

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

SEPTEMBER 21, 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) Schepiga, Siciliano

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

Absent: Councilmember Garofalo

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

Statement of Compliance with the Open Public Meetings Act:

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the Annual Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on December 16, 2008 and June 15, 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.

PROCLAMATIONS: *Recovery Month*
September 2009

PROCLAMATION

**RECOVERY MONTH
SEPTEMBER 2009**

WHEREAS, treatment and recovery from substance abuse disorders improve the community's welfare and provide improved health and well-being for those who struggle with substance abuse and addiction; and

WHEREAS, the stigma of substance abuse disorders prevents many from receiving treatment that would help them to begin the journey of recovery; and

WHEREAS, resources exist online and in our community through the Township of Ocean Department of Human services to increase people's awareness about how substance use disorders affect children, families, and our society; and

WHEREAS, such education is essential to overcoming misconceptions and achieving long-term recovery; and

WHEREAS, to help achieve this goal, the U.S. Department of Health and Human Services, the Substance Abuse and Mental Health Services Administration, the White House Office of National Drug Control Policy, and the Governor's Council

on Alcohol and Drug Abuse of New Jersey invite all residents of New Jersey to participate in the 20th anniversary of National Alcohol and Drug Addiction Recovery Month;

NOW, THEREFORE, BE IT PROCLAIMED by the Governing Body of the Township of Ocean, County of Monmouth that the month of October be acknowledged as

Recovery Month

BE IT FURTHER PROCLAIMED that those in Recovery be commended and supported in their efforts to live healthy and sober lives and to promote the well-being of the community; and

BE IT FURTHER PROCLAIMED that a copy of this Proclamation be forwarded to:

1. Township of Ocean Alliance to Prevent Drug and Alcohol Abuse
2. Dr. Richard Ponton, Director of Human Services

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

The purpose of this public portion is solely to ask questions to understand Resolutions and/or Vouchers that appear on the agenda and is not an occasion for a public hearing on an Ordinance. All questions not related to an item on this Agenda should be asked during the Public Comments portion at the conclusion of the meeting.

Public Questions:

Bob Ades inquired about following Agenda items:

1. Asked for clarification about Recovery Month Proclamation
2. Resolution #09-143 – Asked if the traffic lights were already at those intersections and if so, what work was being proposed
3. Resolution #09-149 – Asked for an explanation of what this company was going to be doing for the Township.

Andrew Brannen, Township Manager, explained that this company will be reviewing office supply processes to determine if there are any savings available of which the Township should be taking advantage.

4. Resolution #09-153 – Asked for an explanation of this Grant

Mr. Brannen explained that this was a \$6,000.00 DUI Grant obtained by the Police Department

5. Vouchers – asked if providing the Newsletter via email would be more cost effective than mailing. He also inquired about payments to WM Recycle America. Mr. Brannen explained that due to the downturn in the economy, there was a period of time when the Township paid to get rid of recyclable items.

Steve Levy inquired about Resolution #09-140. Mr. Brannen explained that this was a reduction in the bond posted due to completion of certain items that were originally bonded.

Brian Lefferson inquired about Resolution #09-143 – Mr. Lefferson asked if the County had looked into doing any major repairs to that intersection, as it is quite dangerous.

CONSENT AGENDA

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

MINUTES:

August 17, 2009 – Workshop, Public and Closed
August 28, 2009 – Special Public Meeting

RESOLUTIONS:**09-139 Accept the Performance Guarantee for the following:****a. Block 20, Lot 16 – 282 Park Avenue – Essential Homes, LLC**

WHEREAS, the Township of Ocean has approved a development project on Block 20, Lot 16 also known as 282 Park Avenue; and

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

WHEREAS, Essential Homes, LLC has posted cash performance guarantees totaling \$10,224.00 along with engineering inspection fees totaling \$2,420.00 and the required certificate of insurance.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Essential Homes, LLC

b. Block 75, Lot 7 – 606 Beechwood Avenue – T.B.C. Construction Group, Inc.

WHEREAS, the Township of Ocean has approved a development project on Block 75, Lot 7 also known as 606 Beechwood Avenue; and

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

WHEREAS, T.B.C. Construction Group, Inc. has posted cash performance guarantees totaling \$3,708.00 along with engineering inspection fees totaling \$1,315.00 and the required certificate of insurance.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. T.B.C. Construction Group, Inc.

09-140 Authorize the Reduction of Performance Guarantees for the following:

a. Block 1.02, Lot 73 – 1033 West Park Avenue – St. George Greek Orthodox Church

WHEREAS, St. George Greek Orthodox Church received Conditional Use, Site Plan and Variance Approvals from the Township of Ocean Planning Board by way of resolution dated September 22, 2008, for property located on Block 1.02, Lot 73, 1033 West Park Avenue to raze an existing residential building and construct a House of Worship on a 6.386 acre parcel. The development will consist of three (3) buildings: a sanctuary/chapel, an administrative/educational building and a gymnasium/social hall with a total of 236 parking spaces; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated April 22, 2009 with St. George Greek Orthodox Church, for Conditional Use, Site Plan and Variance Approvals for property located on Block 1.02, Lot 73, 1033 West Park Avenue to raze an existing residential building and construct a House of Worship on 6.386 acres which will consist of three (3) buildings: a sanctuary/chapel, an administrative/educational building and a gymnasium/social hall with a total of 236 parking spaces; and

WHEREAS, St. George Greek Orthodox Church posted performance guarantees totaling \$1,164,840.00 by way of Irrevocable Letter of Credit Number SM23469W issued by Wachovia Bank, National Association, Winston Salem, NC on behalf of St. George Greek Orthodox Church in the total amount of \$1,048,356.00 together with a cash bond of \$116,484.00; and

WHEREAS, the Township Clerk is in receipt of a letter from Savas Tsivicos representing St. George Greek Orthodox Church dated August 20, 2009, requesting a reduction of the performance guarantee; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer's representative, Louis J. Lobosco, P.E., P.P., dated August 24, 2009 recommending the granting of a performance guarantee reduction; and

WHEREAS, the Township Council is willing to reduce the amount of the performance bond and cash guarantee to 19% of the original performance guarantee estimate amount.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize and approve a reduction of the performance guarantee to the sum of \$943,543.80 in the form of a performance bond in the amount of \$849,181.32 and cash in the amount of \$94,353.48, representing 19% of the original performance guarantee pursuant to N.J.S.A. 40:55D-52.e.(1) expressly subject to the following conditions:

- (1) All required certificates of insurance be properly filed with the Office of the Township Clerk
- (2) Payment of any outstanding engineering inspection fees

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. St. George Greek Orthodox Church
5. Wachovia Bank, National Association

09-141 Authorize the release of various 2007 and 2008 Closed Session Minutes

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

WHEREAS, the public shall be excluded from discussions of and actions upon specified subject matters including:

1. Personnel
2. Pending litigation matters involving the Township, its employees and/or agents
3. Pending or future land acquisitions
4. Pending or future contract negotiations

WHEREAS, the Township of Ocean adopted procedures to make closed session minutes available for public inspection; and

WHEREAS, the Municipal Clerk, on a periodic basis but not longer than yearly, shall review the minutes of the closed sessions of the Township of Ocean and make a recommendation to the Township Council which minutes should be made available for public inspection. The minutes which are made public shall not thereafter be treated as confidential but may be viewed by and copies issued to any person so requesting them;

NOW, THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to release the following closed session minutes for public inspection:

<u>2007</u>	<u>2008</u>	
January 8, 2007	January 7, 2008	October 7, 2008
May 7, 2007	January 23, 2008	October 22, 2008
June 11, 2007	January 26, 2008	December 1, 2008
July 23, 2007	February 4, 2008	December 15, 2008
August 15, 2007	February 11, 2008	
October 15, 2007	March 3, 2008	
November 5, 2007	March 19, 2008	
December 3, 2007	July 8, 2008	
December 17, 2007	August 11, 2008	

BE IT FURTHER RESOLVED, that the following closed session minutes **shall not** be released as there are still open items which if released, would jeopardize the Township's ability to bring these matters to proper conclusion:

<u>2007</u>	<u>2008</u>	
March 19, 2007	February 20, 2008	June 16, 2008
June 28, 2007	April 14, 2008	September 15, 2008
November 19, 2007	May 5, 2008	November 13, 2008
	May 19, 2008	

09-142 Authorize the receipt of bids for the following items:

- a. Various Road Construction Materials; Motor Oil and Lubricants; Public Works Uniforms (3 year contract); and Recap Tires and Accessories and Road Service**

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

Public Works:

1. *Various Road Construction Materials*
2. *Motor Oil and Lubricants*
3. *Public Works Uniforms (Three (3) Year Contract)*
4. *Recap Tires and Accessories and Road Service*

WHEREAS, specifications for the aforesaid items will be on file in the Department of Public Works, and will be available for inspection.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for bids for the aforesaid items as per the specifications on file and will be received by the Township Manager in 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

09-143 Authorize the Mayor and Municipal Clerk to execute the following Traffic Light Installation Agreements with Monmouth County:

a. Intersection of County Route 15 (Monmouth Road) and Deal Road

WHEREAS, the County of Monmouth wishes to improve the intersection of County Route 15 (Monmouth Road) and Deal Road, in the Township of Ocean; and

WHEREAS, the plans have been forwarded by the County of Monmouth to the Township of Ocean for review; and

WHEREAS, said plans have been reviewed by the Township Engineer, Leon S. Avakian, Inc. and it was determined by the Township Engineer that the proposed improvements, as they are currently designed, poses some concerns for the Township; and

WHEREAS, the Township Engineer, on behalf of the Township of Ocean has sent a letter dated June 17, 2009, a copy of which is maintained on file with the Township Clerk, to the Monmouth County Engineer expressing our concerns related to said improvements; and

WHEREAS, it is the desire of the Monmouth County Engineer, and the Monmouth County Board of Chosen Freeholders, to proceed with the improvements, as designed;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, that the Township of Ocean does hereby authorize the Mayor and Township Clerk to execute the Traffic Signal Installation Agreement between the Township of Ocean and the County of Monmouth for improvements at the intersection of County Route 15 (Monmouth Road) and Deal Road; and

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

1. Township Engineer
2. Director of Public Works

b. Intersection of County Route 15 (Monmouth Road) and County Route 14 (West Park Avenue)

WHEREAS, the County of Monmouth wishes to improve the intersection of County Route 15 (Monmouth Road) and County Route 14 (West Park Avenue), in the Township of Ocean; and

WHEREAS, the plans have been forwarded by the County of Monmouth to the Township of Ocean for review; and

WHEREAS, said plans have been reviewed by the Township Engineer, Leon S. Avakian, Inc. and it was determined by the Township Engineer that the proposed improvements, as it is currently designed, poses some concerns for the Township; and

WHEREAS, the Township Engineer, on behalf of the Township of Ocean has sent a letter dated June 17, 2009, a copy of which is maintained on file with the Township Clerk, to the Monmouth County Engineer expressing our concerns related to said improvements; and

WHEREAS, it is the desire of the Monmouth County Engineer, and the Monmouth County Board of Chosen Freeholders, to proceed with the improvements, as designed;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Township of Ocean, that the Township of Ocean does hereby authorize the Mayor and Township Clerk to execute the Traffic Signal Installation Agreement between the Township of Ocean and the County of Monmouth for the improvements at the intersection of County Route 15 (Monmouth Road) and County Route 14 (West Park Avenue); and

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

1. Township Engineer
2. Director of Public Works

09-144 Authorize the Release of Performance Guarantees for the following:**a. Block 9, Lot 11 – 205 Park Avenue – Chemtob Construction**

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, Chemtob Construction has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$6,276.33 to guarantee the completion of all improvements on premises located on Block 9, Lot 11 also known as 205 Park Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 8, 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 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 performance guarantees totaling \$6,276.33 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. Chemtob Construction
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

b. Block 33, Lot 54 – 1607 Holbrook Street – Carlos A. Ortiz, Sr.

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, Carlos A. Ortiz, Sr. has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$11,268.00 to guarantee the completion of all improvements on premises located on Block 33, Lot 54 also known as 1607 Holbrook Street; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 8, 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, posting of \$500.00 to the Shade Tree Fund for two (2) shade trees not planted 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 performance guarantees totaling \$11,268.00 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, \$500.00 to the Shade Tree Fund 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. Carlos A. Ortiz, Sr.
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

c. Block 115, Lot 4 – 1404 Vina Avenue – Noah Kolarsick Builders, Inc.

WHEREAS, the Planning Board of the Township of Ocean granted minor subdivision approval to Noah Kolarsik for property described as Block 115, Lot 4 which property is located at 1404 Vina Avenue to subdivide the existing lot into two (2) new lots; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated March 19, 2008 with Noah Kolarsik for property described as Block 115, Lot 4, 1404 Vina Avenue to subdivide the existing lot into two (2) new lots; and

WHEREAS, Noah Kolarsik has heretofore deposited with the Township of Ocean performance guarantees totaling \$21,120.00 in the form of cash; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by way of letter dated September 8, 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 \$21,120.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$2,640.00, said maintenance bond to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of \$250.00 to the Shade Tree Fund for one (1) shade tree not planted
3. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees
4. All required certificates of insurance be properly filed with the office of the Township Clerk

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

1. Noah Kolarsik
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

d. Block 140.18, Lot 9 – 725 Highway 35 – Elrac, Inc./Enterprise Rent-A-Car

WHEREAS, the Board of Adjustment of the Township of Ocean granted preliminary and final site plan approval with bulk and conditional use variances to Elrac, Inc., t/a Enterprise Rent-A-Car for property described as Block 140.18, Lot 9, which property is located at 725 Highway 35 to install certain improvements; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated April 27, 2005 with Elrac, Inc., t/a Enterprise Rent-A-Car for property described as Block 140.18, Lot 9, 725 Highway 35 to install certain improvements; and

WHEREAS, Elrac, Inc. t/a Enterprise Rent-A-Car has heretofore deposited with the Township of Ocean performance guarantees totaling \$92,583.48 in the form of cash; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by way of letter dated September 8, 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 \$92,583.48 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$11,572.94, said maintenance bond to run for a period of two (2) years to cover the 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. Elrac, Inc. t/a Enterprise Rent-A-Car
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Township Engineer

09-145 Authorize the Release of Maintenance Guarantees for the following:

a. Block 25.34, Lot 3 – 401 Brookside Avenue – Capital Real Estate Management, LLC

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

WHEREAS, the developer has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,642.72 for premises known as Block 25.34, Lot 3 also known as 401 Brookside Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 8, 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 \$2,642.72 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. Capital Real Estate Management, LLC
2. Director of Finance
3. Construction Official
4. Director of Community Development

b. Block 1.02, Lot 72 – 20 Hidden Meadows Drive – Fieldstone Associates, L.P.

WHEREAS, the Township did authorize and enter into a developer's agreement dated August 28, 2002 with Fieldstone Associates, L.P. for preliminary and final site plan approval for

conditional use (124 unit age-restricted, independent senior citizen living facility) with general variances on Block 1.02, Lot 72 also known as 20 Hidden Meadows Drive; and

WHEREAS, performance guaranties totaling \$866,505.00 were posted in the form of Performance Bond No. AE9490789 issued by The Travelers Indemnity Company, New York, NY in the amount of \$779,854.50 and cash in the amount of \$86,650.00, which were reduced to a total of \$259,951.50 by resolution dated November 2, 2005 to guarantee the completion of all improvements on premises known as Block 1.02, Lot 72; and

WHEREAS, the Township Council did authorize the release of performance guarantees and acceptance of a \$108,313.13 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, Fieldstone Associates, L.P. has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$108,313.33 on Block 1.02, Lot 72 also known as 20 Hidden Meadows Drive; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 8, 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 maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the maintenance guarantee in the amount of \$108,313.33 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. Fieldstone Associates, L.P.
2. Township Engineer
3. Director of Community Development
4. Construction Official
5. Director of Finance
6. International Fidelity Insurance Company

09-146 Authorize the Developers Agreement for the following:

a. Block 3, Lots 7, 8 & 9 – 2121-2123 Highway 35 – Gold Coast Automotive, LLC

WHEREAS, the Developer is the owner of certain property known as Block 3, Lots 7, 8 and 9, as shown on the official tax map of the Township of Ocean which property is located at 2121-2123 Highway 35 in the C-2 (Highway Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted Preliminary and Final Site Plan Approval, Approval of Bulk Variances and Approval of Conditional Use from the Zoning Board of Adjustment of the Township of Ocean by way of resolutions dated June 11, 2009 to expand an existing building to be used for automotive sales and service and to realign parking and vehicle storage/display area in conjunction with the existing car dealership; and

WHEREAS, this Agreement relates to a Site Plan entitled Preliminary and Final Site Plans, Gold Coast Cadillac, Tax Map Lots 7, 8 & 9, Block 3, Township of Ocean, Monmouth County, New Jersey by Mark A. Whitaker of KZA Engineering, P.A. consisting of thirteen (13) sheets dated April 25, 2008 and last updated August 4, 2009; and

MEETING MINUTES**SEPTEMBER 21, 2009**

WHEREAS, this Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated July 22, 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 to a Developer's Agreement between the Township of Ocean and Gold Coast Automotive, LLC, subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting of Performance Guarantees in the total amount of \$941,040.00 and Inspection Fees in the amount of \$40,710.00.

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

1. Township Engineer
2. Director of Finance
3. Director of Community
4. Construction Official
5. Peter S. Falvo, Jr., Esq.
6. Gold Coast Automotive, LLC

ROLL CALL (on all Consent Items):

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

INDIVIDUAL ACTION:

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

VOUCHERS: \$ 5,875,743.60

**Township of Ocean
Department of Finance
Voucher List for September 21, 2009**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
JUNGLE LASER LLC	1/1/08 - 12/31/08 Invoice	3,620.00	
MYERS TIRE SUPPLY DIST INC	Clamps for tire changer	477.62	
STAPLES BUSINESS ADVANTAGE	OFF. SUPPLIES AS PER ATTACHED	736.32	
<u>Total</u>		4,833.94	
<u>Total Appropriation Reserves Payments</u>			
<u>2009 Current Fund Appropriation Payments</u>			
33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - JULY	103.00	
AAAPHONE.COM	REPLACEMENT PHONES	367.94	
ACCURINT FOR LAW ENFORCEMENT	PD- BACKGROUND SEARCHES-AUGUST	35.00	
AFLAC - NEW YORK	JULY 2009 MEDFLEX ADMIN FEES	25.00	
AFLAC - NEW YORK	AUG 2009 MEDFLEX ADMIN FEES	25.00	
ALL AMERICAN TURF INC	July misc lawn mower parts	66.92	
ALLIED OIL LLC	August unlead & diesel fuel	33,816.01	
AMERICAN WEAR INC	August rags shop use	48.00	
ARBUS, MARTIN ESQ	AUG RETAINER,JUL/AUG LEGAL SVS	8,242.33	C9-00007
ARBUS, MARTIN ESQ	JUNE 09 GEN LEGAL,LOCH ARB,POL	2,304.00	

MEETING MINUTES

SEPTEMBER 21, 2009

ASBURY AUTO TOPS	Repair broken seat truck #33	225.00
ASBURY PARK PRESS	RENEWAL AP 1331703	212.15
AT&T	PD- INTL PHONE CALL/CIB INVEST	36.97
ATLANTIC GLASS CO	Replace windshield in mower #4	325.00
ATLANTIC IRRIGATION	May misc irrigation supplies	61.95
ATLANTIC IRRIGATION	June misc irrigation supplies	84.00
ATLANTIC IRRIGATION	Misc irrigation supplies	1,665.83
ATLANTIC IRRIGATION	July misc irrigation supplies	59.16
BENDINER & SCHLESINGER INC	DRUG TEST KITS	300.00
BENDINER & SCHLESINGER INC	DRUG TEST SUPPLIES	500.00
BOARD OF FIRE COMMISSIONERS	3RD QTR 2009 FIRE DISTRICT #1	320,498.75
BOARD OF FIRE COMMISSIONERS	3RD QTR 2009 FIRE DISTRICT #2	307,726.50
BRANNEN, ANDREW G	EXPENSE REIMBURSEMENT	70.00
BRIDGET PAUL	REFUND OF REC SOCCER REG FEE	25.00
BROOKDALE COMMUNITY COLLEGE	ADVERTISING CTGC	120.00
BROWN, SANFORD ESQ	PB meetings and reviews	575.00
BROWN, SANFORD ESQ	PLANNING BOARD MEETINGS 8/09	575.00
BULLET LOCK & SAFE CO INC	August misc keys	60.75
BULLET LOCK & SAFE CO INC	PD- KEYS TO TWP YARD GATE	123.75
BUTTIGLIERI, VINCENT CMC	COUNCIL SUPPLIES 9/17/09 MEET.	30.00
BUTTIGLIERI, VINCENT CMC	AUGUST 2009 PETTY CASH	46.75
CABLEVISION OF MONMOUTH INC	Internet service Road Dept	54.90
CABLEVISION OF MONMOUTH INC	Internet service Sunset Garage	74.90
CABLEVISION OF MONMOUTH INC	Internet service Road Dept	54.90
CABLEVISION OF MONMOUTH INC	Internet service	74.90
CALABRO, PHIL	SUPERVISOR 18+ SUMMER BASKETBL	182.00
CALABRO, PHIL	SUPERVISOR 35+ SUMMER BASKETBL	182.00
CAMPBELL FOUNDRY CO	Trash rack for outlet	366.00
CAROL GALLINA	REFUND OF REC SOCCER REG FEE	30.00
CATHERINE C HEATH	REIMBURSEMENT FINGERPRINTING	26.25
CEVETELLO, JEROME A JR	REFUND TAXES ON BL 25.12 LOT 5	303.01
CHRISTINA KAUNZINGER	REFUND OF REC SOCCER REG FEE	40.00
CHRISTINE HANLON	REFUND OF REC SOCCER REG FEE	30.00
CMF BUSINESS SUPPLIES	PD- COPIER/PRINTER PAPER	698.50
COMCAST SPOTLIGHT INC	CTGC ADVERTISING AUGUST	2,003.00
COOPER ELECTRIC SUPPLY CO	Renew contract for generator	206.70
COPY QUICK PRINTING CO	Business Cards	42.00
CRAFT OIL CORP	Motor oil for Twp vehicles	7,693.00
CRYSTAL SPRINGS	July spring water	140.65
CRYSTAL SPRINGS	August spring water	114.92
DE GIROLMO, CHERYL	REIMBURSEMENT FINGERPRINTING	26.25
DELTA DENTAL PLAN OF NJ	September Dental Insurance	10,464.42
EDMOND ACQUAVIVA	REFUND OF ROOM RENTAL FEE	15.00
EIN WILLIAMS	PARTIAL REFUND OF WEST PARK	62.50
EMERGENCY COM NETWORK INC	PD- CODERED ANNUAL FEE	5,300.00
F & C AUTOMOTIVE SUPPLY INC	Misc parts for sani truck #1	1,650.00
F & C AUTOMOTIVE SUPPLY INC	August misc parts	1,505.91
F & C AUTOMOTIVE SUPPLY INC	Brake parts for truck #91	794.27
FEDEX	OVERNIGHT PKG TO RUDERMAN	21.45
FITZGERALD, WILLIAM	PB and BOA Meetings & Reviews	4,488.75
FLAGSHIP HEALTH SYSTEMS INC	September Flagship Dental Ins	791.70
FLEETWASH INC	Wash sanitation trucks	290.00
FORT DEARBORN LIFE INS CO	September Life Insurance	653.04
FOUR DIRECTIONS INC	Traffic signal repair	157.13
G.F.O.A. OF NJ FALL CONFERENCE	GFOA 2009 FALL CONFERENCE	325.00
GABER, MITCHELL S	REIMBURSEMENT FINGERPRINTING	26.25
GANNETT NJ NEWSPAPERS	A/C9459 8/22 COMPOSTED LEAVES	75.60
GARDEN STATE FIRE & SECURITY	Annual alarm monitoring	300.00
GARDEN STATE FIRE & SECURITY	Alarm monitoring service	180.00
GARDEN STATE LABS INC - RBW	2009 POOL ANALYSIS TESTING	1,125.00
GEESE CHASERS LLC	GEESE CONTROL-AUG.	862.33
GEORGE WALL LINCOLN MERCURY	June misc parts	235.92
GEORGE WALL LINCOLN MERCURY	July misc parts 85614,85698	419.75
GEORGE WALL LINCOLN MERCURY	August misc parts	495.65
GOFFCO INDUSTRIES INC	Forms	135.78
GOLF CAR SPECIALITIES LLC	JUNE RENTAL UTILITY VEHICLE	140.00
GOLF CAR SPECIALITIES LLC	GOLF CAR LEASE 4TH PAYMENT AUG	1,900.00
GOVCONNECTION INC	PD- TONER CARTRIDGES	837.00

MEETING MINUTES

SEPTEMBER 21, 2009

GOVCONNECTION INC	450w Power Supply item#6753046	53.19
GOVCONNECTION INC	Logitech QuickCam Deluxe	89.80
GRAMCO BUSINESS	Discs for meeting recordings	45.80
GRAYBAR ELECTRIC CO	July misc supplies	1,039.61
GRIMES, MICHAEL & NICOLE	REFUND TAXES ON BL 3 LOT 21.01	308.77
GUARANTEED SUBPOENA SERVICE	Subpoena service for Pub. Def.	59.95
GUIDE PUBLICATIONS INC	AUG/SEPT FALL FEST FULL PG AD	700.00
HEARTLAND SERVICES INC	AUG PYMT FOR CREDIT CARD SALES	742.48
HOME DEPOT	PD- REPLACEMENT REFRIGERATOR	499.00
HUELSTER, MARIA	REIMBURSEMENT FINGERPRINTING	26.25
HYDRAIR INC	Repair 2 jack hammers	848.51
IDEAL LUMBER & SUPPLY CO	August msic lumber supplies	145.88
JACQUELINE HANAN	REFUND OF REC SOCCER REG FEE	30.00
JAMES HIGGINS ASSOCIATES	July PB and BOA meetings	400.00
JERSEY CENTRAL POWER & LIGHT	August street lighting	19,935.80
JESCO INC	Misc parts for bomag roller	505.21
JIM CURLEY PONTIAC GMC TRUCK	216351,376,282,174	1,390.69
JOHNNY ON THE SPOT INC	PALAI A PK/COL.TERR UNITS-AUG	159.71
JOHNNY ON THE SPOT INC	1 HANDICAP & 6 REGULAR UNITS	433.00
JUDY VINALS	REFUND OF REC SOCCER REG FEE	30.00
JUNGLE LASER LLC	July 2009 Invoice	2,640.00
KALDOR	misc parts for police #30	772.00
KELLY TERRY	REFUND OF REC SOCCER REG FEE	40.00
L3 MOBILE-VISION INC	PD- MVR SERVICE	103.75
LAKEWOOD AUTO/ASBURY NAPA	August misc parts	1,445.16
LAMPINEN, KERRY	REIMBURSEMENT FINGERPRINTING	26.25
LANGUAGE LINE SERVICES	June Telephone Interpreting	74.80
LANIADO, SHELLY	REFUND TAX OVERPAY BL 20 L 10	741.08
LANIGAN ASSOCIATES INC	PD- SAFETY SUPPLIES - JULY	237.50
LANIGAN ASSOCIATES INC	PD- SAFETY SUPPLIES - AUGUST	145.70
LANIGAN ASSOCIATES INC	PD- ROAD FLARES	332.50
LASTING IMPRESSIONS	Inspectors Work Shirts	479.56
LAWSON PRODUCTS INC	Misc nuts & bolts Twp vehicles	1,044.55
LEDWITZ, KENNETH W	REFUND TAXES ON BL 35 LOT 9	636.34
LEISURE SPORTING GOODS	SOCCER PROGRAM APPAREL	4,439.52
LEON S AVAKIAN INC	JUN-AUG 777 WPA,COPIES OF PLAN	782.00
LEON S AVAKIAN INC	COPIES OF PLANS - 167 MONMOUTH	24.50
LESCO - PROX	May misc supplies	381.76
LESCO - PROX	July misc supplies/fertilizer	532.50
LESCO - PROX	August misc fertilizer & suppl	113.40
LINE SYSTEMS, INC.	AUG 2009 PHONE SERVICE CHARGES	3,913.76
MARCY SPIEGELMAN	REFUND OF REC SOCCER REG FEE	70.00
MARIA SOTTILE	REFUND OF REC SUMMER CAMP REG	45.00
MARIA SOTTILE	REFUND OF REC SUMMER CAMP REG	100.00
MARLENE A RODRIGUEZ	REFUND OF REC SOCCER REG FEE	30.00
MARTINEZ, SUZANA DAROCA	Spanish Interpreter 8-4-09	130.00
MASSARO, SALVATORE	Reimbursement for Workboots	79.99
MAZZA & SONS INC	August recycle concrete	61.56
MC MAHON, WILLIAM	Cell phone reimbursement	25.00
MCQUILLAN, KELLY	REFUND TAXES ON BL 3.03 LOT 4	307.95
METRO WIRE ROPE CORP	Winch cable for sani trucks	189.60
MIAMI SYSTEMS INC	Mailers ATS/ACS	302.49
MIKE CHAMBERS' OAKHURST	SERVICE FOR POOL HEATERS	189.00
MILLER, AARON R	REIMBURSE PERISHABLES FOR CAMP	207.27
MIRACLE CHEMICAL CO	CHLORINE DELIVERY - AUGUST	4,803.40
MR JOHN INC	2009 JPP FALL FEST PORTA JOHNS	330.00
MURRAY'S UNIFORMS INC	Uniform shirts for enforcement	100.00
NEPTUNE DOOR CO	Replace motor head/Sally Port	625.00
NEXTEL-SPRINT PO MANAGEMENT	6/27/09 - 7/26/09 Air Cards	99.98
NJ NATURAL GAS CO	July gas usage	1,375.80
NJ STATE ASSOC OF CHIEFS OF	PD- ACCREDITATION MGR TRAINING	15.00
NJ STATE HEALTH BENEFITS FUND	September Health Insurance	125,949.41
NJAWC	July water usage	6,148.22
NONNEMACHER, HEIDI	REIMBURSEMENT FINGERPRINTING	26.25
NORDSTROM, JENNIFER	FINGERPRINTING REIMBURSEMENT	26.25
NOVOBILSKY, DIANE	REIMBURSE GOLF COURSE RETAIL	73.52
O'SHEA TRUCK CENTER	August misc parts INV292370068	615.76
PAM & BOB GUTMAN	REFUND OF REC SOCCER REG FEE	30.00

MEETING MINUTES

SEPTEMBER 21, 2009

PICKELNY, JEFFREY	FINGERPRINT REIMBURSEMENT	26.25
PILOT ELECTRIC CO	REBUILD MAIN POOL PUMP UNIT	2,643.50
PONTON, RICHARD	REIMBURSEMENT POOL	78.02
POSTMASTER	postage Fall 2009 newsletter	3,283.71
QUIKIE PRINT & COPY SHOPS	Recycling compliance reports	160.00
QUIKIE PRINT & COPY SHOPS	Business cards for violations	28.00
R&H AUTO SPRING & TRUCK	Repair broken springs trk #93	3,206.26
RANGNEKAR, SHASHI K & RAJAS S	REFUND TAXES ON BL 25.35 LOT44	1,588.48
REGISTRARS' ASSOC OF NJ	REGISTRAR'S ASSOC FALL MEETING	98.00
REISER, KATHY	REIMBURSE FOR CTGC SUPPLIES	82.78
RELIABLE WOOD PRODUCTS LLC	July recycle brush	5,688.00
ROUTE 66 AUTO MALL	PD- KEY DUPLICATION CAR #31	160.36
RUDERMAN & GLICKMAN PC	JULY 2009-LABOR RELATIONS MATT	4,125.00
RUDERMAN & GLICKMAN PC	AUG 2009 MISC LABOR RELATION M	1,650.00
RUTGERS THE STATE UNIVERSITY	PRINC. OF PUBLIC PURCH. I	780.00
RUTGERS THE STATE UNIVERSITY	PRINC. OF PUBLIC PURCH, 2	800.00
SCI FUNERAL SERVICES	REFUND 2007 & 2008 BL 1.02 L38	3,611.00
SCIALLO, LUKE JR	PD- REIMBURSE BATTERIES (DIVE)	27.80
SEA BREEZE FORD INC	124353P,124457P	367.33
SEA BREEZE FORD INC	August misc parts	1,840.37
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - AUGUST	70.85
SEABOARD WELDING SUPPLY INC	REPLENISH CO2 TANKS POOL/AUG	58.50
SEABOARD WELDING SUPPLY INC	768827,768948,769196	373.50
SEABOARD WELDING SUPPLY INC	August propane for patch truck	549.52
SEACOAST CHEVROLET OLDSMOBILE	August misc parts	109.14
SHEARON ENVIRONMENTAL DESIGN	MAINTENACE CONTRACT AUGUST	23,178.64
SIPERSTEIN'S PAINT	August misc paint supplies	358.00
SOKOL, BILL CSR	JULY 2009 TRANSCRIPTION SERV.	455.50
SOULEIMAN, M, SOULEIMAN,K,ETAL	REFUND TAXES ON BL 46 LOT 4	253.21
SPRINT PO MANAGEMENT	PD- NEXTEL SERV PLAN- JULY	748.61
SPRINT PO MANAGEMENT	PD- NEXTEL SERV PLAN- AUGUST	779.45
SPRINT PO MANAGEMENT	Service for July 27 - Aug 26	49.99
STAPLES BUSINESS ADVANTAGE	OFF. SUPPLIES AS PER ATTACHED	127.80
STATE OF NEW JERSEY	INT ARB FEE DOCKET IA-2008-038	150.00
STAVOLA ASPHALT CO INC	July 2nd half patch program	379.09
STAVOLA ASPHALT CO INC	August 1st half patch program	191.31
STAVOLA ASPHALT CO INC	August 2nd half patch program	530.03
STEPHANIE MICHALS	REFUND OF REC SOCCER REG FEE	40.00
STORR TRACTOR CO	Ground plates/irrigation clock	1,195.00
SUNSET FARM MARKET	August misc supplies	57.60
SUPPLY KING INC	Misc supplies for Twp bldgs.	2,122.50
TAX COLLECTOR/TREA ASSOC OF NJ	10/1/09 PNC ART CTR SEMINAR	50.00
THE NEW COASTER LLC	AUG/SEPT LEGAL ADVERTISEMENTS	249.55
THE NEW COASTER LLC	8/13 APPOINTMENT OF PROFESSION	19.84
TONKS'S USED OIL FILTER DISP	Remove used oil filters	100.00
TREASURER COUNTY OF MONMOUTH	August dumping fees	65,429.29
TREASURER OF SCHOOL MONIES	SEPT 2009 SCHOOL TAXES PAYABLE	4,460,128.65
TREASURER STATE OF NJ	Recycling compliance fees	2,282.50
TREASURER STATE OF NJ	Solid waste recycling fees	7,928.00
TRICO EQUIPMENT INC	August misc parts	438.55
TWP OF OCEAN RECREATION ACCT	SOCCER REFEREES 2ND INSTALLMEN	4,400.00
UNITED STATES POSTAL SERVICE	Shipping cost for gas meters	36.70
UNITED STATES POSTAL SERVICE	REPLENISH POSTAGE METER	5,000.00
UNIVERSAL COFFEE CORP	MIS MDSE CTGC RETAIL 7/2009	1,092.75
UNIVERSAL COFFEE CORP	RETAIL ITEMS CTGC	203.40
UP TITE FASTENERS INC	August misc maint supplies	72.50
US 1 AUTO PARTS	August misc parts	559.45
V E RALPH & SON INC	PD- FIRST AID SUPPLIES	999.79
VANTAGEPOINT TRANSFER AGENTS	Retiree Health Benefits 9/1/09	2,811.69
VERIZON	TELEPHONE SERVICES FOR 8/09	299.12
VERIZON	TELEPHONE & ISDN SERVICES 9/09	422.01
VERIZON WIRELESS	PD- MODEM SERV PLAN- AUGUST	600.10
VERIZON WIRELESS	PD- MODEN SERV PLAN- AUGUST	600.10
VETRANO, KATHLEEN	REIMBURSE FINGERPRINTING	26.25
VITALE, PAUL	Reimbursement for Cell Phone	150.00
VOLEK, AMY	REIMBURSEMENT FINGERPRINTING	26.25
VOLEK, VINCENT	REIMBURSEMENT FINGERPRINTING	26.25
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	721.97

MEETING MINUTES

SEPTEMBER 21, 2009

W B MASON CO INC	OFFICE SUPPLIES AS PER ATTACHE	751.23
W B MASON CO INC	OFF. SUPPLIES AS PER ATTACHED	531.24
W H POTTER & SON INC	Concrete saw/drainage work	969.90
W W GRAINGER INC	July misc supplies	244.81
W W GRAINGER INC	August misc supplies	531.76
W W GRAINGER INC	Safety equipment Road Dept.	498.04
WHITE, RACHELLE	REIMBURSEMENT FINGERPRINTING	26.25
WM RECYCLE AMERICA LLC	Tip fee for single stream recy	18,185.95
WM RECYCLE AMERICA LLC	Tip fees for recycling	2,306.90
WOJEWODA, LEAH	FINGERPRINTING REIMBURSEMENT	26.25
WRIGHT LINE LLC	PD- DESK PARTS	540.00
YAO, AMY	REIMBURSE CRAFTS FOR REC CAMP	54.90

Total **5,553,622.86**

Total 2009 Current Fund Appropriations Payments **5,553,622.86**

General Capital Payments

ALLSTEEL, INC.	Office furniture purchase	8,034.65	
DELL SERVICE SALES	85 WHr 9-cell Lithium Battery	176.19	
FERNANDES CONSTRUCTION INC	FINAL PYMT #6-2008 ROADWAY PRO	132,538.82	C8-00005
FORTRES GRAND CORP	PD- COMPUTER SOFTWARE	580.00	
GANNETT NJ NEWSPAPERS	A/C9459 8/22 BID-SCARAB RPRS	73.44	
GOVCONNECTION INC	Proxim Antenna Cable	70.00	
GOVCONNECTION INC	Planar PL1910m LCD's	2,972.00	
GOVCONNECTION INC	LCD MOnitors /Cisco Firewall	1,972.00	
HEWLETT-PACKARD CO	HP DC7900 Minitower	760.00	
HEWLETT-PACKARD CO	HP DC7900 SFF	3,906.00	
HEWLETT-PACKARD CO	HP DC7900 SFF	3,906.00	
MC LAUGHLIN GELSON LLC	LEGAL SVS - BOND ORD 2136	485.00	
SUPERIOR OFFICE SYSTEMS	REFURB. CANON IR 8500	8,110.00	
THE NEW COASTER LLC	8/27/09 I BOND ORD 2136	158.72	

Total **163,742.82**

Total General Capital Payments **163,742.82**

Grants Payments

BENDINER & SCHLESINGER INC	DRUG SCREENING - JULY	1,525.50	
CMX	JULY 2009-RT 35 @ ARMSTRONG BL	686.87	C6-00009
CONCORD ENGINEERING GROUP INC	AUG 2009-ENERGY AUDIT PROF SVS	4,452.15	C9-00010
DELTA DENTAL PLAN OF NJ	September Dental Insurance	111.65	
MASER CONSULTING, P.A.	SEPT 2009-MUN STORMWATER	310.00	
MC GRATH, LAURIE	Reimbursement for camera	68.66	
MURRAY'S UNIFORMS INC	Neon Green Safety Shirts	567.00	
MURRAY'S UNIFORMS INC	Neon Green Sweatshirts PW	933.00	
NJ STATE HEALTH BENEFITS FUND	September Health Insurance	1,594.60	

Total **10,249.43**

Total Grants Payments **10,249.43**

Law Enforcement Trust Payments

SPRINT PO MANAGEMENT	PD/TOLET- NEXTEL SERV - JULY	46.28
SPRINT PO MANAGEMENT	PD/TOLET- NEXTEL SERV- AUGUST	44.68

Total **90.96**

Total Law Enforcement Trust Payments **90.96**

TORTA Payments

ALI, NANCY	REIMBURSE SUPPLIES COOK CLASS	103.24
AMY STEWART	RECREATION REFUND	60.00
G & M TROPHY INC	MISCELLANEOUS AWARDS	513.00
NOVOBILSKY, DIANE	REIMBURSE JR GOLF BANQUET	522.78
TIME & SPACE CONSULTING	INSTRUCTOR SENIOR YOGA SUMMER	600.00
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 8/21/09	1,085.00
TWP OF OCEAN PAYROLL ACCOUNT	TORTA Pilates	1,200.00
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 9/18/09 payroll	540.00

Total **4,624.02**

MEETING MINUTES

SEPTEMBER 21, 2009

<u>Total TORTA Payments</u>		<u>4,624.02</u>
<u>Trust Other Payments</u>		
A S BUILDERS	MAINT REL ON 110 NORWOOD AVE	4,740.09
BROWN, SANFORD ESQ	PB Reviews and Resolutions	612.50
BROWN, SANFORD ESQ	Reviews TOSA	275.00
BROWN, SANFORD ESQ	PB Resolutions and Reviews	425.00
CMX	VAR 04-MGO GROUP 41 NORTHWOODS	341.00
CMX	DEC 06-26 NORTHWOOD RD	162.50
FITZGERALD, WILLIAM	PB and BOA Reviews	6,378.75
GONZALEZ, GLADYS M.	MAINT REL ON 1631 BELLMORE ST	4,348.57
HANNA, JOHN	Workers' Comp for Scibal 41918	791.37
HANNA, JOHN	Twp Share Scibal Ck 41918	325.91
HENDERSON, ARTHUR	P/R ded collected twice 8/21	212.80
INTERSTATE WRAPPING PRODUCTS	TRASH/RECYCLING CONTAINERS	848.00
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	3,125.00
JAMES HIGGINS ASSOCIATES	Landscape Inspections	1,187.50
JAMES HIGGINS ASSOCIATES	VARIOUS LANDSCAPE INSPECTIONS	1,875.00
JAMES HIGGINS ASSOCIATES	Waste Management MSP review	62.50
JAMES HIGGINS ASSOCIATES	Landscaping Inspections	218.75
JAMES HIGGINS ASSOCIATES	PB & BOA Reviews	3,590.00
JASON A VOLET LLC	JULY/AUG 09 CONFLICT PUBLIC DE	1,468.75
JOSE BORGES	PERF REL ON 412 LAKE AVE	2,387.70
LEON S AVAKIAN INC	THUR JUN 09-27 FRAMINGHAM RD	570.00
LEON S AVAKIAN INC	THRU JUN 09-1203 BLOOMFIELD AV	375.00
LEON S AVAKIAN INC	THUR 7/2009-41 NORTHWOODS RD	637.50
LEON S AVAKIAN INC	THRU 7/2009-26 NORTHWOODS RD	606.25
LEON S AVAKIAN INC	THRU 8/2009-12 CARBURY ROAD	572.50
LEON S AVAKIAN INC	THRU 8/2009-VARIOUS INSPECTION	1,573.75
MARQUETTE, PAUL & MARIA	REFUND OF OVERPYMT OF INSP FEE	11.25
MASER CONSULTING, P.A.	JUL 09-CEDAR VILLAGE PH I & II	435.00
MASER CONSULTING, P.A.	AUG/SEPT 09-CEDAR VILLAGE PH 2	195.00
MGO GROUP OF COMPANIES	PERF REL ON 41 NORTHWOODS RD	1,057.83
MGO GROUP OF COMPANIES	PERF REL ON 12 CARBURY RD	137.46
MGO GROUP OF COMPANIES	PERF REL ON 26 NORTHWOODS RD	3,129.76
NJ DIVISION OF TAXATION	AUG 2009 SALES & USE TAX	1,085.29
NY SERVICE FOR THE HANDICAPPED	REFUND OF OVERPYMT OF INSP FEE	35.00
PADULA BUILDERS	PERF REL ON 1203 BLOOMFIELD AV	2,981.89
PETILLO, LUCILLE	REFUND OF OVERPYMT OF INSP FEE	15.00
SANTIAGO, GUALBERTO	G.Santiago Scibal Ck# 42240	576.48
TWP OF OCEAN CURRENT FUND	Off Duty Police Car/Admin Fees	3,695.00
TWP OF OCEAN CURRENT FUND	OFF DUTY ADMIN/POLICE CAR USE	907.50
TWP OF OCEAN CURRENT FUND	Off Duty Admin/Police Car Use	1,040.00
TWP OF OCEAN PAYROLL ACCOUNT	Santiago payroll deductions	252.08
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Sick pay 8/21/09	41,999.70
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Vacation Pay 8/21/09	266.93
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 8/21/09	17,190.00
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty 9/4/09	4,440.00
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 9/18/09	4,230.00
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Sick Pay (Peters)	14,060.58
WAYSIDE HILLS I LLC	PERF REL ON 27 FRAMINGHAM RD	3,043.35
<u>Total</u>		<u>138,496.79</u>
<u>Total Trust Other Payments</u>		<u>138,496.79</u>
<u>Animal Control Trust Payments</u>		
NJ STATE DEPT OF HEALTH	AUG'09 STATE DOG LIC REPORT	33.00
TWP OF OCEAN CURRENT FUND	DOG & CAT POSTAGE	49.78
<u>Total</u>		<u>82.78</u>
<u>Total Animal Control Trust Payments</u>		<u>82.78</u>
<u>Total Bill List for September 21, 2009</u>		
Appropriation Reserve Total		4,833.94
Current Fund Total		<u>5,553,622.86</u>

General Capital Fund Total	<u>163,742.82</u>
State & Federal Grant Total	<u>10,249.43</u>
Law Enforcement Trust Total	<u>90.96</u>
TORTA Total	<u>4,624.02</u>
Trust Other Total	<u>138,496.79</u>
Animal Control Total	<u>82.78</u>
Bid Deposit Refund	
State Unemployment Trust	
Trust Assessment Fund	
Total of All Funds	<u>5,875,743.60</u>

ROLL CALL:

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

ABSENT: Garofalo

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

Sanford Brown, Esq.
 Encon Mechanical Corp.
 James Higgins Associates
 Jungle Laser, LLC

RESOLUTIONS:**09-147 Authorize the refund of overpayment of taxes for Block 20, Lot 10****RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENT**

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

WHEREAS, a payment was made by Chase Bank and the Home Owner for 3rd quarter 2009 property taxes resulting in an overpayment in the amount of \$741.08, 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
20	10	Laniado, Shelly	741.08	Chase Bank and Homeowner both Paid 3 rd Qtr Taxes.
Total Taxes Overpaid			\$ 741.08	

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: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-148 Authorize the waiver of the fees associated with the Planning Board application for the construction of sodium hypochlorite building along a portion of Block 22, Lot 75 (224 Roosevelt Avenue)

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

WHEREAS, the Township of Ocean Sewerage Authority would like to construct a new sodium hypochlorite building along a portion of Block 22, Lot 75 (224 Roosevelt Avenue); and

WHEREAS, by letter dated August 28, 2009, the Executive Director has requested a waiver of the fees associated with their Planning Board application;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the application fee associated with the above referenced construction on Block 22, Lot 75 (224 Roosevelt Avenue), be and are hereby waived; and

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

1. William Smelling, TOSA Executive Director
2. Marianne Wilensky, Director of Community Development
3. Director of Finance

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-149 Execute the Agreement with Expense Reduction Analysts

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

WHEREAS, the Township of Ocean wishes to engage a firm to review certain expenditures to determine if any cost savings are available; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-5 et seq., states that the Governing Body may negotiate and award a contract without advertising if said service is an Extraordinary Unspecified Service; and

WHEREAS, the Township Manager has interviewed representatives from Expense Reduction Analysts, Colts Neck, NJ and determined that they have the expertise in this field and the Township should engage their services; and

WHEREAS, Expense Reduction Analysts submitted a proposal to the Township Manager detailing that they will perform this review and analysis on a No Savings – No Fee basis; and

WHEREAS, should Expense Reduction Analysts deliver a successful recommendation, as outlined in their proposal, and that recommendation is implemented by the Township of Ocean, the Township agrees to compensate Expense Reduction Analysts a fee equal to 50% of the savings realized over a twenty-four month period; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the appropriate Township Officials to execute said Agreement with Expense Reduction Analysts to provide a review of certain Township expenses, as determined by the Township, on a No Savings – No Fee basis; and

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

1. Director of Finance
2. Township Auditor

3. Expense Reduction Analysts

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-150 Authorize the Director of Finance to sell all municipal liens at a Tax Sale and establish associated fees to accompany said sale.**RESOLUTION AUTHORIZING TAX SALE AND SETTING FEES**

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

WHEREAS, the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, desires to collect all taxes, assessments, and other municipal charges that are now delinquent; and

WHEREAS, the Tax Collector is directed to sell all municipal delinquencies through December 31, 2008 on October 21st 2009 at 10:00 AM in a manner prescribed by N.J.S.A. 54-5-19, and as amended by Chapter 99, Public Laws of 1997 and

WHEREAS, in lieu of any two publications, the Tax Collector is directed to mail notice to the property owner and to any person or entity entitled to notice of foreclosure pursuant to section 20 of P.L. 1948, c. 96 (C. 54:5-104.48) may be given by regular or certified mail, the costs of which shall be added to the cost of the sale in addition to those provided in R.S. 54:5-38, not to exceed \$25.00 for each set of notices for a particular property.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, that the Tax Collector is hereby authorized to advertise for two consecutive weeks and directed to sell all municipal liens in accordance with New Jersey Law, and as stated above.

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

1. Director of Finance
2. Deputy Tax Collector
3. Township Auditor

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-151 Authorizing a Road Opening Permit for Deal Road, at the intersection of Logan Road, with penalty

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

WHEREAS, a request has been received from New Jersey Natural Gas for the granting of a street opening permit on Deal Road, at the intersection of Logan Road in order to renew their facilities; and

WHEREAS, the Township Manager and the Director of Public Works have fully investigated this request and determined that proper notice has been provided to all property owners on Deal Road and to New Jersey Natural Gas Company in 2006 advising them of the five-year moratorium for the opening of the street following resurfacing; and

WHEREAS, under the provision of Chapter 8 of the Revised General Ordinances of the Township of Ocean, 1965, the Township Council can authorize the granting of a road opening permit within five years from the point in time when a street is resurfaced providing certain penalties are paid;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Township Manager or his designee is hereby authorized to grant a road opening permit for the minimum opening, as noted in the request from New Jersey Natural Gas, on Deal Road to install new gas mains providing the penalty assessment is paid pursuant to section 8-1.8C of the Revised General Ordinances of the Township of Ocean, 1965 prior to the issuance of the permit; and

BE IT FURTHER RESOLVED that the additional requirement of full restoration is that there shall be an infrared treatment performed on the final patched surface to minimize the impact on the structural integrity of the roadway and to provide a level driving surface

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

1. William McMahon, Public Works Director
2. Marc Panaccione, New Jersey Natural Gas
3. Director of Finance

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-152 Authorize the award of a contract for the following bids/proposals

a. Subassembly components for field conversion of the Scarab Windrow Turner

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

WHEREAS, the Township Council of the Township of Ocean authorized receipt of bids for the complete subassembly components for field conversion of the Scarab Half-Track Drive Windrow Turner to a Rubber Tire Wheel Drive Windrow Turner on July 13, 2009; and

WHEREAS, the Township Clerk did duly advertise on August 22, 2009 to receive bids for said project; and

WHEREAS, in connection therewith the following bids were received by the Township of Ocean on August 9, 2009: Eagle Truck Equipment, Inc., Uwchland, PA; and

WHEREAS, the following company picked up bid specifications but failed to submit said bid: Foley, Inc., Piscataway, NJ; and

WHEREAS, it was determined that the lowest responsive bidder meeting specifications for the bid was Eagle Truck Equipment, Inc., Uwchland, PA ; and

WHEREAS, the Township Manager and the Public Works Director have recommended that a contract be awarded to Eagle Truck Equipment, Uwchland, PA as per their bid proposal for the complete subassembly components for field conversion of the Scarab Half-Track Drive Windrow Turner to a Rubber Tire Wheel Drive Windrow Turner in the amount of \$40,542.00; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the Capital Improvement Fund, Ordinance #2045, account # C-04-55-922-907; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Eagle Truck Equipment, Uwchland, PA, as per their bid for complete subassembly components for field conversion of the Scarab Half-Track Drive Windrow Turner to a Rubber Tire Wheel Drive Windrow Turner the as set forth in their bid submitted in the amount of \$40,542.00; and

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

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

1. Township Manager
2. Director of Finance
3. Eagle Truck Equipment

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

b. Class A Recycling Material Recover Facility to accept Class A Single Stream Recyclable Materials

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

WHEREAS, the Township Council of the Township of Ocean authorized Request for Proposals on July 13, 2009 for Class A Recycling Material Recovery Facility to Accept Class A Single Stream Recyclable Materials as delivered by the Township of Ocean; and

WHEREAS, the Township Clerk did duly advertise on August 22, 2009 to receive proposals for said service; and

WHEREAS, in connection therewith the Township of Ocean received one (1) proposal on September 10, 2009 from WM Recycle America, Port Newark, NJ; and

WHEREAS, it was determined that the lowest responsive responder meeting specifications was WM Recycle America, Port Newark, NJ; and

WHEREAS, the Township Manager and the Superintendent of Public Works have recommended that a contract be awarded to WM Recycle America, Port Newark, NJ as per their proposal for Class A Recycling Material recovery Facility to Accept Class A Single Stream Recyclable Materials as delivered by the Township of Ocean for the one (1) year period October 1, 2009 through September 30, 2010; and

WHEREAS, funds for said contract, as specified in their submitted proposal, have been certified by the Director of Finance and are available in the Department of Public Works Solid Waste Budget – Account # 9-01-32-837-341;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to WM Recycle America, Port Newark, NJ as per their proposal for Class A Recycling Material recovery Facility to Accept Class A Single Stream Recyclable Materials as delivered by the Township of Ocean for the one (1) year period October 1, 2009 through September 30, 2010 as set forth in said proposal; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bonds and/or certified checks received for said service; and

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

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. WM Recycle America

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

c. Class B Recycling Material Recovery Facility to accept certain Class B Recyclable Yard Waste Materials

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

WHEREAS, the Township Council of the Township of Ocean authorized Request for Proposals on July 13, 2009 for Class B Recycling Material Recovery Facility to Accept Certain Class B Recyclable Yard Waste Materials as delivered by the Township of Ocean; and

WHEREAS, the Township Clerk did duly advertise on August 22, 2009 to receive proposals for said service; and

WHEREAS, in connection therewith the Township of Ocean the following proposals were submitted (Average Bid Price for the Initial Proposal plus Extension Option 1) on September 10, 2009:

Lertch Recycling Co., Inc., Wall NJ	\$41,795.00	(\$28.00/ton plus \$4.15)
Mickey Benoit, Inc., Oakhurst, NJ	\$46,930.00	(\$35.00/ton plus \$1.10)
Grinnell Recycling, Inc., Sparta, NJ	\$58,500.00	(\$3.00/ton plus \$40.00)
Reliable Wood Products, Jersey City, NJ	\$47,190.00	(\$35.00/ton plus \$2.80)

WHEREAS, it was determined that the lowest responsive responder meeting specifications was Lertch Recycling Co., Inc., Wall, NJ; and

WHEREAS, the Township Manager and the Superintendent of Public Works have recommended that a contract be awarded to Lertch Recycling Co., Inc., Wall, NJ as per their proposal for Class B Recycling Material Recovery Facility to Accept Certain Class B Recyclable Yard Waste Materials as delivered by the Township of Ocean for the Initial Proposal plus Extension Option 1 at a cost of \$28.00 per ton; and

WHEREAS, funds for said contract, as specified in their submitted proposal, have been certified by the Director of Finance and are available in the Department of Public Works Solid Waste Budget – Account # 9-01-32-837-341;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Lertch Recycling Co., Inc., Wall, NJ as per their proposal for Class B Recycling Material Recovery Facility to Accept Certain Class B Recyclable Yard Waste Materials as delivered by the Township of Ocean for the Initial Proposal plus Extension Option 1 at a cost of \$28.00 per ton; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bonds and/or certified checks received for said service; and

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

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. Lertch Recycling Co., Inc.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

d. Bulk Material Recovery Facility to accept Construction and Demolition Waste and other Type #13 and #13C Waste Materials

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

WHEREAS, the Township Council of the Township of Ocean authorized Request for Proposals on July 13, 2009 for Bulk Material Recovery Facility to Accept Construction and Demolition Waste and Other Type #13 and #13C Waste Materials as delivered by the Township of Ocean; and

WHEREAS, the Township Clerk did duly advertise on August 22, 2009 to receive proposals for said service; and

WHEREAS, in connection therewith the Township of Ocean the following submitted proposals (Average Bid Price for the Initial Proposal plus Extension Option 1) on September 10, 2009:

	2009/2010	2010/2011
Mazza & Sons, Tinton Falls, NJ	\$80.00/ton plus \$2.80	\$82.00/ton plus \$2.80
Grinnell Recycling, Inc., Sparta, NJ	\$62.00/ton plus \$40.00	\$60.00/ton plus \$40.00
Republic Services of NJ, Lincroft, NJ	\$81.00/ton plus \$2.25	\$82.00/ton plus \$2.25

WHEREAS, it was determined that the lowest responsive responder meeting specifications was Mazza & Sons, Lincroft, NJ; and

WHEREAS, the Township Manager and the Superintendent of Public Works have recommended that a contract be awarded to Mazza & Sons, Lincroft, NJ as per their proposal for Bulk Material Recovery Facility to Accept Construction and Demolition Waste and Other Type #13 and #13C Waste Materials as delivered by the Township of Ocean for the Initial Proposal plus Extension Option 1 at a cost of \$80.00 per ton for 2009/2010 and \$82.00 per ton for 2010/2011; and

WHEREAS, funds for said contract, as specified in their submitted proposal, have been certified by the Director of Finance and are available in the Department of Public Works Solid Waste Budget – Account # 9-01-32-837-341;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to WM Recycle America, Port Newark, NJ as per their proposal for Mazza & Sons, Lincroft, NJ as per their proposal for Bulk Material Recovery Facility to Accept Construction and Demolition Waste and Other Type #13 and #13C Waste Materials as delivered by the Township of Ocean for the Initial Proposal plus Extension Option 1 at a cost of \$80.00 per ton for 2009/2010 and \$82.00 per ton for 2010/2011; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bonds and/or certified checks received for said service; and

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

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

- 1. Township Manager
- 2. Director of Finance
- 3. Director of Public Works
- 4. Mazza & Sons

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-153 Approve a Chapter 159 for the following Grant:

a. Over the Limit Under Arrest 2009 Grant

**CHAPTER 159
 NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY
 DIVISION OF HIGHWAY TRAFFIC SAFETY
 OVER THE LIMIT, UNDER ARREST 2009 GRANT**

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

RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2009 BUDGET PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said director may also approve the insertion of any item of appropriation for equal amount, and

WHEREAS, the Township of Ocean has been awarded \$6,000.00 from the State of New Jersey Department of Law and Public Safety Division of Traffic Safety Over the Limit, Under Arrest 2009 grant,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Ocean, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2009 in the sum of \$6,000.00 for the purpose of paying the salaries of officers for drunk driving patrols during the holiday season.

BE IT FURTHER RESOLVED, that a like sum of \$6,000.00 be and the same is hereby appropriated under the caption of:

Over the Limit, Under Arrest 2009 Grant
 Salary and Wages\$6,000.00

MEETING MINUTES**SEPTEMBER 21, 2009**

BE IT FURTHER RESOLVED, that two certified copies of this resolution are to be filed with:

1. Director of the Division of Local Government Services.
2. Director of Finance
3. Township Auditor

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-154 Authorize the refund of overpayment of taxes resulting from a favorable tax appeal judgment**AUTHORIZING ADJUSTMENTS TO 3RD AND 4TH QUARTER TAX LEVY AND REFUNDS FOR TAX OVERPAYMENTS RESULTING FROM MONMOUTH COUNTY TAX APPEAL JUDGEMENTS**

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

WHEREAS, the County of Monmouth has rendered judgments on appeals made by tax payers regarding the property assessment of various properties and,

WHEREAS, there are several properties which had their property assessments reduced by the County of Monmouth resulting in a reduction in the total taxes to be paid to the Township of Ocean for the year 2009, and,

WHEREAS, proper procedures require that an adjustment to the tax levy be made to the fourth quarter taxes and if necessary, third quarter taxes for reductions in property assessments which lower total taxes and do not result in the overpayment of taxes for the year, and tax refunds if tax levy reductions result in an overpayment of total taxes due for the year

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 apply said tax reductions to the 3rd and 4th quarter taxes and refunds of tax overpayments as per the following.

BL	LT/ Qual	Name	Property Address	Adjust- ment to 2009 Taxes	Adjusted 4 th Quarter Taxes	Adjust 3 rd Qtr/ Refund 2009 Taxes
26.08	2.02	Pillsbury, Steven P. & Kimberly A	7 Holland Avenue	2,204.43	836.29	.00
33	11.01	Keleman, Ina J.	176 Whale Pond Road	634.10	1,441.27	.00
34.03	9 C1003	Gertner, Michael J.	15 Rawson Circle	279.75	1,303.49	.00
68	1	Quinn, Declan	503 Laurel Avenue	1,137.29	599.17	.00
138.08	2	Mizrahi, Jack & Marie	910 Coach Drive	476.25	2,282.57	.00
Totals				4,731.82	6,462.79	0.0

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

1. Tax Collector

2. Director of Finance
3. Township Auditor

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-155 Approve Final Change Order for the 2008 Road Improvement Program reducing the final contract amount by \$108,409.00 due to reductions in As-built quantities.

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

WHEREAS, on July 22, 2008, the Township Council of the Township of Ocean awarded a contract to Fernandes Construction, Inc. to perform roadway improvements on various roads throughout the Township of Ocean; and

WHEREAS, subsequent to that award, revisions to said as-built quantities for said project were identified resulting in a decrease in the total previously amended contract amount from \$1,411,574.77 to \$1,303,165.77, a decrease of \$108,409.00; and

WHEREAS, the Township Council has considered the foregoing.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby approve the Final Change Order decreasing the overall contract amount by \$108,409.00, from \$1,411,574.77 to \$1,303,165.77 for the 2008 Roadway Improvement Project that was awarded to Fernandes Construction, Inc.; and

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

1. Township Manager
2. Director of Finance
3. Leon S. Avakian, Inc., Township Engineer
4. Director of Public Works
5. Fernandes Construction, Inc.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-156 Approve a contract with Realty Appraisal Co to perform Re-assessment services for the Township at a cost not to exceed \$235,000.00.

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

WHEREAS, the Township Council of the Township of Ocean authorized Request for Proposals on June 15, 2009 for Re-Assessment Services; and

WHEREAS, the Township of Ocean adopted Ordinance #2135 authorizing a Special Emergency Appropriation in accordance with State Statutes; and

WHEREAS, the Township Clerk did duly advertise on July 2, 2009 to receive proposals for said services; and

WHEREAS, in connection therewith the Township of Ocean received proposals from the following companies:

MEETING MINUTES**SEPTEMBER 21, 2009**

Realty Appraisal Co., West New York, NJ	\$235,000.00
Certified Valuations, Inc., Randolph, NJ	\$279,000.00

WHEREAS, it was determined that the lowest responsive responder meeting specifications was Realty Appraisal Co., West New York, NJ at a cost of \$235,000.00; and

WHEREAS, the Township Manager and Tax Assessor have recommended that a contract be awarded to Realty Appraisal Co., West New York, NJ as per their proposal for Re-Assessment Services at a cost not to exceed \$235,000.00; and

WHEREAS, the Township of Ocean Council has elected to make this appointment pursuant to the provisions N.J.S.A. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-To Play Law: and

WHEREAS, the firm of Realty Appraisal Co. had previously completed and submitted a Business Entity Disclosure Certification which certifies that the firm of Realty Appraisal Co. has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit the firm of Realty Appraisal Co. from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

WHEREAS, funds for said contract have been certified by the Director of Finance and are available in the Reserve for Tax Revaluation – Account # 9-01-55-001-030;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Realty Appraisal Co., West New York, NJ, as per their proposal for Re-Assessment Services at a cost not to exceed \$235,000.00; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bonds and/or certified checks received for said service; and

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

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

1. Township Manager
2. Director of Finance
3. Tax Assessor
4. Realty Appraisal Co.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

09-157 Approve a contract with Speed of Service, Inc. to provide an ATM machine in the Municipal Building at no cost to the Township.

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

WHEREAS, the Township of Ocean wishes to place an Automated Teller Machine in the Municipal Building located at 399 Monmouth Road, Oakhurst, NJ; and

WHEREAS, Speed of Service, Inc. has submitted a proposal to provide said machine at no charge to the Township; and

MEETING MINUTES**SEPTEMBER 21, 2009**

WHEREAS, the Speed of Service, Inc. will charge a fee of \$2.50 per cash withdrawal and will pay the Township of Ocean \$0.83 for each cash withdrawal providing that there are at least fifty withdrawals processed each month (less than fifty will result in no payment to the Township); and

WHEREAS, the Township Manager has recommended that we enter into a contract with Speed of Service, Inc. to provide an Automated Teller Machine in the Municipal Building for a one year period at no cost to the Township;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean that authorization is hereby given to enter into a contract with Speed of Service, Inc. to provide an Automated Teller Machine in the Municipal Building for a one year period at no charge to the Township of Ocean; and

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

1. Finance Director
2. Director of Public Works
3. Speed of Service, Inc.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

ORDINANCES:**Announcement****Adoption(s)**

Township Clerk read the following Ordinances by Title:

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)
(Coaster)

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to open the Public Hearing on Ordinance #2129

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

No public comments were received

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to close the Public Hearing on Ordinance #2129

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to adopt Ordinance #2129 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

MEETING MINUTES**SEPTEMBER 21, 2009**

At this juncture, Mayor Larkin announced that Ordinance #2130 was being removed from the Agenda and upon further review, it will be placed on a future meeting agenda.

Ordinance #2136 - A Bond Ordinance amending Bond Ordinance #2131 adopted on July 13, 2009, which provided for curb and sidewalk improvements in order to appropriate an additional \$8,000 therefor and authorizing the issuance of \$7,600 bonds and notes to finance a portion of the cost thereof and expand the scope of improvements
(Coaster)

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to open the Public Hearing on Ordinance #2136

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

No public comments were received

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to close the Public Hearing on Ordinance #2136

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to adopt Ordinance #2136 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

Ordinance #2137 – An Ordinance amending Chapter XXVI (Flood Damage Prevention Plan)
(Coaster) of the Township of Ocean, County of Monmouth, State of New Jersey

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to open the Public Hearing on Ordinance #2137

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

Steve Levy inquired as to what areas have changed. Mr. Brannen explained that it was the area by Whalepond Brook and Poplar Brook

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to close the Public Hearing on Ordinance #2137

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to adopt Ordinance #2137 and notice of final passage thereof be advertised in The Coaster in accordance with the law.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

Introduction(s)

Ordinance #2138 – An Ordinance amending Chapter IX of the “Revised General Ordinances (P.H. 10/19/09 Coaster) of the Township of Ocean, 1965” entitled Soil and Tree Removal”

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to approve Ordinance #2138 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on October 19, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE NO. 2138

AN ORDINANCE AMENDING CHAPTER IX OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED “SOIL AND TREE REMOVAL”

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

SECTION I

Chapter 9, Soil and Tree Removal Ordinance of the Township of Ocean is hereby amended and supplemented to read as follows:

SECTION II

Section 9-1, Land Disturbance and Soil Erosion is hereby amended in its entirety to read as follows:

9-1 Land Disturbance and Soil Erosion Control**9-1.1 Purpose**

The purpose of this chapter is to control soil erosion and sediment damages and related environmental damage by requiring adequate provisions for surface water retention and drainage and for the protection of exposed soil surfaces in order to promote the safety, public health, convenience and general welfare of the community.

9-1.2 Definitions.

Any word or term not interpreted or defined in this section shall be used with a meaning of common or standard utilization. The following definitions shall apply in the interpretation and enforcement of this chapter unless otherwise specifically stated:

Applicant – shall mean a person requesting permission to engage in land disturbance activity.

Critical Area – shall mean a sediment producing land area or land with a potential for erosion.

Erosion – shall mean detachment and movement of soil or rock fragments by water, wind, ice or Gravity.

Land – shall mean any ground, soil, or earth including marshes, swamps, drainageways, and areas not permanently covered by water within the Township.

Land Disturbance – shall mean any activity including but not limited to clearing, grading, stripping, transporting and filling which causes land to be exposed to the danger of erosion.

Land Disturbance Permit – shall mean a certificate issued to perform work under this section.

Mulching – shall mean the application of plant residue or other suitable materials to the land surface to conserve moisture, hold soil in place and aid in establishing plant cover.

Sediment – shall mean solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water, wind, ice, or gravity as a product of erosion.

Sediment Basin – shall mean a barrier or dam built at suitable locations to retain rock, sand, gravel, silt or other sedimentary material.

Soil Erosion and Sediment Control Plan – shall mean a detailed plan in accordance with Section 9-1.4 hereof, indicating necessary land treatment measures, including a schedule of the timing of their implementation, that will effectively minimize soil erosion and sedimentation. Such measures shall meet or exceed the standards and regulations contained herein, or in the absence of such Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Committee.

Soil – shall mean all unconsolidated material and organic material of any origin.

Soil Conservation District – shall mean a governmental subdivision of the State, which encompasses this township, organized in accordance with the provisions of R.S. 4:24.

Site – shall mean any lot, tract, parcel, or parcels of land within the township.

Stripping – shall mean any activity which significantly disturbs vegetated or otherwise stabilized soil surface including, but not limited to, clearing and grubbing operations

9-1.3 Applicability

No person shall disturb the land or cause the land to be disturbed within the township without first having obtained a land disturbance permit, as provided in this chapter. Furthermore, no person shall allow the land within the township to become eroded.

9-1.4 Procedure for Permit

Application for Land Disturbance Permit

- a. *Preliminary Subdivisions.* Each application for tentative, preliminary subdivision approval shall be accompanied by an application for a land disturbance permit pursuant to the terms hereof if the applicant chooses to do site work prior to the submission and approval of the final plat. If the applicant does not do any site work prior to approval of the final plat, he/she may defer the application for a land disturbance permit until a submission of the final plat. The data required in the application for the land disturbance permit applies to any and all lands that would be disturbed if the application for the preliminary subdivision were approved. Except as provided herein, no preliminary subdivision approval shall be granted without a written report from the Township Engineer on the applicant's soil erosion and sediment control plan and without its submission to the planning board for their consideration.
- b. *Final Subdivision.* Each application for final subdivision approval shall be accompanied by an application for a land disturbance permit pursuant to the terms hereof. No final subdivision approval shall be granted without a written report from the Township Engineer on the applicant's soil erosion and sediment control plan and without its submission to the planning board for their consideration.

- c. *Site Plan.* Each application for site plan approval shall be accompanied by an application for a land disturbance permit pursuant to the terms hereof. No site plan approval shall be granted without a written report from the Township Engineer on the applicant's soil erosion and sediment control plan and without its submission to the planning board for their consideration.
- d. *All Other Land Disturbances.* No site shall be disturbed unless an application for a land disturbance permit has been submitted pursuant to the terms thereof and no permit shall be granted by the building inspector without the written approval of the Township Engineer.
- e. *General Conditions for All Applications.*
 - 1. Each application for a land disturbance permit shall be accompanied by a soil erosion and sediment control plan for the proposed disturbed site consistent with this chapter. The plan shall be accompanied by a site plan at a scale of at least one inch equals 50 feet.
 - 2. Four copies of the application and plans as required by this section shall be filed by the applicant with the building inspector of the township, who shall immediately forward one copy to the township engineer, and where applicable one copy to the planning board. Such application shall contain the name and address of the owner of the subject site and the location of the site.
 - 3. If the title to the land is subsequently transferred, the new owner must follow the plan already approved or submit a new plan in accordance with this chapter.
 - 4. All proposed revisions of the soil erosion and sediment control plan shall be submitted for approval in the manner as specified herein.

Data Required:

Each soil erosion and sediment control plan shall contain the following:

- a. Location and description of existing natural and man-made features on and surrounding the site, including general topography and soil characteristics and a copy of the soil conservation district soil survey where available.
- b. Location and description of proposed changes to the site.
- c. Measures for soil erosion and sediment control which meet or exceed the standards and specifications set forth herein or, in the absence of such standards, in the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Committee. Such standards and specifications shall be on file at the office of the township clerk.
- d. A schedule of the sequence of the implementation of the planned erosion and sediment control measures as related to the progress of the project including anticipated starting and completion dates.
- e. The impact of the proposed disturbance to all adjacent properties, both during and after development or disturbance.
- f. A map showing the contours of the land at two-foot intervals prior to the disturbance of the proposed contours to be created, prepared in accordance with the standard engineering practices. The map shall be accompanied by a sketch of the site showing all land areas to be disturbed as shaded areas on the sketch.

9-1.5 Review and Approval

Section I. Powers of the Planning Board and Building Inspector.

In considering and approving a soil erosion and sediment control plan, the planning board, when it has the authority pursuant to this chapter, and the building inspector, when it does not:

- a. Shall have the right, among other things, to fix the time schedule for exposure of land area and for the construction and installation of improvements (or the taking of other measures in accordance with the Standards for Soil Erosion and sediment Control in New Jersey as promulgated by the New Jersey State Soil Conservation Committee) to prevent soil erosion and sedimentation and may require that such work or measures be completed prior to any site development work.
- b. Shall provide for the posting of performance guarantees and maintenance bonds in the same manner as provided in the land subdivision chapter of the township.
- c. Shall refer the plan to the environmental commission of the Township and shall take no final action on the plan until 15 days after such referral.
- d. May refer the plan to the Freehold Soil Conservation District.
- e. May impose lawful conditions or requirements necessary or desirable to proper implementation of the plan and of the purpose and intent of this chapter.
- f. Shall provide written notice to the applicant indicating the decision on the plan. Such decision shall be made within a period of 30 days of submission of the complete application unless, by mutual agreement in writing between the township and the applicant, this period is extended for an additional 30 days. Failure to make a decision within such period or such extension thereof shall constitute certification. A copy of such decision, along with other information as may be required by Freehold Soil Conservation District, shall be sent to said district.

Section II. *Changes in Approved Plan*

- a. *Unlawful.* After a soil erosion and sediment control plan has been approved, it shall be unlawful for the applicant therefore, or any person performing services and implementing plan, knowingly to deviate from, change, amend or modify the plan in any way except in accordance with the provisions of the paragraph below.
- b. *Approved.* Minor changes, amendments or modifications to a soil erosion and sediment control plan required as a result of conditions in the field during construction may be approved by the township engineer who shall in turn notify the planning board thereof. Major changes, amendments or modifications to such a plan shall require the approval of the planning board.

9-1.6 Principles and requirements for Site Development

Control measures shall apply to all aspects of the proposed site development involving land disturbance and shall be in operation during all stages of the disturbance activity. The following principles shall apply to the soil erosion and sediment control plan:

- a. *Stripping.* Stripping of vegetation, grading, or other soil disturbance shall be done in a manner that shall minimize soil erosion.
- b. *Protection of Vegetation.* Whenever feasible, natural vegetation shall be retained and protected.
- c. *Minimal Disturbance of Area.* The extent of the disturbed area and duration of its exposure shall be kept to a minimum.
- d. *Soil Profile.* When all land disturbance is complete, the soil profile shall consist of a subsoil covered by a minimum of six inches of topsoil and shall be prepared in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey as promulgated by the State Soil Conservation Committee.
- e. *Stabilization Measures.* Either temporary seeding, mulching or other suitable stabilization measures shall be used to protect all critical areas during construction or other land disturbance
- f. *Water Runoff.* Water runoff shall be minimized and retained on site wherever possible to facilitate ground water recharge.

- g. *Drainage Provisions.* Satisfactory provisions shall be made for drainage to accommodate all increased runoff resulting from modifications of soil and surface conditions during and after development or disturbance. Where necessary, the rate of water runoff shall be mechanically retarded.
- h. *Sediment Retention.* Sediments shall be retained on site to the maximum extent feasible.
- i. *Prior Installation of Required Structures.* Diversions, sediment basins, and similar required structures shall be installed prior to any on-site grading or disturbance, except as necessary to the construction of such structures.

9-1.7 Maintenance Responsibility

Any applicant carrying out soil erosion and sediment control measures under this chapter and, all subsequent owners of the property upon which such measures have been carried out, shall adequately maintain all permanent control measures, devices and plantings in good order for a period of two years after completion of the approved plan implementation. Maintenance bonds therefore shall be posted in connection therewith as heretofore provided.

9-1.8 Exemptions; Prohibition

Section I. Exemptions

The following activities are specifically exempt from this chapter:

- a. Land disturbance occurring on sites containing existing one family dwellings.
- b. Use of land for gardening, primarily for home consumption.
- c. Agricultural use of lands when operated in accordance with a farm conservation plan approved by the Freehold Soil Conservation District or when it is determined by the Freehold Soil Conservation District that such use will not cause soil erosion and sedimentation.

Section II. Exemptions Prohibited

There shall be no exemptions for any person for any critical area.

9-1.9 Occupancy Approval

No certificate of occupancy for any building shall be issued unless there has been compliance with the provisions of the approved soil erosion and sediment control plan for permanent measures to control soil erosion and sedimentation. A formal report of compliance with the provision of the approved soil erosion and sediment control plan shall be filed with the municipal agent authorized to issue certificates of occupancy. A copy of this report shall be sent to the Freehold Soil Conservation District. Approval for occupancy may be granted notwithstanding that permanent vegetation protection or ground cover has not been installed if: such permanent protection and ground cover has not and cannot be installed because of conditions of weather; and the installation thereof is enforced by appropriate provisions in the bond or other security and improvement agreements which shall provide for installation, within such time limits as may be reasonable, upon direction of the township engineer as soon as weather conditions shall permit.

9-1.10 Enforcement

The township engineer or building inspector shall enforce the requirements of this chapter and shall inspect the work being undertaken in connection with the plan. The applicant shall be required to have the approved soil erosion and sediment control on site during construction. In the event of a failure to comply with any condition or provision of the soil erosion and sediment control plan or, if existing conditions are not as stated in the applicant's soil erosion and sediment control plan, the township engineer or building inspector may, among other things, revoke the land disturbance permit, building permit or certificate of occupancy;

issue a stop order, refuse to approve further work and may require necessary erosion and sedimentation control measures to be promptly installed and seek such other penalties as provided herein.

9-1.11 Penalties

If any person violates any of the provisions of this chapter, any standard promulgated pursuant to the provisions of this chapter, or fails to comply with the provisions of a certified plan, the township or Freehold Soil Conservation District may institute a civil action in the Superior Court for injunctive relief to prohibit and prevent such violation or violations and said court may proceed in a summary manner. Any person who violates any of the provisions of this chapter, any standard promulgated pursuant to this chapter or fails to comply with the provisions of a certified plan shall be liable to a penalty of not less than twenty-five (\$25.00) dollars nor more than three thousand (\$3,000.00) dollars to be collected in a summary proceeding pursuant to the Penalty Enforcement Law (N.J.S.A. 2A:58-1 et seq.). The Superior Court, County Court, County District Court and Municipal Court shall have the jurisdiction to enforce said penalty enforcement law. If the violation is of a continuing nature, each day during which it continues shall constitute an additional separate and distinct offense.

9-1.12 Appeals

Appeals from decisions under this chapter may be made to the township council in writing within ten days from the date of such decision. The appellant shall be entitled to a hearing before the township council within 45 days from the date of the appeal.

9-1.13 Fees

The fee schedule of the Freehold Soil Conservation District is incorporated herein as to any applications and projects which fall under their jurisdiction pursuant to the contract with the Township of Ocean.

9-1.14 Zoning Ordinance Amended

The Township of Ocean Zoning Chapter is hereby amended to remove said chapter where applicable.

9-1.15 Land Subdivision Ordinance Amended

The Land Subdivision Chapter of the Township of Ocean is hereby amended to remove said chapter where applicable.

9-1.16 Applicability of Chapter Provisions

The provisions of this chapter shall only apply to those applications or projects where there is no jurisdiction of the Freehold Soil Conservation District.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

Ordinance #2139 - An ordinance amending Chapter XI of the "Revised General Ordinances (P.H. 10/19/09 Coaster) of the Township of Ocean, 1965" entitled: "Health"

On a motion by Councilmember Hiers and seconded by Councilmember Siciliano, it was moved to approve Ordinance #2139 on first reading and advertise according to law in The Coaster together with the notice of the Public Hearing which will be held on October 19, 2009 at 7:00 p.m. in the Township Meeting Room, Monmouth and Deal Roads, Oakhurst, New Jersey.

ORDINANCE #2139

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XI
THE "REVISED GENERAL ORDINANCE OF THE
TOWNSHIP OF OCEAN, 1965" ENTITLED: HEALTH**

BE IT ORDAINED by the Township Council of the Township of Ocean in the County of Monmouth, State of Jersey, that Chapter VI entitled Buildings of the "Revised General Ordinances of the Township of Ocean, 1965" is hereby amended as follows:

1. The Revised General Ordinance of the Township of Ocean is hereby amended to read as follows:

Chapter XI - is hereby amended to read as follows:

11-1 Health Code of the Township of Ocean

11-9 Grease Discharge Abatement

11-9.5 Inspections

- a. *Generally.* In consideration for continued use of its sanitary sewer system, the Township of Ocean and/or Township Sewerage Authority shall periodically conduct routine inspections of the grease traps of any retail food establishment during regular township business hours. Additionally, an Annual Inspection of the operation of the grease trap (internal baffles) by a licensed plumber must be conducted and a report of its condition and functionality should be submitted to the Township of Ocean Construction Official. During such inspections, the township shall have the right to inspect (i) any food preparation areas (ii) any records maintained pursuant to this section (iii) all grease traps which shall be opened upon request, and (iv) all wastewater lines from the establishment to the sanitary sewer system, which may be accomplished by use of a line camera.
- b. *Inspection Fees.* Fees for grease trap inspections are as follows:

Routine Inspection Fee for each grease trap	\$81.00
Re-inspection Fees for each grease trap	\$56.00
- c. *Blockage.* Whenever the Township of Ocean and/or the Township Sewerage Authority discovers a blockage of the sanitary sewer system caused by grease, the township and/or the Township Sewerage Authority shall have the right to conduct an inspection of any retail food establishment connected to the main in which said blockage is found, without regard to any prior or recent inspection(s) thereof.
- d. *Violation Discovered.* If during an inspection, the township and/or the Township Sewerage Authority discovers a violation of this section, the township and/or the Township Sewerage Authority shall notify the owner and / or operator of the retail food establishment of the nature of said violation as soon as reasonably possible and, in its discretion, issue (i) a summons in accordance with the penalty provision set forth herein (ii) a notice to the owner and / or operator for the correction of said violation within seven calendar days thereof. If said violation is not corrected within such time the township and/or the Township Sewerage Authority shall issue a summons in accordance with said penalty provision.

11-9.6 Penalties

- a. *Fine for Noncompliance.* Any retail food establishment that violates any of the provisions of this section is subject to penalties as follows:

Penalty for First Offense (each)	\$250.00
Penalty for Second Offense (each)	\$500.00
Penalty for Third Offense (each)	\$1000.00

Each day during which a violation occurs or persists shall constitute a separate violation as follows:

\$250.00 per day for each violation.

5. All other ordinances or parts of ordinances inconsistent thereof are hereby repealed to the extent of such inconsistencies.
6. If any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
7. This ordinance shall take effect following the final adoption and publication pursuant to the law.

ROLL CALL:

YES: Hiers, Schepiga, Siciliano, Larkin

ABSENT: Garofalo

Council Reports:

Councilmember Schepiga reminded everyone that Fall Fest will be held on Saturday, June 26, 2009 from 10:00 p.m.- 4:00 p.m. at Joe Palaia Park. She also reported that the First Annual Mayor's Ball will be held on October 24, 2009 at the Renaissance.

Deputy Mayor Hiers commended Police Officer Kole and Officer Shanosky for their efforts in saving the life of a female resident of the Township.

Councilmember Siciliano thanked Hollywood Golf Club for their assistance every time the Township calls on them.

Andrew Brannen, Township Manager, reported that the shared services between the Township and the board of education is working out very well and hopefully, both entities will build on this endeavor moving forward.

The following gave no reports:

Martin Arbus, Township Attorney.

PUBLIC COMMENTS:

Brian Lefferson inquired about the possibility of widening Deal Road by the Roller Road intersection. He also inquired about the growth of property in that area. Mayor Larkin responded that the growth had been cleaned over the past few days to improve visibility.

Barbara Hudson stated that she attended the Armstrong Avenue Scoping Hearing and was very much against that project for a number of reasons. Mrs. Hudson read a statement identifying the reasons for her opposition to said project. Mayor Larkin responded regarding Mrs. Hudson's statements about why she's against this project.

Mrs. Hudson also stated that she was opposed to the implementation of the proposed automated garbage collection program as it appears to be a reduction in services for the residents. Mayor Larkin explained the process the Township has undertaken to try and reduce expenses but still find that, due to potential increases in pension and health insurance, the Township needs to start looking into restructuring how they provide the services to the residents such as garbage collection.

Mr. Brannen explained that those residents who require backyard collection will still be able to get that type of service. Mr. Brannen also explained about the potential savings that these changes could result in and the schedule for replacement of equipment used in this function.

Mrs. Hudson also inquired about the Chamber of Commerce function that was held at Joe Palaia Park on September 20, 2009. She was concerned about using a park that was acquired through Green Acres for this type of event. Mrs. Hudson also inquired as to who was paying the expenses for this event. Mayor Larkin responded that this event replaced a different one that was held but became too costly. Mayor Larkin also stated that the Chamber of Commerce presents a number of scholarships to Ocean Township students.

Don Geiger inquired if the residents were going to have the opportunity to have input in the proposed change in garbage collection. Mr. Geiger stated that some of the savings would need to be spent on the replacement of equipment and would not be true savings. Mr. Brannen explained that the real savings would come from the ultimate reduction in personnel.

Mr. Geiger also inquired about the fact that the Township Fire Marshall had Ace Gymnastics take down inflatable toys. It was explained that a permit is required for that type of apparatus and perhaps, the establishment was not aware of that fact.

Brian Lefferson inquired about the purchase of 777 West Park Avenue and wouldn't Monmouth County need to approve any transfer of Green Acres property. Mr. Lefferson also inquired as to who would be responsible for cleaning up the property, should the road go through that area of Weltz Park.

Pearl Lang inquired about the size of the containers that will be utilized with the automated garbage collection. Mr. Brannen responded that each home will be given two (2) 96 gallon containers and one (1) will be for garbage and one (1) will be for recycling.

Martin Grossman expressed his concerns regarding the Armstrong Avenue jughandle project and asked if incremental steps could be looked into prior to the construction of the jughandle proposal.

Bruce Horn thanked the Council for the sidewalks recently installed along Sunset Avenue and stated it was a great improvement. Mr. Horn also wanted to know if crosswalks could be constructed along Sunset Avenue and Wickapecko Drive.

Leslie Dorset stated that she was opposed to the Armstrong Avenue project because she was concerned that the deer inhabiting Weltz Park would then move to the High School property. Mrs. Dorset also stated that she was concerned that the rental properties seem to be getting preferential treatment with regards to garbage collection and she would like everyone to be treated equally.

Pamela Larson stated that she was opposed to the Armstrong Avenue project and showed the Council a picture of the area of Weltz Park that would be impacted by the proposed project.

Bob Ades inquired that if most people seem to be against the Armstrong Avenue project, who is going to make the final decision about whether to move forward with this project, either in the current design or any variation of design. Mr. Ades also thinks the Township should look more closely at every alternative before spending any more money on this project.

MEETING MINUTES

SEPTEMBER 21, 2009

Steve Levy stated that he was very disappointed in the information that was presented at the Scoping Hearing by CMX and opposed the current design of the project, although he does feel that something needs to be done to alleviate the traffic at that location.

F.K. Hudson was opposed to the proposed land swap of Weltz Park and asked the Council to not spend any additional funds on this project, as it has been designed.

No other public comments were received.

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

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk