

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

JANUARY 28, 2016

OAKHURST, NEW JERSEY

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

Present: Mayor Siciliano
Deputy Mayor Garofalo
Councilmember(s) Acerra, Long and Schepiga

Absent: Councilmember Schepiga

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 Siciliano announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Meeting 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 29, 2015.

NOTICE:

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

COUNCIL COMMENTS:

Deputy Mayor Garofalo thanked all those men and women who left the comforts of their homes to assist the Township in the snow removal operations. Deputy Mayor Garofalo also thanked the emergency service volunteers for their dedication during this difficult weather event.

Deputy Mayor Garofalo also commended Mayor Siciliano for his visibility during the storm, as he remained on the front-line with those employees who were involved in the snow removal operation.

Councilmember Schepiga also thanked everyone for their efforts during the blizzard.

Councilmember Long thanked Mayor Siciliano and Councilman Acerra for helping him during the blizzard, as he lost power for approximately eleven hours. Councilmember Long echoed Deputy Mayor Garofalo's comments about Mayor Siciliano's efforts during the snow storm.

Councilmember Acerra echoed the previous made comments.

Mayor Siciliano discussed the Township's snow removal operation as it relates to the blizzard. Mayor Siciliano said that, while the Township employees did a phenomenal job, certain aspects can be improved upon.

Andrew Brannen, Township Manager, announced that the Township calendar will be mailed out the first week of January.

Martin Arbus, Esq., Township Attorney, said he thought the Township did a great job in their effort to clear the roadways.

Mayor's Statement: Public Portion of any Questions as to Resolutions

The purpose of this public portion is solely to ask questions to understand Resolutions and Vouchers that appear on this 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 Questions on Resolutions:

Don Geiger asked about the following resolutions:

- Resolution No. 16-028 – can the Township perform the same function with the use of a drone?

Mayor Siciliano noted a resident had discussed drones at a prior meeting.

- Resolution No. 16-031 – do we also deliver the items?

Mr. Brannen said the delivery of said material is also calculated into the final cost, as well as distance to/from the Township to the facility of the final location.

Mr. Geiger also asked questions on a number of payments on the voucher list including but not limited to: Atlantic Plumbing Supply Corp., Aurora Environmental, Inc., Banish Associates, Inc., Boley Tree Experts, LLC, Borgata Hotel, Crown Products, Inc., Four Directions, Inc., Govconnections, Inc., IPMA-HR, Quikie Print & Copy Shops, Ryan's Auto Body, State Exterminating, Co.,

Mr. Brannen responded to all inquiries concerning the payment of vouchers.

CONSENT AGENDA:**RESOLUTIONS:****16-024 Authorize a Developer's Agreement for the following:****a. Block 141, Lots 1 & 23 - 2301 Highway 66 (Starbucks) – Seaview Acquisitions, LLC**

WHEREAS, Seaview Acquisition, LLC (hereinafter the "Developer") is the owner of certain property known as Block 141, Lots 1 and 23, Seaview Square Mall, as shown on the official tax map of the Township of Ocean, which property is located at 2301 New Jersey State Highway 66 in the C-4 (Regional Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted Minor Preliminary and Final Site Plan Conditional Use from the Township of Ocean Planning Board by way of Resolution dated November 23, 2015 to install a Starbucks with a drive-thru on the western end of the retail building that faces Route 66; and

WHEREAS, this Agreement relates to a Site Plan of the property entitled Preliminary/Final Site Plan, Proposed Starbucks Coffee, 197 Seaview Square Mall, Block 141, Lots 1 & 23, Township of Ocean, Monmouth County, New Jersey by Mark Chisvette, P.E. of Chisvette Engineering consisting of eight (8) sheets dated June 26, 2015 and last updated December 17, 2015 and Plans entitled Alta/Acsm Land Title Survey, Seaview Square Mall, Tax Lot 1, Block 141, Township of Ocean, Monmouth County, New Jersey by James D. Sens, P.L.S. consisting of two (2) sheets dated November 10, 2014; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated January 13, 2016 prepared by the Township of Ocean Engineer, Louis J. Lobosoco, 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 Seaview Acquisition, LLC, 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 \$73,200.00 and Inspection Fees in the amount of \$4,550.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Seaview Acquisition, LLC
5. Jennifer S. Krimko, Esq.

16-025 Authorize the Release of Performance Guarantee(s) for the following:

a. Block 34.03, Lots 2 & 2.01 - 1025 Deal Road - Hillel School Addition

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvement 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 September 12, 2012 with the Hillel School for Preliminary and Final Site Plan Approval, Approval of Bulk Variance and Approval of Conditional Use to construct a two-story addition to the existing parochial school, which said addition shall include a 16,094 square foot first floor addition and a 2,999 square foot second story addition, and will be located on the south side of the building; and

WHEREAS, the Hillel School has heretofore deposited with the Township of Ocean performance guarantees totaling \$296,880.00, in the form of Performance Bond #FP0018432 issued by First Indemnity of America Insurance Co. in the amount of \$267,192.00 and cash in the amount of \$29,688.00 to guarantee the completion of all improvements on premises known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 8, 2016 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 \$296,880.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$37,110.00, said maintenance bond is to run for a period of two (2) years to cover the maintenance 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. Hillel School
6. First Indemnity of America Insurance Co.

b. Block 141, Lots 1 & 23 - Building "A" Modifications - Seaview Square, LLC (voted on separately)

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 December 1, 2008 with Seaview Square, LLC for Amended Site Plan Approval to modify the existing site plan for the site by removing parking spaces in the rear of the building known as "Retail A" that was formerly the Lowe's building, in order to build a loading dock and revising the entry point to the building and reconciling the parking area with the new floor improvements in order to accommodate a new tenant who will be occupying a portion of the space and will require a loading dock at the rear of the building for property known as Block 141, Lots 1 and 23 located on Route 66 and Highway 35; and

WHEREAS, Seaview Square, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$254,040.00, in the form of Performance Bond #HOIFSU 0471101 issued by International Fidelity Insurance Co. in the amount of \$228,636.00 and cash in the amount of \$25,404.00 to guarantee the completion of all improvements on premises known as Block 141, Lots 1 and 23 located on Route 66 and Highway 35; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 8, 2016, a copy of which is on file in the Office of the Township Clerk and made a part hereof, recommending the release of the aforementioned performance guarantees and the waiver of the maintenance guarantees since the project was completed three years ago; 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 and the performance guarantees in the amount of \$254,040.00 are hereby released, canceled and discharged subject to the following:

1. Payment of \$2,250.00 for trees which must be relocated but the location is not yet specified
2. Payment of all engineering inspection and administrative fees

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. Seaview Square, LLC
6. International Fidelity Insurance Co.

c. Block 182, Lots 79 & 80 - 1100 Eagle Avenue - Eagle Advanced Holdings, LLC

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 October 17, 2013 with Eagle Advanced Holdings, LLC to remove an existing building and construct a two-story, 5,726 square foot office building with 2,863 square feet of medical offices on the first floor and 2,937 square feet of professional offices on the second floor; construct a thirty-three (33) car parking lot with underground drainage; provide other site improvements including landscaping, fencing and retaining walls on property known as Block 182, Lots 79 and 80 located at 1100 Eagle Avenue; and

WHEREAS, Eagle Advanced Holding, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$387,360.00, in the form of Performance Bond #14049240 issued by The Guarantee Company of America, USA in the amount of \$348,624.00 and cash in the amount of \$38,736.00 to guarantee the completion of all improvements on premises known as Block 182, Lots 79 and 80 located on 1100 Eagle Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 8, 2016, 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.

