

**SPECIAL PUBLIC MEETING MINUTES
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN**

JUNE 24, 2009

OAKHURST, NEW JERSEY

A Special Public Meeting was held in the Council Conference Room, Town Hall, 399 Monmouth Road, Oakhurst, NJ 07755 beginning at 4:00 p.m.

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

Others: Martin Arbus, Esq., Township Attorney
Andrew Brannen, Township Manager
Vincent Buttiglieri, Township Clerk

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 Meeting Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on June 22, 2009.

Fire Exit Procedures:

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

NOTICE:

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

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 that appear on the agenda. 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:

There were no public comments.

CONSENT:

RESOLUTIONS:

On a motion by Councilmember Hiers and seconded by Councilmember Schepiga, it was moved to approve the following Consent items:

09-102 Authorize a Developer's Agreement for the following:

**a. Block 34.03, Lot 2 and 2.01 – 1025 Deal Road – Chabad House
Lubavitch/Congregation Sons of Israel**

WHEREAS, the Developer is the applicant for property known as Block 34.03, Lots 2 and 2.01, as shown on the official tax map of the Township of Ocean, which property is located at 1025 Deal Road in the R-3/PRD (Planned Residential Development) Zone in the Township of Ocean, County of Monmouth and State of New Jersey; and

WHEREAS, the Developer has received Approval of Conditional Use Variance, Approval of Site Plan, Approval of Bulk Variance(s) and Approval of Amended Final Site Plan by the Zoning Board of Adjustment of the Township of Ocean by way of Resolutions dated October 12, 2006, November 2, 2006 and October 11, 2007 to construct a three level synagogue that will contain a basement with kitchen facilities and a meeting room, a first floor level that will contain office and worship areas and a third floor level that will contain two classrooms. The building footprint will be approximately 5,000 square feet and located towards the eastern end of the Hillel School site, to the north of Poplar Place, opposite the Copper Gable parking lot; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plans, Congregation Sons of Israel, tax Block 34.03, Part of Tax Lots 2 & 2.01, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc., consisting of thirteen (13) sheets dated October 28, 2005 and last updated April 29, 2009; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated May 15, 2009 prepared by the Township of Ocean Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest a Developer's Agreement, attached hereto as "Schedule A" between the Township of Ocean and Chabad House-Lubavitch, Inc./Congregation Sons of Israel, 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 \$343,560.00 and Inspection Fees in the amount of \$15,815.00.

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

- a. Township Engineer
- b. Director of Finance
- c. Director of Community Development
- d. Construction Official
- e. Chabad House-Lubavitch, Inc./Congregation Sons of Israel

09-103 Authorize the renewal of the 2009-2010 liquor licenses that have met all Township and State requirements and paid all applicable fees

WHEREAS, the Retail Renewal Application form for the 2009-2010 license term has been deemed complete in all respects, the annual fees have been paid to both the Township of Ocean and the State of New Jersey, Division of ABC; and

WHEREAS, the Mayor and Council of the Township of Ocean, County of Monmouth, hereby authorizes the renewal of the following Retail Alcoholic Beverage License for the 2009-2010 license term:

PLENARY RETAIL CONSUMPTION

#1337-33-010-011

Espinosa, Inc.
t/a Los Caminos De Don Chucho
1647 Highway 35 North, Ocean, NJ 07755

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 to renew, effective July 1, 2009, the aforesaid liquor license for the license term 2009-2010; and

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

1. Chief of Police
2. Director of Finance
3. Division of Alcoholic Beverage Control

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

INDIVIDUAL ACTION:

RESOLUTIONS:

09-104 Authorizing Professional Services Agreement with Leon S. Avakian, Inc. as the Township Engineer for the period July 1, 2009 through June 30, 2010

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

WHEREAS, the Township Council of the Township of Ocean authorized the receipt of Requests for Proposals for Engineering Services; and

WHEREAS, the following firms submitted Requests for Proposals: Birdsall Services Group, Eatontown, NJ; Leon S. Avakian, Inc., Neptune, NJ; CME Associates, Parlin, NJ; Maser Consulting, Red Bank, NJ; CMX , Brick, NJ; and T & M Associates, Middletown, NJ; and

WHEREAS, it is the recommendation of the Township Manager that Peter R. Avakian of the firm Leon S. Avakian, Inc., be appointed as the Township Engineer for a term of July 1, 2009 through June 30, 2010; and

WHEREAS, the State of New Jersey requires that every municipality have an appointed individual to serve as both Township Engineer and as a licensed Professional Land Surveyor; and

WHEREAS, Peter R. Avakian is fully qualified to serve as both the Township Engineer and as Township Land Surveyor since he is a licensed Professional Engineer, a Professional Planner and a Professional Land Surveyor; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection; and

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

WHEREAS, the Director of Finance has certified that there are funds available for this purpose specifically under Engineering Services and Costs, O.E., Trust Other Fund - Reserve for Inspection Fees, General Capital Fund - various ordinances subject to adequate funds under 40A:2-20, which account will be properly charged and which funds shall not be available for more than one purpose; and

WHEREAS, the Township Council has considered the foregoing.

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with Leon S. Avakian, Inc., Consulting Engineers for the provision of engineering services of Peter R. Avakian as the Township of Ocean Engineer and his staff for the period July 1, 2009 through June 30, 2010 in accordance with the attached Schedule of Billable Hourly Rates which is made a part of this resolution with the total estimated payments not to exceed \$350,000 exclusive of any independent professional service contracts that may be authorized.
2. It is further understood that there will be a rate freeze for the duration of the appointment with annual contracts setting forth the total estimated payments for the subsequent twelve months.
3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because engineering service is professional in nature and performed by persons authorized by law to practice a recognized profession.
4. A notice of this action shall be published as required by law.
5. A copy of this resolution shall be forwarded to the following:
 1. Peter R. Avakian
 2. Township Manager
 3. Director of Finance
 4. Township Attorney

ROLL CALL:

YES: Garofalo, Hiers, Schepiga, Siciliano, Larkin

PUBLIC COMMENTS:

There were no public comments.

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

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk