

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

OAKHURST, NEW JERSEY

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, Siciliano
Others: Martin Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager
Jessie Joseph, Deputy Township Clerk
Absent: Councilmember(s) Schepiga

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.

REVIEW OF ALL REGULAR MEETING MATERIAL:

The following items were reviewed by the Governing Body and held for the Regular Meeting of May 18, 2009, unless otherwise noted (*):

CONSENT AGENDA:

MINUTES:

April 6, 2009 . Workshop, Public and Closed
April 22, 2009 . Workshop and Closed

RESOLUTIONS:

09-065 Authorize Release of Maintenance Guarantee for:

- a. Block 9, Lot 74 . 10 Norwood Avenue . Monmouth University
- b. Block 17, Lot 25 . 217 Lewis Street . Guven Construction, Inc.
- c. Block 35, Lot 72 . 27 Northwoods Road . MGO Group, Inc.
- d. Block 35, Lot 73 . 29 Northwoods Road . MGO Group, Inc.
- e. Block 35, Lot 82 . 47 Northwoods Road . MGO Group, Inc.
- f. Block 33, Lot 57 . 1606 FINDERNE STREET . Bevin Irvin Builders
- g. Block 22, Lot 15 . 221 Monmouth Road . Wachovia Bank, NA/United Counties Trust

09-066 Authorize the release of Performance Guarantees for:

- a. Block 35, Lot 72 thru 87; Block 35.02, Lots 4 thru 9 . Wayside Woods Section IV . MGO Group, Inc.
- b. Block 35, Lot 113.01 . 175 Deal Road . Todd Morgano Builders
- c. Block 33, Lot 26 . 1639 Highway 35 . Somerset Tire Service
- d. Block 141, Lots 1 & 23 . Retail Phase %A+. Lowes, Starwood Heller Seaview, LLC
- e. Block 141, Lots 1 & 23 . Retail Phase %B+. Costco Wholesale Club & Gas Station, Starwood Heller Seaview, LLC
- f. Block 141, Lots 1 & 23 . Retail Phase %C+. Target & Ring Road, Starwood Heller Seaview, LLC
- g. Block 141, Lots 1 & 23 . Retail Phase %D+. Applebees & Retail Building, Starwood Heller Seaview, LLC
- h. Block 35.02, Lot 8 . 34 Northwoods Road . MGO Group

OAKHURST, NEW JERSEY

09-067 Authorize the 2009 Taxicab Owner's License Renewals for Grove Street Taxi and Limousine Service, Ocean Taxi, LLC, and Yellow Taxi, LLC

09-068 Authorize Public Hearing for Issuance of a Taxicab Owner's License to Semon-Tov Taxi, LLC

09-069 Authorize the receipt of bids for the following:

- a. Removal of Composted Leaves from the Township of Ocean Compost Site at Joe Palaia Park (24 month period)

09-070 Oppose Governor Corzine's plan to re-appropriate monies from the dedicated EMT Training Fund to be used for other purposes.

09-071 Rescind Resolution #09-049d, approved by the Township Council on April 6, 2009 and authorize the execution of the revised Developers Agreement between the Township of Ocean and Seaview Square, LLC

09-072 Authorize the auction of public property by the Township of Ocean through PropertyRoom.com.

09-073 Authorize the Mayor and Township Clerk to execute a Service Agreement with WM Recycle America, LLC to accept certain recyclable materials at the Township of Ocean facility.

Councilmembers discussed the benefits to providing said service to the residents.

09-074 Authorize the acceptance of the Developers Agreement for the following:

- a. Block 1.05, Lot 2 . 2108 Kings Highway . Omnipoint Communications, Inc.

SPECIAL ORDINANCE:

Ordinance #2125 . To exceed the Municipal Budget Appropriation Limits and to
(Coaster) Establish a CAP Bank

PUBLIC HEARING and ADOPTION – 2009 Municipal Budget

B1 Resolution . Authorizing the Budget to be read by title

Motion to open the Public Hearing

Public Hearing

Motion to close the Public Hearing

2009 Municipal Budget

INDIVIDUAL ACTION:

VOUCHERS: \$ 11,139,317.45

RESOLUTIONS:

MAY 18, 2009

OAKHURST, NEW JERSEY

- 09-076 Authorize the purchase of four (4) in-car mobile digital video recording systems from L- 3 Communications Mobile-Vision, Inc., Boonton, NJ.
- 09-077 Authorize the purchase of four (4) mobile computer systems from Quality Communications, Lakewood, NJ.
- 09-078 Authorize the purchase of two (2) GMC Yukon Wagons from the Township of Ocean Fire District No. 2 at a cost of \$1.00 each.
- 09-079 - Authorize the refund of overpayment of taxes for Block 153.04, Lot 13.
- 09-080 - Authorize the refund of overpayment of taxes for Block 109, Lot 2.

ORDINANCES:

Adoption(s):

Ordinance #2120 . An Ordinance amending Ordinance #2085 entitled: %An Ordinance fixing salaries and compensation of cer tain offices, positions and employees in the Township of Ocean, County of Monmouth, State of New Jersey for the year 2009.
(Coaster)

Introduction(s):

Ordinance #2124 . An Ordinance amending Chapter 13 of the Revised General Or dinances of the Township of Ocean, 1965 entitled: Excavation and Construction of Public Streets.
(P.H. 6/15/09 Coaster)

Ordinance #2126 . An Ordinance amending Chapter 12 of the Revised General Or dinances of the Township of Ocean, 1965 prohibiting parking along portions of Wickapecko Drive.
(P.H. 6/15/09 Coaster)

Ordinance #2127 . A Bond Ordinance providing for various improvements, more specifically for Public Works equipment and vehicles; Police Department equipment; acquisition of MIS equipment; recreation improvements and various road improvements.
(P.H. 6/15/09 Coaster)

Ordinance #2128 . An Ordinance amending Chapter 14 of the Revised General Or dinances of the Township of Ocean, 1965 entitled: Swimming Pools.
(P.H. 6/15/09 Coaster)

Dr. Ponton, Human Ser vices Director explained the proposed changes to the ordinance and the benefits to said changes.

Ordinance #2129 . An Ordinance authorizing the private sale of non-conforming real property known as Block 211, Lot 1 to contiguous property owners pursuant to N.J.S.A. 40A:12-13 (B)(5)
(P.H. 6/15/09 Coaster)

REPORTS:

Councilmember Siciliano discussed the request he received to replace the ½ court basketball court with a full-court. He also requested that the Township place cigarette bins/poles outside the busi nesses on Wickapecko Drive.

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Township Manager, distributed a handout with a breakdown of the 2009 Capital Improvement Plan and gave a brief explanation of some of the major items.

MAY 18, 2009

OAKHURST, NEW JERSEY

Subject: 2009 Paving Program

Action: Andrew Brannen distributed a list of the streets that are scheduled to be repaved as part of the 2009 roadway improvement program. Discussion occurred with regards to said schedule.

Subject: Armstrong Boulevard Jughandle Update

Action: Andrew Brannen reviewed the proposal received from CMX and announced that he will be meeting with the adjacent property owners on June 4, 2009. Councilmembers reviewed said maps.

Subject: Energy Audit Update

Action: Andrew Brannen reported that the energy audit is set to start on May 21, 2009 and is expected to take three days for all the buildings

**RESOLUTION
DECLARING CLOSED SESSION**

Councilmember Hiers offered the following Resolution and moved its adoption, seconded by Councilmember Siciliano

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

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

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
 1. Contract . PBA/SOA
 2. Contract . Local 701
 3. Contract . Sale of Township Property
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, Siciliano, Larkin

ABSENT: Schepiga

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

MAY 18, 2009

OAKHURST, NEW JERSEY

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

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

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.

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.

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:

Larry Loigman inquired as to why the Township Council Meeting minutes do not appear on the Township website. Andrew Brannen, Township Manager, explained that the website is still a work in progress and he expected that to be a feature in the very near future.

Larry Loigman also inquired about Resolution #09-066d. Mayor Larkin gave a brief history of the Lowe's building and the fact that the new owners have finally posted their two-year maintenance bond to cover any problems that may arise. Mr. Loigman also inquired about Resolution #09-075. Andrew Brannen explained that this resolution authorizes a 2% salary increase to Township employees not covered by any bargaining unit. Martin Arbus, Township Attorney, stressed that this was a cost of living increase and not merit increases.

Larry Loigman inquired about the payment for Ruderman and Glickman. Andrew Brannen explained that this covered a two-month period and there have been a variety of issues that their services were required.

Brian Mullins presented the Governing Body with a petition by the Friends of Deal Lake, which would be forwarded to the Sewerage Authority.

Bob Ades asked for the dollar value associated with Resolution #09-075. Andrew Brannen responded that it is approximately \$50,000.00.

CONSENT AGENDA

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

MINUTES:

April 6, 2009 . Workshop, Public and Closed
April 22, 2009 . Workshop and Closed

RESOLUTIONS:

09-065 Authorize Release of Maintenance Guarantee for:

a. Block 9, Lot 74 – 10 Norwood Avenue – Monmouth University

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, Monmouth University has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,015.06 on premises known as Block 9, Lot 74 also known as 10 Norwood Avenue; and

WHEREAS, William H. White, III, P.E., representing the Township Engineer, has advised the Township Clerk by letter dated April 3, 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 \$2,015.06 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, forwarded to the following:

1. Monmouth University
2. Maser Consulting, P.A.
3. Director of Finance
4. Construction Official
5. Director of Community Development

b. Block 17, Lot 25 – 217 Lewis Street – Guven Construction, Inc.

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, Guven Construction, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$3,484.55 for premises known as Block 17, Lot 25 also known as 217 Lewis Street; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 21, 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 \$3,484.55 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 posted.

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

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

c. Block 35, Lot 72 – 27 Northwoods Road – MGO Group, Inc.

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 \$1,654.01 for premises known as Block 35, Lot 72 also known as 27 Northwoods Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 21, 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 \$1,654.01 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 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. Director of Finance
3. Construction Official
4. Director of Community Development

d. Block 35, Lot 73 – 29 Northwoods Road – MGO Group, Inc.

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 \$2,308.31 for premises known as Block 35, Lot 73 also known as 29 Northwoods Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 21, 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 \$2,308.31 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 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. Director of Finance
3. Construction Official
4. Director of Community Development

e. Block 35, Lot 82 – 47 Northwoods Road – MGO Group, Inc.

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 \$1,744.88 for premises known as Block 35, Lot 82 also known as 47 Northwoods Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 21, 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 \$1,744.88 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 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. Director of Finance
3. Construction Official
4. Director of Community Development

f. Block 33, Lot 57 – 1606 FINDERNE STREET – BEVIN IRVIN BUILDERS

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, Bevin Irvin Builders, Inc. has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$632.70 on July 19, 1995 for premises known as Block 33, Lot 57 also known as 1606 FINDERNE STREET; and

WHEREAS, Louis J. Lobosco, P.E., representing the Township Engineer, that he is not aware of any problems and has advised the Township Clerk that the bonded improvements are nothing the Township would have to repair and said representative of the Township Engineer recommends the release of the aforementioned cash maintenance guarantee; 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 BEVIN IRVIN BUILDERS, INC.** in the amount of \$632.70 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer.

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

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

g. Block 22, Lot 15 – 221 Monmouth Road – Wachovia Bank, NA/United Counties Trust

WHEREAS, the Township did authorize and enter into a developer's agreement dated December 18, 1991 with United Counties Trust Company for preliminary and final site plan approval with variances on Block 22, Lot 15 also known as 221 Monmouth Road; and

WHEREAS, performance guarantees totaling \$24,956.40 were posted in the form of Performance Bond No. 5014804 issued by United Pacific Insurance Company, Tacoma, WA in the amount of \$22,460.00 and cash in the amount of \$2,495.00; and

WHEREAS, the Township Council did authorize the release of performance guarantees and acceptance of a \$3,119.55 maintenance bond by way of resolution dated October 4, 2006; 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 completed by the Township Engineer; and

WHEREAS, Wachovia Bank, N.A./United Counties Trust Company has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$3,199.55 on Block 22, Lot 15 also known as 221 Monmouth Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 28, 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.

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 \$3,119.55 is hereby released, canceled and discharged.

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

1. Wachovia Bank, N.A.
2. Township Engineer
3. Director of Community Development
4. Construction Official
5. Director of Finance

09-066 Authorize the release of Performance Guarantees for:

a. Block 35, Lot 72 thru 87; Block 35.02, Lots 4 thru 9 – Wayside Woods Section IV – MGO Group, Inc.

WHEREAS, the Developer, M.G. Investment Group, Inc. (hereinafter MGO Group, Inc.) entered into an assignment of a developer's agreement with the Township of Ocean by way of resolution dated February 14, 2001 to complete site improvements on 22 lots located at the Wayside Woods Subdivision, designated as Block 35, Lots 72 through 87 and Block 35.02, Lots 4 through 9, Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the MGO Group, Inc. failed to complete the site improvements and demand was made upon the Performance Bond by the Township Council by way of resolution dated October 22, 2008; and

WHEREAS, cash totaling \$28,000.17 was deducted from following the cash escrows posted by MGO Group, Inc. to complete the site improvements:

Block	Lot	Location	Amount
35	Various	Wayside Woods . Section VI	\$8,438.08
35	72	27 Northwoods Road	\$ 368.79
35	73	29 Northwoods Road	\$ 515.06
35	74	31 Northwoods Road	\$ 354.36
35	75	33 Northwoods Road	\$ 360.54
35	76	35 Northwoods Road	\$ 469.74
35	77	37 Northwoods Road	\$ 296.68
35	78	39 Northwoods Road	\$ 381.15
35	79	41 Northwoods Road	\$1,858.35
35	80	43 Northwoods Road	\$1,174.34
35	81	45 Northwoods Road	\$ 374.97
35	82	47 Northwoods Road	\$ 389.39
35	83	46 Northwoods Road	\$ 826.16
35	85	42 Northwoods Road	\$ 545.97
35	86	40 Northwoods Road	\$1,105.70
35	87	38 Northwoods Road	\$ 426.47
35	95	24 Brandywine Road	\$ 756.11
35.02	2	22 Northwoods Road	\$1,091.93
35.02	3	24 Northwoods Road	\$ 885.91
35.02	4	26 Northwoods Road	\$2,828.72

35.02	6	30 Northwoods Road	\$1,524.59
35.02	8	34 Northwoods Road	\$2,678.33
35.02	9	39 Brandywine Road	\$ 438.83

WHEREAS, outstanding Temporary Certificate of Occupancy fees totaling \$2,432.00 were deducted from the following cash escrow accounts:

Block	Lot	Location	Amount
35	77	37 Northwoods Road	\$ 296.68
35	78	39 Northwoods Road	\$ 381.15
35	79	41 Northwoods Road	\$1,858.35
35	80	43 Northwoods Road	\$1,174.34
35	83	46 Northwoods Road	\$ 826.16
35.02	2	22 Northwoods Road	\$1,091.93
35.02	4	26 Northwoods Road	\$2,828.72
35.02	8	34 Northwoods Road	\$2,678.33

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize and approve \$28,000.17 for site improvements and \$2,432.00 for Temporary Certificate of Occupancy fees be deducted from the above-mentioned cash escrow accounts posted.

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

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

b. Block 35, Lot 113.01 – 175 Deal Road – Todd Morgano Builders

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, Todd Morgano Builders has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$5,507.28 to guarantee the completion of all improvements on premises located on Block 35, Lot 113.01 also known as 1175 Deal Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 21, 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 TODD MORGANO BUILDERS** totaling \$5,507.28 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. Todd Morgano Builders
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

c. Block 33, Lot 26 – 1639 Highway 35 – Somerset Tire Service

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, the Township Council did authorize and enter into a developer's agreement dated September 2, 1992 with Somerset Tire Service for preliminary and final site plan approval for a site described as Block 33, Lot 26 located at 1639 Highway 35; and

WHEREAS, Somerset Tire Service has heretofore deposited with the Township of Ocean performance guarantees totaling \$61,429.20 (in the form of Performance Bond # 0A10081206 issued by Atlantic Alliance Fidelity and Surety Company, Cherry Hill, NJ in the amount of \$55,286.00 and cash in the amount of \$6,143.00) to guarantee the completion of all improvements on premises known as Block 33, Lot 26; and

WHEREAS, the Township granted a reduction of the performance guarantees to \$18,428.76 by resolution dated December 4, 1996; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated April 21, 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.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the performance guarantees in the amount of \$18,428.76 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$9,214.00 and said maintenance bond shall run for a period of two (2) years to cover maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Somerset Tire Service
2. Township Engineer
3. Director of Community Development
4. Construction Official
5. Director of Finance

d. Block 141, Lots 1 & 23 – Retail Phase “A” – Lowes, Starwood Heller Seaview, LLC

WHEREAS, the Township of Ocean, a municipal corporation entered into a developer's agreement with Starwood Heller Seaview, LLC 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, 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 in 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

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: Block 141, Lots 1 and 23, Retail Phase "A"; and

WHEREAS, the Township Council by way of resolution dated April 6, 2009 authorized the assignment of the developer's agreement from Starwood Heller Seaview, LLC to Seaview Square, LLC; and

WHEREAS, Seaview Square, LLC has posted the proper maintenance bond, certificate of insurance and estimated engineering fees.

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 full release of the performance guarantees heretofore posted by Starwood Heller, LLC for Block 141, Lots 1 and 23, Retail Phase "A"; and

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. Starwood Heller Seaview, LLC
6. Seaview Square, LLC

**e. Block 141, Lots 1 & 23 – Retail Phase “B” – Costco Wholesale Club & Gas Station,
Starwood Heller Seaview, LLC**

WHEREAS, the Township of Ocean, a municipal corporation entered into a developer's agreement with Starwood Heller Seaview, LLC by way of resolution 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, 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 in 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: Block 141, Lots 1 and 23, Retail Phase “B”; and

WHEREAS, the Township Council by way of resolution dated April 6, 2009 authorized the assignment of the developer's agreement from Starwood Heller Seaview, LLC to Seaview Square, LLC; and

WHEREAS, Seaview Square, LLC has posted the proper maintenance bond, certificate of insurance and estimated engineering fees.

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 full release of the performance guarantees heretofore posted by Starwood Heller, LLC for Block 141, Lots 1 and 23, Retail Phase “B”; and

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. Starwood Heller Seaview, LLC
6. Seaview Square, LLC

f. Block 141, Lots 1 & 23 – Retail Phase “E” – Target & Ring Road, Starwood Heller Seaview, LLC

WHEREAS, the Township of Ocean, a municipal corporation entered into a developer's agreement with Starwood Heller Seaview, LLC by way of resolution 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 "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 Township 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, 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 in 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: Block 141, Lots 1 and 23, Retail Phase "E"; and

WHEREAS, the Township Council by way of resolution dated April 6, 2009 authorized the assignment of the developer's agreement from Starwood Heller Seaview, LLC to Seaview Square, LLC; and

WHEREAS, Seaview Square, LLC has posted the proper maintenance bond, certificate of insurance and estimated engineering fees.

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 full release of the performance guarantees heretofore posted by Starwood Heller, LLC for Block 141, Lots 1 and 23, Retail Phase "E"; and

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. Starwood Heller Seaview, LLC
6. Seaview Square, LLC

g. Block 141, Lots 1 & 23 – Retail Phase “H” – Applebees & Retail Building, Starwood Heller Seaview, LLC

WHEREAS, the Township of Ocean, a municipal corporation entered into a developer's agreement with Starwood Heller Seaview, LLC by way of resolution 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 restaurant (Applebee's) from the Township of Ocean Planning Board by way of resolution dated March 5, 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 in the Agreement; and

WHEREAS, Starwood was granted release of performance guarantees by way of resolution dated February 23, 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: Block 141, Lots 1 and 23, Retail Phase "H"; and

WHEREAS, the Township Council by way of resolution dated April 6, 2009 authorized the assignment of the developer's agreement from Starwood Heller Seaview, LLC to Seaview Square, LLC; and

WHEREAS, Seaview Square, LLC has posted the proper maintenance bond, certificate of insurance and estimated engineering fees.

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 full release of the performance guarantees heretofore posted by Starwood Heller, LLC for Block 141, Lots 1 and 23, Retail Phase "H"; and

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. Starwood Heller Seaview, LLC
6. Seaview Square, LLC

h. Block 35.02, Lot 8 – 34 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. have heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$10,812.96 to guarantee the completion of all improvements on premises located on Block 35.02, Lot 8, also known as 34 Northwoods Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated April 28, 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 \$10,812.96 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% (\$4,505.40) 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.

09-067 Authorize the 2009 Taxicab Owner's License Renewals for Grove Street Taxi and Limousine Service, Ocean Taxi, LLC, and Yellow Taxi, LLC

WHEREAS, Section 24.3.8 allows for renewal of a Taxicab Owner's License without a public hearing provided an application is filed with the Chief of Police attesting to the fact that there were no changes from the application on file with the Township of Ocean; and

WHEREAS, all taxicabs shall be re-inspected annually and each taxicab owner shall file with the Township Clerk an insurance policy or certificate of insurance and power of attorney pursuant to the provisions of RS 48:16-1 to 48:16-22 and as required by Section 24.8 of the Revised General Ordinances of the Township of Ocean; and

WHEREAS, the Township Council wishes to renew the taxicab owner's license for the following:

1. Grove Street Taxi and Limousine Service
2. Ocean Taxi, LLC
3. Yellow Taxi, LLC

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the License Inspector to issue a 2009 Taxicab Owner's License subject to the submission of the following items:

1. Application to the Chief of Police
2. Insurance Policy or Certificate of Insurance

3. Power of Attorney
4. Payment of renewal fee of \$15.00 for each existing vehicle and \$50.00 for any new or substituted vehicles

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

1. Chief of Police
2. License Inspector

09-068 Authorize Public Hearing for Issuance of a Taxicab Owner's License to Semon-Tov Taxi, LLC

WHEREAS, Semon-Tov Taxi, LLC located at 1306 Brielle Avenue, Ocean, New Jersey has made application to the Township of Ocean for a Taxicab Owner's License within the Township of Ocean; and

WHEREAS, Section 24-3 of the Revised General Ordinances of the Township of Ocean, 1965 provides that the Township Council shall notify the applicant thereof;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Township Clerk is hereby authorized and directed to schedule a public hearing before Township Council of the Township of Ocean on June 15, 2009 at 7:00 PM at the Township Council Meeting Room, Deal and Monmouth Roads, Oakhurst, New Jersey and that said Public Hearing Notice shall be published one time in The Coaster; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded by certified mail to Semon-Tov Taxi, LLC.

09-069 Authorize the receipt of bids for the following:

a. Removal of Composted Leaves from the Township of Ocean Compost Site at Joe Palaia Park (24 month period)

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

*REMOVAL OF COMPOSTED LEAVES FROM THE
TOWNSHIP OF OCEAN COMPOST SITE AT JOE PALAIA PARK
(for a 24 month period)*

WHEREAS, specifications for the aforesaid item is on file in the Public Works Department and is available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for bids for the aforesaid item as per the specifications on file in the Public Works Department to be received by the Township Manager at the Township Council Conference Room, Second Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

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

09-070 Oppose Governor Corzine's plan to re-appropriate monies from the dedicated EMT Training Fund to be used for other purposes.

WHEREAS, the Township of Ocean (Monmouth County) Rescue Squad is a private service association comprised of volunteer members whose purpose is to provide pre-hospital emergency care to the sick and injured in our community; and

WHEREAS, the Emergency Medical Technician (EMT) Training Fund was created by New Jersey P.L. 1992, Chapter 143 (N.J.S.A. 26:2K-54 et seq.) as a dedicated, non-lapsing, revolving fund, established to reimburse any private agency, organization or entity which is certified by the Commissioner of Health and Senior Services to provide training and testing for volunteer ambulance, first aid and rescue squad personnel who are seeking EMT certification and/or recertification. The Fund has allowed thousands of Volunteer EMTs to earn and maintain their EMT certification without incurring out-of-pocket personal expense and without the need for funding from their volunteer squad or municipality; and

WHEREAS, the EMT Training Fund is not supported through the use of tax money, but rather is supported by the \$0.50 sur charge on each fine, penalty and forfeiture imposed and collected by the State of New Jersey for motor vehicle or traffic violations and is currently running at approximately a \$1,000,000 deficit per year; and

WHEREAS, on April 23, 2009 the Department of Health and Senior Services Office of OEMS informed the New Jersey State First Aid Council of Governor Corzine's intention to redirect \$4,000,000 from the dedicated EMT Training Fund to the general treasury of the State of New Jersey leaving only a proposed \$400,000 balance in the fund; and

WHEREAS, a \$400,000 balance in the EMT Training Fund is inadequate to meet the annual training needs of the Volunteer EMTs of this State and will result in severe cut-backs of state-paid EMT training for New Jersey's EMS Volunteer Community;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Ocean (Monmouth County) formally opposes Governor Corzine's plan to transfer money from the EMT Training Fund, because of the detrimental effect this will have on the availability of EMT training for New Jersey's Volunteer EMS Community; and

BE IT FURTHER RESOLVED, that the Township of Ocean (Monmouth County) opposes the intended re-appropriation of monies from the dedicated EMT Training Fund, which would shift the cost of Volunteer EMT Training to the local First Aid Squad, the municipality and its residents. During this time of economic hardship when squads continue to see a decrease in donations, contributions, and a short fall in fundraising it is fundamentally unfair to ask those who already volunteer their time to attend training courses and answer emergency calls to pay for their own training when they already provide so much to their community. This will significantly impact the recruitment of new members as well as retention of existing members since many will not be able to pay for their training; and

BE IT FURTHER RESOLVED, that this Governor and the Legislature of the State of New Jersey are requested not to remove any money from the EMT Training Fund and return any money to the Fund that has already been removed for the purposes other than those specified in New Jersey P.L. 1992, Chapter 143.

09-071 Rescind Resolution #09-049d, approved by the Township Council on April 6, 2009 and authorize the execution of the revised Developer's Agreement between the Township of Ocean and Seaview Square, LLC

WHEREAS, the Township Council of the Township of Ocean previously approved Resolution #09-049d at their meeting on April 6, 2009; and

WHEREAS, after said approval, revisions were required to said resolution which necessitated the rescinding of Resolution #09-049d; and

WHEREAS, the replacement resolution is as follows:

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 **II**, which is a 44,091.12 square foot retail building and a 6,888.75 square foot restaurant (Applebee's) 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 Retail Phase **II** entitled Seaview Center, Lots 1 and 23, Block 141 . **Retail Phase II Dimensional Plan**, in Ocean Township, Monmouth County, New Jersey prepared by Macdel Engineering, P.C. consisting of eight (8) sheets last updated December 10, 2001 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schoor DePalma dated December 31, 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 23, 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, Retail Phase **II** (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 rescinding of Resolution #09-049d, as approved by the Township Council of the Township of Ocean on April 6, 2009.
2. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, Seaview Square, LLC

3. 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

09-072 Authorize the auction of public property by the Township of Ocean through PropertyRoom.com.

WHEREAS, The Township of Ocean has accumulated numerous items of personal property over the years through the normal course of police business by finding and recovery and otherwise and in situations where the owner cannot be found or refuses to accept the property, and

WHEREAS, these items include bicycles and surplus police & Township equipment for which it would be difficult to establish a fair market value prior to advertisement and public sale, and

WHEREAS, it is in the best interest of the Township that said property be sold, and it is not the intention of the Township Council to deprive any person of their right to retrieve any personal items which may have become part of this accumulated property as the result of loss, theft, or some other reason and,

WHEREAS, the State of New Jersey, Department of Community Affairs has authorized and approved the on-line sale of surplus property which will comply with N.J.S.A. 40A:14-157; and,

WHEREAS, it is the desire of the Township Council of the Township of Ocean to use PropertyRoom.com to conduct the auctions, which company has been approved by the Department of Community Affairs.

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

1. The Records Officer of the Police Department is hereby authorized to prepare a list of items which will be forwarded to PropertyRoom.Com, Inc. for an on-line auction.
2. That notice of the sale shall be published at least once in a newspaper circulating in the Township of Ocean not less than ten (10) days prior to the sale.

09-073 Authorize the Mayor and Township Clerk to execute a Service Agreement with WM Recycle America, LLC to accept certain recyclable materials at the Township of Ocean facility.

WHEREAS, the Township of Ocean wishes to undertake single stream recycling of materials in the Township of Ocean

WHEREAS, the Director of Public Works and the Township Manager have solicited qualified entities to accept recyclable products at the Township of Ocean recycling facility and have recommended that a contract be awarded to WM Recycle America, LLC; and

WHEREAS, this Agreement shall commence as of the date of the signing of said Agreement and shall terminate one year from said date;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth that authorization is hereby given for the Mayor and Municipal Clerk to execute said Agreement with WM Recycle America, LLC to accept recyclable materials at the Township of Ocean recycling facility for a one year commencing on the signing of said Agreement.

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

1. Director of Public Works
2. WM Recycle America, LLC

09-074 Authorize the acceptance of the Developers Agreement for the following:

a. Block 1.05, Lot 2 – 2108 Kings Highway – Omnipoint Communications, Inc.

WHEREAS, the Developer is the applicant for certain real property which is owned by Little Torch Enterprises, Inc., 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 February 23, 2009 to install a new array of antennae at a height of 127 feet to the centerline on an existing monopole and to construct a new 4x20 concrete pad to support three equipment cabinets and appurtenances with one CSC cabinet will be located on a separate concrete pad; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Omnipoint Communications, Inc. NJ-08-187B, Ocean Township, NJ . 2108 Kings Highway, Oakhurst, N.J. 07755, Block: 1.05, Lot: 2 by Farid Ghaemi, P.E. of CMX, consisting of four (4) sheets dated September 11, 2008 and last updated January 29, 2009; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated March 27, 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 Omnipoint Communications, Inc., 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 \$1,860.00 and Inspection Fees in the amount of \$1,000.00

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. Omnipoint Communications, Inc.

ROLL CALL (on all Consent Items):

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

SPECIAL ORDINANCE:

Deputy Township Clerk read the following Ordinances by Title:

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 Siciliano, it was moved to open the Public Hearing on Ordinance #2125

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

Public Comments:

Bob Ades asked for an explanation of Ordinance #2125. Andrew Brannen explained that it had to do with the increase in expenditures in excess of the 2% CAP.

No other comments were received.

On a motion by Council member Hiers and seconded by Council member Siciliano, it was moved to close the Public Hearing on Ordinance #2125

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

On a motion by Council member Hiers and seconded by Council member Siciliano, it was moved to adopt Ordinance #2125 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

PUBLIC HEARING and ADOPTION – 2009 Municipal Budget**B1 Resolution – Authorizing the Budget to be read by title**

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

WHEREAS, the 2009 Local Municipal Budget of the Township of Ocean was duly published in The Asbury Park Press on April 23, 2009 and the Public Hearing thereon was scheduled for May 18, 2009 at 7:00 p.m.; and

WHEREAS, N.J.S.A. 40A:4-8 provides that the Budget, as advertised, may be read by title if at least one week prior to the date of the hearing it shall be posted in the Municipal Building and made available to any person requesting same during said week and during the Public Hearing; and

WHEREAS, the Township Clerk has advised that the forgoing conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby find that the conditions set forth in N.J.S.A. 40A:4-8 have been met and, accordingly, the Municipal Budget may be read by title:

**“LOCAL BUDGET OF THE TOWNSHIP OF OCEAN,
COUNTY OF MONMOUTH FOR THE FISCAL YEAR 2009”**

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

Motion to open the Public Hearing

On a motion by Council member Hiers and seconded by Council member Siciliano, it was moved to open the Public Hearing on the adoption of the 2009 Municipal Budget.

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

Public Hearing

Andrew Brannen gave a brief overview of the 2009 Municipal Budget and Stephen Gallagher, Finance Director, gave a powerpoint presentation depicting the various items making up the 2009 budget. Mr. Gallagher also explained the history of the Township finances as it relates to the current economy.

Mayor Larkin thanked all the Township employees, especially the Department Heads, for their efforts.

Bob Ades asked about how many employees the Township currently has and whether there was a possibility of eliminating the Sewerage Authority. Andrew Brannen explained that there are 165 Township employees and that the savings versus the possible revenues does not justify taking over the operations that the Sewerage Authority currently oversees.

Larry Loigman inquired about numerous budgetary items and made suggestions on how the Township could possibly improve its operations and bring about better efficiencies.

Motion to close the Public Hearing

On a motion by Council member Hiers and seconded by Council member Siciliano, it was moved to close the Public Hearing on the adoption of the 2009 Municipal Budget.

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

2009 Municipal Budget

On a motion by Council member Hiers and seconded by Council member Siciliano, it was moved to adopt the 2009 Municipal Budget.

**SECTION 2 – UPON ADOPTION FOR YEAR 2009
(ONLY TO BE INCLUDED IN THE BUDGET AS FINALLY ADOPTED)**

BE IT RESOLVED BY THE **MAYOR AND COUNCIL** OF THE **TOWNSHIP OF OCEAN**, COUNTY OF **MONMOUTH** THAT THE BUDGET HEREIN BEFORE SET FORTH IS HEREBY ADOPTED AND SHALL CONSTITUTE AN APPROPRIATION FOR THE PURPOSES OF THE SUMS THEREIN AS SET FORTH AS APPROPRIATIONS, AND AUTHORIZATION OF THE AMOUNT OF

- (a) \$ 17,397,123.00 (ITEM 2 below) for municipal purposes,
- (b) \$ 0.00 (ITEM 3 below) for school purposes in type 1 school districts only (N.J.S. 18A:9-2) to be raised by taxation
- (c) \$ (ITEM 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School District only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following Summary of General Revenues and Appropriations.
- (d) \$ Open Space, recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE

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

1. General Revenues		
Surplus Anticipated	08-100	7,401,146.00
Miscellaneous Revenues Anticipated	40004-10	6,207,282.69
Receipts for Delinquent Taxes	15-499	500,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (item 6(a), Sheet 11)	07-190	17,397,123.00
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:		
Item 6, Sheet 41	07-195	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	0.00
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only		0.00
4. To Be Added to the Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:		
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)		
TOTAL REVENUES		31,505,551.69

ROLL CALL:

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

INDIVIDUAL ACTION:

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

VOUCHERS: \$ 11,139,317.45

**Township of Ocean
Department of Finance
Voucher List for May 18, 2009**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
ACCURINT FOR LAW ENFORCEMENT	PD- BACKGROUND SEARCHES-	33.50	

MEETING MINUTES

MAY 18, 2009

BRANNEN, ANDREW G	EXPENSE REIMBURSEMENT	75.00
BROCK FARM INC	Trees for Golf Course	2,480.00
CMF BUSINESS SUPPLIES	OFF. SUPPLIES AS PER ATTACHED	358.51
COMCAST SPOTLIGHT	COMMERCIAL PRODUCTION	1,200.00
GALETON GLOVES INC	Work gloves for sanitation	103.19
KELLY WINTHROP, LLC.	Remove dead deer	55.00
MR JOHN INC	Rental of temporary rest room	1,790.00
NJNEOA	PD- ANNUAL CONFERENCE	795.00
OFFICE DEPOT INC	OFF. SUPPLIES AS PER ATTACHED	198.00
RED THE UNIFORM TAILOR	PD- REPLACE DAMAGED UNIFORM	154.00
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	984.60
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	1,069.24

Total 9,296.04

Total Appropriation Reserves Payments 9,296.04

2009 Current Fund Appropriation Payments

33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - FEB 09	136.59
33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - MARCH 09	165.00
A&J MANAGEMENT CO	PD- PRISONER FOOD- MARCH 09	16.60
ACCURINT FOR LAW ENFORCEMENT	PD- BACKGROUNDS - MARCH 09	33.50
ACCURINT FOR LAW ENFORCEMENT	PD- BACKGROUND SEARCHES- APRIL	38.00
AFLAC - NEW YORK	MAR 2009 MEDFLEX ADMIN FEES	25.00
AIM TO DRAIN	Sewerage line clogged	335.00
ALEXA TAYLOR	REFUND OF ROOM RENTAL FEE	85.00
ALL AMERICAN TURF INC	April misc lawn mower parts	178.22
ALL INDUSTRIAL SAFETY PRODUCTS	Rainsuits for Road Dept	654.12
ALLIED FIRE & SAFETY EQUIP	Annual inspections/fire alarms	2,600.00
ALLIED OIL LLC	March unlead & diesel fuel	23,418.61
ALLIED OIL LLC	April unlead & diesel fuel	24,224.22
AMERICAN HOSE & HYDRAULICS CO	Misc parts for truck #96	1,300.00
AMERICAN HOSE & HYDRAULICS CO	Misc parts for truck #80	516.00
AMERICAN PLUS PRINTERS INC	Printing of Spring Newsletter	4,016.00
AMERICAN WEAR INC	March uniform rental	1,269.97
AMERICAN WEAR INC	March rags for shop use	60.00
AMERICAN WEAR INC	April uniform rental	1,011.12
AMERICAN WEAR INC	April rags for shop use	48.00
AMHCA	ANNUAL CLINICAL DUES	159.00
ANNMARIE FREYER	REFUND OF ROOM RENTAL FEE	90.00
APMM	APPM/NJMMA SPRING 2009 CONFER.	170.00
ARBUS, MARTIN ESQ	APR 09 MON RET,MAR GEN LEGAL	7,346.33
ARBUS, MARTIN ESQ	MAY 09 MON RET,APR GEN LEGAL	4,674.33
ARMSTRONG TREE SERVICE LLC	Oak planks for paving trailer	542.00
ASBURY PARK ELECTRIC SUPPLY	Roll of coax cable	418.34
BARG'S LAWN & GARDEN SHOP INC	April misc lawn mower parts	77.92
BRANNEN, ANDREW G	EXPENSE REIMBURSEMENT	75.00
BROOKE MINDNICH	REFUND OF LIFEGUARD CERTIFICAT	135.00
BROWN, SANFORD ESQ	PB meeting March 23, 2009	468.75
BUTTIGLIERI, VINCENT CMC	APRIL 2009 PETTY CASH	373.26
CABLEVISION OF MONMOUTH INC	07866-1932862-01-9	129.80
CALEA	PD- PROCESS & PROGRAMS GUIDE	47.50
CALLAWAY GOLF CO	MISC RETAIL ITEMS CTGC	327.60
CAMPBELL FOUNDRY CO	Smooth interiuro pipe/drainage	1,012.20
CENTRAL JERSEY SEPTIC INC	Pump out septic system CTGC	187.25
CENTRAL TOWING & RECOVERY INC	Tow vehicle to Trenton Mack	460.00
CMF BUSINESS SUPPLIES	PD- PAPER SUPPLY	838.20
CRYSTAL SPRINGS	March spring water	121.90
CRYSTAL SPRINGS	WATER-JAN., FEB., MARCH	73.86
CRYSTAL SPRINGS	April spring water	108.33
DEBORAH GAYLIARD	REFUND OF DODGE BALL REG FEE	20.00
DELANOY, KATHLEEN	PD-REIMBURSEMENT BOOTS/SEWAGE	109.99
DELTA DENTAL PLAN OF NJ	Dental Insurance May 2009	10,599.69
DEPOSITORY TRUST COMPANY	5/1 DEBT SERV PYMT OF PRIN/INT	1,108,250.00
EAST COAST SOD & SEED LLC	MISC. SUPPLIES CTGC MARCH	110.00
EATONTOWN MEDICAL ASSOC PA	PD- PHYSICAL/PTL WALKER	170.00