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 \$387,360.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$48,420.00, 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. Posting of \$350.00 to the Township Shade Tree Fund since the recommended 4" caliper Linden tree was not planted
3. 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
4. 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. Eagle Advanced Holdings, LLC
6. The Guarantee Company of America, USA

d. Block 187, Lot 1.01 - 1102 Highway 35 South - Muy Brands, LLC

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 April 16, 2015 with Muy Brands, LLC for Preliminary and Final Major Site Plan Approval, Approval of Bulk Variances and Approval of Conditional Use to redevelop the former Getty gasoline station, which is surrounded by the Ocean Plaza Shopping Center, with a 2,063 square foot Taco Bell on premises known as Block 187, Lot 1.01 located at 1102 Highway 35 South; and

WHEREAS, Muy Brands, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$222,600.00, in the form of Performance Bond #293839 issued by NGM Insurance Company in the amount of \$200,340.00 and cash in the amount of \$22,260.00 to guarantee the completion of all improvements on premises known as Block 187, Lot 1.01 located on 1102 Highway 35 South; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 8, 2016, 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.

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 \$222,600.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$27,825.00, 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. Muy Brands, LLC
6. NGM Insurance Company

16-026 Authorize the Release of Maintenance Guarantee(s) for the following:

a. Block 141, Lots 1 & 23 - Retail "A" Lowe's - Seaview Square, LLC

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as completed by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into an Assignment of Developer's Agreement dated April 6, 2009 with Seaview Square, LLC to maintain the premises known as Block 141, Lots 1 and 23, Retail Phase "A" – Lowe's; and

WHEREAS, Seaview Square, LLC has heretofore deposited with the Township of Ocean maintenance guarantees in the amount of \$369,896.48, in the form of Maintenance

Bond #HOIFSU0471131 issued by International Fidelity Insurance Co. to guarantee all the improvements will be maintained on premises known as Block 141, Lots 1 and 23, Retail "A" – Lowe's; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 8, 2016, 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 maintained and said representative of the Township Engineer recommends the release of the aforementioned maintenance guarantees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the maintenance guarantees in the amount of \$369,896.48 are hereby released, canceled and discharged subject to the following:

1. Posting of a cash bond in the amount of \$2,250.00 for the tree replacement locations not yet specified
2. Payment of all engineering inspection and administrative fees

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. Seaview Square, LLC
6. International Fidelity Insurance Co.

b. Block 141, Lots 1 & 23 - Retail "B" Costco and Costco Gas Station - Seaview Square, LLC

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) provides for the posting of maintenance guarantees with the governing body after final acceptance of improvements when said improvements have been certified as completed by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into an Assignment of Developer's Agreement dated April 6, 2009 with Seaview Square, LLC to maintain the premises known as Block 141, Lots 1 and 23, Retail Phase "B" – Costco and Costco Gas Station; and

WHEREAS, Seaview Square, LLC has heretofore deposited with the Township of Ocean maintenance guarantees in the amount of \$223,255.95, in the form of Maintenance Bond #HOIFSU0463068 issued by International Fidelity Insurance Co. to guarantee all the improvements will be maintained on premises known as Block 141, Lots 1 and 23, Retail "B" – Costco and Costco Gas Station; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 8, 2016, 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 maintained and said representative of the Township Engineer recommends the release of the aforementioned maintenance guarantees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the maintenance guarantees in the amount of \$223,255.95 are hereby released, canceled and discharged subject to the following:

1. Posting of a cash bond in the amount of \$2,500.00 for the tree replacement locations not yet specified
2. Payment of all engineering inspection and administrative fees

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. Seaview Square, LLC
6. International Fidelity Insurance Co.

16-027 Authorize the fireworks display for Deal Golf & Country Club on July 1, 2016

WHEREAS, N.J.S.A. 21:3-3 permits the governing body of a municipality to “grant a permit for the public display of fireworks by fraternal or civic... or other organizations...”; and

WHEREAS, Deal Golf and Country Club will make an application for a public display of fireworks on July 1, 2016 (July 9, 2016 raindate) at the Club; and

WHEREAS, the Chief of Police and Fire Marshall of Fire District Number One will be required to review and approve said application;

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 for the aforementioned public display of fireworks by Deal Golf and Country Club on July 1, 2016 (July 9, 2016 raindate) at the Club; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute said permit upon receipt of the following by the Township:

1. Copy of the contract between the pyrotechnic operator and Deal Golf and Country Club
2. Certificate of Insurance with Comprehensive General Liability coverage, including Contractual, Automobile and Workers Compensation
 - a. Liability Limits of \$1,000,000 CSL and Statutory Workers’ Compensation;
 - b. Municipality as additional named insured;
 - c. Specifically mentioned hold harmless contract.
3. An executed hold harmless agreement in favor of the municipality must be Signed by the fireworks contractor.
4. Receipt of approval letters from Chief of Police and Fire Marshall of Fire District Number One

16-028 Authorize the Mayor and Municipal Clerk to execute the agreement with the Monmouth County Mosquito Extermination Commission permitting the aerial surveillance and treatment program during the period April 1 through November 30, 2016

WHEREAS, the Township Council is in receipt of a letter dated January 12, 2016 from the Monmouth County Mosquito Extermination Commission advising that it anticipates resuming its aerial surveillance and treatment program on or about April 1, 2016 and continuing through November 30, 2016; and

WHEREAS, said letter further requests authorization from the Township Council to conduct its aerial surveillance and treatment program over portions of the Township of Ocean which consists of applying pesticides from an aircraft to control mosquitoes; and

WHEREAS, it is represented by the Monmouth County Mosquito Extermination Commission that all pesticides used are approved for aerial applications by both the Federal and state Governments; and

WHEREAS, the areas to be treated are only those which have significantly high mosquito populations, so as to be either a public health nuisance or disease factor; and

WHEREAS, prior to such application, the Monmouth County Mosquito Extermination Commission agrees to notify the Ocean Township Police Department;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize the Mayor and Municipal Clerk to execute said Agreement with the Monmouth County Mosquito Extermination Commission permitting the aerial surveillance and treatment program during the period April 1, 2016 through November 30, 2016; and

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

1. Monmouth County Mosquito Extermination Commission
2. Police Chief
3. Director of Public Works

16-029 Approve the extension of the agreement with Monmouth County Division of Mental Health and Addiction Services for Intensive Outpatient Services

WHEREAS, the Township of Ocean is recognized as a model of community response to the problems of alcoholism and drug abuse; and

WHEREAS, the County of Monmouth has authorized the extension of health services contracts administered by the Monmouth County Division of Mental Health and Addiction Services, Office of Addiction Services for the two-month period from January 1, 2016 through February 29, 2016; and

