

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

**OAKHURST, NEW JERSEY**

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The Workshop Meeting was held in the Council Conference Room, Town Hall, 399 Monmouth Road, Oakhurst, NJ 07755 beginning at 5:30 p.m.

**Present:** Mayor Larkin  
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga  
**Others:** Martin Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk  
**Absent:** Councilmember(s) Siciliano

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 16, 2008 and revised on March 16, 2009.

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**REVIEW OF ALL REGULAR MEETING MATERIAL:**

The following items were reviewed by the Governing Body and held for the Regular Meeting of April 6, 2009, unless otherwise noted (\*):

**PROCLAMATIONS:**

Eesha Ramanujam . 2009 Spelldown Champion  
National Start! Walking Day . April 8, 2009  
Autism Awareness Month . April 2009  
Myasthenia Gravis Awareness Month . June 2009

**CONSENT AGENDA:**

**MINUTES:**

March 16, 2009 . Workshop, Public and Closed

**RESOLUTIONS:**

09-044 Accept Performance Guarantee for:

- a. Block 40.11, Lot 10 . 1002 Franklin Avenue . Glenn and Debra Henderson

09-045 Authorize the release of Performance Guarantees for:

- a. Block 22, Lot 96 . 261 Monmouth Road . Layne Messina
- b. Block 37.11, Lot 9 . 11 Standish Drive . Mark and Evelyn Diedrichsen
- c. Block 35, Lot 55 . 16 Carbury Road . MGO Group
- d. Block 35, Lot 83 . 46 Northwoods Road . MGO Group
- e. Block 35.02, Lot 2 . 22 Northwoods Road . MGO Group
- f. Block 35.06, Lot 5 . 17 Hartshorne Road . MGO Group
- g. Block 35, Lot 95 . 24 Brandywine Road . MGO Group

09-046 Authorize the release of Maintenance Guarantees for:

- a. Block 22, Lot 44.01 . 247 Overbrook Avenue . Alessandro Nascimento
- b. Block 25.05, Lot 16 . 146 Delaware Avenue . Richard and Hally Roman
- c. Block 35, Lot 96 . 22 Brandywine Road . MGO Group

Northwoods Road . MGO Group  
Brandywine Road . MGO Group

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- f. Block 35, Lot 74 . 31 Northwoods Road . MGO Group
- g. Block 35, Lot 75 . 33 Northwoods Road . MGO Group
- h. Block 35, Lot 78 . 39 Northwoods Road . MGO Group
- i. Block 35, Lot 70 . 43 Northwoods Road . MGO Group
- j. Block 35, Lot 81 . 45 Northwoods Road . MGO Group
- k. Block 35, Lot 85 . 42 Northwoods Road . MGO Group
- l. Block 35, Lot 86 . 40 Northwoods Road . MGO Group
- m. Block 35, Lot 87 . 38 Northwoods Road . MGO Group
- n. Block 35.02, Lot 3 . 24 Northwoods Road . MGO Group
- o. Block 35.02, Lot 6 . 30 Northwoods Road . MGO Group
- p. Block 35.02, Lot 9 . 39 Brandywine Road . MGO Group
- q. Block 25.03, Lot 5 . 35 Brandywine Road . MGO Group
- r. Block 206, Lots 5.01 and 5.02 . 1211 and 1215 Herbert Avenue . Stephen, Anna, Lucille and Phillip Petillo
- s. Block 35, Lot 76 . 35 Northwoods Road . MGO Group

09-047 Authorize the reduction of the Performance Bond for the following:

- a. Block 22, Lot 16 . 225 Monmouth Road . The Keybound Group, LLC

09-048 Authorize the acceptance of the Developers Agreement for the following:

- a. Block 1.05, Lot 2 . 2108 Kings Highway . Metro PCS New York, LLC

09-049 Authorize the Assignment of the Developers Agreements from Starwood Heller Seaview, LLC to Seaview Square, LLC for the following:

- a. Block 141, Lots 1 and 23 . Retail Phase %A+. Lowe's Building
- b. Block 141, Lots 1 and 23 . Retail Phase %B+. Costco Wholesale Club & Gasoline Station
- c. Block 141, Lots 1 and 23 . Retail Phase %C+. Target & Ring Road
- d. Block 141, Lots 1 and 23 . Retail Phase %D+. Applebee's & Retail Building
- e. Block 141, Lots 1 and 23 . Office Building Phase

09-050 Authorize the Mayor and Township Clerk to execute the Agreement with Monmouth County Mosquito Extermination Commission

Andrew Brannen, Township Manager explained that the Mosquito Commission will notify the Township's Police Department prior to conducting any exterminating activity in the Township.

09-051 Appoint Thomas Caruso, Safety Delegate, and Andrew Brannen, Alternate Safety Delegate for the Mid Jersey Joint Insurance Fund

Andrew Brannen explained that Mr. Caruso is replacing Adrienne Burke as the delegate and he will serve as the Alternate.

09-052 Appoint members to the Senior Citizen Housing Corporation

**INDIVIDUAL ACTION:**

**VOUCHERS: \$ 7,232,664.69**

Andrew Brannen explained payments made to Ruderman & Glickman, P.C., the Tropicana Hotel (Municipal Clerks Conference) and Taj Mahal Hotel (Recreation Conference).

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**SPECIAL ORDINANCE:**

Ordinance #2125 . To exceed the Municipal Budget Appropriation Limits and to  
(P.H. 5/18/09 APP) Establish a CAP Bank

Andrew Brannen explained that this ordinance allows the Township to increase expenditures by up to 3.5%. Without said ordinance, expenditures can only be increased by up to 2.5%.

**RESOLUTIONS:**

09-053 Consideration of Bids:

- a. Towing Services to Central Towing Company, Red Bank, NJ
- b. HVAC at the Township Library to Encon Mechanical Corp. Ocean, NJ
- c. Asphalt F.A.B.C., Mix I-2, Mix I-4 and Mix I-5 to Stavola Asphalt Co., Tinton Falls, NJ

Andrew Brannen explained that the towing contract for the next two years is significantly lower than the previous contract, while the HVAC contract remained the same and the asphalt amounts increased significantly.

09-054 Amend the per ton price for road materials awarded on December 1, 2008

09-055 Award Professional Services Contract to Leon S. Avakian, Inc. for the following projects:

- a. 2009 Roadway Improvement Program in the amount of \$76,500.00
- b. Paving of Sunset Avenue . Phase II in the amount of \$42,500.00

09-056 Authorize submission of the 2008 Municipal Recycling Tonnage Grant Application.

Andrew Brannen reported that this Grant will yield approximately \$36,000.00 to the Township.

09-057 . 2009 Emergency Temporary Appropriations

09-058 Authorize a contract with Concord Engineering Group, Inc. to perform an energy audit on the Township of Ocean Municipal Facilities.

09-059 . Authorize the purchase of four (4) police vehicles from Winner Ford of Cherry Hill, State Contract #A72467

09-060 . Introduction of the 2009 Municipal Budget

09-061 - Authorize the refund of overpayment of taxes resulting from a favorable tax appeal judgment

**ORDINANCES:**

**Adoption(s):**

**Introduction(s):**

Ordinance #2120 . An Ordinance amending Ordinance #2085 entitled: ~~An Ordinance~~ fixing salaries and compensation of certain offices, positions and  
( P.H. 5/18/09 Coaster)

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**REPORTS:**

**Councilmember Hiers** asked that the curb along Roosevelt Avenue be painted to remind people that parking is prohibited along that portion.

**Councilmember Schepiga** asked Andrew Brannen to inquire as to why there are so many antennas being installed at a home on Lynne Drive.

**Councilmember Garofalo** informed the Council that he will be named part-time Administrator in Matawan Borough.

**ITEMS FOR DISCUSSION:**

**Subject:** Temporary Sign Request . Dual Signage  
**Action:** The Council agreed to honor the dual signage requests for two (2) locations between April 19, 2009 . May 4, 2009.

**Subject:** 2009 Municipal Budget  
**Action:** Stephen Gallagher, Finance Director, and Andrew Brannen explained the various highlights of the 2009 Municipal Budget that will be introduced at the Public Meeting later that night. Mr. Gallagher also explained the Tax Levy Analysis that was distributed and that the average homeowner will experience an \$80.00 increase in their property taxes.

Mr. Gallagher also reported that the Township saw an almost \$400,000.00 reduction in State Aid and that trend does not appear to be changing in the very near future.

**Subject:** Animal/Deer Control  
**Action:** Representatives from the State visited the Township to investigate the situation regarding the deer population that residents are experiencing. Both Joe Palaia Park and other areas throughout the Township were visited. The State stated that they believe a part of the problem is that there has been no new natural growth in Joe Palaia Park. As far as suggestions, discussion occurred that there are existing companies that a municipality can retain to assist in the reduction of the deer population. Andrew Brannen will inquire about the cost of said companies.

**Subject:** Poplar Brook Flood Control Project  
**Action:** This matter will be discussed at a subsequent workshop meeting.

**RESOLUTION**  
**DECLARING CLOSED SESSION**

Councilmember Garofalo offered the following Resolution and moved its adoption, seconded by Councilmember Schepiga

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

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

**RESOLVED** by the Township Council of the Township of  
OWS:

... shall be excluded from discussion of and action upon the hereinafter  
specified subject matters.

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2. The general nature of the subject matter to be discussed is as follows:
  1. Contract . Sale of Real Estate
  2. Contract . Proposed Development (2 items)
  3. Contract . Municipal Court
3. It is anticipated at this time that the Municipal Clerk shall on a six (6) month basis, review the minutes of closed sessions of the Township of Ocean and make a recommendation to the Governing Body which minutes should be considered for public record. The minutes which are made public shall not thereafter be treated as confidential but may be seen and copied by any person(s) in the same manner as any meeting minutes of the Township of Ocean.
4. This resolution shall take effect immediately.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

REGULAR MEETING MINUTES  
COUNCIL – TOWNSHIP OF OCEAN

APRIL 6, 2009

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 Hiers, Councilmember(s) Garofalo, Schepiga  
**Others:** Martin Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk  
**Absent:** Councilmember(s) Siciliano

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

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

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 16, 2008 and revised on March 16, 2009.

**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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**PROCLAMATIONS:** Mayor Larkin presented the following Proclamations

**Eesha Ramanujam – Spelldown 2009 Champion**

## Eesha Ramanujam

### Spelldown 2009 Champion

- WHEREAS,** for the past 25 years, the Asbury Park Press and the Home News Tribune have sponsored a spelling bee competition for students from Middlesex, Monmouth and Ocean Counties; and
- WHEREAS,** this year, students from 90 schools throughout those three counties competed in the contest, which was held at Monmouth University's Pollak Theater, including Ocean Township's own Eesha Ramanujam; and
- WHEREAS,** Eesha Ramanujam, who is an eighth-grade student from Ocean Township Intermediate School, correctly spelled the word "Quadrivial", enabling her to be crowned the 2009 Spelldown Champion; and
- WHEREAS,** Eesha Ramanujam, after an early exit from the 2008 Spelldown, credits her parents for coaching her through the process as she prepared for Spelldown 2009; and
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jam continues to demonstrate her drive and determination to achieve excellence and is an inspiration to her family, friends and fellow students;

**NOW, THEREFORE,** I, William F. Larkin, Mayor of the Township of Ocean, along with the entire Township Council, do hereby congratulate

**Eesha Ramanujam  
Spelldown 2009 Champion**

and wish her much success in all her future endeavors.

**National Start! Walking Day – April 8, 2009**

**“National Start! Walking Day”**

April 8, 2009

**WHEREAS,** each year 1.2 million Americans suffer a new and recurrent coronary attack, and cardiovascular disease is the nation’s leading cause of death with direct and indirect costs estimated to be \$4,348.5 billion in 2008, and

**WHEREAS,** more physical activity can help improve these statistics; and

**WHEREAS,** some adults may gain up to two hours of life expectancy for every hour of regular, vigorous physical activity, such as very brisk walking; and

**WHEREAS,** in addition to the possibility of increased life expectancy, regular walking has many proven benefits for an individual’s overall health. Brisk walking for 30 minutes a day can lower both bad cholesterol (LDL) levels and high blood pressure. It may also help individuals who are overweight prevent weight gain, and reduce their risk of stroke; and

**WHEREAS,** the Center for Disease Control and Prevention estimate that physically active people save \$330 per year in direct medical expenditures; and

**WHEREAS,** on National Start! Walking Day, April 8, the American Heart Association’s Start! Initiative calls on all citizens of the Township of Ocean to walk at least 30 minutes today; and

**WHEREAS,** the purpose behind National Start! Walking Day is to get Americans to become more physically active by walking;

**NOW, THEREFORE,** I, William F. Larkin, Mayor of the Township of Ocean, in recognition of the importance of physical activity, do hereby proclaim April 8, 2009, as

**“National Start! Walking Day”**

in the Township of Ocean, New Jersey and urge all citizens to show their support for walking and the fight against heart disease and commemorate this day by walking at the Township’s various walking trails, especially at Joe Palaia Park. By increasing awareness of the importance of physical activity to reduce the risk for cardiovascular disease, we can save thousands of lives each year.

## Autism Awareness Month

April 2009

**WHEREAS,** autism is a pervasive developmental disorder affecting the social, learning and behavioral skills of those affected by it; and

**WHEREAS,** autism was once thought to be a relatively rare disorder affecting only 1 in 1,000 people; and

**WHEREAS,** more and more health professionals become proficient in diagnosing autism, more children are being diagnosed on the autism spectrum, resulting in rates as high as 1 in 150 children nationally and 1 in 94 in New Jersey; and

**WHEREAS,** while there is no cure for autism, it is well-documented that if individuals with autism receive treatment in their lives, it often is possible for those individuals to lead significantly improved lives; and

**WHEREAS,** the New Jersey State Federation of Women's Clubs of GFWC and the Jersey Shore Women's Club join the women's Clubs throughout the State of New Jersey and with Autism New Jersey (formerly COSAC) to spearhead an awareness effort in order to educate parents, professionals and the general public about autism and its effects;

**NOW, THEREFORE,** I, William F. Larkin, Mayor of the Township of Ocean, along with the entire Township Council, do hereby proclaim April as

### Autism Awareness Month

in the Township of Ocean, New Jersey and do hereby join the dedicated volunteers of the New Jersey state Federation of Women's Clubs of GFWC Jersey Shore Woman's Club and Autism New Jersey and urge all employees and residents to participate in Autism Awareness Month activities, in order to become educated on the subject of autism spectrum disorders.

### Myasthenia Gravis Awareness Month – June 2009

## Myasthenia Gravis Awareness Month

June 2009

**WHEREAS,** Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans; and

**WHEREAS,** the symptoms of this disorder include, but not limited to, difficulty moving, breathing, swallowing, speaking and seeing; and

**WHEREAS,** the Myasthenia Gravis Foundation of America, Inc. is a non-profit organization founded to facilitate the timely diagnosis and optimal care of individuals affected by myasthenia gravis and closely related disorders, and to improve their lives through programs of patient services, public information, medical research, professional education, advocacy, and patient care; and

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**WHEREAS,** Myasthenia Gravis is one of the major neuromuscular disorders affecting residents of New Jersey; and

**WHEREAS,** it is fitting to recognize the many physicians who demonstrate an untiring effort to treat this disease and search for a cure;

**NOW, THEREFORE,** I, William F. Larkin, Mayor of the Township of Ocean, along with the entire Township Council, do hereby proclaim June as

## **Myasthenia Gravis Awareness Month**

in the Township of Ocean, Monmouth County, New Jersey and do hereby commend all those who are dedicated to improving the quality of life for all those afflicted with this disease

### **Mayor's Statement:** Public Portion to Ask Questions with Regards to Resolutions and Vouchers

The purpose of this public portion is solely to ask questions to understand Resolutions and/or 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 Questions:**

Bob Ades asked for clarification on Resolution #49 and whether it was a new property owner or was it additional development. Mayor Larkin responded that it was a new property owner.

### **CONSENT AGENDA**

On a motion by Council member Hiers and seconded by Council member Garofalo, it was moved to approve the following Consent items:

### **MINUTES:**

March 16, 2009 . Workshop, Public and Closed

### **RESOLUTIONS:**

#### **09-044 Accept Performance Guarantee for:**

##### **a. Block 40.11, Lot 10 – 1002 Franklin Avenue – Glenn and Debra Henderson**

**WHEREAS,** the Township of Ocean has approved a development project on Block 40.11, Lot 10, also known as 1002 Franklin Avenue; and

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

**WHEREAS,** Glenn and Debra Henderson have posted performance guarantees totaling \$3,888.00 along with engineering inspection fees totaling \$1,740.00 and the required certificate of insurance.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Glenn and Debra Henderson

**09-045 Authorize the release of Performance Guarantees for:**

**a. Block 22, Lot 96 – 261 Monmouth Road – Layne Messina**

**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 Developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, Layne Messina has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$786.60 to guarantee the completion of all improvements on premises located on Block 22, Lot 96 also known as 261 Monmouth Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 9, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the **FULL RELEASE OF PERFORMANCE GUARANTEES FOR LAYNE MESSINA** totaling \$786.60 are hereby released, canceled and discharged.

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

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

1. Layne Messina
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

**b. Block 37.11, Lot 9 – 11 Standish Drive – Mark and Evelyn Diedrichsen**

**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 Developers when said improvements have been certified as complete by the Township Engineer; and

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**WHEREAS**, Mark and Evelyn Diedrichsen have heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$3,467.61 to guarantee the completion of all improvements on premises located on Block 37.11, Lot 9 also known as 11 Standish Drive; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 19, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the **FULL RELEASE OF PERFORMANCE GUARANTEES FOR MARK AND EVELYN DIEDRICHSEN** totaling \$3,467.61 are hereby released, canceled and discharged.

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

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

1. Mark and Evelyn Diedrichsen
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

**c. Block 35, Lot 55 – 16 Carbury Road – MGO Group**

**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 developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$4,413.87 to guarantee the completion of all improvements on premises located on Block 35, Lot 55, also known as 16 Carbury Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the cash performance guarantee totaling \$4,413.87 are hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a

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maintenance guarantee in the amount of 15% (\$2,206.94) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. M.G.O. Group, Inc.

**d. Block 35, Lot 83 – 46 Northwoods Road – MGO Group**

**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 developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$3,711.69 to guarantee the completion of all improvements on premises located on Block 35, Lot 83, also known as 46 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the cash performance guarantee totaling \$3,711.69 are hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,546.54) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. M.G.O. Group, Inc.

**e. Block 35.02, Lot 2 – 22 Northwoods Road – MGO Group**

**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 developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$4,897.66 to guarantee the completion of all

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improvements on premises located on Block 35.02, Lot 2, also known as 22 Northwoods Road;  
and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the cash performance guarantee totaling \$4,897.66 are hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$2,448.83) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. M.G.O. Group, Inc.

**f. Block 35.06, Lot 5 – 17 Hartshorne Road – MGO Group**

**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 developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$3,125.07 to guarantee the completion of all improvements on premises located on Block 35.06, Lot 5, also known as 17 Hartshorne Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the cash performance guarantee totaling \$3,125.07 are hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,562.54) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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**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. Construction Official
4. Director of Community Development
5. M.G.O. Group, Inc.

**g. Block 35, Lot 95 – 24 Brandywine Road – MGO Group**

**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 developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$3,395.97 to guarantee the completion of all improvements on premises located on Block 35, Lot 95, also known as 24 Brandywine Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 31, 2009, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the cash performance guarantee totaling \$3,395.97 is hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,697.99) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. M.G.O. Group, Inc.

**09-046 Authorize the release of Maintenance Guarantees for:**

**a. Block 22, Lot 44.01 – 247 Overbrook Avenue – Alessandro Nascimento**

**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 complete by the Township Engineer; and

**WHEREAS**, Alessandro Nascimento has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,713.53 on premises known as Block 22, Lot 44.01 also known as 247 Overbrook Avenue; and

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**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 19, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the **FULL RELEASE OF CASH MAINTENANCE GUARANTEES FOR ALESSANDRO NASCIMENTO** in the amount of \$1,713.53 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantees posted.

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

1. Alessandro Nascimento
2. Director of Finance
3. Construction Official
4. Director of Community Development

**b. Block 25.05, Lot 16 – 146 Delaware Avenue – Richard and Hally Roman**

**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 complete by the Township Engineer; and

**WHEREAS**, Richard and Hally Roman have heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,830.27 on premises known as Block 25.05, Lot 16 also known as 146 Delaware Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 19, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the **FULL RELEASE OF CASH MAINTENANCE GUARANTEES FOR RICHARD AND HALLY ROMAN** in the amount of \$1,830.27 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantees posted.

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

1. Richard and Hally Roman
2. Director of Finance
3. Construction Official
4. Director of Community Development

**c. Block 35, Lot 96 – 22 Brandywine Road – MGO Group**

**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 complete by the Township Engineer; and

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**WHEREAS**, the MGO Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,688.54 on premises known as Block 35, Lot 96 also known as 22 Brandywine Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 19, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the **FULL RELEASE OF CASH MAINTENANCE GUARANTEES FOR MGO GROUP, INC.** in the amount of \$1,688.54 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantees posted.

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

1. MGO Group, Inc.
2. Director of Finance
3. Construction Official
4. Director of Community Development

**d. Block 35, Lot 77 – 37 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, the MGO Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,688.54 on premises known as Block 35, Lot 96 also known as 22 Brandywine Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 19, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the **FULL RELEASE OF CASH MAINTENANCE GUARANTEES FOR MGO GROUP, INC.** in the amount of \$1,688.54 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantees posted.

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

1. MGO Group, Inc.
2. Director of Finance
3. Construction Official
4. Director of Community Development

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**Block 35, Lot 49 – Carbury Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,313.28 on premises known as Block 35, Lot 49 also known as 4 Carbury Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,313.28 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**f. Block 35, Lot 74 – 31 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,594.00 on premises known as Block 35, Lot 74 also known as 31 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,594.00 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**g. Block 35, Lot 75 – 33 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,621.04 on premises known as Block 35, Lot 75 also known as 33 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,621.04 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**h. Block 35, Lot 78 – 39 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,713.53 on premises known as Block 35, Lot 78 also known as 39 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

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**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,713.53 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**i. Block 35, Lot 70 – 43 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$5,226.04 on premises known as Block 35, Lot 80 also known as 43 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$5,226.04 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**j. Block 35, Lot 81 – 45 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,683.11 on premises known as Block 35, Lot 81 also known as 45 Northwoods Road; and

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**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,683.11 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**k. Block 35, Lot 85 – 42 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,448.45 on premises known as Block 35, Lot 85 also known as 42 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$2,448.45 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

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**n. Block 35, Lot 86 – 40 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$4,526.10 on premises known as Block 35, Lot 86 also known as 40 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$4,526.10 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**m. Block 35, Lot 87 – 38 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,912.80 on premises known as Block 35, Lot 87 also known as 38 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,912.80 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**n. Block 35.02, Lot 3 – 24 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$3,976.11 on premises known as Block 35.02, Lot 3 also known as 24 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$3,976.11 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**o. Block 35.02, Lot 6 – 30 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$6,784.43 on premises known as Block 35.02, Lot 6 also known as 30 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

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**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$6,784.43 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**p. Block 35.02, Lot 9 – 39 Brandywine Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$1,713.53 on premises known as Block 35, Lot 78 also known as 39 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,713.53 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**q. Block 25.03, Lot 5 – 35 Brandywine Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,659.73 on premises known as Block 25.03, Lot 5 also known as 35 Brandywine Road; and

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**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$2,659.73 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**r. Block 206, Lots 5.01 and 5.02 – 1211 and 1215 Herbert Avenue – Stephen, Anna, Lucille and Phillip Petillo**

**WHEREAS**, the Township Council did authorize and enter into a Developer's Agreement dated August 4, 2004 with Stephen Petillo, Anna Petillo, Lucille Petillo and Phillip Petillo for construction of two (2) residential lots on the property known as Block 206, Lots 5.01 and 5.02 located at 1211 and 1215 Herbert Avenue; and

**WHEREAS**, performance guarantees totaling \$30,947.70 were posted in the form of cash; and

**WHEREAS**, the Township Council by way of resolution dated December 18, 2006 authorized and approved a reduction of the total performance guarantee sum to \$9,284.31 which represented the amount of work to be completed for Lot 5.01; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$2,745.69 maintenance guarantee by way of resolution dated March 19, 2007; and

**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 complete by the Township Engineer; and

**WHEREAS**, Stephen Petillo, Anna Petillo, Lucille Petillo and Phillip Petillo have heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$2,745.69 on Block 206, Lots 5.01 and 5.02 also known as 1211 and 1215 Herbert Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 30, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$2,745.69 is hereby released, canceled and discharged in accordance with the recommendation

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of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. Stephen Petillo, Anna Petillo, Lucille Petillo, Phillip Petillo
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**s. Block 35, Lot 76 – 35 Northwoods Road – MGO Group**

**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 complete by the Township Engineer; and

**WHEREAS**, M.G.O. Group, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,112.11 on premises known as Block 35, Lot 76 also known as 35 Northwoods Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated March 31, 2009, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$2,112.11 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance guarantee posted.

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

1. M.G.O. Group, Inc.
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**09-047 Authorize the reduction of the Performance Bond for the following:**

**a. Block 22, Lot 16 – 225 Monmouth Road – The Keybound Group, LLC**

**WHEREAS**, on July 14, 2005 and August 15, 2006 the Zoning Board of Adjustment of the Township of Ocean did approve the application of The Keybound Group, LLC for site plan approval, approval of expansion of a nonconforming use and floor area ratio variances and approval of bulk variances for property on Block 22, Lot 16 located at 225 Monmouth Road; and

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated July 23, 2007 with The Keybound Group, LLC to expand an existing veterinary hospital facility by construction of an addition which will be larger than the existing structure, increasing the number of parking spaces and enclosing some of the outdoor dog runs with the new structure on Block 22, Lot 16; and

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**WHEREAS**, the standby Letter of Credit Number SM227004W was posted by Wachovia Bank, Winston Salem, NC on behalf of The Keybound Group, LLC in the total amount of \$422,863.20 together with a cash bond of \$46,984.80; and

**WHEREAS**, the Township Clerk is in receipt of a letter from Gene R. Wefer, representing The Keybound Group, LLC dated February 19, 2009, requesting a release of the performance guarantee; and

**WHEREAS**, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, PE., of Leon S. Avakian, Inc., dated March 12, 2009 recommending the granting of a performance guarantee reduction; and

**WHEREAS**, the Township Council is willing to reduce the amount of the performance bond and cash guarantee to 30% of the updated performance guarantee estimate amount.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize and approve a reduction of the performance guarantee to the sum of \$140,954.40 in the form of a performance bond in the amount of \$126,858.96 and cash in the amount of \$14,095.44, representing 30% of the original performance guarantee pursuant to N.J.S.A. 40:55D-52.e.(1) expressly subject to the following conditions:

- 1) Posting of a reduced performance bond in the amount of \$126,858.96 and cash in the amount of \$14,095.44
- 2) All required certificates of insurance be properly filed with the Office of the Township Clerk
- 3) Payment of any outstanding engineering inspection fees

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

1. The Keybound Group, LLC
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official
6. Wachovia Bank, NA

**09-048 Authorize the acceptance of the Developers Agreement for the following:**

**a. Block 1.05, Lot 2 – 2108 Kings Highway – Metro PCS New York, LLC**

**WHEREAS**, the Developer is the owner of certain real property designated as Block 1.05, Lot 2 as shown on the official tax map of the Township of Ocean, which property is located at 2108 Kings Highway in the C-3 (Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

**WHEREAS**, the Developer has received Preliminary and Final Minor Site Plan Approval with Conditional Use Permit by the Township of Ocean Planning Board by way of Resolution dated November 24, 2008 to install six antennae at a height of 139' on an existing monopole and to construct support facilities including 7' x 14' concrete pad, battery equipment and two flood lights within the existing fenced-in compound; and

**WHEREAS**, this Agreement relates to a Site Plan Map entitled MetroPCS New York LLC, NY5345 . 2108 Kings Highway, 2108 Kings Highway, Ocean Township, N.J. 07712, Block: 1.05, Lot: 2 by Farid Ghaemi, P.E. of CMX, consisting of five (5) sheets dated February 9, 2008 and last updated December 10, 2008; and

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WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated January 30, 2009 prepared by the Township of Ocean Engineer 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, attached hereto as Schedule B between the Township of Ocean and Metro PCS New York, 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 \$4,080.00 and Inspection Fees in the amount of \$1,300.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Metro PCS New York, LLC

**09-049 Authorize the Assignment of the Developers Agreements from Starwood Heller Seaview, LLC to Seaview Square, LLC for the following:**

**a. Block 141, Lots 1 and 23 – Retail Phase “A” – Lowe’s Building**

WHEREAS, the Township of Ocean, a municipal corporation (hereinafter “Township”), entered into a Developer's Agreement (hereinafter “Agreement”) with Starwood Heller Seaview, LLC (hereinafter “Starwood”) by way of resolution dated March 13, 2002 to develop certain real property known as Block 141, Lots 1 and 23, commonly known as Seaview Square Mall, in the Township of Ocean, County of Monmouth; and

WHEREAS, the Agreement between the Township and Starwood acknowledged that Starwood had obtained all the requisite approvals to develop Block 141, Lots 1 and 23, Retail Phase “A”, which is a 166,517 square foot Lowe's retail building from the Township of Ocean Planning Board by way of resolution dated March 5, 2001; and

WHEREAS, the Agreement also relates to a Site Plan of the property entitled Preliminary Site Plan Seaview Center, Block 141, Lots 1 and 23, in Ocean Township, Monmouth County, New Jersey prepared by PMK Group, Drew M. DiSessa, P.E. consisting of twenty-four (24) sheets last updated April 18, 2001 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schor DePalma dated March 4, 2002; and

WHEREAS, based upon the Agreement, Starwood and its successors or assigns was obligated to undertake certain improvements, post certain guarantees and take such actions as more specifically set forth within the Agreement; and

WHEREAS, Starwood was granted release of performance guarantees by way of resolution dated June 16, 2008, conditioned upon the posting of a maintenance bond, certificate of insurance and estimated inspection fees; and

WHEREAS, the Agreement is further subject to the Township's written consent to any assignment of interest in the property by Starwood evidencing such Assignee's willingness to be bound by the terms and conditions of the original Agreement; and

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WHEREAS, Starwood, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the following property to Seaview Square, LLC (hereinafter "Assignee"): Block 141, Lots 1 and 23, Retail Phase "A" (hereinafter "Assigned Property").

WHEREAS, the Assigned Property requires the Township's written consent to any such assignment as evidenced by this instrument; and

WHEREAS, Starwood is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Seaview Square, LLC (hereinafter "Seaview").

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the following:

1. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, Seaview Square, LLC
2. The assignment to Seaview Square, LLC shall be conditioned upon:
  - a) The posting of a maintenance bond, certificate of insurance and inspection fees

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Rick Brodsky, Esq.
5. Seaview Square, LLC
6. Starwood Heller Seaview, LLC

**b. Block 141, Lots 1 and 23 – Retail Phase "B" – Costco Wholesale Club & Gasoline Station**

WHEREAS, the Township of Ocean, a municipal corporation (hereinafter "Township"), entered into a Developer's Agreement (hereinafter "Agreement") with Starwood Heller Seaview, LLC (hereinafter "Starwood") dated August 22, 2001 to develop certain real property known as Block 141, Lots 1 and 23, commonly known as Seaview Square Mall, in the Township of Ocean, County of Monmouth; and

WHEREAS, the Agreement between the Township and Starwood acknowledged that Starwood had obtained all the requisite approvals to develop Block 141, Lots 1 and 23, Retail Phase "B", which is a 178,663 square foot Costco Wholesale Club retail building from the Township of Ocean Planning Board by way of resolution dated March 5, 2001; and

WHEREAS, the Township amended the Agreement by way of resolution dated September 10, 2003 to incorporate the gasoline station between the Costco building and Lowe's building; and

WHEREAS, the Agreement also relates to a Site Plan of the property entitled Preliminary Site Plan Seaview Center, Block 141, Lots 1 and 23, in Ocean Township, Monmouth County, New Jersey prepared by PMK Group, Drew M. DiSessa, P.E. consisting of twenty-four (24) sheets last updated April 18, 2001 and the Performance Guarantee Estimates prepared by the Township of Ocean Engineer, Schoor DePalma dated August 21, 2001 and September 3, 2003; and

WHEREAS, based upon the Agreement, Starwood and its successors or assigns was obligated to undertake certain improvements, post certain guarantees and take such actions as more specifically set forth within the Agreement; and

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WHEREAS, Starwood was granted release of performance guarantees by way of resolution dated February 20, 2008, conditioned upon the posting of a maintenance bond, certificate of insurance and estimated inspection fees; and

WHEREAS, the Agreement is further subject to the Township's written consent to any assignment of interest in the property by Starwood evidencing such Assignee's willingness to be bound by the terms and conditions of the original Agreement; and

WHEREAS, Starwood, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the following property to Seaview Square, LLC (hereinafter "Assignee"): Block 141, Lots 1 and 23, Retail Phase "E" (hereinafter "Assigned Property").

WHEREAS, the Assigned Property requires the Township's written consent to any such assignment as evidenced by this instrument; and

WHEREAS, Starwood is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Seaview Square, LLC (hereinafter "Seaview").

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the following:

1. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, Seaview Square, LLC
2. The assignment to Seaview Square, LLC shall be conditioned upon:
  - a) The posting of a maintenance bond, certificate of insurance and inspection fees

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Rick Brodsky, Esq.
5. Seaview Square, LLC
6. Starwood Heller Seaview, LLC

#### **c. Block 141, Lots 1 and 23 – Retail Phase “E” – Target & Ring Road**

WHEREAS, the Township of Ocean, a municipal corporation (hereinafter "Township"), entered into a Developer's Agreement (hereinafter "Agreement") with Starwood Heller Seaview, LLC (hereinafter "Starwood") to develop certain real property known as Block 141, Lots 1 and 23, commonly known as Seaview Square Mall, in the Township of Ocean, County of Monmouth; and

WHEREAS, the Agreement between the Township and Starwood acknowledged that Starwood had obtained all the requisite approvals to develop Block 141, Lots 1 and 23, Retail Phase "E", which is a 148,485 square foot one level Target department store and the Ring Road from the Township of Ocean Planning Board by way of resolution dated March 5, 2001; and

WHEREAS, the Assignor amended the Agreement by way of resolution dated August 22, 2001 to incorporate Retail Phase "E" the infill structure, which is the 260,809 square foot retail space located adjacent to the former Value City building and shall consist of 112,324 square feet of general retail space on two levels; and

WHEREAS, the Agreement also relates to a Site Plan of the property entitled Preliminary Site Plan Seaview Center, Block 141, Lots 1 and 23, in Ocean Township, Monmouth County,

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New Jersey prepared by F.M.K. Group, Drew M. DiSessa, P.E. consisting of twenty-four (24) sheets last updated April 18, 2001 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schoor DePalma dated April 25, 2001; and

**WHEREAS**, based upon the Agreement, Starwood and its successors or assigns was obligated to undertake certain improvements, post certain guarantees and take such actions as more specifically set forth within the Agreement; and

**WHEREAS**, Starwood was granted release of performance guarantees by way of resolution dated February 20, 2008, conditioned upon the posting of a maintenance bond, certificate of insurance and estimated inspection fees; and

**WHEREAS**, the Agreement is further subject to the Township's written consent to any assignment of interest in the property by Starwood evidencing such Assignee's willingness to be bound by the terms and conditions of the original Agreement; and

**WHEREAS**, Starwood, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the following property to Seaview Square, LLC (hereinafter "Assignee"): Block 141, Lots 1 and 23, Retail Phase "H" (hereinafter "Assigned Property").

**WHEREAS**, the Assigned Property requires the Township's written consent to any such assignment as evidenced by this instrument; and

**WHEREAS**, Starwood is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Seaview Square, LLC (hereinafter "Seaview").

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the following:

1. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, Seaview Square, LLC
2. The assignment to Seaview Square, LLC shall be conditioned upon:
  - a) The posting of a maintenance bond, certificate of insurance and inspection fees

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Rick Brodsky, Esq.
5. Seaview Square, LLC
6. Starwood Heller Seaview, LLC

**d. Block 141, Lots 1 and 23 – Retail Phase “H” – Applebee’s & Retail Building**

**WHEREAS**, the Township of Ocean, a municipal corporation (hereinafter "Township"), entered into a Developer's Agreement (hereinafter "Agreement") with Starwood Heller Seaview, LLC (hereinafter "Starwood") dated January 23, 2002 to develop certain real property known as Block 141, Lots 1 and 23, commonly known as Seaview Square Mall, in the Township of Ocean, County of Monmouth; and

**WHEREAS**, the Agreement between the Township and Starwood acknowledged that Starwood had obtained all the requisite approvals to develop Block 141, Lots 1 and 23, Retail Phase "H", which is a 44,091.12 square foot retail building and a 6,888.75 square foot

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Restaurant (Appendix) from the Township of Ocean Planning Board by way of resolution dated March 5, 2001; and

**WHEREAS**, the Township amended the Agreement by way of resolution dated August 22, 2001 to incorporate Retail Phase 2B the infill structure, which is the 260,809 square foot retail space located adjacent to the former Value City building and shall consist of 112,324 square feet of general retail space on two levels; and

**WHEREAS**, the Agreement also relates to a Site Plan of the property entitled Preliminary Site Plan Seaview Center, Block 141, Lots 1 and 23, in Ocean Township, Monmouth County, New Jersey prepared by PMK Group, Drew M. DiSessa, P.E. consisting of twenty-four (24) sheets last updated April 18, 2001 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schoor DePalma dated April 25, 2001; and

**WHEREAS**, based upon the Agreement, Starwood and its successors or assigns was obligated to undertake certain improvements, post certain guarantees and take such actions as more specifically set forth within the Agreement; and

**WHEREAS**, Starwood was granted release of performance guarantees by way of resolution dated February 20, 2008, conditioned upon the posting of a maintenance bond, certificate of insurance and estimated inspection fees; and

**WHEREAS**, the Agreement is further subject to the Township's written consent to any assignment of interest in the property by Starwood evidencing such Assignee's willingness to be bound by the terms and conditions of the original Agreement; and

**WHEREAS**, Starwood, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the following property to Seaview Square, LLC (hereinafter "Assignee"): Block 141, Lots 1 and 23, Retail Phase 2B (hereinafter "Assigned Property").

**WHEREAS**, the Assigned Property requires the Township's written consent to any such assignment as evidenced by this instrument; and

**WHEREAS**, Starwood is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Seaview Square, LLC (hereinafter "Seaview").

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the following:

1. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, Seaview Square, LLC
2. The assignment to Seaview Square, LLC shall be conditioned upon:
  - a) The posting of a maintenance bond, certificate of insurance and inspection fees

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Rick Brodsky, Esq.
5. Seaview Square, LLC
6. Starwood Heller Seaview, LLC

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## OF BLOCK 141, LOTS 1 AND 23 - Office Building Phase

**WHEREAS**, the Township of Ocean, a municipal corporation (hereinafter "Township"), entered into a Developer's Agreement (hereinafter "Agreement") with Starwood Heller Seaview, LLC (hereinafter "Starwood") dated August 28, 2002 to develop certain real property known as Block 141, Lots 1 and 23, commonly known as Seaview Square Mall, in the Township of Ocean, County of Monmouth; and

**WHEREAS**, the Agreement between the Township and Starwood acknowledged that Starwood had obtained all the requisite approvals to develop Block 141, Lots 1 and 23, for office space with an additional 23,543 square foot expansion at the former Acme/Thrift Drug building, with said existing building to consist of 63,930 square feet of office space from the Township of Ocean Planning board by way of resolution dated June 25, 2001; and

**WHEREAS**, the Agreement also relates to a Site Plan of "Office Building Phase," entitled Seaview Center, Lots 1 and 23, - Office Building, in the Township of Ocean, Monmouth County, New Jersey prepared by Macdel Engineering, P.C., consisting of ten (10) sheets dated April 25, 2001 and Landscaping Plan consisting of three (3) sheets by Macdel Engineering, P.C. entitled "Office Building Phase," also dated April 25, 2001 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schoor DePalma dated August 12, 2002; and

**WHEREAS**, based upon the Agreement, Starwood and its successors or assigns was obligated to undertake certain improvements, post certain guarantees and take such actions as more specifically set forth within the Agreement; and

**WHEREAS**, Starwood was granted a reduction of performance guarantees by way of resolution dated January 12, 2005, conditioned upon the posting of a maintenance bond, certificate of insurance and estimated inspection fees; and

**WHEREAS**, the Agreement is further subject to the Township's written consent to any assignment of interest in the property by Starwood evidencing such Assignee's willingness to be bound by the terms and conditions of the original Agreement; and

**WHEREAS**, Starwood, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the following property to Seaview Square, LLC (hereinafter "Assignee"): Block 141, Lots 1 and 23, Office Building Phase (hereinafter "Assigned Property").

**WHEREAS**, the Assigned Property requires the Township's written consent to any such assignment as evidenced by this instrument; and

**WHEREAS**, Starwood is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Seaview Square, LLC (hereinafter "Seaview").

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the following:

1. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, Seaview Square, LLC
2. The assignment to Seaview Square, LLC shall be conditioned upon:
  - a) The posting of a maintenance bond, certificate of insurance and inspection fees

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

1. Township Engineer
2. Director of Community Development

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3. Construction Official
4. Rick Brodsky, Esq.
5. Seaview Square, LLC
6. Starwood Heller Seaview, LLC

#### **09-050 Authorize the Mayor and Township Clerk to execute the Agreement with Monmouth County Mosquito Extermination Commission**

**WHEREAS**, the Township of Ocean is in receipt of a letter dated March 13, 2009 from the Monmouth County Mosquito Extermination Commission advising that it anticipates resuming its aerial surveillance and treatment program on or about April 1, 2009 and continuing through November 30, 2009; 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 aircraft to control mosquitoes; and

**WHEREAS**, it is represented by said commission that all pesticides used are only those approved for aerial applications by both State and Federal 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 each application, the Monmouth County Mosquito Extermination Commission further agrees to notify the Township of Ocean Police Department; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, that it does hereby authorize the Mayor and Township Clerk to execute an Agreement with the Monmouth County Extermination Commission

#### **09-051 Appoint Thomas Caruso, Safety Delegate, and Andrew Brannen, Alternate Safety Delegate for the Mid Jersey Joint Insurance Fund**

**WHEREAS**, the Township of Ocean wishes to appoint Thomas Caruso as the Safety Delegate to the Mid Jersey Municipal Joint Insurance Fund for the Township of Ocean; and

**WHEREAS**, Andrew Brannen, Township Manager, is hereby appointed as the Alternate Safety Delegate, in the absence of the Safety Delegate

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, that the appointment of Thomas Caruso as Safety Delegate and Andrew Brannen as Alternate Safety Delegate to the Mid Jersey Municipal Joint Insurance Fund be and is hereby authorized.

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

1. Township Manager
2. Code Enforcement Officer
3. Mid Jersey Municipal Joint Insurance Fund

#### **09-052 Appoint members to the Senior Citizen Housing Corporation**

**BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth that the following person(s) be and are hereby appointed for the terms hereinafter provided:

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**HOUSING CORPORATION**

	<b>Member</b>	<b>Starting</b>	<b>Ending</b>
2 year term	Walter Kaslow (Poplar Village Representative)	May 1, 2009	April 30, 2011
5 year term	Patrick Chiafullo (Community Representative)	May 1, 2009	April 30, 2014

All other previously made appointments and associated terms shall remain in full force and effect.

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

1. Board/Committee or Department
2. Public Agency Compliance Officer
3. Municipal Clerk

**ROLL CALL (on all Consent Items):**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**INDIVIDUAL ACTION:**

On a motion by Council member Hiers and seconded by Council member Garofalo, the Voucher List, as submitted by the Township Manager, was approved and ordered paid:

**VOUCHERS: \$7,232,664.69**

**Township of Ocean  
Department of Finance  
Voucher List for April 6, 2009**

<b>Vendor Name</b>	<b>Description</b>	<b>Amount</b>	<b>Contract</b>
<b><u>Appropriation Reserves Payments</u></b>			
CFM CONSTRUCTION INC	POOL PUMP REPLACEMENT PARTS	720.00	
DIV OF CRIMINAL JUSTICE	PD- ASSAULT RIFLE INSTRUCTOR	300.00	
EAGLE ONE GOLF PRODUCTS	MESSAGE BOARD FOR CTGC	949.54	
JUNGLE LASER LLC	February 2009 Invoice	1,855.00	
LANIGAN ASSOCIATES INC	PD- SERGEANT BANGES	280.00	
MC KENNA, DU PONT, HIGGINS &	DEC 2008 TAX APPEALS	62.50	
<b><u>Total</u></b>		<b>4,167.04</b>	
<b><u>Total Appropriation Reserves Payments</u></b>		<b><u>4,167.04</u></b>	
<b><u>2009 Current Fund Appropriation Payments</u></b>			
A J PERRI INC	REFUND OF 38 TUDOR DR PERMIT	224.00	
A R COMMUNICATIONS	Microphones for two-way radios	240.00	
A&J MANAGEMENT CO	PD- PRISONER FOOD- JAN 09	23.80	
A&J MANAGEMENT CO	PD- PRISONER FOOD- FEB 09	10.40	
ACUSHNET CO	GOLF GLOVES	48.13	
ALLIED OIL LLC	February unlead & diesel gas	10,942.07	
AMBASSADOR MEDICAL SERVICE INC	Random drug/alcohol test	540.00	
ANJEC	2009 Annual Membership Dues	400.00	
ASBURY PARK ELECTRIC SUPPLY	March misc electric supplies	239.04	
ASBURY PARK PRESS	2/23/09-2/28/10 DAILY/SUNDAY	222.27	
ATLANTIC GLASS CO	New windshield for loader #50	350.00	

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Vendor Name	Description	Amount	Contract
ATLANTIC PLUMBING SUPPLY CORP	March misc plumbing supplies	89.84	
BOARD OF FIRE COMMISSIONERS	1ST QTR 2009 FIRE DISTRICT #1	320,498.75	
BOARD OF FIRE COMMISSIONERS	1ST QTR 2009 FIRE DISTRICT #2	307,726.50	
BOARD OF FIRE COMMISSIONERS	2ND QTR 2009 SUBCODE INSP SVS	6,250.00	
BROWN, SANFORD ESQ	PB meetings and reviews	425.00	
BULLET LOCK & SAFE CO INC	March misc keys	86.40	
BUTTIGLIERI, VINCENT CMC	MARCH 2009 PETTY CASH	142.08	
CABLEVISION OF MONMOUTH INC	Install internet service	467.43	
CALABRO, PHIL	SUB SUPERVISOR ADULT BB	78.00	
CCFA	CCFA CONTRIB FOR 2010 SOFTWARE	250.00	
CENTRAL JERSEY COUNCIL OF GOVT	INITIAL MEMBERSHIP FEE/CJCOG	300.00	
CENTRAL JERSEY REGISTRAR'S	2009 MEMBERSHIP	30.00	
CHOICE SIGNS	CTGC LOGO SIGN-VENDING	35.00	
CONNEY SAFETY PRODUCTS	FIRST AID SUPPLIES POOL/CAMP	749.18	
COPY QUICK INC	2000 TOWNSHIP CLERK ENVELOPES	150.00	
COUNTRY CLEAN INC	CTGC PAPER PRODUCTS	157.30	
CRYSTAL TECH	Yearly Fees	203.40	
DELTA DENTAL PLAN OF NJ	Dental Insurance April 2009	10,457.84	
DEPT OF CHILDREN & FAMILIES	JANUARY 2009 MARRIAGE LICENSES	600.00	
EAPA INC	EMPLOY ASSISTANCE PROFESS. ORG	180.00	
EDWARDS TIRE CO INC	Feb recap & service tires	1,633.09	
EVERGREEN TRANSLATION SERVICES	French Interpreter	295.00	
FAMILY DEVELOPMENT RESOURCES	AAPI ONLINE TESTS	400.50	
FITZGERALD, WILLIAM	PB and BOA meetings	1,755.00	
FLAGSHIP HEALTH SYSTEMS INC	Dental Flagship ins. April	771.26	
FORT DEARBORN LIFE INS CO	APRIL 2009 LIFE INSURANCE	603.34	
GANN LAW BOOKS	Subscription renewal Gann Law	98.00	
GANNETT NJ NEWSPAPERS	A/C9459 3/21 BID NOTICES	79.38	
GEESE CHASERS LLC	GEESE CONTROL- MARCH	862.33	
GOFFCO INDUSTRIES INC	Ocean Twp. UTT	519.00	
GOVCONNECTION INC	PD- MIS EQUIPMENT/TONER	-00.00	
GOVCONNECTION INC	PD- TONER	497.19	
GOVCONNECTION INC	Networking Rack	170.95	
GOVCONNECTION INC	Toner	785.00	
GOVCONNECTION INC	Surge Protector	55.00	
GRASS ROOTS TURF PRODUCTS	SUPPLIES CTGC -FEBRUARY	859.75	
HARARY, VICTOR & SOPHIE	TAX OVERPAYMENT BL 15.01 L 14	1,805.50	
HUMAIRA BEENA	REFUND OF WPA ROOM RENTAL FEE	140.00	
IDEAL LUMBER & SUPPLY CO	8554,8588,8737	180.74	
IN THE SWIM	POOL SAFETY SWITCH-STINGL	612.94	
INSTITUTE FOR PROFESSIONAL	MAY 8,2009 IMPLEMENTATION OF	99.00	
INTERNATIONAL SALT CO LLC	Salt for icy roads	20,341.53	
JAMES HIGGINS ASSOCIATES	PB and BOA meetings	400.00	
JAY KANTOR	REFUND OF TREE REMOVAL PERMIT	30.00	
JAYNE SNOW	REFUND OF TEEN OPEN GYM FEE	10.00	
JERSEY CENTRAL POWER & LIGHT	March electric usage	13,422.28	
JERSEY CENTRAL POWER & LIGHT	March street lighting	20,158.57	
JOHN F TRAINOR INC	2/10 TRANSCRIPTION SERVICES	839.85	
LANIGAN ASSOCIATES INC	PD- SAFETY SUPPLIES- FEB 09	236.00	
LESCO - PROX	March misc supplies	172.00	
LETICIA MODESTO	REFUND OF ROOM RENTAL FEE	175.00	
LINE SYSTEMS, INC.	FEB 2009 PHONE SERVICE CHARGES	3,932.35	
LINE SYSTEMS, INC.	MAR 2009 PHONE SERVICE CHARGES	4,140.95	
LOWES INC	2613,2653,2298,2153,2106	356.89	
MAZZA & SONS INC	March dump fees for bulk	2,352.00	
MAZZA & SONS INC	March recycle concrete	82.02	
MC KENNA, DU PONT, HIGGINS &	JAN/FEB 2009 TAX APPEALS	2,150.00	
MC MAHON, WILLIAM	Reimbursement cell phone use	25.00	
McHEFFEY, DR DINA A	MEDICAL CONSULT 1ST QUARTER	300.00	
MIAMI SYSTEMS INC	ATS Mailers	226.56	
MONMOUTH/OCEAN TCTA	CLASS 4/3/09-UNDERSTANDING PAY	20.00	
MONMOUTH/OCEAN TCTA	MONMOUTH/OCEAN TCTA SEMINAR	30.00	
MONMOUTH-OCEAN (CIB)	PD- ANNUAL MEMBERSHIP FEE	50.00	
NEW JERSEY DRE ASSOC	PD- RECERTIFICATION/SCIALLO	35.00	
NEW JERSEY GRAVEL & SAND CO	bunker sand - CTGC	858.00	

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Vendor Name	Description	Amount	Contract
NJ NATURAL GAS CO	Feb gas usage	10,932.16	
NJ STATE ASSOC OF CHIEFS OF	PD- ABC: ENFORCE TECH-TONGRING	60.00	
NJAWC	Feb water usage	1,944.16	
NJ-IAAO	CONTINUING EDUCATION-WARNER, M	120.00	
OAKHURST PIZZA & RESTAURANT	Sandwiches for snow storm	125.00	
PALATIAL HOMES INC	REFUND OF STREET OPENING PERMI	125.00	
PONTON, RICHARD	REIMBURSEMENT PHONE SR CENTER	117.69	
POOL OPERATION MANAGEMENT	POOL DRAIN COVERS	1,400.00	
PROFESSIONAL GOVERNMENT	Review of Tax Sale Law Class	90.00	
QUALITY COMMUNICATIONS	PD- INSTALL OPTICOM CAR #68	165.00	
REISER, KATHY	REIMBURSEMENT CTGC TONER	88.68	
RUDERMAN & GLICKMAN PC	2/1-2/28-MISC LABOR RELATIONS	3,826.75	
RUTGERS YOUTH SPORTS RESEARCH	COACHES TRAINING PACKETS	765.00	
SANITATION EQUIPMENT CORP	Misc parts for sani trk #3	591.50	
SHEARON ENVIRONMENTAL DESIGN	CTGC MAINTENANCE -MARCH #1	23,178.64	
SITECO MATERIALS INC	Pipe needed for drainage work	119.80	
SPRINT PO MANAGEMENT	PD- NEXTEL SERV - FEB 09	657.69	
ST OF NJ FOREST SERVICE	Tube Seedlings for Arbor Day	100.00	
STAVOLA ASPHALT CO INC	March 1st half patch program	179.71	
STAVOLA ASPHALT CO INC	March recycle asphalt	1,183.80	
THE NEW COASTER LLC	3/26 ADOPT ORD 2111 COMP LAND	10.23	
TONK'S WASTE OIL SERVICE LLC	Empty waste oil tank	25.00	
TOWNE HARDWARE	March misc maint supplies	278.11	
TREASURER COUNTY OF MONMOUTH	March 1st half dump fees	21,683.67	
TREASURER OF SCHOOL MONIES	APR 2009 SCHOOL TAXES PAYABLE	4,385,669.75	
TREASURER STATE OF NJ	Hazardous waste compliance fee	30.00	
TREASURER STATE OF NJ	NJ DCA Subscription Renewal	50.00	
TREASURER STATE OF NJ	JANUARY 2009 BURIAL PERMIT FEE	10.00	
TROPICANA CASINO & RESORT	HOTEL - MUNICIPAL CLERK'S ASSN	202.00	
TRUMP TAF MAHAL CASINO RESORT	NJRPA CONFERENCE MARCH 1-4	285.00	
TWIN OAKS	ANNUAL MAINT.-POOL REG SOFTWRE	600.00	
TWP OF OCEAN PAYROLL ACCOUNT	2009 POLICE & FIRE PENSION	1,423,576.00	
TWP OF OCEAN PAYROLL ACCOUNT	2009 PERS EMPLOYER PENSION	459,934.00	
UNITED CLEANING CONTRACTORS IN	March janitorial payment	4,275.00	
UNITED STATES POSTAL SERVICE	REPLENISH POSTAGE METER	4,500.00	
UP TITE FASTENERS INC	March misc maint supplies	57.24	
US TOY CO/CONSTRUCTIVE	REC SUPPLIES/MESSY SCH/SPORTS	292.74	
VANTAGEPOINT TRANSFER AGENTS	Retiree Health Benefit April	2,811.69	
VERIZON	TELEPHONE & ISDN SERVICES 4/09	459.50	
VERIZON BUSINESS FIOS	PD - INTERNET ACCESS - APRIL	99.99	
VERIZON WIRELESS	PD- AIRCARD SERV PLAN- MARCH09	480.10	
VERIZON WIRELESS	PD- AIRCARD SERV PLAN- MARCH09	480.16	
W E TIMMERMAN CO INC	Misc parts for sweeper #53	1,786.41	
WILENSKY, MARIANNE	Renew APA mmbership M Wilensky	248.00	
WILENSKY, MARIANNE	Cell Reimb: Jan/Feb/Mar 2009	75.00	
ZEP MANUFACTURING CO	Misc sprays & cleaners Twp veh	516.89	

**Total** 7,098,890.46

**Total 2009 Current Fund Appropriations Payments** 7,098,890.46

**General Capital Payments**

A R COMMUNICATIONS	Base station VHF radio DPW	999.75
ABC RENTAL	Rent trencher Phase II Golf Co	120.00
ATLANTIC IRRIGATION	Phase II irrigation renovation	280.44
BROOKREST SOD FARMS	Sod needed for Golf Course	4,200.00
BSN SPORTS	Field equipment/improvements	1,388.81
BUTTIGLIERI, VINCENT CMC	MARCH 2009 PETTY CASH	27.19
EAST COAST SOD & SEED LLC	Bluegrass sod for Golf Course	3,335.00
GOVCONNECTION INC	PD- MIS EQUIPMENT	674.00
GOVCONNECTION INC	PD- MIS EQUIPMENT/TONER	443.00
GOVCONNECTION INC	High gain antenna	55.00
LOWE'S HOME CENTERS INC	AC UNIT CTGC	399.00
LOWE'S HOME CENTERS INC	CTGC SUPPLIES	219.59
LOWE'S HOME CENTERS INC	PLYWOOD CTGC	131.82
TAYLOR FENCE CO INC	Chain link fence for Golf Cour	1,187.54

**Total** 13,461.14

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Vendor Name	Description	Amount	Contract
<b><u>Total General Capital Payments</u></b>		<b><u>13,461.14</u></b>	
<b><u>Grants Payments</u></b>			
CMX	FEB 2009 ARMSTRONG BLVD/WPA	830.94	C6-00009
DELTA DENTAL PLAN OF NJ	Dental Insurance April 2009	111.65	
<b><u>Total</u></b>		<b>942.59</b>	
<b><u>Total Grants Payments</u></b>		<b><u>942.59</u></b>	
<b><u>TORTA Payments</u></b>			
CHALNICK, SHERI	PERFORMANCE 4/19 TERNER GALLER	75.00	
MURAD, DEBORAH	PERFORMANCE 4/19 TERNER GALLER	75.00	
TOPILOW, ARTHUR DR	PERFORMANCE 4/19 TERNER GALLER	175.00	
TWP OF OCEAN PAYROLL ACCOUNT	Torta 3/20/09	682.50	
TWP OF OCEAN PAYROLL ACCOUNT	TORTA Programs 4/3/09	565.00	
ZEKARIA-LEVY, RUTHIE	MUSICIAN APRIL 19 TERNER GALL.	75.00	
<b><u>Total</u></b>		<b>1,647.50</b>	
<b><u>Total TORTA Payments</u></b>		<b><u>1,647.50</u></b>	
<b><u>Trust Other Payments</u></b>			
A S BUILDERS	PERF REL ON 263 PARK AVE	14,800.63	
BROWN, SANFORD ESQ	PB Reviews and resolutions	612.50	
BROWN, SANFORD ESQ	Middlebrook subdivision	112.50	
CAPITAL REAL ESTATE MGMT LLC	PERF REL ON 401 BROOKSIDE AVE	1,786.61	
CAPITAL REAL ESTATE MGMT LLC	PERF REL ON 405 CROSBY AVE	749.04	
COHN, ALAN R	PERF REL ON 147 LARCHWOOD AVE	3,408.28	
DAVID HIERS	Return Escrow Hiers	270.64	
DESIMONE, MICHAEL	W.Comp Scibal Check 41111	1,132.83	
DESIMONE, MICHAEL	Twp Share Scibal Ck 41111	499.70	
DESIMONE, MICHAEL	Workers' Comp Scibal Ck 41111	812.85	
DESIMONE, MICHAEL	Twp Share Scibal Ck 41111	437.89	
ESSENTIAL HOMES LLC	MAINT REL ON 55 OLD FARM RD	2,934.17	
ILVENTO, CHRIS	Return Escrow CCI Development	1,553.75	
JASON A VOLET LLC	3/10/09 CONFLICT PUBLIC DEF	500.00	
KIRCHER, MICHAEL & STEPHANIE	MAINT REL ON 14 WALLACE AVE	1,651.84	
LEON S AVAKIAN INC	THRU 12/08 NOBILITY CREST PH I	420.00	
LEON S AVAKIAN INC	THRU 1/09 225 HOWARD AVE	332.50	
LEON S AVAKIAN INC	FEB/MAR 09 VARIOUS INSPECTIONS	1,475.00	
LEON S AVAKIAN INC	2008-2009 VARIOUS INSPECTIONS	773.75	
LEON S AVAKIAN INC	THRU 3/2009 VARIOUS INSPECTION	4,110.00	
LEON S AVAKIAN INC	THRU 3/2009 35 NORTHWOODS RD	368.75	
LEVY, EDWARD & RAQUEL	PERF REL ON 225 HOWARD AVE	2,693.75	
LOWY, KEITH & GAIL	MAINT REL ON 242 HARRISON AVE	4,063.39	
MASSRY, LOUIS	MAINT REL ON 98 SHERMAN AVE	1,521.53	
MC GARRIGLE, BRIAN	Workers' Comp Scibal CK 41112	736.34	
MC GARRIGLE, BRIAN	Twp Share Scibal Ck 41112	238.55	
MGL GROUP INC	PERF REL ON LONGVIEW SECTION 7	14,568.65	
MGO GROUP OF COMPANIES	MAINT REL 32 & 44 NORTHWOODS	7,329.62	
NICHOLE GRIMES	Return Escrow Grimes	611.25	
NJ DIVISION OF TAXATION	1ST QTR 2009 SALES & USE TAX	2.10	
PALATIAL HOMES INC	Reimbursement for surety bond	500.00	
RICHARD KAY	Return escrow Richard Kay	580.00	
SARIOTIS ENTERPRISES LLC	INSP FEE RELEASE ON 596 CAROL	511.50	
STEINBERG, MARK A ESQ	K & D Associates revs & resos	1,031.25	
TWP OF OCEAN CURRENT FUND	Off Duty Police Admin/Car Use	2,740.00	
TWP OF OCEAN CURRENT FUND	Off Duty Admin/Police Car Use	2,198.75	
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 3/20/09	7,935.00	
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Sick 3/20/09	9,537.46	
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Vacation 3/20/09	9,965.64	
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 4/3/09	4,710.00	
WELDON, KELLY	MAINT REL ON 1311 ALLENHURST R	3,198.75	
<b><u>Total</u></b>		<b>113,416.76</b>	

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Vendor Name	Description	Amount	Contract
<b><u>Total Trust Other Payments</u></b>		<b><u>113,416.76</u></b>	
<b><u>Animal Control Trust Payments</u></b>			
NJ STATE DEPT OF HEALTH	FEB'09 STATE DOG LIC REPORT	139.20	
<b><u>Total</u></b>		<b><u>139.20</u></b>	
<b><u>Total Animal Control Trust Payments</u></b>		<b><u>139.20</u></b>	
<b><u>Total Bill List for April 6, 2009</u></b>			
Appropriation Reserve Total		<b><u>4,167.04</u></b>	
Current Fund Total		<b><u>7,098,890.46</u></b>	
General Capital Fund Total		<b><u>13,461.14</u></b>	
State & Federal Grant Total		<b><u>942.59</u></b>	
Law Enforcement Trust Total			
TORTA Total		<b><u>1,647.50</u></b>	
Trust Other Total		<b><u>113,416.76</u></b>	
Animal Control Total		<b><u>139.20</u></b>	
Bid Deposit Refund			
State Unemployment Trust			
Trust Assessment Fund			
Total of All Funds		<b><u>7,232,664.69</u></b>	

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin (\*)

\*Yes, except to those in which I may have a conflict:  
Sanford Brown, Esq.  
Copy Quick, Inc.  
James Higgins Associates

**SPECIAL ORDINANCE:**

Ordinance #2125 . To exceed the Municipal Budget Appropriation Limits and to  
(P.H. 5/18/09 APP) Establish a CAP Bank

On a motion by Council member Hiers and seconded by Council member Garofalo, it was moved to approve Ordinance #2125 on first reading and advertise according to law in The Asbury Park Press together with the notice of the Public Hearing which will be held on May 18, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Council of the Township of Ocean in the County of Monmouth finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's

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final appropriations, in the interest of promoting the health, safety and welfare of the citizens;  
and,

**WHEREAS**, the Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 233,067.99 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Council of the Township of Ocean, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Township of Ocean shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$815,737.97 and that the CY 2009 municipal budget for the Township of Ocean be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**RESOLUTIONS:**

**09-053 Consideration of Bids:**

**a. Towing Services to Central Towing Company, Red Bank, NJ**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, on December 1, 2008, the Township Council of the Township of Ocean authorized the receipt of bids for towing services for a two-year period from April 1, 2009 through March 31, 2011; and

**WHEREAS**, the Township Clerk did duly advertise on January 31, 2009 to receive bids for towing services (two years) for the Township of Ocean

**WHEREAS**, in connection therewith, bids were received and opened on February 17, 2009 and the Township received two bids: Central Towing and Recovery, Inc., Red Bank, NJ and Bennett's Auto Recovery, Inc., Asbury Park, NJ; and

**WHEREAS**, it is the recommendation of the Chief of Police and the Township Manager that a contract be awarded to Central Towing and Recovery, Inc., Red Bank, NJ for vehicle towing, storage and related services as follows:

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Day Rate (7 a.m. . . 7 p.m.)

- 1. All passenger vehicles, motorcycles, mopeds, 2 & 3 wheel vehicles and trucks up to 4 tons \$45.00 per unit
- 2. All vehicles over 4 tons \$0.00
- 3. Each additional mile (after initial 3 miles) For owner directed tow \$0.00

Night, Weekend and NJ Holiday Rate (7 p.m. . . 7 a.m.)

- 1. All passenger vehicles, motorcycles, mopeds, 2 & 3 wheel vehicles and trucks up to 4 tons \$45.00 per unit
- 2. All vehicles over 4 tons \$0.00
- 3. Each additional mile (after initial 3 miles) For owner directed tow \$0.00

Basic fee for daily storage for all vehicles Damaged by accident or disabled (per day) \$19.00

Vehicles impounded for police investigations \$0.00

Township of Ocean Municipal Services for towing, Winching, flat tire change-outs from any location within Monmouth County regardless of time of day or night \$0.00

Special Services provided by towing agency including Cleanup/absorbent charge, winching service, and cancellation of wrecker \$0.00

**WHEREAS**, the estimated total value of this contract is \$61,445.00 in both the first and second year of the contract; and

**WHEREAS**, funds for said contract have been certified by the Director of Finance and are available in account # 9-01-26-767-252;

**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 award of a contract for vehicle towing, storage and related services for the Township of Ocean for the two-year period from April 1, 2009 through March 31, 2011 to central Towing and recovery, Inc., Red Bank, NJ in accordance with the above schedule of fees; and

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

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

- 1. Police Chief
- 2. Director of Finance
- 3. Director of Public Works
- 4. Central Towing and Recovery, Inc.

ROLL CALL:  
YES: Garofalo, Hiers, Schepiga, Larkin  
ABSENT: Siciliano

**b. HVAC at the Township Library to Encon Mechanical Corp. Ocean, NJ**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, the Township Council of the Township of Ocean authorized receipt of bids for heating and air conditioning service at the Township Library on March 16, 2009; and

**WHEREAS**, the Township Clerk did duly advertise on March 21, 2009 to receive said bids; and

**WHEREAS**, in connection therewith, the following two (2) bids were received by the Township of Ocean on April 1, 2009: Encon Mechanical Corp., Ocean, NJ and Peterson Service Company, Inc., Medford, NJ; and

**WHEREAS**, it was determined that the lowest responsible bidder meeting specifications was Encon Mechanical Corp. Ocean, NJ; and

**WHEREAS**, the Township Manager and the Public Works Director have recommended that a contract be awarded to Encon Mechanical Corp., Ocean, NJ as per their bid proposal for the heating and air conditioning service for the one year period from April 1, 2009 through March 31, 2010 at the following costs:

Service and repair work	\$11,500.00
Discount % on parts and supplies	15%
Regular labor billing rate per hour	\$93.00

**WHEREAS**, funds for said contract have been certified by the Director of Finance and are available in account #9-01-26-772-247;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the contract for heating and air conditioning service at the Township Library to Encon Mechanical Corp., Ocean, NJ for the one year period from April 1, 2009 through March 31, 2010 at the following cost:

Service and repair work	\$11,500.00
Discount % on parts and supplies	15%
Regular labor billing rate per hour	\$93.00

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

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

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

1. Director of Finance
2. Public Works Department

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin  
ABSENT: Siciliano

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Asphalt F.A.B.C, Mix I-2, Mix I-4 and Mix I-5 to Stavola Asphalt Co., Tinton Falls, NJ

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, the Township Council of the Township of Ocean authorized receipt of bids on March 16, 2009 for Asphalt F.A.B.C, Mix I-2, Mix I-4, Mix I-5; and

**WHEREAS**, the Township Clerk did duly advertise on March 21, 2009 to receive bids for said project; and

**WHEREAS**, in connection therewith the following two (2) bids were received by the Township of Ocean on April 1, 2009: Stavola Asphalt Co., Tinton Falls, NJ and Walter R. Earle Corp., Farmingdale, NJ; and

**WHEREAS**, it was determined that the lowest responsive bidder meeting specifications for the bid was Stavola Asphalt Co., Tinton Falls, NJ; and

**WHEREAS**, the Township Manager and the Superintendent of Public Works have recommended that a contract be awarded to Stavola Asphalt Co., Tinton Falls, NJ as per their bid proposal for Asphalt F.A.B.C, Mix I-2, Mix I-4, Mix I-5 for the one (1) year period April 2009 through April 2010; and

**WHEREAS**, funds for said contract have been certified by the Director of Finance and are available in the Department of Public Works Budget . Account # 9-01-26-765-273 and various Capital Improvement Accounts;

**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 Stavola Asphalt Co., Tinton Falls, NJ, as per their bid proposal for Asphalt F.A.B.C, Mix I-2, Mix I-4, Mix I-5 for the one (1) year period April 2009 through April 2010 as set forth in the amount of \$52.00 (I-2) and \$58.50 (I-4 and I-5).

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

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

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. Stavola Asphalt Co.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**09-054 Amend the per ton price for road materials awarded on December 1, 2008**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

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**WHEREAS**, the Township Council of the Township of Ocean awarded a contract to Stavola Construction Materials, Inc. for the purchase of CLEAN BROKEN ST ONE 3/8+to 12+for the year 2009 on December 1, 2008; and

**WHEREAS**, subsequent to the passage of Resolution #B1a on December 1, 2008, it was realized that the unit price for 6+12+clean broken stone should have been \$19.85 per ton instead of \$19.35 per ton, as it was noted on said resolution; and

**WHEREAS**, both Stavola Construction Materials, Inc. and the Public Works Director concur that the correct amount was \$19.85 per ton and a correction needs to be made to the resolution awarding said contract;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby amend Resolution #B1a, approved on December 1, 2008 to Stavola Construction Materials, Inc., revising the price for 6+12+clean broken stone from \$19.35 per ton to \$19.85 per ton for the year 2009; and

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

1. Director of Finance
2. Director of Public Works
3. Stavola Construction Materials, Inc.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**09-055 Award Professional Services Contract to Leon S. Avakian, Inc. for the following projects:**

**a. 2009 Roadway Improvement Program in the amount of \$76,500.00**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, the Township of Ocean is in need of the services of an engineering firm experienced in the field of roadway reconstruction to provide engineering services related to the 2009 Roadway Improvement Program; and

**WHEREAS**, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ, is an experienced firm in this field who is available to provide the necessary engineering services for the Township of Ocean at a cost not to exceed \$76,500.00 for the 2009 Roadway Improvement Program; and,

**WHEREAS**, the Township Manager has determined that the value of the services Leon S. Avakian, Inc., Neptune, NJ, will exceed \$17,500.00 for the calendar year 2009; and

**WHEREAS**, the Director of Finance has certified that there are available sufficient funds for the purpose of the award of this contract in the General Capital Budget under the following line item appropriations of said budget to which this contract will be properly charged: Ordinance #2045 . Account #C-04-55-922-995; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ has previously submitted a Business Entity Disclosure Certification certifying that Leon S. Avakian, Inc. has not made any reportable

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contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes the Township Manager to enter into a contract with Leon S. Avakian, Inc., Neptune, NJ, as described herein at a cost not to exceed \$76,500.00; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be published according to law; and

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

1. Director of Finance
2. Township Manager
3. Leon S. Avakian, Inc.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**b. Paving of Sunset Avenue – Phase II in the amount of \$42,500.00**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, the Township of Ocean is in need of the services of an engineering firm experienced in the field of roadway reconstruction to provide engineering services related to the Paving of Sunset Avenue . Phase II; and

**WHEREAS**, the Township Council of the Township of Ocean has elected to make this appointment pursuant to the provisions of N.J.S.A. 16:44A-20 et seq. for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Pay-to-Play Law; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ, is an experienced firm in this field who is available to provide the necessary engineering services for the Township of Ocean at a cost not to exceed \$42,500.00 for the Paving of Sunset Avenue . Phase II; and,

**WHEREAS**, the Township Manager has determined that the value of the services Leon S. Avakian, Inc., Neptune, NJ, will exceed \$17,500.00 for the calendar year 2009; and

**WHEREAS**, the Director of Finance has certified that there are available sufficient funds for the purpose of the award of this contract in the General Capital Budget under the following line item appropriations of said budget to which this contract will be properly charged: Ordinance #2074 . Account #C-04-55-923-995; and

**WHEREAS**, Leon S. Avakian, Inc., Neptune, NJ has previously submitted a Business Entity Disclosure Certification certifying that Leon S. Avakian, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes the Township Manager to

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enter into a contract with Leon S. Avakian, Inc., Neptune, NJ, as described herein at a cost not to exceed \$42,500.00; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be published according to law; and

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

1. Director of Finance
2. Township Manager
3. Leon S. Avakian, Inc.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**09-56 Authorize submission of the 2008 Municipal Recycling Tonnage Grant Application.**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, the New Jersey Statewide Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102 has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

**WHEREAS**, it is the intent and spirit of the New Jersey Statewide Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing program; and

**WHEREAS**, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

**WHEREAS**, the Recycling Act imposes on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited, to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

**WHEREAS**, a resolution authorizing this municipality to apply the **2008 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and indicate the assent of the Township of Ocean to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

**WHEREAS**, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, in the County of Monmouth that the Township of Ocean, in the County of Monmouth that the Township of Ocean hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Andrew Brannen, Township Manager, 399 Monmouth Road, Oakhurst, New Jersey to ensure that the said application is properly filed.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

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## 2008 Emergency Temporary Appropriations

### EMERGENCY TEMPORARY APPROPRIATION

Councilmember Hiers offered the following resolution and moved its adoption, seconded by Councilmember Garofalo

**WHEREAS**, an emergent condition has arisen with respect to the Township's 2008 Budget has yet to be adopted and no adequate provision has been made for the aforesaid purpose in the Temporary Budget, and N.J.S.A. 40A:4-20 provides for the creation of an Emergency Temporary Appropriation for the above mentioned, and

**WHEREAS**, the total Emergency Temporary Appropriations adopted in the year 2009 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total **\$4,264,475.04**

**NOW, THEREFORE BE IT RESOLVED**, (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S.A. 40A:4-20

1. A Temporary Emergency be and the same is hereby made for:

#### Appropriations Within "CAPS"

PURCHASE OF TOWNSHIP VEHICLES	112,106.00
Total	\$112,106.00

#### Appropriations Outside "CAPS"

NJ BPU Clean Energy Program Grant	22,260.75
NJ BPU Clean Energy Program Match	7,420.25
Payment of Bond Principal	975,000.00
Payment of Bond Interest	133,250.00
Green Trust Loan Program	9,581.00
Total	\$1,147,512.00

**Total All Appropriations** **\$ 1,259,618.00**

2. The said Emergency Temporary Appropriations will be provided for the 2008 Municipal Budget under the appropriate accounts.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be filed with the following:

1. Director, Division of Local Government Services  
PO Box 803, Trenton NJ 08625-0803
2. Director of Finance
3. Township Auditor

#### ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Larkin  
ABSENT: Siciliano

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**00-000 Authorizes a contract with Concord Engineering Group, Inc. to perform an energy audit on the Township of Ocean Municipal Facilities.**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Garofalo

**WHEREAS**, the Township of Ocean applied to participate in the Local Government Energy Audit Program sponsored by the New Jersey Board of Public Utilities and managed by TRC Energy Services so that an energy audit could be performed on all Township facilities in an effort to reduce energy costs, and

**WHEREAS**, the Township of Ocean requested from proposals from the five (5) pre-qualified audit firms to perform energy audits: Camp Dresser McKee, Clough Harbour and Associates, Concord Engineering Group, Inc., Dome-Tech Group and Steven Winter Associates; and

**WHEREAS**, the Township of Ocean received proposals on March 12, 2009 and the following companies submitted proposals: Dome-Tech, Inc., Clough Harbour Associates and Concord Engineering Group, Inc.; and,

**WHEREAS**, as required, the Township Manager recommended that a contract be awarded to Concord Engineering Group, Voorhees, NJ and said recommendation has been approved by New Jersey's Clean Energy Program, c/o TRC Energy Services; and

**WHEREAS**, the total cost of the proposal from Concord Engineering Group is \$29,681.00, of which 75% of that cost, or \$22,260.75, is being reimbursed to the Township and that has resulted of a cost to the Township of \$7,420.25; and

**WHEREAS**, the Director of Finance has certified that there are available sufficient funds for the purpose of the award of this contract in the Grant Fund; and

**WHEREAS**, Concord Engineering Group, Inc. will be required to submit a Business Entity Disclosure Certification certifying that Concord Engineering Group, Inc. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Concord Engineering Group, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes a contract with Concord Engineering Group, Inc., Voorhees, NJ as described herein at a total cost not to exceed \$29,681.00, of which 75% of that cost, or \$22,260.75, is being reimbursed to the Township and that has resulted of a cost to the Township of \$7,420.25; and

**BE IT FURTHER RESOLVED** that a notice of this action shall be published according to law; and

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

4. Director of Finance
5. Township Manager
6. Concord Engineering Group, Inc.

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

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**09-060 – Authorize the purchase of four (4) police vehicles from Winner Ford of Cherry Hill, State Contract #A72467**

Councilmember Hiers offered the following resolution and moved its adoption, seconded by Councilmember Garofalo

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

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

**WHEREAS**, the Director of Finance has certified that there are sufficient funds available in Purchase of Police Cars . O/E, account #9-01-30-810-355;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Ocean, Monmouth County that is does hereby approve the Township Manager's execution of a purchase order to Winner Ford of Cherry Hill in an amount not to exceed \$92,000 for the purchase of four (4) Ford Crown Victoria Police Interceptor Package vehicles.

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

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

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin

ABSENT: Siciliano

**09-060 – Introduction of the 2009 Municipal Budget**

**MUNICIPAL BUDGET NOTICE**

**SECTION 1.**

**Municipal Budget for the TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH for the Fiscal Year 2009**

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009

Be it Further Resolved, that said Budget be published in the **ASBURY PARK PRESS** in the issue of **April 23<sup>rd</sup>, 2009**

The Governing Body of the TOWNSHIP OF OCEAN does hereby approve the following Budget for the year 2009:

RECORDED VOTE

(Insert last name)	{ Hiers	{	ABSTAINED	{
	{ Garofalo	{		
AYES	{ Schepiga	NAYS	{	
	{ Larkin	{	ABSENT	{ Siciliano
	{	{		

Notice is hereby given that the Budget and Tax resolution was approved by the Township Council of the Township of Ocean, County of Monmouth on April 6, 2009

A Hearing on the Budget and Tax resolution will be held at the MUNICIPAL BUILDING , on May 18, 2009 at 7:00 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented by taxpayers and other interested persons

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**Resolution Authorizing the Refund of Overpayment of taxes resulting from a favorable tax appeal judgment**

**RESOLUTION AUTHORIZING THE CANCELATION OF 2007 AND 2008 TAXES AND REFUNDING THE TAX OVERPAYMENTS FROM 2007 AND 2008 RESULTING FROM NEW JERSEY STATE TAX COURT JUDGMENT**

Councilmember Hiers offered the following resolution and moved its adoption; seconded by Councilmember Siciliano

**WHEREAS**, the State of New Jersey Tax Court have rendered judgments on appeals made by tax payers regarding the property assessment of various properties, and,

**WHEREAS**, there are properties which have their property 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 year 2007, and 2008, and,

**WHEREAS**, proper procedures require that the 2007 and 2008 tax assessments be adjusted and refunds be made for taxes overpaid in 2007 and 2008 that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor's Field Book for 2007 and 2008;

**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 2007 and 2008 tax assessment based on the State Tax Board Judgment and the Director of Finance to refund the tax overpayment for 2007 and 2008 taxes as listed below:

BL	LT	Name	Property Address	2007 Tax Overpayment	2008 Tax Overpayment
12.01	14	Harary, Victor J. & Sophie	208 S. Lincoln Avenue	886.00	919.50
		Total to be Refunded		\$ 886.00	\$ 919.50

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

1. Tax Collector
2. Township Auditor

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin  
 ABSENT: Siciliano

**ORDINANCES:**

**Announcement**

**Introduction(s)**

Ordinance #2120 . An Ordinance amending Ordinance #2085 entitled: ~~An~~ Ordinance fixing salaries and compensation of certain offices, positions and employees in the Township of Ocean, County of Monmouth, State of New Jersey for the year 2009.  
 ( P.H. 5/18/09 Coaster)

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On a motion by Council member Garofalo and seconded by Council member Schepiga, it was moved to approve Ordinance #2120 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on May 18, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

**ORDINANCE NO. 2120**

**AN ORDINANCE AMENDING ORDINANCE NO. 1895 ENTITLED "AN ORDINANCE FIXING SALARIES AND COMPENSATION OF CERTAIN OFFICES, POSITIONS, AND EMPLOYEES IN THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY FOR THE YEAR 2001 AND THEREAFTER"**

BE IT ORDAINED by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey that Ordinance #1895 as amended entitled "An Ordinance Fixing Salaries and Compensation of Certain Offices, Positions and Employees in the Township of Ocean, County of Monmouth and State of New Jersey for the year 2001 and Thereafter" is hereby amended and supplemented in the following manner with all other sections not listed to remain the same:

**SECTION I**

**A. FULL TIME EMPLOYEES**

The following compensation plan shall apply to all full time employees of the Township of Ocean who are not represented by collective bargaining agent:

- (i) The following titles of positions are hereby placed in the following salary range classifications:

<b><u>2009 SALARIES</u></b>			
<b><u>RANGE</u></b>	<b><u>MINIMUM</u></b>	<b><u>MAXIMUM</u></b>	<b><u>TITLE OF POSITION</u></b>
I	18,253	36,050	Receptionist
II	19,257	38,033	Tax Assessing Clerk, Clerk-Typist
III	20,316	40,124	Violations Clerk
IV	21,434	42,331	Sr. Clerk Typist, Clerk Cashier, Deputy Court Administrator II, Park Maintenance Coordinator
V	22,612	44,660	Class I Special Police Officer, Senior Clerk Transcriber
VI	23,856	47,116	Assistant Tax Collector, Class II Special Police Officer, Deputy Court Administrator I, Senior Tax Assessing Clerk
VII	25,167	49,707	
VIII	26,552	52,441	Principal Clerk Typist, Control Person, Senior Clerk Cashier, Housing Inspector/Assistant Zoning Officer, Deputy Township Clerk, Recreation Program Coordinator, Alliance Program

			Coordinator, Violations Inspector
		325	Princ. Clerk Cashier, Dispatcher, Deputy Tax Collector, Admin. Aide, Principal Assessing Assi stant Planning and Zoning Board Secretary
X	29,553	58,367	Admin. Secretary, Sr. Housing Inspector, Head Clerk, Deputy Tax Assessor, Payroll Administrator, Senior Dispatcher
XI	31,179	61,578	
XII	32,894	64,965	Administrative Assistant, Community Services Counselor II, Deputy Director of Finance
XIII	34,703	68,538	Assistant Foreman, Building Inspector, Community Services Counselor I, Electrical Inspector, Plumbing Inspector, Zoning Officer
XIV	36,612	72,308	Group Treatment Coordinator
XV	38,625	73,967	Community Services Admin., Recreation. Admin., MIS Director
XVI	40,750	78,035	Sub Code Officials, Municipal Court Administrator, Planning Administrator, Tax Collector
XVII	42,990	82,327	
XVIII	45,355	86,856	Operations Superintendent.
XIX	47,849	91,633	Tax Assessor, Construction Code Official
XX	50,482	96,673	Asst. Dir. of DPW
XXI	53,258	101,989	Director of Community Development, Township Clerk
XXII	56,188	107,598	
XXIII	59,277	113,516	
XXIV	62,537	119,759	Police Captains
XXV	65,977	126,346	
XXVI	69,607	133,296	
XXVII	73,435	140,626	Chief Fin. Officer, Director of Public Works, Director of Human Services,
XXVIII	77,474	148,362	Police Chief
XXIX	81,735	156,521	
XXX	86,230	165,130	

**MEETING MINUTES**

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**SECTION II**

**C. PART-TIME EMPLOYEES**

- (i) The following part-time positions and offices shall have maximum compensation rates for the year 2009 as follows:

<b>Title of Position</b>	<b>Maximum Salary/Wage</b>	<b>Time Unit</b>	<b>1.02</b>
Assistant Pool Manager/Eve. Supervisor	\$7,390	Season	\$7,245
Bus / Van Driver	\$21.11	hour	\$20.70
Clean Communities Worker	\$12.28	hour	\$12.04
Clerk-Typist/Receptionist	\$14.78	hour	\$14.49
Code Enforcer	\$21.11	hour	\$20.70
Community Services Counselor	\$25.34	hour	\$24.84
Control Person	\$25.11	hour	\$24.62
Camp Director	\$7,390	season	\$7,245
Program Supervisor	\$19.00	hour	\$18.63
Dispatcher	\$12.67	hour	\$12.42
Electrical Inspector	\$33.59	hour	\$32.93
Manager of Pool & Tennis Facility	\$8,446	season	\$8,280
Mayor	\$5,950	year	\$5,950
Head Lifeguard/Captain	\$15.84	hour	\$15.53
Human Services Dept. Maintenance Worker	\$12.67	hour	\$12.42
Matrons	\$10.56	hour	\$10.35
Municipal Court Judge (ii)	\$65,000	year	\$65,000
Municipal Prosecutor (ii)	\$34,388	year	\$34,388
Parking Enforcement Officer	\$12.67	hour	\$12.42
Planning Administrator	\$150	applicant paid/	\$150.00



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special meeting

	\$10.56	hour	\$10.35
Pool Desk Personnel	\$9.51	hour	\$9.32
Pool Recreation Worker	\$7.40	hour	\$7.25
Program Instructor	\$21.11	hour	\$20.70
Public Defender	\$15,836	year	\$15,525
Recreation Counselor / Aide	\$10.56	hour	\$10.35
School Crossing Guards	\$10.56	hour	\$10.35
Seasonal Maintenance Employee	\$10.56	hour	\$10.35
Seasonal Recreation Facility Mgmt Staff	\$20,400.00	year	\$20,000.00
Seasonal Recreation Worker	\$10.56	hour	\$10.35
Specialized Program Instructor	\$102.00	hour	\$100.00
Tax Assessment Field Inspector	\$19.00	hour	\$18.63
Township Councilmember	\$5,400	year	\$5,400

The above hourly rates or annual salaries shall be effective January 1, 2009.

**SECTION III**

**J. LONGEVITY**

There shall be longevity schedules as follows:

(i) Longevity General:

1. Each employee will be paid, in addition to his/her regular annual wage or salary, a longevity increment based upon years of continuous service.
2. Each employee shall qualify for the longevity increment during the next regular pay period following said employee's anniversary of employment. Each increment shall be paid at the time and thereafter.

(ii) Longevity Schedules:

1. Clerical and Technical Personnel

	2007	2008	2009
Beginning 5th year through 9th year	\$ 981	\$ 1,015	\$ 1,035
Beginning 10th year through 14th year	\$ 1,473	\$ 1,525	\$ 1,556
Beginning 15th year through 19th year	\$ 1,963	\$ 2,032	\$ 2,073
Beginning 20th year through 24th year	\$ 2,453	\$ 2,539	\$ 2,590
Beginning 25th year through 29th year	\$ 2,944	\$ 3,047	\$ 3,108
Beginning 30th year and thereafter	\$ 3,436	\$ 3,556	\$ 3,627

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4. P.D.A. and Supervisory Personnel

Upon Completion of Years of Service	2007	Super. Only 2008	Super. Only 2009
6	\$ 848	\$ 878	\$ 896
9	\$ 1,695	\$ 1,754	\$ 1,789
12	\$ 2,543	\$ 2,632	\$ 2,685
15	\$ 3,391	\$ 3,510	\$ 3,580
18	\$ 4,238	\$ 4,386	\$ 4,474
21	\$ 5,086	\$ 5,264	\$ 5,369
24	\$ 5,933	\$ 6,141	\$ 6,264

**SECTION IV**

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

**SECTION V**

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

**ROLL CALL:**

YES: Garofalo, Hiers, Schepiga, Larkin  
 ABSENT: Siciliano

**Council Reports:**

Councilmember Hiers reminded everyone that Colonial Terrace Golf Course is now open and looking very good. He also thanked Brian Lefferson for his %Adopt a Spot+just outside the golf course

The following gave no reports:

Councilmember(s) Garofalo, Schepiga, Andrew Brannen, Township Manager and Martin Arbus, Township Attorney.

**PUBLIC COMMENTS:**

Jim McMurray inquired as to what procedures have been put in place to prevent trees from being removed from properties without permits. Andrew Brannen explained that he, Police Chief Amodio and Marianne Wilensky, Director of Community Development, have established a procedure whereby the police would contact a representative from Community Development when they are notified and the Community Development Representative would look up to see if proper permits were acquired.

Also, Mayor Larkin felt it is important that the contractor is also penalized for the violation, not just the homeowner.

Bob Ades inquired as to why this violation would not be treated like any traffic violation, in that the police could just issue a summons. Mayor Larkin explained that for a traffic violation, the law states that the police are the enforcing authority.

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Mr. Blackwood spoke about the fact that he feels that the town regulating the removal of trees on private property is not the best idea and that the property owner should be able to do to their property as they see fit. Mr. Blackwood also feels that the fine of \$1,250.00 is excessive.

F.K. Hudson inquired as to the percentage increase being given in Ordinance #2120. Mr. Hudson also stated that he believed the tree removal permits should be posted externally, as all other construction permits, to allow Township Officials to view their existence.

On a motion by Councilmember Hiers and seconded by Council member Garofalo, it was moved to adjourn the meeting.

Respectfully submitted,

William F. Larkin  
Mayor

Vincent Buttiglieri, RMC/CMC  
Municipal Clerk