MEETING MINUTES

MAY 18, 2009

ED HUME SEEDS	Seed packages-Memorial Parade	615.00
EDWARDS TIRE CO INC	March recap & service tires	523.68
EDWARDS TIRE CO INC	March tires for Twp vehicles	1,050.63
EDWARDS TIRE CO INC	83339,3659,3999,3263,3336,7604	2,501.01
EDWARDS TIRE CO INC	April tires for Twp vehicles	2,353.04
ELIZABETH M WHITE	REFUND OF ROOM RENTAL FEE	140.00
ENCON MECHANICAL CORP	Heating & Air contract 4th qtr	12,512.75
ENCON MECHANICAL CORP	Emergency compressor install	1,635.00
F & C AUTOMOTIVE SUPPLY INC	118013,129,133,135,364,631,754	1,612.68
F & C AUTOMOTIVE SUPPLY INC	Misc parts for police car #61	650.00
F & C AUTOMOTIVE SUPPLY INC	119206,341,339,396,468,477,687	2,276.44
FALCO, GARRET	SUPERVISOR TEEN	78.00
FARRUGGIA, SALVATORE	Reimb for NJ Plumbing Assoc	75.00
FITZGERALD, WILLIAM	PB and BOA Meetings & Reviews	1,620.00
FITZGERALD, WILLIAM	ENG. SVCS. 777 WPA SUBDIVISION	168.75
FLAGSHIP HEALTH SYSTEMS INC	Dental Ins. Flagship May	771.10
FORT DEARBORN LIFE INS CO	May 2009 Life Insurance	603.34
GANNETT NJ NEWSPAPERS	A/C9459 4/23 I 2009 MUN BUDGET	86.40
GANNETT NJ NEWSPAPERS	A/C9459 5/9 SPEC COUN BUDG MTG	14.58
GARIPPO, LOUIS JUDGE	substitute Judge 3-31-09	800.00
GEESE CHASERS LLC	GEESE CONTROL APRIL	862.33
GEORGE WALL LINCOLN MERCURY	March misc parts	243.93
GEORGE WALL LINCOLN MERCURY	April misc parts	389.99
GILES & RANSOME INC	April misc loader parts	137.82
GLOBE PETROLEUM INC	Heating Oil Buildings Grds	2,904.72
GOLF CAR SPECIALITIES LLC	GOLF CAR LEASE/SERV 1 of 6-MAY	1,900.00
GOLF CAR SPECIALITIES LLC	CTGC UTILITY VEHICLES-APRIL	140.00
GOLF CAR SPECIALITIES LLC	CTGC UTILITY VEHICLES-MAY	140.00
GOVCONNECTION INC	PD/MIS- HARD DRIVE	-00.00
GOVCONNECTION INC	PD- PRINTER/COPIER TONERS	962.00
GRAMCO BUSINESS COMMUNICATIONS	3 boxes blank cds #GG5560	63.70
GUIDO, MATTHEW	PD-FINAL UNIFORM REIMBURSEMENT	118.70
HALSEY, MATTHEW	SUPERVISE ADULT VOLLEYBALL APR	108.00
HANDI-LIFT SERVICE CO INC	Service contract Human Service	995.00
HANDI-LIFT SERVICE CO INC	Service lift at Municipal Bldg	635.00
HARLEY-DAVIDSON OF LONG BRANCH	Misc parts for police motoreyl	90.74
HEARTLAND SERVICES INC	APR PYMT FOR CREDIT CARD SALES	249.43
IDEAL LUMBER & SUPPLY CO	April misc lumber supplies	22.00
IVEY, KATHY	PD- AWARD CERTIFICATES	22.89
J B EQUIPMENT & SALES INC	Misc repairs to Jet Vac #77	204.40
JAEGER LUMBER & SUPPLY	April misc lumber supplies	37.18
JAMES HIGGINS ASSOCIATES	PB and BOA meeting attendance	400.00
JERSEY CENTRAL POWER & LIGHT	April electric general usage	33,708.07
JERSEY CENTRAL POWER & LIGHT	April street lighting	20,075.00
JIM CURLEY PONTIAC GMC TRUCK	213835,213892	1,049.47
JOHNNY ON THE SPOT	ADA UNIT JPP/CTGC APRIL	159.71
JOSEPH, JESSIE	REIMBURSEMENT - RE-	50.00
KELLY WINTHROP, LLC.	Remove dead deer	100.00
KELLY WINTHROP, LLC.	Deer removal Larchwood Avenue	50.00
KURPIEL, MICHAEL T. & KATHLEEN	TAX OVERPMT REF BL 153.04 L 13	2,412.17
LAKWOOD AUTO/ASBURY NAPA	March misc parts	1,219.88
LAKWOOD AUTO/ASBURY NAPA	April misc parts	935.49
LANIGAN ASSOCIATES INC	PD- SAFETY SUPPLIES- MARCH 09	383.55
LANIGAN ASSOCIATES INC	75961,75926	366.95
LAURA F GIORDANO	REFUND OF ROOM RENTAL FEE	165.00
LAWMAN SUPPLY CO OF NJ INC	PD- AMMUNITION SUPPLY	2,878.54
LEE BATTERY SERVICE INC	March misc batteries	393.20
LEISURE SPORTING GOODS	POOL/REC STAFF CLOTHING	1,844.54
LEON S AVAKIAN INC	THRU MAR 2009-GENERAL ENG	1,975.00
LEON S AVAKIAN INC	THRU JAN 09-DRAINAGE EASEMENT	2,910.00
LESCO - PROX	April misc supplies	54.00
LINE SYSTEMS, INC.	APR 2009 PHONE SERVICE CHARGES	3,810.93
LL ENTERPRISES LLC	PD- BLUETOOTH HEADSETS	71.99
LOWES INC	2557,699,073,715,519,355,251	739.53
LOWES INC	CTGC MAINTENANCE SUPPLIES	139.49

MEETING MINUTES

MAY 18, 2009

LOWES INC	POOL FACILITY SUPPLIES	136.60
MAIN ELECTRIC SUPPLY CO INC	Phone cables for west wing	483.00
MANASQUAN GENERATOR SHOP	Misc parts for #60 & #5	230.00
MARLIE LAKEN	REFUND OF REC SOCCER REG FEE	25.00
MARTINEZ, SUZANA DAROCA	Spanish/Portuguese Interpreter	194.00
MAZZA & SONS INC	April dump fees bulk material	2,435.20
MAZZA & SONS INC	April recycle concrete	139.62
MC CLINTOCK, ROBERT	PD- CPR/911 EMD INSTRUCTOR	960.00
MC MAHON, WILLIAM	Cell phone reimbursement	25.00
METRO FIRE & COMMUNICATIONS	Service call for Library	490.00
MID JERSEY MUN JOINT INS FUND	4TH INSTALLMENT 2009 ASSMT	230,725.25
MON CTY JUVENILE OFFICERS ASSN	PD- ANNUAL DUES	50.00
MON CTY POLICE ACADEMY	PD- 1ST QUARTER TRAINING	90.00
MONMOUTH COUNTY TREASURER	2ND QTR 2009 GENERAL CTY TAXES	3,316,254.60
MONMOUTH COUNTY TREASURER	2ND QTR 2009 LIBRARY TAXES	199,575.74
MONMOUTH COUNTY TREASURER	2ND QTR 2009 OPEN SPACE TAXES	221,166.92
MONMOUTH COUNTY TREASURER	SCAT TRANSPORT 1ST QUARTER	3,168.00
MOORE WALLACE NORTH AMERICA	CERT PAPER 8-1/2 X 14 REG-42B	133.16
NEPTUNE AUTO SUPPLY	43388,43350,43523,43920	426.99
NEPTUNE AUTO SUPPLY	April misc parts	1,264.10
NERMINE EL BOWRIDY	PARTIAL REFUND OF POOL	75.00
NEW JERSEY CHAPTER APWA	Registration one day seminar	25.00
NEW JERSEY DRE ASSOC	PD- ANNUAL MEMBERSHIP FEE	25.00
NJ JUVENILE OFFICERS ASSOC	PD- TRAINING CONFERENCE	250.00
NJ MOTOR VEHICLE SERVICES	New plates for sweeper #51	20.00
NJ NATURAL GAS CO	March gas usage	10,946.41
NJ STATE HEALTH BENEFITS FUND	March Health Insurance	122,468.72
NJ STATE HEALTH BENEFITS FUND	April Health Insurance	123,070.89
NJAWC	March water usage	1,986.19
NJRPA INC	CONFERENCE TUES. APRIL 7TH	15.00
OCEAN TWP ELEM SCHOOL PTA	PTA JOURNAL ADS:POOL & CTGC	200.00
OLD DOMINION BRUSH CO	Misc parts for leaf machines	4,749.78
O'SHEA TRUCK CENTER	Repairs to truck #87	2,506.06
O'SHEA TRUCK CENTER	April misc parts	38.38
PETERS, STEVEN	PD- REIMBURSE FBI-NA DUES	82.00
PETERS, STEVEN	PD-REIMBURSE FBINAA	400.00
POSTMASTER	POSTAGE SEWER DEL.1ST 09 2ND R	197.00
QUALITY COMMUNICATIONS	PD- HEADSET ADAPTER	599.00
RED THE UNIFORM TAILOR	PD- UNIFORMS - WALKER	1,269.00
REIFE, VERA	Russian Interpreter	210.00
REISER, KATHY	REIMBURSE SUPPLIES CTGC/REC	79.39
REISER, KATHY	REIMBURSE RETAIL CTGC	13.47
REISER, KATHY CUST OF POOL	POOL PETTY CASH	200.00
RELIABLE WOOD PRODUCTS LLC	March recycle brush	1,776.00
ROGOFF, MARC	Reimbursement-Sky Watch suppli	24.57
RUDERMAN & GLICKMAN PC	3/1/09-4/30/09-MISC LABOR RELA	9,090.00
S & S WORLDWIDE INC	CRAFT SUPPLIES REC CAMP	481.33
SAFETY VISION LP	Misc parts for rear cameras	68.56
SANITATION EQUIPMENT CORP	Misc parts for Twp vehicles	501.59
SANSONE FORD LINCOLN MERCURY	Repairs to police car #55	995.00
SCHUELER, STEPHEN G ESQUIRE	MAR/APR ALTERNATE PROSECUTOR	1,937.50
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - MARCH 2009	99.05
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - APRIL	186.40
SEABOARD WELDING SUPPLY INC	PD- OXYGEN REFILLS - MARCH 09	338.00
SEABOARD WELDING SUPPLY INC	Feb propane for patch truck	180.90
SEABOARD WELDING SUPPLY INC	762532,762708	414.56
SEABOARD WELDING SUPPLY INC	PD- OXYGEN REFILLS - APRIL	243.50
SEACOAST CHEVROLET OLDSMOBILE	Repairs to police car #40	677.59
SEACOAST CHEVROLET OLDSMOBILE	Feb misc parts	331.82
SEACOAST CHEVROLET OLDSMOBILE	March misc parts	261.44
SEACOAST CHEVROLET OLDSMOBILE	April misc parts	37.58
SEELY EQUIPMENT & SUPPLY CO	751-06940,841,554,410,11,333	2,126.22
SHEARON ENVIRONMENTAL DESIGN	MAINTENANCE CTGC -APRIL #2	23,178.64
SIPERSTEIN'S PAINT	March misc paint & brushes	3.85
SIPERSTEIN'S PAINT	POOL PAINT & SUPPLIES	272.76

MEETING MINUTES

MAY 18, 2009

SPRINT	Service 2/27/09-3/26/09	50.19
SPRINT PO MANAGEMENT	PD- NEXTEL SERV - MARCH 09	694.40
STAVOLA ASPHALT CO INC	March 2nd half patch program	284.10
STAVOLA ASPHALT CO INC	April 1st half patch program	209.08
STAVOLA ASPHALT CO INC	Clean broken stone/drainage	2,813.62
STEINBERG, MARK A ESQ	BOA Meeting and Resolutions	500.00
STORR TRACTOR CO	March misc parts	121.51
STORR TRACTOR CO	430054,431286	512.44
SUNSET FARM MARKET	April misc supplies	201.96
SUNSET FARM MARKET	CERAMIC URNS-Terner Gallery	149.96
T.C.T.A. OF N.J.	TCTANJ 2009 ANNUAL CONFERENCE	285.00
TAMI KAY	REFUND OF LIFEGUARD CERTIFICAT	135.00
TANIA ROMA	REFUND OF WPA ROOM RENTAL FEE	165.00
TEE'S PLUS	DARE CLASS FOLDERS	297.12
THE BANK OF NEW YORK	MON CTY IMPROV AUTH INT PYMT	337,185.53
THE NEW COASTER LLC	4/23 CONCORD ENG GR,ORD 2120,5	60.45
THE NEW SYSTEM KITCHEN	SNACK BAR HOOD CLEANING	335.00
THE OUTLOOK STUDENT NEWSPAPER	CTGC ADVERTISEMENT	253.50
TONKS'S USED OIL FILTER DISP	Remove empty oil filters	100.00
TOWNE HARDWARE	KEY RINGS AND TAGS	40.00
TOWNE HARDWARE	10379,13347,11666	114.01
TREASURER COUNTY OF MONMOUTH	March 2nd half dump fees	30,003.95
TREASURER COUNTY OF MONMOUTH	April 1st half dump fees	25,209.30
TREASURER COUNTY OF MONMOUTH	April 2nd half dumping fees	29,985.62
TREASURER OF SCHOOL MONIES	MAY 2009 SCHOOL TAXES PAYABLE	4,385,669.75
TREASURER STATE OF NJ	1st Quarter DCA Fees	3,650.00
TREASURER STATE OF NJ	Recycling monitoring fees	2,282.50
TREASURER STATE OF NJ/1989 GT	PMT #30 1989 GREEN TRUST FUND	9,580.87
TRUIS INC	Misc parts for truck #85	353.82
TWP OF OCEAN PAYROLL ACCOUNT	SOC SEC PORTION P/R 4/17	20,902.69
TWP OF OCEAN SEWERAGE AUTH	2nd qtr 2009 sewer payment	4,064.64
UNIVERSAL COFFEE CORP	INITIAL RETAIL SNACKS CTGC	1,087.00
UP TITE FASTENERS INC	April misc maint supplies	81.25
US 1 AUTO PARTS	183512	476.75
US 1 AUTO PARTS	April misc parts	445.52
USGA	USGOLF ASSOC MEMBERSHIP	110.00
USHER PUBLISHING CO	Bail Receipt Books (1000)	458.00
V E RALPH & SON INC	PD- FIRST AID SUPPLIES	989.75
VALENTINO, JOSEPH	Cell phone Reimbursement	75.00
VANTAGEPOINT TRANSFER AGENTS	Retiree Health Benefits	2,811.69
VERIZON	TELEPHONE & ISDN SERVICES 5/09	725.93
VERIZON BUSINESS FIOS	FIOS SERVICE FOR 5/09	199.98
VERIZON ONLINE	ISDN SERVICES FOR 5/09	576.02
VERIZON WIRELESS	PD- AIRCARD SERV PLAN - APRIL	480.10
VERIZON WIRELESS	PD- AIRCARD SERV PLAN - APRIL	480.10
VISUAL COMPUTER SOLUTIONS INC	PD- POSS TRAINING/192/045/056	575.00
VOGEL, GLENN D. & PULCRANO,	TAX OVERPAYMENT REF BL 109 L 2	1,402.20
W B MASON CO INC	HUMAN SERVICES OFFICE SUPPLIES	878.32
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	999.87
W E TIMMERMAN CO INC	Misc parts for sweeper #52	950.28
W W GRAINGER INC	9833607394,552694561,54407468	309.52
WACHOVIA BANK NA	PD- SUBPOENAED DOCUMENTS	33.25
WANAMASSA PTA	PTA JOURNAL ADS:POOL & CTGC	200.00
WAYSIDE ELEMENTARY SCHOOL PTA	PTA AD JOURNAL:POOL & CTGC	200.00
WINSOME ANGUS	REFUND OF ROOM RENTAL FEE	75.00
WITTEK GOLF SUPPLY CO INC	MISC SUPPLIES CTGC MARCH	68.03

Total **10,474,960.84**

Total 2009 Current Fund Appropriations Payments **10,474,960.84**

General Capital Payments

ATLANTIC IRRIGATION	Irrigation system Golf Course	62.57
CDW GOVERNMENT INC	BARRACUDA SPAM FILTER	2,934.00
DEGLER-WHITING INC	BACKSTOP BARRIER NETTING	9,675.00

MEETING MINUTES

MAY 18, 2009

ENVIRONMENTAL SYSTEMS RESEARCH	ESRI YEARLY MAINTENANCE	2,200.00	
FERNANDES CONSTRUCTION INC	PYMT #5 2008 ROADWAY IMP PROG	53,860.92	C8-00005
GOVCONNECTION INC	PD/MIS- HARD DRIVE	374.30	
GOVCONNECTION INC	PD- 2- LCD MONITORS	358.00	
GOVCONNECTION INC	Laptop Accessories	924.00	
GROUPE LACASSE LLC	New office furniture for DPW	3,933.42	
LEON S AVAKIAN INC	THRU MAR 2009-2009 ROAD PROGRA	13,980.00	C9-00004
LEON S AVAKIAN INC	THRU MAR 09-CTGC & DELTA DR PO	1,170.00	
MC CAULEY CONSTRUCTION CO	PYMT #11 WEST WING INT	69,194.53	C8-00003
SHEARON ENVIRONMENTAL DESIGN	TEE DEVELOPMENT CTGC	7,343.10	
SPACESAVER SYSTEMS OF NJ INC	Storage for VB/Courtroom	21,628.00	
THE NEW COASTER LLC	4/16 CONTRACT AWARD-AVAKIAN	23.56	
W E TIMMERMAN CO INC	Elgin Eagle street sweeper	227,000.00	

Total 414,661.40

Total General Capital Payments 414,661.40

Grants Payments

CMX	MAR 09-RT 35 @ ARMSTRONG BLVD	649.25	C6-00009
DELTA DENTAL PLAN OF NJ	Dental Insurance May 2009	111.65	
FLORES, VICTORIA	Reimbursement for work boots	44.50	
GALETON GLOVES INC	Work gloves clean communities	58.85	
LEON S AVAKIAN INC	THRU MAR 2009-OCEAN GLADES	830.00	C9-00001
MC GRATH, LAURIE	Reimbursement for clean sweep	130.45	
NJ STATE HEALTH BENEFITS FUND	March Health Insurance	1,594.60	
NJ STATE HEALTH BENEFITS FUND	April Health Insurance	1,594.60	
NJ STATE SAFETY COUNCIL	Safety Officer Class	375.00	
QUIKIE PRINT & COPY SHOPS	Clean sweep flyers	274.00	
TWP OF OCEAN PAYROLL ACCOUNT	SOC SEC PORTION P/R 4/17	94.03	
VNACJ PUBLIC HEALTH	10/3/08 FLU SHOT, CHOL. & DIAB	1,890.00	

Total 7,646.93

Total Grants Payments 7,646.93

Law Enforcement Trust Payments

SPRINT PO MANAGEMENT	PD/TOLET- LT's NEXTELS/SERVICE	199.98	
SPRINT PO MANAGEMENT	PD/TOLET- NEXTEL SERV - FEB	133.91	
SPRINT PO MANAGEMENT	PD/TOLET- NEXTEL SERV - MARCH	70.76	

Total 404.65

Total Law Enforcement Trust Payments 404.65

TORTA Payments

DEBORAH GAYLIARD	REGISTRATION REFUND	25.00	
EDNA BABAD	TORTA REFUND PROGRAM	25.00	
HILLARY BRUDNER	TORTA REFUND PROGRAM	25.00	
KOVEN, JO MANDEAU	INSTRUCTOR - MASSAGE	75.00	
LILLIAN EISEN	TORTA REFUND PROGRAM	25.00	
LORI BOYD	TORTA REFUND PROGRAM	25.00	
LOUIS LEIBOWITZ	TORTA REFUND PROGRAM	35.00	
MARY ANN BRADFORD	TORTA REFUND PROGRAM	35.00	
MC DONALD'S BILLIARD	CTGC TROPHIES	90.95	
NASCO	SENIOR PAINTING SUPPLIES	516.18	
REISER, KATHY	REIMBURSE TOURN. REFRESHMENTS	26.47	
RITA GOTTLIEB	TORTA REFUND-CONCERT	30.00	
SAMEERAH ABDULLAH	TORTA REFUND	50.00	
TIME & SPACE CONSULTING	INSTRUCTOR SR YOGA FEB/MARCH	700.00	
TWP OF OCEAN PAYROLL ACCOUNT	Torta 4/17/2009	67.50	
TWP OF OCEAN PAYROLL ACCOUNT	TORTA May 1,2009	680.50	
TWP OF OCEAN PAYROLL ACCOUNT	TORTA MAY 15,2009 PAYROLL	1,232.98	
WASSER, KEN	PERFORMANCE 4/19 TERNER GALLER	75.00	
YEN QUEN CHEN	REGISTRATION REFUND	50.00	

<u>Total</u>		3,789.58
	<u>Total TORTA Payments</u>	<u>3,789.58</u>
	<u>Trust Other Payments</u>	
259 MONMOUTH HOLDINGS	Escrow Returns	1,235.00
736 HIGHWAY 35 LLC	Escrow Return	731.25
ART ADDIE	Return Escrow Windows to Go	500.00
BROWN, SANFORD ESQ	PB Reviews and Resolutions	962.50
CELLI, MICHAEL G JR ESQUIRE	MAR 09 ALTERNATE PUBLIC DEFEND	250.00
CLARKE CATON HINTZ	COAH PLANNING CONSULTATION SVS	728.30
CMX	VAR-MGO GROUP-16 CARBURY RD	422.50
CMX	VAR MTHS-46 NORTHWOODS	97.50
CMX	AUG 06-24 BRANDYWINE	195.00
COVELLI, VICTOR M ESQ	3/24 V ERIN L O'SHEA	250.00
COVELLI, VICTOR M ESQ	4/7 STATE V JENNA E MEACHER	250.00
COVELLI, VICTOR M ESQ	4/21/09 V TYQUAN M ALSTON	250.00
CRUSADER SERVICING CORP	RDM 12.02 1 CERT 08-00001	49,578.82
DESIMONE, MICHAEL	W.Comp for Scibal ck 4111	812.84
DESIMONE, MICHAEL	Twp Share Scibal Ck 4111	437.89
DIEDRICHSEN, MARK & EVELYN	PERF REL ON 11 STANDISH DR	1,249.80
FITZGERALD, WILLIAM	PB and BOA Reviews	3,746.25
FITZGERALD, WILLIAM	PB Reviews Laurel Avenue Assoc	270.00
FITZGERALD, WILLIAM	Reviews K & D Assoc 11/08	405.00
FREDERICK EZON MD	Return Escrow Frederick Ezon	297.50
HANNA, JOHN	W.Comp for Scibal CK41426	1,017.34
HANNA, JOHN	Twp Ocean Share Scibal Ck41426	404.66
JAMES HIGGINS ASSOCIATES	NOV 2008 SITE INSPECTION	125.00
JAMES HIGGINS ASSOCIATES	NOV 2008 LANDSCAPE INSPECTION	31.25
JAMES HIGGINS ASSOCIATES	JAN 2009 NELSON SCHNEIDER LAND	156.25
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	2,468.75
JAMES HIGGINS ASSOCIATES	Landscaping Reviews	687.50
JAMES HIGGINS ASSOCIATES	PB and BOA reviews	1,656.25
JAMES HIGGINS ASSOCIATES	Landscape inspections	281.25
JEROLD L & TONI K ZARO	Escrow Return Zaro	772.50
KELLY BUILDERS	Return Escrow Kelly Builders	1,078.75
L P STATILE INC	REPLACEMENT WEEPING CHERRY	120.00
LAYNE MESSINA	PERF REL ON 261 MONMOUTH RD	245.60
LEON S AVAKIAN INC	THRU 3/2009 35 BRANDYWINE	270.00
LEON S AVAKIAN INC	THRU 3/2009 22 NORTHWOODS	705.00
LEON S AVAKIAN INC	THRU 3/2009 1211/1215 HERBERT	390.00
LEON S AVAKIAN INC	THRU 3/2009 17 HARTSHORE RD	645.00
LEON S AVAKIAN INC	THUR 3/2009 46 NORTHWOODS RD	645.00
LEON S AVAKIAN INC	THUR 3/2009 16 CARDBURY RD	505.00
LEON S AVAKIAN INC	THRU 3/2009 24 BRANDYWINE RD	715.00
LEON S AVAKIAN INC	THRU MAR 2009 VARIOUS INSPECTI	5,137.50
LEON S AVAKIAN INC	FEB/MAR 09-VARIOUS INSPECTIONS	2,057.50
LEON S AVAKIAN INC	THRU APR 15,09-VARIOUS INSPECT	915.00
LEON S AVAKIAN INC	THRU 4/1/09-221 MONMOUTH RD	530.00
LEON S AVAKIAN INC	THRU MAY 09-VARIOUS INSPECTION	1,011.25
MASER CONSULTING, P.A.	VAR MONTHS-ROLLING MEAD PH3	4,606.25
MASER CONSULTING, P.A.	JAN/FEB 09-CEDAR VILLAGE PH I	1,830.00
MASER CONSULTING, P.A.	JAN-MAR 09-ROLLING MEADOWS	1,671.25
MASER CONSULTING, P.A.	JAN-MAR 09-ROLLING MEADOWS	1,667.50
MASER CONSULTING, P.A.	MAR 09-CEDAR VILLAGE PH 2	710.00
MASER CONSULTING, P.A.	MAR/APR-ROLLING MEADOWS PH 1&2	2,090.00
MASER CONSULTING, P.A.	MAR 09-MONMOUTH UNIVERSITY	481.25
MASER CONSULTING, P.A.	APR/MAY 09-VARIOUS INSPECTIONS	8,220.00
MGO GROUP OF COMPANIES	MAINT REL ON 40 NORTHWOODS RD	3,869.49
MGO GROUP OF COMPANIES	MAINT REL ON 42 NORTHWOODS RD	2,492.48
MGO GROUP OF COMPANIES	MAINT REL ON 43 NORTHWOODS RD	4,389.83
MGO GROUP OF COMPANIES	MAINT REL ON 39 NORTHWOODS RD	1,609.38
MGO GROUP OF COMPANIES	MAINT REL ON 33 NORTHWOODS RD	1,238.48
MGO GROUP OF COMPANIES	MAINT REL ON 4 CARBURY RD	1,508.28
MGO GROUP OF COMPANIES	MAINT REL ON 37 NORTHWOODS RD	981.18

C9-00002

MEETING MINUTES

MAY 18, 2009

MGO GROUP OF COMPANIES	PERF REL ON 17 HARTSHORNE RD	752.53
MGO GROUP OF COMPANIES	MAINT REL ON 22 BRANDYWINE RD	1,883.54
MGO GROUP OF COMPANIES	MAINT REL ON 31 NORTHWOODS RD	1,788.06
MGO GROUP OF COMPANIES	PERF REL ON 24 BRANDYWINE RD	429.12
MGO GROUP OF COMPANIES	PERF REL ON 16 CARBURY RD	842.43
MGO GROUP OF COMPANIES	PERF REL ON 22 NORTHWOODS RD	28.13
MGO GROUP OF COMPANIES	PERF REL ON 46 NORTHWOODS RD	-00.00
MGO GROUP OF COMPANIES	MAINT REL ON 35 BRANDYWINE RD	2,578.23
MGO GROUP OF COMPANIES	MAINT REL ON 35 NORTHWOODS RD	2,241.12
MGO GROUP OF COMPANIES	MAINT REL ON 38 NORTHWOODS RD	2,181.33
MGO GROUP OF COMPANIES	MAINT REL ON 39 BRANDYWINE RD	2,225.22
MGO GROUP OF COMPANIES	MAINT REL ON 30 NORTHWOODS RD	6,021.65
MGO GROUP OF COMPANIES	MAINT REL ON 45 NORTHWOODS RD	1,938.14
MGO GROUP OF COMPANIES	MAINT REL ON 24 NORTHWOODS RD	3,785.20
MID JERSEY MUN JOINT INS FUND	CLAIMS PAID UNDER DEDUCTIBLE	60.00
MOTIVA ENTERPRISES LLC	PERF REL ON 2901 ASBURY AVE	9,842.64
NASCIMENTO, ALESSANDRO & MARIA	MAINT REL ON 247 OVERBROOK AVE	2,158.53
NJ DIVISION OF TAXATION	APR 2009 CTGC SALES TAX COLLEC	393.33
OAKHURST VETERINARY HOSPITAL	REDUCTION ON 225 MONMOUTH RD	32,889.36
PETILLO, LUCILLE	MAINT REL ON 1211/1215 HERBERT	2,683.34
PM GROUP	Return Escrow PM Group	335.00
ROMAN, RICHARD & HALLY	MAINT REL ON 146 DELAWARE AVE	2,275.27
STEINBERG, MARK A ESQ	Hillel resolutions	437.50
TWP OF OCEAN CURRENT FUND	Special Duty Admin/Police Car	930.00
TWP OF OCEAN CURRENT FUND	Off Duty Police Admin/Car Use	1,757.50
TWP OF OCEAN CURRENT FUND	Off Duty Police Admin/Car Use	1,695.00
TWP OF OCEAN PAYROLL ACCOUNT	Special Duty 4/17/09	2,500.00
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police May 1,2009	6,660.00
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police	5,265.00
VIACOM OUTDOOR	Escrow Return Viacom Outdoor	2,792.50
<u>Total</u>		221,976.54
	<u>Total Trust Other Payments</u>	<u>221,976.54</u>
	<u>Animal Control Trust Payments</u>	
NJ STATE DEPT OF HEALTH	MARCH'09 STATE DOG REPORT	124.20
<u>Total</u>		124.20
	<u>Total Animal Control Trust Payments</u>	<u>124.20</u>
	<u>State Unemployment Insurance Trust Payments</u>	
NJ DEPT OF LABOR & WORKFORCE	1ST QTR 2009 UNEMPLOYMENT	6,457.27
<u>Total</u>		6,457.27
	<u>Total State Unemployment Insurance Trust Payments</u>	<u>6,457.27</u>
<u>Total Bill List for May 18, 2009</u>		
	Appropriation Reserve Total	<u>9,296.04</u>
	Current Fund Total	<u>10,474,960.84</u>
	General Capital Fund Total	<u>414,661.40</u>
	State & Federal Grant Total	<u>7,646.93</u>
	Law Enforcement Trust Total	<u>404.65</u>
	TORTA Total	<u>3,789.58</u>
	Trust Other Total	<u>221,976.54</u>
	Animal Control Total	<u>124.20</u>
	Bid Deposit Refund	
	State Unemployment Trust	<u>6,457.27</u>
	Trust Assessment Fund	
	Total of All Funds	<u>11,139,317.45</u>

ROLL CALL:

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

ABSENT: Schepiga

*Yes, except to those in which I may have a conflict:

Sanford Brown, Esq.

Encon Mechanical Corp.

James Higgins Associates

RESOLUTIONS:

09-075 Authorize a salary amendment for non-union Township employees for the year 2009.

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

WHEREAS, the Township of Ocean had previously adopted Salary Ordinances No. 2085 and Ordinance No. 2105 which set the salary ranges for all non-union employees for the year 2008; and

WHEREAS, the Township Council of the Township of Ocean wishes to provide a cost of living adjustment for those employees not covered by a bargaining agreement; and

WHEREAS, Salary Ordinance No. 2120, covering the year 2009, will not become effective until June 8, 2009;

NOW THEREFORE, BE IT FURTHER RESOLVED, by the Township Council of the Township of Ocean that effective January 1, 2009, all non-union employees will receive a cost of living adjustment of 2.0% on their respective 2008 salaries in conformance with the Township policies currently in effect.; and

BE IT FURTHER RESOLVED, that employees with base salaries that would exceed the salary ranges as set forth in Ordinance No. 2085 and No. 2105 have their cost of living adjustment deferred until Ordinance No. 2120 becomes effective; and

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

1. Director of Finance

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

09-076 Authorize the purchase of four (4) in-car mobile digital video recording systems from L- 3 Communications Mobile-Vision, Inc., Boonton, NJ.

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

WHEREAS, the Township Council did award a contract to L-3 Communications Mobile-Vision, Inc., Boonton, NJ as per their bid proposal for supplying Police Department In-car Mobile Digital Video Recording systems for a period of three years, on October 4, 2006; and

WHEREAS, the Township of Ocean Police Department intends to purchase four (4) In-Car Mobile Digital Video Recording Systems; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for this purpose in the 2009 Municipal Budget under the following line item appropriation: MIS Equipment for Police . Account #C-04-55-922-913; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby approve the Township Manager's execution of a purchase order to L-3 Communications Mobile-Vision, Inc., Boonton, NJ in an amount not to exceed \$19,180.00 for the purchase of four (4) In-Car Mobile Digital Video Recording Systems.

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

1. Township Manager
2. Director of Finance
3. Police Department

ROLL CALL:

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

09-077 Authorize the purchase of four (4) mobile computer systems from Quality Communications, Lakewood, NJ.

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

WHEREAS, the Township Council did award a contract to Quality Communications, Lakewood, NJ as per their bid proposal for supplying the Police Department Mobile Computer Systems for a period of three years, on June 11, 2007 and:

WHEREAS, the Township of Ocean Police Department intends to purchase four (4) mobile computer systems; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for this purpose in the 2009 Municipal Budget under the following line item appropriation: MIS Equipment for Police . Account #C-04-55-924-907; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby approve the Township Manager's execution of a purchase order to Quality Communications, Lakewood, NJ in an amount not to exceed \$22,516.00 for the purchase of four (4) mobile computer system which includes the computer, mounting bracket for police vehicles, voltage protection devices, upgraded memory, installation cost and extended warranty

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

1. Township Manager
2. Director of Finance
3. Police Department

ROLL CALL:

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

09-078 Authorize the purchase of two (2) GMC Yukon Wagons from the Township of Ocean Fire District No. 2 at a cost of \$1.00 each.

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

WHEREAS, the Township of Ocean Fire District No. 2 and the Commissioners of the Township of Ocean Fire District No. 2 are the owners of a two (2) 1997 GMC Yukon Wagons, Serial No. 1GKEK13R1VJ758130 and Serial No. 1GKEK13R4VJ757442 ; and

WHEREAS, it is the determination of Township of Ocean Fire District No. 2 and the Commissioners of the Township of Ocean Fire District No. 2 that said vehicles are not needed by Fire District No. 2 and they are desirous of disposing of the same; and

WHEREAS, the Township of Ocean is in need of such vehicles and is desirous of obtaining the same for use for the cost of \$1.00 each; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for said purchase in the 2009 Budget, account # 9-01-30-810-355

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey, that authorization is hereby given for the Township Manager to execute the Hold Harmless and Indemnification Agreement between the Township of Ocean Fire District No. 2 and the Township of Ocean and for the Township to take ownership of two (2) 1997 GMC Yukon Wagons, Serial No.s 1GKEK13R1VJ758130 and 1GKEK13R4VJ757442 for the cost of \$1.00 each; and

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

1. Director of Finance
2. Township of Ocean Fire District No.2 (along with executed Hold Harmless and Indemnification Agreement)

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

09-079 - Authorize the refund of overpayment of taxes for Block 153.04, Lot 13.

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

WHEREAS, a payment was made by Nationwide Title Agency, Inc. and Wells Fargo Mortgage Company for 2nd quarter 2009 property taxes in the amount of \$2,412.17 on April 13, 2009 and April 21, 2009 respectively, and

WHEREAS, the tax overpayment refund was requested by and should be refunded to the property owners.

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

Block	Lot	Owner/Payer Name	Amount	Reason
153.0 4	13	Kurpiel, Michael T. & Kathleen M.	2,412.17	Nationwide Title Agency, Inc.. and Wells Fargo both Paid 2 nd Qtr Taxes.
Total Taxes Overpaid			\$2,412.17	

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

1. Director of Finance/Tax Collector
2. Township Auditor

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

09-080 - Authorize the refund of overpayment of taxes for Block 109, Lot 2.

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

WHEREAS, a payment was made by Stuart Title Co. and Wells Fargo Mortgage Company for 2nd quarter 2009 property taxes in the amount of \$1,402.20 on April 13, 2009 and April 21, 2009 respectively, and

WHEREAS, the tax over payment refund was requested by and should be refunded to the property owners.

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

Block	Lot	Owner/Payer Name	Amount	Reason
109	2	Vogel, Glenn D & Pulcrano, Linda J.	1,402.20	Stuart Title Co. and Wells Fargo both Paid 2 nd Qtr Taxes.
Total Taxes Overpaid			\$1,402.20	

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

1. Director of Finance/Tax Collector
2. Township Auditor

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

ORDINANCES:

Announcement

Adoption(s)

Township Clerk read the following Ordinances by Title:

Ordinance #2120 . An Ordinance amending Ordinance #2085 entitled: ~~%~~An Ordinance fixing salaries and compensation of cer tain offices, positions and employees in the Township of Ocean, County of Monmouth, State of New Jersey for the year 2009.
(Coaster)

On a motion by Council member Sicilaino and seconded by Council member Garofalo, it was moved to open the Public Hearing on Ordinance #2120

No public comments were received

ROLL CALL:

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

On a motion by Council member Siciliano and seconded by Councilmember Garofalo, it was moved to close the Public Hearing on Ordinance #2120

ROLL CALL:

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

On a motion by Council member Siciliano and seconded by Council member Garofalo, it was moved to adopt Ordinance #2120 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

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

Introduction(s)

Ordinance #2124 . An Ordinance amending Chapter 13 of the Revised General Ordinances of the Township of Ocean, 1965 entitled: Excavation and Construction of Public Streets.
(P.H. 6/15/09 Coaster)

On a motion by Council member Siciliano and seconded by Council member Garofalo, it was moved to approve Ordinance #2124 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on June 15, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE NO. 2124

AN ORDINANCE AMENDING CHAPTER XIII, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965 ENTITLED EXCAVATION AND CONSTRUCTION OF PUBLIC STREETS

MAY 18, 2009

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XIII, Section 8-5 be and the same is hereby amended and supplemented and Section 8-6 shall be added in the following manner:

8-5 Fire Hydrants.

8-5.1 Minimum Standards.

1. Fire hydrants shall be spaced so that there are a sufficient number of hydrants within a reasonable distance to obtain the quantities of water needed to handle the required fire demand.
2. Fire Hydrant size, type and installation shall conform to the AWWA standard for Dry-Barrel Fire Hydrants. ANSI/AWWA C502.
3. All Fire Hydrants shall conform to NFPA 291.
4. Fire Hydrants shall have at least three (3) outlets; one outlet shall be a pumper outlet size for the appropriate Fire District, and the other outlets shall be at least two-and-one-half (2 1/2) inch nominal size.

8-5.2 Review of Plans.

The appropriate Fire Marshal's Office for Fire District 1 or Fire District 2 shall be responsible for review of plans.

8-5.3 Placement on Cul-de-sac.

No fire hydrant shall be placed at the closed end of a turnaround of a cul-de-sac unless the distance between the open end and the closed end is greater than 500ft, in which event fire hydrants shall be placed at both the open end and closed ends of the turnaround. Whenever a fire hydrant is located in the closed end of a turnaround of a cul-de-sac, the water lines connected to the same shall be looped, and the plans for the same shall be approved by the appropriate fire district.

8-5.4 Inspection and testing.

The water purveyor or privately operated yard hydrant-owners shall be responsible for all annual inspections. All Fire Hydrants shall be flowed, flushed and lubricated at least once a year, and records shall be maintained on said maintenance, showing date, time, flushing time, maintenance performed and comments, problems, corrections, repairs and the like. Copies of said maintenance records shall be forwarded to appropriate Fire Districts annually.

8-5.5 Pipe Size shall comply with the following requirements.

1. Water mains shall be a minimum diameter of eight (8) inches except at the end of a permanent cul-de-sac, unless another size is required for fire flow and other criteria. A six (6) inch main may be used when it serves not more than 20 dwelling units and only one fire hydrant.
2. Design capacity of water mains shall be such as to maintain a pressure of 20 pounds per square inch (psi) at street level under all flow conditions.

8-5.6 Out-Of. Service or Private use.

The appropriate Fire District shall be notified when any fire hydrant is taken out-of-service, place back . in-service or used for private use.

8-5.7 Penalty:

Any person, firm or corporation found guilty in the Municipal Court of the Township of Ocean of a violation of the terms of this section shall be subject to a fine of not more than one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the municipal court judge. Any fines collected shall be forwarded to the respective fire district.

8-6 Adoption, Conflict Violations.

8-6.1 Interpretation.

In the interpretation and application of the provisions of this chapter , such provisions of this chapter , such provisions shall be minimum standards, adopted for promoting the health, safety and general welfare of the municipality.

8-6.2 Conflict with Other Laws.

Whenever the requirements of this chapter are in conflict with the requirements of any lawfully adopted rules, regulations or ordinances, the most restrictive or those imposing the higher standards shall govern.

8-6.3 Penalty

Maximum Penalty.

For violations of this chapter or any other ordinance of the Township of Ocean, County of Monmouth, where no specific penalty is provided regarding the section or sections violated, the maximum penalty shall be a fine of one thousand (\$1,000.00) dollars, or imprisonment for ninety (90) days, or both.

Separate Violation.

Except as otherwise provided, every day that a violation of any ordinance shall continue shall be deemed a separate violation.

Application.

The maximum penalty stated in the general clause of this chapter is not intended to state an appropriate penalty for every violation. Any lesser penalty, including a nominal penalty or no penalty at all, may be appropriate for a particular case or particular violation.

8-6.4 Validity.

If any section, subsection, paragraph, clause, phrase or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part of the provisions hereof other than the part so adjudged to be invalid or unconstitutional.

8-6.5 Effective Date

This chapter shall take effect upon enactment and publication in the manner provided by law.

MAY 18, 2009

ROLL CALL:

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

Ordinance #2126 . An Ordinance amending Chapter 12 of the Revised General Ordinances of the Township of Ocean, 1965 prohibiting parking along portions of Wickapecko Drive.

On a motion by Council member Siciliano and seconded by Council member Garofalo, it was moved to approve Ordinance #2126 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on June 15, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE NO. 2126

AN ORDINANCE AMENDING CHAPTER XII, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965 PROHIBITING PARKING ALONG PORTIONS OF WICKAPECKO DRIVE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AS FOLLOWS:

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XII, Section 12-2.2 Schedule I of an ordinance entitled ~~Revised~~ General Ordinances of the Township of Ocean, 1965, be and the same is hereby amended and supplemented in the following manner:

Section I

Section 12-2.2, Schedule I is hereby amended and supplemented by adding the following:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>TIME LIMIT</u>	<u>LOCATION</u>
Wickapecko Drive	West	one half hour	Starting at a point 136 feet of the northerly curb line of Sunset Avenue running thence in a norther direction for a distance of 139 feet.

Section II

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section III

This ordinance shall take effect upon its final passage and publication as required by law

ROLL CALL:

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

Ordinance #2127 . A Bond Ordinance providing for various improvements, more specifically (P.H. 6/15/09 Coaster) for Public Works equipment and vehicles; Police Department equipment; acquisition of MIS equipment; recreation improvements and various road improvements.

On a motion by Council member Siciliano and seconded by Council member Garofalo, it was moved to approve Ordinance #2127 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on June 15, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$2,003,927 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,630,802 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be under taken in and by the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$2,003,927, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$89,875 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.* and \$283,250 grant funds expected to be received from the Department of Transportation. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$1,630,802, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of: i) the acquisition of Public Works equipment and vehicles, ii) purchase of equipment for the Police Department; iii) the acquisition of MIS equipment; iv) recreation improvements; and v) various road improvements, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$1,630,802, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$2,003,927, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$2,003,927 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$89,875 down payment and \$283,250 grant funds for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 11.86 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,630,802 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$215,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof, excluding the grant funds referenced in Section 1 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued

pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

Ordinance #2128 . An Ordinance amending Chapter 14 of the Revised General Ordinances (P.H. 6/15/09 Coaster) of the Township of Ocean, 1965 entitled: Swimming Pools.

On a motion by Council member Siciliano and seconded by Council member Garofalo, it was moved to approve Ordinance #2128 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on June 15, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE NO. 2128

AN ORDINANCE AMENDING CHAPTER XIV, OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965 ENTITLED: SWIMMING POOLS

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, THAT CHAPTER XIV, SECTION 10 SHALL BE AMENDED AS FOLLOWS:

14-10.1 Municipal Swim Pool Complex.

14-10.1 Purpose

- a. There shall be created and established rules and regulations for the use and operation of the Township of Ocean municipal swim pool complex.
- b. Use of the swimming facilities and appurtenances thereof shall be subject to such rules and regulations as may be promulgated by the Township Council by ordinance or by the facility management to promote the safety and well-being of patrons.

14-10.2 Definitions

- a. *Adult*. A person who is 22 years of age or older.
- b. *Age*. The individuals age on May 15 of each season.
- c. *Diving Pool*. The designated area of the swimming pool facility at which the diving boards shall be located and normally devoted to diving purposes only.
- d. *Management*. The Department of Human Services and its authorized personnel shall be responsible for the use and operation of the Township municipal swim pool complex.
- e. *Pool Area*. The entire fenced area surrounding the swimming pool facility including parking and recreation area.

- f. *Pool Deck*. The area of concrete immediately surrounding the swimming pools.
- g. *Pool Season*. Saturday of Memorial Day weekend through Labor Day.
- h. *Resident*. A person who dwells permanently or continuously in or pays municipal taxes to the Township of Ocean.

14-10.3 Membership.

- a. Membership shall be limited to residents of the Township except as hereinafter provided and to a maximum of 1,000 memberships. Memberships shall not be transferable and applicants in excess of membership capacity shall be placed upon a waiting list and their applications numbered in sequence of receipt. Residents and members of the previous season will be given priority on the waiting list.
- b. Types of membership are as follows:
 - 1. Family membership shall include two adults and all natural or adopted children, under age 22, unmarried and living at home. All persons must permanently occupy the same residence.
 - 2. Military membership (active duty only) shall include all active-duty military personnel, their spouses and all natural or adopted children. All persons must permanently occupy the same residence.
 - 3. Individual membership shall be available to any individual age 12 and over.
 - 4. senior citizen membership shall be available to any person 62 years or older. Two persons age 62 or older occupying the same residence are eligible for senior citizen couple rate. Married couples in which one spouse is 62 years or older are eligible for the senior citizen couple rate.
 - 5. A guest shall be any nonmember who shall be admitted with a member to the Township swim pool complex. The pool manager may curtail or eliminate guest privileges when, in the manager's opinion, such action is necessary to accommodate regular members and to avoid overcrowding of the pool facilities.
 - 6. Nonmember residents of the Township may be admitted once entered into the computerized identification system and then with payment of established daily rate.

c. Membership fees are as follows:

TYPE	Resident	Nonresident
Individual	\$125.00	\$165.00
Two persons	185.00	245.00
Family, three & four persons	255.00	340.00
Family, five persons & up	270.00	355.00
Mother's Helper	95.00	125.00
Senior Citizen - Individual	65.00	115.00
Senior Citizen . Couple	95.00	165.00
Active-Duty Military	No Membership Fee	

In order to qualify for the active-duty military membership, appropriate military documentation must be provided at the time of registration. The waiver of the membership fees for this category applies to seasonal memberships only. No daily waivers will be granted.

August membership may be purchased in any membership category for 50 percent of the regular rate at the Township's discretion. These memberships are valid from August 1st to the close of the pool season.

Evening membership, allowing utilization of the pool and tennis facility from 4:00 p.m. until closing on weekdays, is available in all membership categories, except Mother & Helper, for 50 percent of the regular membership fee.

d. Other Fees.

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

(a)	Weekday	Weekend/Holiday
Children (birth through 23 months)	Free	Free
Children (2 years through 4 years)	\$2.00	\$3.00
Children (5 years through 11 years)	\$4.00	\$6.00
Age 12-61	\$5.00	\$7.00
Senior Residents (62 years or older and registered into the computerized identification system)	\$3.00	\$4.00

2. Guests: Holders of facility memberships may purchase guest pass tickets having five guest passes per ticket at the rate of twenty (\$20) dollars per ticket. These tickets may be purchased any time during the season. Guest passes may be used only during the season of issue. The Township Manager or his designee is authorized to provide guest passes upon occasion to promote membership at the facility.
3. Group Rate: Any group of 30 persons or more may utilize the pool facilities during operating hours by completing appropriate reservation procedures and paying the established daily fees.
4. Reserved.
5. Parties, bus trips and other special events may be scheduled by the Director of Human Services or designee. Determination of cost is to take into account actual cost of the event in addition to an approximate ten percent administrative charge.
6. Nonmembers participating in the Women & Tennis Team affiliated with the Jersey Shore Tennis League shall pay a sixty-five (\$65.00) dollar fee to the Township of Ocean plus the established coaching fee. This participation fee shall entitle holders to court use during home matches, court use for team practice but not to exceed up to three hours on one weekday evening per week, and up to one hour per season for private lesson with the coach. No other facility privileges will be permitted other than access to rest rooms and the snack bar area during the times noted.

- e. To insure membership for the following season at the preceding year's rates, a member shall be required to file an application and make a nonrefundable deposit by September 30th of the preceding year as follows:

1. Two persons and family memberships: fifty (\$50.00) dollars
2. Individual and senior citizen memberships: twenty-five (\$25.00) dollars

3. The balance must be paid by January 31st to obtain one free guest card.
 - f. Pre-season (April 15 to Saturday of Memorial Day weekend) and post-season (day after Labor Day to October 15) use of lighting for tennis courts is available for residents upon scheduling with the Department of Human Services and paying the established daily rate.
 - g. Refund Policy.
 1. No refunds will be granted for daily admissions.
 2. Written requests for refunds received prior to the start of the season (Saturday of Memorial Day weekend) will be granted less the nonrefundable deposit of fifty (\$50.00) dollars for two person or family memberships or twenty-five (\$25.00) dollars for individual or senior memberships, whichever is applicable.
 3. After the opening of the pool for the season, the refunds may be issued if justifiable reason is submitted in writing prior to the fourth week of the pool season or fourth week of membership, whichever is earlier.
Justifiable reasons included:
 - (a) Economic hardship resulting from an unforeseen condition.
 - (b) Moving out of the area to a location greater than 20 miles from the Township of Ocean.
 - (c) Serious illness or death. Documentation of any such condition may be required prior to consideration of a refund.
 4. Refunds granted after opening of the pool season will be according to the following schedule:
 - (a) During the first week of the pool season
or the first week of membership, whichever is later 75% refund
 - (b) During the second week of pool season
or the second week of membership, whichever is later 50% refund
 - (c) During the third week of pool season
or the third week of membership, whichever is later 25% refund
 - (d) During the fourth week of pool season
or the fourth week of membership, or thereafter No refund
- 14-10.4 Identification.
- a. All members and resident nonmembers, shall be entered into the computerized identification system, and shall be checked in for admission to the pool area.
 - b. The giving of false information shall constitute grounds for revocation or suspension of membership and forfeiture of membership fees.
- 14-10.5 Hours of Operation.
- a. Hours of operation will be established by the Department of Human Services on an annual basis in consideration of the Township of Ocean School District schedule, weather and time of sunset. Hours of operation will be posted on the Township of Ocean website, at the pool and at the Department of Human Services.
- 14-10.6 Swimming Regulations.
- a. No one shall be allowed in the water unless a lifeguard is present.

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

14-10.7 General Regulations and Prohibitions

- a. Compliance with the established Code of Conduct is required.
- b. All litter, paper and debris shall be placed in trash receptacles.
- c. Food and beverages shall not be brought into any area except those designated for eating.
- d. No glass or glass containers shall be allowed in the facility.
- e. No pets or animals shall be allowed in the swimming pool area.
- f. No person shall consume or be in possession of alcoholic beverages at the Township of Ocean Community Pool and Tennis Facility during operating hours.
- g. Persons under the influence of alcohol or other substances or appearing to be under the influence may be refused admission to the facility or may be ejected.
- h. Lounges and chairs shall not be permitted within the designated limits around the pool.
- i. Members shall abide by all parking and driving regulations.
- j. No person under 12 years of age shall be admitted without a responsible individual at least 18 years of age who shall remain with the child while they shall be in the facility.
- k. Bicycles shall be placed in designated areas only.
- l. No roughness, rowdiness, profanity or other conduct affecting the safety and comfort of others shall be allowed.
- m. Destruction of property or vandalism or failure to abide by swimming pool regulations shall justify immediate expulsion from the swimming pool facility and constitute grounds for suspension or revocation of membership, without refund.
- n. Members and parents shall be responsible for the conduct of their guests.
- o. Lifeguards shall be required to enforce all rules and regulations. In case of an emergency, notify the nearest lifeguard.
- p. Lifeguard stations shall be limited to lifeguards and authorized personnel.

14-10.8 Tennis Regulations.

Tennis courts operated by and available to the swim pool membership shall be subject to rules and regulations to be established by the pool management.

14-10.9 Liability.

- a. The Township municipal pool shall not be responsible for valuables brought into any area of the pool property.
- b. All persons using the Township municipal pool facility do so at their own risk and sole responsibility. Neither the Township, the Township Council, employees of the Township municipal swim pool nor other Township employees shall assume any responsibility or shall have any personal liability for any act, accident or injury in connection with the use of the facilities.

14-10.10 Amendments.

All matters not determined by the rules and regulations may be determined by rules and regulations subsequently adopted. All rules and regulations shall be subject to amendment, from time to time, by ordinance adopted by the Township Council.

14-10.11 Enforcement of Rules and Regulations.

- a. Regulations shall be posted at the pool and strictly enforced.
- b. The pool manager or designee, in his/her absence, may close or limit swimming facilities or establish such additional rules and regulations whenever, in their judgment, such actions be deemed necessary or desirable for the protection, health or safety of such persons entitled to use such facilities.
- c. Any violation of the rules and regulations of the Township of Ocean Community Pool and Tennis Facility, or the laws of the Township of Ocean or the State of New Jersey shall be enforced by appropriate Township personnel and violators will be prosecuted to the full extent of the law.

14-10.12 Penalties for Violation.

- a. Any person who shall violate these rules and regulations shall be subject to immediate ejection from the pool area by the pool manager, or in his/her absence by their designee and their membership shall be subject to revocation or suspension.
- b. The Municipal Court Judge shall have the jurisdiction in actions for violation of any rules and regulations set for in this diction. The rules and regulations shall be enforced by the same proceedings and processes, and the practice for the enforcement thereof shall be the same as that provided by law for the enforcement of other ordinances in the Township, R.S. 40:61-22.28.
- c. The penalty for violation of any rule and regulation shall not exceed one hundred (\$100.00) in the discretion of the municipal Court Judge.

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

Ordinance #2129 . An Ordinance authorizing the private sale of non-conforming real property (P.H. 6/15/09 Coaster) known as Block 211, Lot 1 to contiguous property owners pursuant to N.J.S.A. 40A:12-13 (B)(5)

On a motion by Council member Siciliano and seconded by Council member Garofalo, it was moved to approve Ordinance #2129 on first reading and advertise according to law in

The Coaster together with the notice of the Public Hearing which will be held on June 15, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE NO. 2129

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF MONMOUTH STATE OF NEW JERSEY, AUTHORIZING THE PRIVATE SALE OF NON-CONFORMING REAL PROPERTY KNOWN AND BLOCK 211, LOT 1 TO CONTIGUOUS PROPERTY OWNERS PURSUANT TO NJSA 40A:12-13(B)(5)

WHEREAS, NJSA 40A:12-13(B)(5) authorizes the sale of municipally owned property which is less than the minimum size required for development under the Municipal Zoning Ordinance; and which is without any capital improvement thereon, to the owners of contiguous real property; and

WHEREAS, the Township Council has found and determined that the real property designated as Block 211, Lot 1 aforesaid will not be needed for public use and may be offered for sale to the contiguous owners pursuant to the cited statutes.

WHEREAS, the Tax Assessor of the Township of Ocean has recommended the sale of the subject lot with a minimum bid price of \$2,500.00 %Schedule A+attached.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

SECTION I

Within five (5) days following final enactment of this ordinance, the Township Clerk shall post on the regular Town hall bulletin board and advertise in a newspaper circulating the Township, a notice setting forth the following information as to the sale of Block 211, Lot 1 (Logan Road and Thomas Avenue) of the Township of Ocean Tax Map, whose sale is hereby authorized. A copy of this notice shall be mailed by certified mail by the Township Clerk to all contiguous property owners of the property being offered for sale within the aforesaid five (5) day period.

PUBLIC NOTICE

TOWNSHIP OF OCEAN – MONMOUTH COUNTY

TAKE NOTICE that an ordinance of the Township of Ocean adopted pursuant to NJSA 40A:12-13(b)(5) on June 15, 2009 the Township of Ocean offers for sale the following property to contiguous property owners under the following terms and conditions:

- a) Property offered for Sale: Block 211, Lot 1 (Logan Road and Thomas Avenue) of the Township of Ocean Tax Map;
- b) Minimum Price: \$2,500.00
- c) Deed Restriction: Block 211, Lot 1 of the Township of Ocean Tax Map shall be precluded from further sale as a separate lot by the contiguous owner purchasing said property pursuant to this ordinance. Nothing contained herein shall prohibit the development of Block 211, Lot 1 of the Township of Ocean Tax Map for accessory uses to the principal, contiguous lot with which it shall be merged; or shall preclude its development as a fully buildable lot providing it is included with other lands from the

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principal contiguous lot if a subdivision is approved by the Township of Ocean Planning Board or Board of Adjustment.

- d) The sale is made subject to all restrictions, covenants, restrictions and conditions of record, with said property being sold in an "as is" condition and is being sold subject to such other facts that an accurate, certified survey would reveal.
- e) Any contiguous property owner desiring to make an offer for the purchase of the property being offered for sale herein shall, within twenty (20) days following advertisement of this notice or a receipt of a mailed copy of this notice, make an offer in writing by certified mail addressed to the Township Council c/o Township Clerk, Township of Ocean, 399 Monmouth Road, Oakhurst, New Jersey 07755 at no less than the minimum price set forth hereinabove. All bids must be received no later than 3:00pm on Friday, July 10, 2009, all bids must be marked "Sealed Bid Enclosed".
- f) The Township Council of the Township of Ocean reserves the right to reject any and all offers, and shall accept or reject any offer within thirty (30) days of the advertisement of this public notice. If the Township Council fails to accept or reject any offer within the aforesaid time period, all offers will be deemed rejected. Where there is more than one owner with real property contiguous to the property being offered for sale, the subject property will be sold to the highest bidder or offer from among all such owners submitting an offer as provided for herein. All offers shall be accompanied by a certified or cashier's check in the amount of ten per cent (10%) of the offer made, payable to the Township of Ocean; the balance shall be paid at closing of title.
- g) The closing of title shall be by a bargain and sale deed without covenants as to grantor. Closing shall take place no later than ninety (90) days after the acceptance of the offer by the Township Council. The Township of Ocean makes no representation as to the condition or marketability of title as to the subject property.
- h) In addition to the purchase or offer price, it shall be the responsibility of the successful bidder to pay at closing the advertisement and mailing costs in connection with this sale and the Township Attorney's fee for the preparation of the deed in connection with this sale. If the successful bidder or offer shall fail to close title through no fault of the Township, the successful bidder or offerer shall forfeit the deposit made for the sale, which shall be retained by the township as liquidated damages.
- i) The Township Clerk shall file with the Director, Division of Local Government Services in the Department of Community Affairs, a sworn affidavit verifying publication of advertisement as required by this ordinance.

SECTION II

All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

SECTION III

Since this ordinance is not legislative in nature, it need not be codified in the Revised General Ordinances of the Township of Ocean.

ROLL CALL:

YES: Garofalo, Hiers, Siciliano, Larkin

ABSENT: Schepiga

Council Reports:

Mayor Larkin reminded everyone about the Memorial Day Parade that is being held on May 25, 2009. Mayor Larkin also reminded everyone that the Monmouth County Freeholders will be

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holding their Public meeting in the Township of Ocean Council Chambers on May 28, 2009 beginning at 7:00 p.m. and all are invited to attend.

The following gave no reports:

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

PUBLIC COMMENTS:

Dr. Richard Ponton, Director of Human Services, reported on the various volunteers that give their time and talents to assist the Township in a variety of efforts..

No other public comments were received.

On a motion by Council member 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