WHEREAS, the Township of Ocean wishes to extend its agreement for Intensive Outpatient Services in South Eastern Monmouth County for Juveniles (15S-13) for said period; and

WHEREAS, the extension of said Agreement will provide additional funding in the amount of \$11,666.67 to the Township of Ocean to offset said cost of providing said services;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that the Community Services Director is authorized to **extend** the Agreement with the County of Monmouth, Department of Human Services, Division of Mental Health and Addiction Services for Intensive Outpatient Services in South Eastern Monmouth County for Juveniles (15S-13) by where the Township of Ocean will receive funding in the amount of \$11,666.67 to offset said costs of providing said service; and

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

1. Township of Ocean Alliance to Prevent Drug and Alcohol Abuse
2. Community Services Director

16-030 Authorize the appointment to the Township of Ocean Sewerage Authority

BE IT RESOLVED by the Governing Body 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:

SEWERAGE AUTHORITY

	<i>Member</i>	<i>Starting</i>	<i>Ending</i>
5 year term	John Villapiano	February 1, 2016	January 31, 2021

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

1. Board/Committee or Department
2. Administrative Assistant to the Township Manager
3. Public Agency Compliance Officer

16-031 Authorize the Receipt of Bids for the following:

a. Recycling Material Recovery Facility to accept certain Class B Recyclable Yard Waste Materials (brush, limbs and wood chips) as delivered by the Township of Ocean in Packer and Dump Trucks

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

Recycling Material Recovery Facility to accept certain Class B Recyclable Yard Waste Materials (brush, limbs and wood chips) as delivered by the Township of Ocean in Packer and Dump Trucks

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 said Receipt of Bids for the aforesaid item as per the specifications on file and will be received by the Township Manager in the West Wing 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 Public Works

b. Demolition of Portions of Poplar Village

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

Demolition of Portions of Poplar Village

WHEREAS, specifications for the aforesaid items will be on file in the Office of the Township Manager 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. Township Manager
2. Township Attorney

16-036 Authorize the Township Manager to execute any and all documents related to the Planning Board application for Block 3, Lots 17 and 18, more commonly known as 615 West Park Avenue

WHEREAS, the Township of Ocean is the current owner of Block 3, Lots 17 and 18, commonly known as 615 West Park Avenue; and

WHEREAS, the Township wishes to lease said land for the construction of an all purpose recreation facility on said property; and

WHEREAS, an application has been made to the Planning Board for conditional use approval and final site plan approval with variances; and

WHEREAS, authorization is requested to have the Township Manager execute said application on behalf of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given for the Township Manager to execute said Planning Board application as it relates to Block 3, Lots 17 and 18; and

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

1. Township Manager
2. Director of Community Development

16-037 Approve various changes to the January and February 2016 Council Meeting schedule

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-18 requires a public body post and maintain posted throughout the year a schedule of regular meetings of the public body to be held during the succeeding year; and

WHEREAS, the Township Council of the Township of Ocean wishes to amend the meeting schedule that was approved on December 29, 2015 as follows:

<u>Original Meeting Date</u>	<u>New Meeting Date</u>
February 6, 2016 (9:00 a.m.)	January 30, 2016 (9:00 a.m.)
February 11, 2016 *	February 9, 2016 *

*Workshop Meeting begins at 5:00 p.m. and Regular Meeting begins at 7:00 p.m.

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 amend the meeting schedule of the Township Council as noted above and the Township Clerk is authorized to post said change in accordance with N.J.S.A. 10:4-18

Vote on All Consent Items (except Resolution #16-025b) :

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

Vote on Resolution #16-025b:

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

INDIVIDUAL ACTION:**VOUCHERS: \$ 6,598,437.48****See next page for full list of Vouchers**

Vote on Vouchers:

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

RESOLUTIONS:

16-032 Provide for the form, maturities and other details of not to exceed \$9,000,000 General Improvement Refunding Bonds of the Township of Ocean and providing for their sale

RESOLUTION PROVIDING FOR THE FORM, MATURITIES AND OTHER DETAILS OF NOT TO EXCEED \$9,000,000 GENERAL IMPROVEMENT REFUNDING BONDS OF THE TOWNSHIP OF OCEAN, NEW JERSEY AND PROVIDING FOR THEIR SALE.

WHEREAS, the Township Council of the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"), has heretofore issued the following series of bonds: General Obligation Bonds, Series 2007, issued in the original aggregate principal amount of \$15,033,000, dated December 13, 2007, which bonds are subject to redemption (on or after December 1, 2017) prior to their stated dates of maturity, maturing on or after December 1, 2018 in an aggregate amount of \$8,190,000, inclusive (the "Refunded Bonds"); and

WHEREAS, the Township desires to redeem the Refunded Bonds on any date at a redemption price of 100% of the principal amount of the Refunded Bonds and has adopted a bond ordinance entitled "Refunding Bond Ordinance Authorizing The Issuance Of Not To Exceed \$9,000,000 Aggregate Principal Amount Of General Obligation Refunding Bonds Authorized In And By The Township Of Ocean, In The County Of Monmouth, New Jersey, In Order To Provide For The Refunding Of Certain Bonds Heretofore Issued By The Township And Appropriating The Proceeds Of Such General Obligation Refunding Bonds To Such Purpose," which authorized refunding bonds to be issued to refund the Refunded Bonds;

BE IT RESOLVED BY TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) that:

Section 1. There shall be issued bonds of the Township in an amount not to exceed \$9,000,000 bonds, being a portion of the bonds authorized by an ordinance entitled: (Ord. No. 2257)

"REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$9,000,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, IN ORDER TO PROVIDE FOR THE REFUNDING OF CERTAIN BONDS HERETOFORE ISSUED BY THE TOWNSHIP AND APPROPRIATING THE PROCEEDS OF SUCH GENERAL OBLIGATION REFUNDING BONDS TO SUCH PURPOSE."

Section 2. The bonds referred to in Section 1 hereof are sometimes hereinafter collectively referred to as the "Bonds." The Bonds may be issued in one series as "General Improvement Refunding Bonds, Series 2016". The Bonds of said issue (i) shall be dated the

date of delivery of the Bonds, (ii) shall mature in the years 2018 through 2025, or such other years as may be determined by the Chief Financial Officer, (iii) shall bear interest at the interest rates per annum as determined by the Chief Financial Officer, (iv) shall be sold at such price or prices as determined by the Chief Financial Officer, and (v) may be subject to redemption prior to their stated maturities as determined by the Chief Financial Officer, as shall be set forth in the proposal for the purchase of the Bonds acceptance of which is authorized pursuant to Section 5 hereof. The Bonds shall be numbered one consecutively upward, and will be issued in fully registered form.

Section 3. The Bonds shall be payable as to interest at the corporate trust office of TD Bank, National Association, Cherry Hill, New Jersey, payable on the May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2016, in an amount equal to the interest accruing to each such June 1 and December 1, and payable as to principal at the corporate trust office of TD Bank, National Association, payable on the fifteenth day of the month immediately preceding the due date therefor. Interest on the Bonds shall be calculated on the basis of a 360-day year or twelve 30-day calendar months.

The Bonds shall be subject to the parameters set forth as follows and otherwise consistent with the terms included in the application submitted by the Authority (as hereinafter defined) on behalf of the Township to the Local Finance Board in the Department of Community Affairs, State of New Jersey (the "Local Finance Board") on March 17, 2015 (the "Application"): (i) the aggregate principal amount of the Bonds does not exceed \$9,000,000, (ii) the maturity structure or weighted average maturity for the Bonds is substantially similar to the structure submitted to the Local Finance Board in the Application, and (iii) all conditions described in the Application as submitted to the Local Finance Board for the sale of the Bonds are satisfied.

Section 4. The Bonds shall be signed by the Mayor or Deputy Mayor and the Township Chief Financial Officer, by their manual or facsimile signatures, and the corporate seal of the Township shall be affixed thereto, or imprinted or reproduced thereon and shall be attested by the manual or facsimile signature of the Clerk or Deputy Clerk of the Township.

Section 5. The Bonds are hereby sold and awarded to the Monmouth County Improvement Authority (the "Authority") by an Authorized Officer at a price determined by the Authorized Officer pursuant to the terms of a Bond Purchase Agreement between the Township and the Authority (the "Bond Purchase Agreement"). The Mayor and Deputy Mayor are hereby authorized on behalf of the Township to execute the Bond Purchase Agreement by and between the Township and the Monmouth County Improvement Authority and the Continuing Disclosure Agreement by and between the Township and TD Bank, National Association.

Section 6. The Bonds and the registration provisions endorsed thereon shall be in substantially the following form:

No. 2016 __

**UNITED STATES OF AMERICA
STATE OF NEW JERSEY
COUNTY OF MONMOUTH**

TOWNSHIP OF OCEAN
GENERAL IMPROVEMENT REFUNDING BOND, SERIES 2016

DATE OF
ORIGINAL
ISSUE: ____ __, 2016

TOWNSHIP OF OCEAN in the County of Monmouth, New Jersey, hereby acknowledges itself indebted and for value received promises to pay to

THE MONMOUTH COUNTY IMPROVEMENT
AUTHORITY (the "Authority")
c/o TD BANK, NATIONAL ASSOCIATION
(the "Trustee")

the principal sums on the dates and in the amounts set forth on Schedule A attached hereto and made a part hereof and to pay interest on such sum from the DATE OF ORIGINAL ISSUE of this bond until payment in full at the interest rates per annum and in the amounts shown on Schedule A attached hereto and made a part hereof. Interest is payable to the Authority at the corporate trust office of the Trustee on the May 15 and November 15 prior to each June 1 and December 1, commencing June 1, 2016, in an amount equal to the interest accruing to each such June 1 and December 1. This bond as to principal will be payable on the fifteenth day of the month immediately preceding the due date therefor at the corporate trust office of the Trustee. Amounts not paid when due hereunder shall bear interest at the Late Payment Rate until paid. This bond shall be prepayable as set forth in Section 1303 of the bond resolution adopted by the Authority on April 24, 2015 (as the same may be supplemented and amended, the "Bond Resolution").

Both principal of and interest on this bond is payable in lawful money of the United States of America and in immediately available funds.

As used herein, "Business Day" shall mean any day that is not a Saturday, a Sunday or a legal holiday in the State of New Jersey or the State of New York or a day on which the Trustee is legally authorized to close. "Late Payment Rate" shall mean a rate per annum equal to the lower of (i) the greater of (a) three percent above the interest rate that JPMorgan Chase publicly announces from time to time as its prime lending rate, such interest rate to change on the effective date of each announced change in such rate and (b) the rate then payable on this bond, and (ii) the maximum interest rate allowed by law.

The Bonds are subject to redemption prior to their stated maturities.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of New Jersey, and is one of the Bonds referred to in a resolution of the Township of Ocean adopted on January 28, 2016 and entitled "Resolution Providing For The Form, Maturities And Other Details Of Not To Exceed \$9,000,000 General Improvement Refunding Bonds Of The Township Of Ocean, New Jersey And Providing For Their Sale," and the bond ordinance referred to therein, in all respects duly approved and published as required by law.

The full faith and credit of the Township of Ocean are hereby irrevocably pledged for the punctual payment of the principal of and the interest on, and all other amounts due under, this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been

performed and that the issue of bonds of which this is one, together with all other indebtedness of the Township of Ocean, is within every debt and other limit prescribed by such Constitution or statutes.

The Township of Ocean agrees to pay (i) all costs and expenses (including legal fees) in connection with the administration and enforcement of this bond and (ii) its share of the amounts payable pursuant to Section 9(vi)(B) of the Bond Purchase Agreement between the Township of Ocean and the Authority.

IN WITNESS WHEREOF, the TOWNSHIP OF OCEAN, in the County of Monmouth, New Jersey has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor or Deputy Mayor and its Chief Financial Officer, its corporate seal to be hereunto imprinted or affixed, this bond and the seal to be attested by the manual signature of its Township Clerk, and this bond to be dated the DATE OF ORIGINAL ISSUE as specified above.

TOWNSHIP OF OCEAN

By: _____
Christopher P. Siciliano, Mayor

ATTEST:

Vincent Buttiglieri, Clerk

By: _____
Stephen O. Gallagher,
Chief Financial Officer

(Assignment Provision on Back of Bond)

ASSIGNMENT

FOR VALUE RECEIVED _____ hereby sells, assigns and transfers unto _____ (Please Print or Type Name and Address of Assignee) the within bond and irrevocably appoints _____ as Attorney to transfer this bond on the registration books of the _____ with full power of substitution and revocation.

NOTICE
The signature of this assignment must correspond with the name as it appears on the face of the within bond in every particular.

Dated:

Signature of Guarantee:

TOWNSHIP OF OCEAN

GENERAL IMPROVEMENT REFUNDING BONDS, SERIES 2016

Schedule of Principal and Interest Payments

Section 7. The Township Chief Financial Officer is hereby authorized and directed (a) to cause a copy of the written opinion with respect to the Bonds which is to be rendered by the firm of Dilworth Paxson LLP (complete except for omission of its date) to be printed or referred to on the Bonds, and at the time of the original delivery of payment for the Bonds and when such written opinion is rendered, to cause the Township Clerk to certify to the truth and correctness of such copy of opinion by executing on each of said Bonds, by manual or facsimile signature, a certificate subjoined to each such copy, and to file a signed duplicate of such written opinion in such Clerk's office and at each place at which the Bonds are payable, (b) to cause the applicable CUSIP number (if any) assigned for each of said Bonds by the CUSIP Service Bureau of Standard & Poor's Corporation of New York, New York, to be printed on each of the Bonds, and (c) to cause, in the event that the Bonds shall qualify for issuance of any policy of municipal bond insurance at the option of the purchaser thereof, such legend or reference (if any) of such insurance to be printed (at the expense of such purchaser) on the Bonds.

Section 8. Upon the date of issue of the Bonds, being the date of delivery of the Bonds to the Authority and the payment of the purchase price thereof in accordance with the Bond Purchase Agreement, the Township Chief Financial Officer is hereby authorized and directed as of said date of issue, to execute and deliver to said purchaser (a) an arbitrage certification with respect to the Bonds under and for the purpose of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), and (b) an accompanying opinion of Dilworth Paxson LLP as of said date of issue with respect to said arbitrage certification for the purposes of said Section 148.

Section 9. The proceeds of the Bonds shall be applied to refund the outstanding Refunded Bonds and pay for the costs of issuance associated with the Bonds.

Section 10. The Mayor or Deputy Mayor and Township Chief Financial Officer are hereby authorized and directed, as is the Township Clerk, to execute all documents and certificates, necessary for the sale and delivery of said Bonds in order to effectuate the refunding of the outstanding amount of the Refunded Bonds.

Section 11. This resolution shall take effect immediately.

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

16-033 Authorize the Tax Collector to issue refunds/credits to those taxpayers who have received favorable State Tax Appeal judgments

RESOLUTION AUTHORIZING THE CANCELATION OF YEAR 2006 THROUGH 2015 TAXES AND REFUNDING OR CREDITING THE TAX OVERPAYMENTS RESULTING FROM NEW JERSEY STATE TAX COURT JUDGMENT TO THE TAXPAYER

WHEREAS, the State of New Jersey Tax Court has rendered judgments on appeals made by a tax payer regarding the assessment of their property, and,

MEETING MINUTES

JANUARY 28, 2016

WHEREAS, the property had the assessment reduced by the State of New Jersey Tax Court resulting in a reduction in the total taxes to be paid to the Township of Ocean for the years 2006 through 2015 and,

WHEREAS, proper procedures require that the tax assessments for the year 2006 through 2015 be adjusted and refunds or credits to unpaid taxes be made for taxes overpaid in those years that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor’s Field Book.

NOW, THEREFORE, BE IT RESOLVED, by the Township council of the Township of Ocean, County of Monmouth and State of New Jersey that it does hereby authorize the Tax Collector to adjust the year 2006 through 2015 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4th quarter taxes for those years’ taxes on the attached listing

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

- 1. Tax Collector
- 2. Township Auditor

Block/Lot	Property Owner	2006	2007	2008	2009	2014	2015	Total Refund
22/5	Kelly, John F. & Rose, Shari D.	4,450.29	6,193.18	7,810.23	7,920.66			26,374.36
33.33/1	My Ben Co., LLC					10,893.40		10,893.40
189/4	A.C.S. Valley Road Associates, LLC 1701 Valley Road						5,531.90	5,531.90
Totals		4,450.29	6,193.18	7,810.23	7,920.66	10,893.40	5,531.90	42,799.66

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

16-034 Approve the purchase of rock salt from Morton Salt through the Monmouth County Cooperative Purchasing Program (Contract F-41-2016) at a cost of \$90.59 per ton

WHEREAS, the Township of Ocean wishes to purchase treated rock salt for use during snow and ice events; and

WHEREAS, the Director of Public Works has decided it would be beneficial to the Township of Ocean to purchase 2,000 tons of treated rock salt through the Monmouth County Cooperative Purchasing Program; and

WHEREAS, the Director of Public Works has confirmed that the price from Morton Salt (Contract F-41-2016) is \$90.59 per ton; and

WHEREAS, the Township Manager and Director of Public Works have recommended that the Township of Ocean purchase 2, 000 tons of treated rock salt from Morton Salt at a cost of \$90.59 per ton, with a not to exceed cost of \$47,000.00; and

WHEREAS, the Director of Finance has certified that funds are available in the Department of Public Works budget, account # 5-01-26-765-272;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given purchase 2,000 tons of treated rock salt from Morton Salt (Contract F-41-201) at a cost of \$90.59 per ton, not to exceed \$47,000.00; and

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

1. Director of Public Works
2. Township Auditor

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

16-035 Authorize the Tax Collector to issue a refund to the owner of Block 25.01, Lot 15 due to an overpayment of 2nd quarter 2015 taxes

WHEREAS, a duplicate payment was made by Gary & Diane Granstrom and Corelogic Tax Service for the 2nd quarter 2015 property taxes in the amount of \$4,151.67 for Block 25.01, Lot 15.01; and

WHEREAS, the tax overpayment should be refunded to Gary & Diane Granstrom, 140 Idlewood Avenue, Oakhurst, NJ 07755;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Tax Collector and the Director of Finance to refund the said tax overpayment to the payer listed below.

Block	Lot	Owner/Payer Name	Amount	Reason
25.01	15.01	Gary & Diane Granstrom	\$4,151.67	Duplicate Payment made by Gary & Diane Granstrom and Corelogic for 2 nd Quarter 2015 taxes.
Total Taxes Overpaid			\$4,151.67	

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

1. Tax Collector
2. Township Auditor

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

16-038 Authorize a Professional Services contract with Marci A. Hamilton to assist in the representation of the Township in a matter of litigation the Township

WHEREAS, there exists a need for the services of an attorney to assist in the representation of the Township in a matter of litigation resulting from a denial of an application by the Township of Ocean Zoning Board of Adjustment for a use variance filed by Yeshiva Gedola Na'os Yaakov, Inc.; 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 2016; and

WHEREAS, Marci A. Hamilton, Esq., has submitted a proposal to perform said legal services for the Township of Ocean at a fee of \$750.00 per hour, with an initial retainer of \$5,000.00 with a total retainer of up to \$15,000.00; and

WHEREAS, Marci A. Hamilton, Esq. is an expert in the field of religious liberty, specifically as it relates to land use and RLUIPA; and

WHEREAS, the Township Manager and Township Attorney have recommended that a contract be awarded to Marci A. Hamilton, Esq., at a cost of \$750.00 per hour, with an initial retainer of \$5,000.00 to be paid immediately upon passage of this resolution with a total retainer of up to \$15,000.00; and

WHEREAS, Marci A. Hamilton, Esq., will be required to complete and submit a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form which certifies that Marci A. Hamilton, Esq., 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 Marci A. Hamilton, Esq., from making any reportable contributions through the term of the contract which shall be made a part of the fully executed 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 2016 Municipal Budget under the following: Litigation – account #6-01-20-712-217

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 Marci A. Hamilton, Esq., to assist in the representation of the Township of Ocean in a matter of litigation resulting from the denial of a use variance by the Zoning Board of Adjustment filed by Yeshiva Gedola Na'os Yaakov, Inc. at a rate of \$750.00 per hour, with an initial retainer of \$5,000.00 to be paid immediately upon passage of this resolution with a total retainer of up to \$15,000.00; and

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

BE IT FURTHER RESOLVED that the Mayor or his designee and Municipal Clerk are hereby authorized to execute any and all documents related to this contract; and

BE IT FURTHER RESOLVED that this resolution 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. Marci A. Hamilton, Esq.

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

ORDINANCES:

Introduction(s):

Ordinance #2258

An ordinance amending and supplementing Chapter V of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Peddlers, Solicitors, Canvassers, Vending Machines and Mercantile Licenses as well as creating a No Knock Policy

ORDINANCE #2258

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V OF THE "REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965" ENTITLED: PEDDLERS, SOLICITORS, CANVASSERS, VENDING MACHINES AND MERCANTILE LICENSE

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that the following be and is hereby amended:

CHAPTER V be and is hereby amended to include as follows: **SECTION I**

5-1.1. e. Canvasser or Solicitor. The term "canvasser" or "solicitor" shall mean any person who goes from place to place, house to house, or person to person, selling or taking orders or offering to sell or take orders for goods, wares, merchandise, real estate or any article, for future delivery, or for services to be performed in the future or for the making, manufacture or repair of any article or thing whatsoever, for future delivery or for the solicitation of money except as otherwise set forth herein.

5-1.2.a. Peddlers, Transient Merchants, Transient Merchant Peddlers, Canvassers and Solicitors. No peddler, transient merchant, transient merchant peddler, canvasser or solicitor shall sell or dispose of, or offer to sell or dispose of, or solicit for, any wares, goods, merchandise or services within the Township of Ocean, without first having obtained a permit therefore in accordance with the provisions of this section and without having paid the permit fee as hereinafter prescribed.

5-1.3 Exceptions. The requirements of this section shall not apply to the following persons:

- a. Any person selling fruits, vegetables or farm products grown by himself/herself, with or without the help of others.
- b. Any honorably discharged veteran of the armed services of the United States, as defined in, and who has procured a license under, the provisions of N.J.S.A. 45:24-9 et seq.
- c. Any person who conducts a judicial sale under the authority of State or Federal laws.
- d. Any exempt member of a volunteer fire department, volunteer fire engine, hook and ladder, hose supply company, or salvage corps of any municipality, or fire district in this State, who holds an exemption certificate issued to him/her as an exempt member of any such department, company of corps, who is a resident of the State of New Jersey and who has procured a license in the manner and under the conditions prescribed in N.J.S.A. 45:24-9, et seq.
- e. Any person soliciting for a lawful religious, charitable, educational or political organization.

5-1.4 Application for Permit of License: Fee. Any person applying for a permit or license under this section shall file with the township police department, township license officer, in accordance with the provisions which follow, an application for such permit or license, together with the appropriate fee prescribed in this subsection and subsection 5-1.13, which fee shall be returned if such permit or license is rejected.

- a. Any person desiring a permit as a peddler, solicitor, transient merchant, transient merchant peddler, canvasser or solicitor shall furnish the following information on forms to be supplied by the police department.
 1. Name and physical description of applicant
 2. Permanent home and local address of applicant
 3. Name and address of employer or firm represented
 4. Place or places of residence of the applicant for the preceding three years
 5. A description of the nature of merchandise to be sold or offered for sale or the nature of the service to be furnished or literature to be distributed
 6. Date on which the applicant desires to commence such activity and length of time for which the license is requested
 7. Three business references
 8. The number, if any, of convictions for misdemeanors, crimes or other infractions of the law in the nature of a criminal offense, and the nature of the offenses for which convicted
 9. Such applicant shall also furnish to the township police department two recent photographs of himself, one of which shall be approximately two inches by two inches, showing the head and shoulders of the applicant in a clear and distinguishing manner
 10. The applicant shall additionally supply to the township police department a letter from the firm or organization for which he intends to solicit, authorizing the applicant to act as its representative

11. Any person applying for a permit as a canvasser or solicitor shall pay an investigation fee in the amount of fifty (\$50.00) dollars to cover the investigation of the application by the police department of the township pursuant to subsection 5-1.5. Upon renewal of an existing permit by any person, the investigation fee shall be reduced below the twenty-five (\$25.00) dollars to encompass only the actual clerical and investigation cost for such renewal.

5-1.5 Investigation. Following the filing of any application for a permit to peddle, solicit or canvass under the provisions of this section, the chief of police of the township shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his application and any such other investigation of the applicant's business and background as he deems necessary for the protection of the public good. Except where a person has applied under this chapter to solicit for or on behalf of a religious, educational or political nonprofit organization, the chief is authorized to submit applicant fingerprint cards and receive State criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this section. Each applicant shall be responsible to pay any State and/or Federal user fees related to the processing of a criminal history check. If, as a result of such investigation, the applicant's background or business responsibility is found to be unsatisfactory according to the guidelines as set forth below, the chief of police shall endorse his disapproval and the reasons thereof on the application and the permit shall not be issued. No permit shall be issued to any individual who has been convicted of a felony within the past five years which, in the discretion of the police department, would indicate that the individual is a threat to the health, safety and welfare of the community. The background investigation by the Division of State Police is for a three (3) year period.

5-1.6 Time Permitted for Investigation. The above investigation by the chief of police shall be completed within 20 days of the date of filing of the application and the permit either issued or denied within that time period. Should said investigation be delayed for any reason beyond the control of the Township, said time permitted for investigation shall be automatically extended as necessary.

5-1.7 Issuance of Permit. If, upon completion of such investigation, it appears that the statements made by a potential canvasser, peddler or solicitor upon the application are true and that the applicant has not been disqualified as a result of a conviction for one of the above offenses, the chief of police shall endorse his approval, and the permit will be issued by the appropriate township department. The permit shall show the name, address and photograph of the applicant, the kind of goods or services to be sold or performed or distributed thereunder, the date of issuance and the date on which such permit shall expire. Hours of operation must be displayed in bold on front of badge.

5-1.8 Procedure in Case of Denial. In the event that any application for canvassing or soliciting is denied, for reasons of reported unethical business practices or for a conviction of one of the above offenses within five years of the date of the application, the township shall carry the burden of justifying its decision in court.

5-1.9 Conditions. It shall be unlawful for any person holding a permit under this section to:

- a. Canvass, solicit or peddle as defined in this section earlier than 9:00 a.m. or later than 7:00 p.m., Monday through Saturday. No canvassing, soliciting, or peddling shall be done on Sundays or established Federal and State Holidays.
- b. Enter into or upon any house, building or other structure or any land or property, without the prior consent of the owner or occupant thereof where there is placed or posted on the premises in a conspicuous position at or near the usual means of ingress, a sign or other form of notice stating or indicating that the owner or occupant thereof forbids or otherwise does not wish persons engaged in canvassing or soliciting activities to enter upon the premises.

- c. Fail to immediately and peacefully depart from the premises when requested to do so by the owner or occupant.
- d. Fail to give a written receipt to the purchaser, which receipt shall be signed by the holder and shall set forth a brief description of the articles ordered or purchased, the total purchase price thereof and the amount of the payment, if any, received by the holder from the purchaser.

5-1.10 Transferability. No permit or license issued under the provisions of this section shall be used at any time by any person other than the one to whom it was issued and for the premises and location stated in the permit or license application, and shall not be transferable unless such transfer is first approved by the police department or building inspector, as the case may be.

- a. For peddlers, solicitors or transient merchants, or transient merchant peddlers, the permit issued shall not authorize any person, except the designated person named in said permit, to engage in such peddling, soliciting and merchandising. A separate permit must be obtained for every agent and employee. A separate permit, must be obtained by a transient merchant or transient merchant peddler, for each branch or separate place of business in which his business is conducted, and each permit shall authorize the person to conduct business only at the location which is indicated thereon.
- b. A separate license shall be required for each vending machine or juke box, if more than one is in or on a premise, and a separate fee shall be required for each juke box or vending machine.

5-1.11 Permit or License in Possession. Every person holding a permit or license under the provisions of this section shall display the same as follows:

- a. Any person holding a permit to peddle or solicit goods, wares, merchandise and/or services, or as a transient merchant or transient merchant peddler, and for door-to-door canvassing, shall be required to carry said permit with him at all times, and in door-to-door canvassing or soliciting, he must have the permit visibly displayed at all times.

5-1.12 Registration of Business.

- a. Every person who engages in business in the township who is not required to obtain a license under subsection 5-1.2 and does not qualify for any exemption under the provisions of subsection 5-1.3, shall register with the license office and pay the fees provided in subsection 5-1.13.
- b. For the purposes of this section, any person shall be deemed engaged in business and subject to the provisions of this section when he/she performs or does one or more of the following acts:
 - 1. Sells any goods or services
 - 2. Solicits business or offers goods or services for sale or hire
 - 3. Acquires or uses any vehicle, machine or device, or any premises in the Township of Ocean, for business purposes
- c. Registration as a business shall be made on forms to be supplied by the township license officer, which forms shall contain the following information:
 - 1. Name of applicant
 - 2. Home address of applicant
 - 3. Name under which said business will be operated
 - 4. Address of said business premises
 - 5. A description of the wares or services to be offered for sale by said business

6. Zone in which the said business will be located, as outlined in the zoning ordinance of the Township of Ocean
- d. Any person holding a license to conduct a business, as defined in paragraph a. of subsection 5-1.1, shall be required to keep his license on display in a prominent place at his/her place of business.

5-1.15 Term of Permit or License; Renewal.

- a. A permit issued under this section to peddle, solicit or canvas shall expire 180 days after the date of its issuance. The holder may renew said license

before the end of the 180 day term by following the same procedure set forth in subsection 5-1.4, except that no additional fee nor additional photographs shall be required. The permit may be renewed in this matter for successive 180 day terms, except that all licenses shall expire on December 31 of each year regardless of when the license was issued. Subsequent to the second 180 day term, a new fee will be charged, which shall be in accordance with the provisions of subsection 5-1.4a,11.

5.1.16 Ocean Township "No Knock" Registry

- a. The Township Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Clerk that canvassing, soliciting, peddling, itinerant vending and door-door sales enterprises are not permitted on the premises (hereinafter referred to as the "No Knock Registry"). Said list will be available at the Township Clerk's office during normal business hours. The list shall be updated monthly.
- b. Any owner and/or occupant who has requested enlistment on the No Knock Registry pursuant to this Ordinance shall be able to procure at no charge from the Clerk's office a sticker for display at his/her/its premises indicating enlistment on the No Knock Registry. If the owner and/or occupant is on the No Knock Registry, they shall be obligated to post the sticker for display. It shall be the obligation of the licensee to obtain a current, up to date registry.
- c. The Township Clerk shall distribute the current No Knock Registry to a licensee at the time of issuance of a license to peddle, canvass, solicit, itinerant vend or otherwise door-to-door sell, pursuant to the provisions of this chapter. The licensee shall not peddle, canvass, itinerant vend or conduct door-to-door sales at any premises identified on the then current No Knock Registry.
- d. Although the most current list of registrants on the No Knock Registry shall be provided by the Township Clerk, it is the responsibility of the canvasser, itinerant vendor, or solicitor to have the most up to date list prior to performing their business.

5-1.17 Violations and Penalties

Any person violating any of the terms and provisions of this section shall, on conviction thereof by the municipal judge of this township, be subject to a fine not exceeding one thousand two hundred and fifty (\$1,250.00) dollars or by imprisonment for any term not exceeding 90 days, or by both such fine and imprisonment, at the discretion of the judge. Additional penalties may include a revocation of said permit(s) for a period at the discretion of the judge.

SECTION II.

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

SECTION III.

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

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

Ord #2259 – (P.H. 2/9 Coaster)

An ordinance amending and supplementing Chapter XIV of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Swimming Pools

ORDINANCE # 2259

BE IT ORDAINED, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be and are hereby amended to read as follows:

CHAPTER XIV SWIMMING POOLS

SECTION 14-10 Municipal Swim Pool Complex

14-10.3 Membership.

b. Types of membership are as follows:

1. Family membership shall include two adults and all natural or adopted children, under age 22, unmarried and living at home. All persons must permanently occupy the same residence.
2. Military membership (active duty only) shall include all active-duty military personnel, their spouses and all natural or adopted children, All persons must permanently occupy the same residence.
3. Individual membership shall be available to any individual age 12 or over.
4. Senior citizen membership shall be available to any person 62 years or older. Two persons age 62 or older occupying the same residence are eligible for senior citizen couple rate. Married couples in which one spouse is 62 years or older are eligible for the senior citizen couple rate.
5. A guest shall be any nonmember who shall be admitted with a member to the township swim pool complex. The pool manager may curtail or eliminate guest privileges when, in the manager’s opinion, such action is necessary to accommodate regular members and to avoid overcrowding of the pool facilities.
6. Resident nonmembers may show acceptable identification, as indicated on the facility registration form, and pay established daily rate to gain access to the facility.

c. Membership fees are as follows:

TYPE	Resident	Nonresident
Individual	\$145.00	\$190.00
Two persons	\$210.00	\$275.00
Family, three and four persons	\$285.00	\$370.00
Family, five persons and up	\$305.00	\$395.00
Senior Citizen – individual	\$ 80.00	\$135.00
Senior citizen – couple	\$110.00	\$185.00
Active-duty military	No Fee	No Fee

d. Other Fees.

1. Daily fees for the Township of Ocean residents, guests of members and guests of Township of Ocean resident nonmembers:

(a)	Daily
Children (birth through 23 months)	Free
Children (2 years through 4 years)	\$4.00
Children (5 years through 11 years)	\$7.00
Age 12-61	\$8.00
Senior residents (62 years and over)	\$5.00
I.D. Badge Replacement	\$5.00

2. Guests: Holders of facility memberships may purchase guest pass tickets having five guest passes per ticket at a rate of thirty (\$30.00) dollars per ticket. These tickets may be purchased any time during the season. Guest passes may be used only during the season of issue. The Township Manager or his/her designee is authorized to provide guest passes upon occasion to promote membership at the facility.
3. Group Picnics: Groups of 30 persons or more may utilize the pool facilities during operating hours by completing appropriate reservation procedures and paying the established daily fees.
4. Reserved
5. Parties, bus trips and other special events may be scheduled by the director of human services or designee. Determination of cost is to take into account actual cost of the event in addition to an approximate ten percent administrative charge.
6. Nonmembers participating in the women’s tennis team affiliated with the Jersey Shore Tennis League shall pay an eighty (\$80.00) dollar fee to the Township of Ocean plus the established coaching fee. This participation fee shall entitle holders to court use during home matches, court use for team practice but not to exceed up to three hours on one weekday evening per week, and up to one hour per season for private lesson with the coach. No other facility privileges will be permitted other than access to rest rooms and snack bar area during the times noted.

14-10.4 Identification

- a. All members shall be entered into the computerized identification system, and shall be issued an identification badge. The badge must be presented for admission to the pool area.
- b. Resident nonmembers may show acceptable identification, as indicated on the facility registration form, and pay the established daily rate to gain access to the facility.
- c. The giving of false information shall constitute grounds for revocation or suspension of membership and forfeiture of membership fees.

14-10.5 Hours of Operation

- a. Hours of operation will be established by the Department of Human Services on an annual basis in consideration of the Township of Ocean School District schedule, weather and time of sunset. Hours of operation will be posted on the Township of Ocean website, at the pool and will be available at the Department of Human Services.

14-10.6 Swimming Regulations

- a. No one person shall be allowed in the water unless a lifeguard is present.
- b. All persons shall shower prior to entering the pools.
- c. All bathers, including babies, shall wear bathing suits in the swimming pool and wading pool. All children in diapers must wear plastic pants with snug fitting elastic waist and leg bands.
- d. Any person having a communicable disease, open wound, blisters, sores or cuts, eye, ear, nose or mouth infection, excessive sunburn or skin disease, shall be excluded from the pools. No person wearing any type of bandage or cast shall be permitted in the pools.
- e. No inflatable water paraphernalia or toys shall be allowed in the pools, except by permit of the pool manager. Masks and other swimming aids shall be permitted only by special permit of the pool manager.
- f. Diving shall be permitted only in the diving area. Only one person at a time shall be permitted on the diving board. Divers shall swim directly to the proper ladder. Divers shall not dive until the previous diver has cleared the area. Diving shall not be permitted from the side of the board.
- g. No hanging onto the buoy lines in the pool shall be permitted.
- h. The wading pool is designed for children five years of age and under. Parents and guardians shall be responsible for supervision of their children using this facility.
- i. Dressing and undressing shall be done in the locker room only.
- j. No smoking, spitting or unnecessary spouting of water shall be permitted in the pool or on the pool deck.

SECTION II.

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

SECTION III.

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

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

Ord #2260 – (P.H. 2/9 Coaster)

An ordinance amending and supplementing Chapter XVI of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Parks and Playgrounds

BE IT ORDAINED, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be and are hereby amended to read as follows:

CHAPTER XVI PARKS AND PLAYGROUNDS

SECTION 16-5 Fees

16-5.1 Rental Fee for Indoor Facilities.

- d. Municipal Gymnasium.
- 7. One side court per hour Resident group: \$35.00; Nonresident group: \$55.00; Township of Ocean Board of Education: *\$15.00 (*May be applied as a credit toward Township of Ocean use of Board of Education facilities); Nonresident board of education: \$50.00.
- 8. Game court and/or multiple side courts per hour – Resident group: \$55.00; Nonresident group: \$85.00; Township of Ocean Board of Education: *\$15.00 (*May be applied as a credit toward Township of Ocean use of Board of Education facilities); Nonresident board of education: \$80.00.

16-5.2 Program Fees

- d. Project Extend Morning Child Care (per month)
Residents - \$55.00 to \$130.00 per participant
- e. Project Extend Afternoon Child Care (per month)
Residents - \$75.00 to \$230.00 per participant
- f. Project Extend Summer Care (per week)
Residents - \$80.00 to \$140.00 per participant
Nonresidents - \$80.00 to \$150.00 per participant
- g. Project Extend Fees
Special Activity Fee - \$5.00 to \$50.00 per participant
Registration Fee - \$50.00 per family
Late Payment Fee - \$40.00 per late payment in accord with registration agreement
Maximum Family Fee for Project Extend (per month) – not to exceed \$500.00; does not include Holiday care or Half Day Care fees, late fees or returned check fees.

16-5.3 Other Fees

- b. Field Reservation Fees
 - 1. Reservation Fees. The following fee schedule has been established to reserve the softball and baseball fields located at Wanamassa Firemen’s Park. Per use shall be scheduled in two-hour blocks of time.

Fees	Residential /2 Hr. Use	Nonresidential / 2 Hr. Use	Commercial or Private / 2 Hr. Use
Softball Field	\$ 25.00	\$ 50.00	\$ 85.00

MEETING MINUTES

JANUARY 28, 2016

Softball Field (with lights)	\$ 75.00	\$110.00	\$150.00
Baseball Field	\$ 25.00	\$ 50.00	\$ 85.00
Baseball Field (with lights)	\$120.00	\$160.00	\$200.00

16-5.4 Exception to Fees

- a. The recreation office may at its discretion waive the fee for recreation programs for those individuals demonstrating financial hardship.
- b. The recreation office may waive the fee for public service organizations desiring to utilize any picnic or indoor recreation facility.
- c. The recreation office may waive or reduce fees in effort to increase utilization and associated revenue.

16-5.4 Fees Associated with Colonial terrace municipal Golf Course.

Greens fee schedule noted includes reduced rates for evening hours and participation in league play and special events and promotions.

d. Equipment Rental Fees:

Residents	\$2.00 - \$30.00
Nonresidents	\$2.00 - \$40.00

SECTION II.

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

SECTION III.

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

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

PUBLIC COMMENTS:

Don Geiger thanked Public Works for their efforts during the blizzard.

Mr. Geiger noted that as you are traveling east on Allaire Avenue visibility is difficult at the intersection of Logan Road due to the height of the snow banks.

Mr. Geiger also spoke about the difficulty at the sight lines at the jug-handle on Allaire Avenue.

Mr. Geiger questioned if sidewalks are required to be cleared after snowfall.

Mayor Siciliano stated that the storm took its toll on everyone, even the homeowners so the Township is being a little lenient as the residents are still cleaning up after the blizzard.

Mr. Geiger asked if the Township had a ballpark on the estimated cost of the blizzard.

Mr. Brannen said it was too early for the cost estimates.

Barbara Hudson inquired if the Township had laid any Public Works employees off?

Mr. Brannen stated that no one has been laid off but the staff has been reduced due to employees retiring.

Mayor Siciliano explained that with the automated trash collection program, the Township has been able to reduce the number of employees on each truck from two to one.

Mrs. Hudson also mentioned the Historical Museum will be having two event:

- On March 6 – Civil War Exhibit
- On March 8 – Mr. Green will speak on local events in the Township

F.K. Hudson spoke on the following matters:

1. Is there a recapture agreement for the Cindy Lane development should the developer decide to walk away from the management of the facility?

Mr. Arbus explained that the developer is in this type of business but we do have an agreement should this happen.

Mr. Brannen also added that this project is a partnership between The Alpert Group and the Affordable Housing Alliance.

2. Spoke on the experience and professionalism the members of the Sewerage Authority board has and they should be kept intact.

Mayor Siciliano agreed with Mr. Hudson which is why the Council re-appointed John Villapiano earlier in the meeting.

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

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

Respectfully submitted,

Christopher P. Siciliano
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk