C-04-55-922-928	Various Street Milling	120,258.00
C-04-55-923-927	Miscellaneous Milling & Paving	4,817.60
C-04-55-924-918	Miscellaneous Milling & Paving	34,858.45
C-04-55-928-911	Resurface Tennis Court	13,177.00
C-04-55-931-913	Resurface Tennis Court	105,000.00
C-04-55-931-915	Reconstruct Various Streets	574,850.00
G-02-47-871-309	NJDOT Grant – Sunset Ave Phase III	130,000.00
C-04-55-932-901	Various Sidewalks & Curbs	101,594.64
	Totals	1,174,555.69

**WHEREAS**, the Township Council has considered the foregoing.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby approve Change Order No. 1 decreasing the overall contract amount by \$95,204.31, from \$1,269,760.00 to \$1,174,555.69 for the 2010 Roadway Improvement Program that was awarded to Fernandes Construction, Inc. and

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

1. Director of Finance
2. Township Engineer
3. Director of Public Works
4. Fernandes Construction, Inc.

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	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

### **Council Reports:**

The following Councilmember(s) offered no report:  
 Deputy Mayor Siciliano  
 Councilmember(s) Evans, Garofalo and Schepiga  
 Martin Arbus, Esq., Township Attorney  
 Andrew Brannen, Township Manager

### **PUBLIC COMMENTS:**

There were no public comments made at this juncture.

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	x	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

William F. Larkin  
Mayor

Jessie M. Joseph RMC  
Deputy Municipal Clerk