

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

OCTOBER 4, 2010

OAKHURST, NEW JERSEY

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

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

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

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

Statement of Compliance with the Open Public Meetings Act:

Mayor Larkin announced that the notice requirements of the Open Public Meetings Act for this meeting have been satisfied; a copy of the 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 9, 2009 and revised on September 24, 2010.

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.

PROCLAMATION:

Put the Brakes on Fatalities Day

October 10, 2010

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WHEREAS, across the nation, traffic crashes caused nearly 34,000 fatalities in 2009, and are the leading cause of death for young people ages 15 to 34: and,

WHEREAS, in New Jersey, 583 individuals lost their lives in traffic crashes in 2009; and,

WHEREAS, alcohol-related crashes accounted for 31 percent of the State's traffic fatalities; and,

WHEREAS, unsafe speed was a factor in 16 percent of all fatal crashes; and,

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and,

WHEREAS, 65 motorcyclists, 14 bicyclists and 157 pedestrians were killed in New Jersey in traffic related crashes in 2009; and,

WHEREAS, safer driving behaviors such as buckling up every ride; obeying posted speed limits; avoiding aggressive driving behaviors; never drinking and driving; wearing proper safety gear when riding motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and death on our roadways;

NOW, THEREFORE, BE IT PROCLAIMED by the Governing Body of the Township of Ocean, County of Monmouth that October 10, 2010 is proclaimed **Put the Brakes on Fatalities Day** and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

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

1. Office of Attorney General Division of Highway Traffic Safety P.O. Box 048
Trenton NJ 08625-0048
2. Chief of Police
3. Traffic Safety Bureau

Mayor's Statement: Public Portion to Ask Questions with Regard to Resolutions

The purpose of this public portion is solely to ask questions to understand Resolutions 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 COMENTS:

Larry Loigman apologized for missing the past few meetings and glad to be back.

Mr. Loigman inquired as follows:

1. Resolution #10-160a – asked for an explanation about the type of services

Mayor Larkin explained that this item was for “red Light” violations and the Township will be installing these devices at three locations throughout the Township: Sunset Avenue, West Park Avenue and Deal Road. These devices are designed to monitor vehicles that violate traffic control.

Mr. Loigman was completely in favor of this and felt it was unfortunate that many drivers are not careful when operating a motor vehicle.

2. Resolution #10-162 – Mr. Loigman inquired about various aspects of the transfer including the amount of the sale of said liquor license, the address of the prospective purchaser, the connection between the prospective purchaser and the Wegman's Supermarket, the dates of the advertising of this transfer.

After much discussion, Mr. Loigman submitted a formal Objection to the Transfer of Liquor License #1337-44-011-008 from TOCF, LLC to Ocean Wine & Spirits, Inc.

Due to the objection filed by Mr. Loigman, Mayor Larkin removed this matter from the Agenda and noted that this matter will be scheduled for a Public Hearing, as required by law.

2. Resolution #10-166 – Mr. Loigman objected to the excessive sums of money being paid to Jeffrey R. Surenian, Esq. and feels that the Township is not getting any benefit. Mr.

Loigman also stated that he believes Mr. Surenian will bleed the Township dry before this matter is resolved. Mr. Loigman also feels that the Township should dictate to Mr. Surenian how much they will pay for his services, and not be subject to an hourly charge, which could be never-ending.

Martin Arbus, Township Attorney, stated that most attorneys will provide their services at an hourly rate and not a flat fee, based on the fact that they have no indication how long the litigation will last and how much work will be involved.

Mayor Larkin will ask Mr. Arbus to inquire about what Mr. Surenian feels will be his overall fee for this matter.

Don Geiger inquired if Resolution #10-152a pertains to the Budget Inn and if so, could the Township still demolish the building

Mayor Larkin stated that it did.

Mr. Arbus further elaborated that he had requested that an Addendum be added to the Developer's Agreement which would note a timeline for the work to be completed and what penalties will be instituted should the work not proceed according to the schedule.

Mr. Arbus stated that should the work not proceed in a timely fashion, the Township still reserves the right to demolish the structure.

F.K. Hudson inquired how many items mentioned in Resolution #10-164a and 10-164b does the Township currently have as part of their fleet

Mr. Brannen stated that the Township has already ordered three automated garbage trucks mentioned in 164a and as far as 164b, this will be the first one-man leaf vacuum that the Township has.

There were no additional questions at this time.

CONSENT ITEMS:

Mayor Larkin announced that resolution #10-162 will be removed from the Agenda at this time.

MINUTES:

September 13, 2010 – Workshop, Public and Closed Meeting

RESOLUTIONS:

10-152 Authorize Developer's Agreement for the following:

a. Block 140, Lot 108 – 735 Highway 35 North – K & D associates/Renuka Sheth

WHEREAS, K & D Associates, L.P./Renuka Sheth (hereinafter "Developer") is the owner of property known as Block 140, Lot 108, as shown on the Township of Ocean Tax Map in the C-3 (General Commercial) Zone located at 735 Highway 35 North in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer has received Approval of Use Variance, Approval of Preliminary and Final Site Plan and Granting Bulk Variance(s) by Resolutions of the Zoning Board of Adjustment of the Township of Ocean dated April 2, 2009 to expand a non-conforming use to repair and renovate an existing motel which suffered fire damage; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Budget Inn, Block 140, Lot 108, Sheet 49, 735 State Highway 35, Township of Ocean, NJ 07712, Monmouth County, NJ by G.M. Toneatto, PHD, PE., P.P. of Adler Engineers, Inc., consisting of three (3) sheets dated April 10, 2007 and last updated February 20, 2009, Site Plan Map entitled Fire Damage Restoration to Existing Budget Inn at 735 Hwy. 35 (North), Ocean Township, NJ 07712 by Vinu M. Patel of VP Architectural Design, LLC consisting of two (2) sheets dated November 14, 2007 and last updated December 21, 2008, Site Plan Map entitled Boundary & Topographic Survey, Tax Block 140, Tax Lot 108, Township of Ocean, Monmouth County, New Jersey by John S. Wallace, P.L.S. of Nelson Engineering Associates, Inc., consisting of one (1) sheet dated May 3, 2005 and last updated October 21, 2008 and Site Plan Map entitled Budget Inn, Block 140, Lot 108, Sheet 49, 735 State Highway 35, Township of Ocean, NJ 07712, Monmouth County, NJ by G. M. Toneatto, PHD, P.E., P.P. of Adler Engineers, Inc., consisting of one (1) sheet dated April 10, 2007 and last updated March 29, 2009; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated December 18, 2009 prepared by the Township of Ocean Associate 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 K & D Associates, L.P./Renuka Sheth, 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 \$100,800.00 and Inspection Fess in the amount of \$5,400.00.

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 Community Development
3. Construction Official
4. K & D Associates/Renuka Sheth
5. Code Enforcement Officer

10-157 Authorize Developer's Agreement for the following:

a. Block 33.16, Lot 3 – 1915 Highway 35 – Manolakis Professional Plaza, LLC

WHEREAS, Manolakis Professional Plaza, LLC (hereinafter "Developer") is the owner of certain real property designated as Block 33.16, Lot 3 on the official tax map of the Township of Ocean, which property is located at Route 35 Northbound and Carol Avenue in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer has received Site Plan and Bulk Variance Approvals by the Township of Ocean Planning Board by way of Resolution dated June 28, 2010 to utilize a 4,683 square foot portion of an existing office building for the purpose of a retail pharmacy. Significant changes are also proposed for the parking layout, including the elimination of the direct access to the parking area facing Route 35 and a modification of the parking at the rear of the building; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Preliminary and Final Major Site Plan for Manolakis Professional Plaza, Lot 3, Block 33.16, Township of Ocean,

Monmouth County, New Jersey by Daniel W. Busch, P.E. of Maser Consulting, P.A., consisting of eight (8) sheets dated August 24, 2009 and last updated September 7, 2010; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimated dated September 8, 2010 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 Manolakis Professional Plaza, 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 total amount of \$49,320.00 and Inspection Fees in the amount of \$3,555.00.

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

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

10-158 Authorize the time extension to the Developer's Agreement for the following:

a. Block 137, Lot 30 – 909 Highway 35 – Imported Cars of Ocean, Inc. / Acura of Ocean

WHEREAS, Imported Cars of Ocean, Inc. d/b/a Acura of Ocean (hereinafter "Developer") is the owner of the property located on Block 137, Lot 30 on the official tax map of the Township of Ocean, in the C-3 (General Commercial) Zone and more commonly referred to as 909 Highway 35, in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer entered into a Developer's Agreement dated November 21, 2001; and

WHEREAS, the Developer requested an amendment to the original approval to provide phasing for the proposed improvements and did not seek to alter the previously approved site plan; and

WHEREAS, the Zoning Board of Adjustment of the Township of Ocean by way of a resolution dated May 9, 2002 granted approval for a two-phase plan for installation of the previously approved building and site improvements; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement for Phase II dated January 11, 2006 with Imported Cars of Ocean, Inc./Acura of Ocean for property located on Block 137, Lot 30 also known as 909 Highway 35; and

WHEREAS, performance guarantees were posted for Phase II totaling \$11,230.20 in the form of Letter of Credit #132192050046 issued by Commerce Bank, N.A., Mt. Laurel, NJ in the amount of \$10,107.18 together with cash in the amount of \$1,123.02; and

WHEREAS, the Township Clerk is in receipt of a letter from Frances Rediker on behalf of Acura of Ocean dated August 25, 2010 requesting a one-year time extension of the aforementioned project; and

WHEREAS, under the provisions of N.J.S.A. (40:55D-53(b)) of the Municipal Land Use Law, the governing body may extend the time period in which the improvements may be completed; and

WHEREAS, the Township Clerk is in receipt of a memorandum from the Township Engineer's representative, Louis J. Lobosco, P.E., P.P. dated September 14, 2010 granting a one-year time extension with no reduction; and

WHEREAS, the Township Council is in agreement with said extension and consents to same.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize and approve a time extension to the developer's agreement between Imported Cars of Ocean, Inc./Acura of Ocean and the Township of Ocean to expire on October 4, 2011 expressly subject to the following conditions:

1. Payment of any outstanding inspection fees
2. Consent of Surety, TD Bank
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 be forwarded to the following:

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Imported Cars of Ocean, Inc./Acura of Ocean
5. TD Bank

b. Block 33, Lots 20 & 21 – 1621 Highway 35 – Ocean Party, LLC

WHEREAS, the Planning Board of the Township of Ocean granted site plan approval with variances by way of resolution dated August 28, 2006 to Ocean Party, LLC for Block 33, Lots 20 & 21 also known as 1621 Highway 35; and

WHEREAS, the Township Council did authorize and enter into a developer's agreement dated April 11, 2007 with Ocean Party, LLC for site plan approval with variances for property described as Block 33, Lots 20 & 21; and

WHEREAS, performance guarantees were posted totaling \$146,040.00 in the form of Letter of Credit #OD07001105 issued by Valley National Bank, New York, NY in the amount of \$131,436.00 together with cash in the amount of \$14,604.00; and

WHEREAS, the Township Clerk is in receipt of letter from Lawrence Pahasin on behalf of Ocean Party, LLC dated May 26, 2010 requesting a final inspection of the aforementioned project as well as release of the performance guarantees upon completion of the project; and

WHEREAS, under the provisions of N.J.S.A. (40:55D-53(b)) of the Municipal Land Use Law, the governing body may extend the time period in which the improvements may be completed; and

WHEREAS, the Township Clerk is in receipt of a memorandum from the Township Engineer's representative Louis J. Lobosco, P.E., P.P. dated September 17, 2010 denying the release; and

WHEREAS, in instances such as this, consideration is given to the granting of a time extension with no reduction of the performance guarantee; and

WHEREAS, the Township Council is in agreement with said extension and consents to same.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize and approve a time extension to the developer's agreement between Ocean Party, LLC and the Township of Ocean to expire on October 4, 2011 expressly subject to the following conditions:

1. Payment of any outstanding inspection fees
2. Consent of Surety, Valley National Bank
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Valley National Bank
5. Ocean Party, LLC

10-159 Authorize the Release of Maintenance Guarantees for the following:

a. Block 83, Lot 11.01 – 1003 Grassmere Avenue – Team Venture's Inc. / Chris Ilvento

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, Team Venture's, Inc./Chris Ilvento has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,160.00 for premises known as Block 83, Lot 11.01 also known as 1003 Grassmere Avenue: and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 2, 2010, 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 \$2,160.00 is hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer subject to the satisfaction of outstanding and anticipated engineering inspection fees which shall either be paid directly or subtracted from the cash maintenance posted.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Team Venture's, Inc./Chris Ilvento

b. Block 13, Lots 17, 18 & 21 – Norwood & Jerome Avenues – Gerechoff-Scheer, LLC

WHEREAS, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

WHEREAS, the Township Council did authorize and enter into a developer's agreement dated October 25, 2006 with Gerechoff-Scheer, LLC for Subdivision and Site Plan Approval with Variances for property described as Block 13, Lots 17, 18 & 21; and

WHEREAS, performance Gerechoff-Scheer, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$216,660.00 in the form of Performance bond #B1029275 issued by Selective Insurance Company of America, Branchville, NJ in the amount of \$194,994.00 together with cash in the amount of \$21,666.00; and

WHEREAS, the Township Council granted a Time Extension with No Reduction of the performance guarantees by resolution dated September 13, 2010; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated September 21, 2010 a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$216,660.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$27,082.50, said maintenance bond to run for a period of two (2) years to cover maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of any pending and future engineering inspection and administrative fees in the amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the office of the Township Clerk

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Gerechoff-Scheer, LLC
5. Selective Insurance Company of America

10-160 Authorize receipt of bids for the following:**a. Township Traffic Control Signal Monitoring System**

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

Traffic Control Signal Monitoring System

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for bids for the aforesaid item 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. Police Chief

b. Abandoned Vehicles

RESOLUTION AUTHORIZING AUCTION OF ABANDONED VEHICLES

WHEREAS, the procedure for disposition of abandoned vehicles in the possession of a municipality is set forth in N.J.S.A. 39:10A-1 et seq.; and

WHEREAS, N.J.S.A. 39:10A-1 provides that when such vehicles remain unclaimed by the owner for a period of 30 days, they may be sold at public auction in a public place. The public agency must give notice of the sale by certified mail, to the owner, if his name and address are known and to the holder of any security interest filed with the director of the Division of Motor Vehicles and by publication at least five (5) days before the date of the sale, in a newspaper published in the state and circulating in the municipality in which the motor vehicle is held; and

WHEREAS, the traffic safety officer of the Township of Ocean has requested that the vehicles listed below be auctioned, that proper notice of the sale shall be advertised as required.

	YEAR	MAKE	MODEL	VIN#	Minimum Bid
1.	2004	NISSAN	MAXIMA	1N4BA41E64C881384	\$2,496.00
2.	2004	PONTIAC	GRAND PRIX	2G2WS542641219346	\$2,211.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean that the Township Manager or his designee is hereby authorized to receive bids for abandoned vehicles to be auctioned" on **Thursday, October 28, 2010**, at 3:00 PM, at the Township of Ocean Town Hall, 399 Monmouth Road, Oakhurst, N.J. 07755.

BE IT FURTHER RESOLVED that the prospective bidders may examine the vehicle to be auctioned at Central Towing, 31 Central Ave., Red Bank, N.J. 07701, between the hours of 10:00 AM and 2:00 PM, on Thursday, **October 21, 2010**.

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

1. Police Department (Traffic Bureau)
2. Towing Company
3. Township Manager

10-161 Authorize the Release of Performance Guarantee for the following:**a. Block 141, Lots 1 & 23 – Seaview Square Mall, Office Building Phase – Starwood Heller Seaview, LLC**

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

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

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

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

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

WHEREAS, Starwood, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the following property to Seaview Square, LLC: Block 141, Lots 1 and 23, Office Building Phase; and

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

WHEREAS, Seaview Square, LLC has posted the proper performance guarantees and certificate of insurance; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that it does hereby authorize the full release of the performance guarantees heretofore posted by Starwood Heller Seaview, LLC for Block 141, Lots 1 and 23, Office Building Phase, subject to the conditions noted below, which have been agreed and confirmed by James E. Raved, Esq. Attorney for Starwood Heller Seaview, LLC:

1. Withhold \$5,000.00 from the cash portion of the performance guarantees and transfer same to the engineering account of Seaview Square, LLC
2. Deduction of \$25.00 from the cash portion of the performance guarantees for returned check fee of the Township of Ocean
3. The remaining funds will be made payable to the order of “Levitan & Friedland, P.C.”

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

1. Rick Brodsky, Esq.
2. Seaview Square, LLC

- 3. Starwood Heller Seaview, LLC
- 4. Philip I. Levitan, Esq.
- 5. James E. Raved, Esq.

10-163 Authorize the renewal of the liquor license for JMichael Holdings, LLC for the license term 2010/2011

WHEREAS, an application for the extension of the renewal of the license was made to the State of New Jersey, Division of Alcoholic Beverage Control by JMichael Holdings, LLC requesting a Special Ruling to permit the renewal of their inactive liquor license No. 1337-33-013-010 for the 2010-2011 license term pursuant to N.J.S.A. 33:1-12.39; and

WHEREAS, on September 24, 2010, the Township of Ocean received notification from the Director of the Division of Alcoholic Beverage Control granting the Special Ruling that permits the consideration for the renewal of the aforementioned liquor license for the 2010-2011 license term;

WHEREAS, the Retail Renewal Application form for the 2010-2011 license term has been deemed complete in all respects, the annual fees have been paid to both the Township of Ocean and the State of New Jersey, Division of ABC;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby granted to renew the following Retail Alcoholic Beverage License for the 2010-2011 license term, effective July 1, 2010:

PLENARY RETAIL CONSUMPTION

#1337-33-013-010 JMichael Holdings , LLC
 (Pocket License)
 1610 Route 35, Oakhurst, NJ 07755

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

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

Vote on all Consent Agenda Items:

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second		X			
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

INDIVIDUAL ACTION:**RESOLUTIONS:****10-164 Authorize the consideration of the following bids:****a. 33 Cubic Yard Automated Garbage Truck with Plow**

WHEREAS, the Township Council of the Township of Ocean authorized receipt of bids for the purchase of one (1) 33 Cubic Yard Side-Loading Automated Garbage Truck on August 9, 2010; and

WHEREAS, the Township Clerk did duly advertise on September 4, 2010 to receive bids for said project; and

WHEREAS, in connection therewith the following bids were received by the Township of Ocean on September 22, 2010: Bergey's Truck Center, Trenton, NJ and Cambria Automotive Company, Edison, NJ; and

WHEREAS, it was determined that the lowest responsive bidder meeting specifications for the bid was Bergey's Truck Center, Trenton, NJ at a cost not to exceed \$298,888.00, including a 5-year Warranty ; and

WHEREAS, the Township Manager and the Public Works Director have recommended that a contract be awarded to Bergey's Truck Center, Trenton, NJ as per their bid proposal for a 33 Cubic Yard Side-Loading Automated Garbage Truck at a cost not to exceed \$298,888.00, including a 5-year Warranty ; 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, account # C-04-55-931-902;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the purchase of a 33 Cubic Yard Side-Loading Automated Garbage Truck from Bergey's Truck Center, Trenton, NJ, as per their bid proposal at a cost not to exceed \$298,888.00, including a 5-year Warranty; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders for this particular bid item; 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. Director of Public Works
4. Bergey's Truck Center

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second		X			
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

b. Truck Mounted, Self-Contained, Leaf Vacuum Unit, 25 Cubic Yard

WHEREAS, the Township Council of the Township of Ocean authorized receipt of bids for the purchase of one (1) Truck Mounted Self-Contained Leaf Vacuum Unit, 25 Cubic Yard Capacity on July 7, 2010; and

WHEREAS, the Township Clerk did duly advertise on August 7, 2010 to receive bids for said project; and

WHEREAS, in connection therewith the following bid was received by the Township of Ocean on August 24, 2010: Old Dominion Brush Co., Richmond, VA; and

WHEREAS, the following company picked up bid specifications but failed to submit said bid: Foley Incorporated; and

WHEREAS, it was determined that the lowest responsive bidder meeting specifications for the bid was Old Dominion Brush Co., Richmond, VA, at a cost not to exceed \$140,950.00, including a 4-year Warranty ; and

WHEREAS, the Township Manager and the Public Works Director have recommended that a contract be awarded to Old Dominion Brush Co., Richmond, VA as per their bid proposal for a Truck Mounted Self-Contained Leaf Vacuum Unit, 25 Cubic Yard Capacity a cost not to exceed \$140,950.00, including a 4-year Warranty ; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purchase of said equipment in the Capital Improvement Fund, account #C-04-55-931-906;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize a contract be awarded to Old Dominion Brush Co., Richmond, VA for the purchase of a Truck Mounted Self-Contained Leaf Vacuum Unit, 25 Cubic Yard Capacity as per their bid proposal at a cost not to exceed \$140,950.00, including a 4-year Warranty; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bid bonds and/or certified checks received from unsuccessful bidders for this particular bid item; 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. Director of Public Works
- 4. Old Dominion Brush Co.

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second		X			
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

10-165 Authorize the Tax Collector to place a lien on the following Township properties:

a. Block 111, Lot 17 – 2103 Appleby Drive - \$77.49

WHEREAS, property located within the Township of Ocean, commonly known as Block 111, Lot 17 (2103 Appleby Drive), has been cited by the Township Code Enforcement Officer as a public health nuisance, and

WHEREAS, said public health nuisances were not abated in a reasonable time period, the Code Enforcement Officer, instructed the Department of Public Works to clean the said property, and

WHEREAS, the cost to abate said nuisance was \$77.49, and

WHEREAS, said cost may be assessed to the property owner through a lien against the affected property.

BE IT FURTHER RESOLVED, that the Tax Collector of the Township of Ocean be authorized to place a lien of \$77.49 on property known as Block 111, Lot 17 (2103 Appleby Drive), for costs incurred by the Township to abate a public health nuisance.

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

- 1. Director of Finance
- 2. Code Enforcement Officer
- 3. Superintendent of Public Works

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second		X			
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

b. Block 3, Lot 21 – 601 West Park Avenue - \$337.65

WHEREAS, property located within the Township of Ocean, commonly known as Block 3, Lot 21 (601 West Park Avenue), has been cited by the Township Code Enforcement Officer as a public health nuisance, and

WHEREAS, said public health nuisances were not abated in a reasonable time period, the Code Enforcement Officer, instructed the Department of Public Works to clean the said property, and

WHEREAS, the cost to abate said nuisance was \$337.65, and

WHEREAS, said cost may be assessed to the property owner through a lien against the affected property.

BE IT FURTHER RESOLVED, that the Tax Collector of the Township of Ocean be authorized to place a lien of \$337.65 on property known as Block 3, Lot 21 (601 West Park Avenue), for costs incurred by the Township to abate a public health nuisance.

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

1. Director of Finance
2. Code Enforcement Officer
3. Superintendent of Public Works

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second		X			
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

10-166 Amend the Professional Services contract with Jeffrey R. Surenian, Esq.

WHEREAS, the Township of Ocean previously awarded a contract to Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates to assist the Township of Ocean and its legal counsel in helping the Township address its responsibilities with respect to its affordable housing obligations; and

WHEREAS, there is a need of amending the contract with Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, with a not to exceed \$57,000.00 provision for the remainder of 2010, bringing the total 2010 contract to \$157,000.00; and

WHEREAS, the Township Council of the Township of Ocean has elected to utilize the “non-fair and open” process in making this appointment pursuant to the provisions of N.J.S.A. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-to-Play Law; and

WHEREAS, as required by law, Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC, has competed and submitted a Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form which will certify that he has not made and reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit Jeffrey R. Surenian, Esq. and the Firm of Jeffrey R. Surenian and Associates, LLC from making any reportable contributions to a political and/or candidate committee in the Township of Ocean throughout the term of this contract; and

WHEREAS, the Director of Finance has certified that funds are available in the following accounts:

ACCOUNT	ACCOUNT #	AMOUNT
Legal – Monthly	0-01-20-712-216	\$29,158.00
Litigation	0-01-20-712-217	\$ 5,853.00
Reserve Affordable Housing	T-03-56-866-866	<u>\$21,989.00</u>
	TOTAL	\$57,000.00

NOW, THEREFORE, BE IT RESOLVED by the Township Council in the Township of Ocean, County of Monmouth that authorization is hereby given to amend the contract with Jeffrey R. Surenian, Esq., and the Firm of Jeffrey R. Surenian and Associates, LLC with a not to exceed provision of \$57,000.00 for the remainder of 2010, with a total amount allotted to said firm of \$157,000.00 for the year 2010; and

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

1. Director of Finance
2. Jeffrey R. Surenian, Esq., and the Firm Jeffrey R. Surenian and Associates, LLC

BE IT FURTHER RESOLVED that a notice of this action shall be advertised according to law.

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

ORDINANCES:

Adoption(s)

Ordinance #2154 – An Ordinance establishing Chapter XXVIII of the “Revised General (P.H. 10/18/10 Coaster) Ordinances of the Township of Ocean, 1965” entitled: “Third-Party Payroll Disbursement”

The following vote was taken to open the Public Hearing on Ordinance #2154

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

Bob Ades inquired about the potential savings should the Township engage a Third Party Payroll company.

Mr. Brannen explained that the Township is going out for Requests for Proposals on October 14, 2010 and he'll know better after they are received.

Seeing that there were no public comments on Ordinance #2154, the following vote was taken to close the Public Hearing:

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

The following vote was taken to adopt Ordinance #2154 and advertise according to law:

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

Ordinance #2155 – An Ordinance amending Chapter III of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: “Police Regulations” proving for the licensing of Alarm Permits and related services
(P.H. 10/18/10 Coaster)

The following vote was taken to open the Public Hearing on Ordinance #2155

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

Mr. Brannen explained that the purpose of this ordinance is to outsource this operation while making the fee an annual charge as opposed to a one-time charge, which it currently is. Additionally, the Township will be increasing the false alarm fee it currently charges.

Seeing that there were no additional comments at this time, Mayor Larkin stated that the Public Hearing will be remain open and carried until the October 18, 2010 meeting and no action will be taken at this meeting.

Ordinance #2156 – A Bond Ordinance providing for various improvements and (P.H. 10/18/10 Coaster) appropriating \$410,000 therefor and authorizing the issuance of \$389,500 bonds or notes to finance a portion of the costs

The following vote was taken to open the Public Hearing on Ordinance #2156

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

Mr. Brannen explained that the funds from this bond ordinance will be used for renovations to the Cablevision property and the Police Communications Center, as well as for the installation of irrigation wells at Palaia Park.

Bob Ades inquired about ownership of the Cablevision Building and its use.

Mr. Brannen responded that the Township does own that building and it is currently being used for vehicle, equipment and supplies storage.

Seeing that there were no public comments on Ordinance #2156, the following vote was taken to close the Public Hearing:

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

The following vote was taken to adopt Ordinance #2156 and advertise according to law:

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

Introduction(s):

Ordinance #2157 – An Ordinance amending Chapter VIII of the “Revised General Ordinances of the Township of Ocean, 1965” adding Section 8-6 entitled: “Private Storm Drain Inlet Retrofitting”
(P.H. 10/18/10 Coaster)

ORDINANCE #2157

AN ORDINANCE AMENDING CHAPTER VIII, OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” ENTITLED: EXCAVATION AND CONSTRUCTION OF PUBLIC STREETS TO ADD A SECTION ENTITLED: PRIVATE STORM DRAIN INLET RETROFITTING

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

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter VIII is hereby amended and supplemented as follows:

Section 8-6 Private Storm Drain Inlet Retrofitting**8-6.1 Purpose:**

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Township of Ocean so as to protect the public health, safety and welfare, and to prescribe penalties for the failure to comply.

8-6.2 Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and the words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township of Ocean or other public body, and is designed and used for collecting and conveying stormwater,

Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

8-6.3 Prohibited Conduct:

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of the individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain in either:

Already meets the design standard below to control passage of solid and floatable materials;
or

Is retrofitted or replaced to meet the standard in Section 3-20A.4 below prior to the completion of the project.

8-6.4 Design Standard

Storm drain inlets identified in Section 8-6.3 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 8-6.4.3 below.

Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

The New Jersey department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

This standard does not apply:

Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

Where flows are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

- ii. A bar screen having a bar spacing of 0.5 inches

Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2©, that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

8-6.5 Enforcement

This ordinance shall be enforced by the Township of Ocean Police Department and/or other Municipal Officials of the Township of Ocean

8-6.6 Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,250.00 for each storm drain inlet that is not retrofitted to meet the design standard.

8-6.7 Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

8-7 Adoption, Conflict Violations

8-7.1 Interpretation

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

8-7.2 Conflict with Other Laws

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

8-7.3 Penalty

Maximum Penalty. For violations of this chapter or any other ordinance of the Township of Ocean, County of Monmouth, where no specific penalty is provided regarding the section or sections violated, the maximum penalty shall be a fine of one thousand two hundred fifty (\$1,250.00) dollars, or imprisonment for ninety (90) days, or both.

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

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

8-7.4 Validity

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

8-7.5 Effective Date

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

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

Ordinance #2158 – An Ordinance amending and supplementing various sections of Chapter II (P.H. 10/18/10 Coaster) of the “Revised General Ordinances of the Township of Ocean, 1965” amending certain fees collected by the Township of Ocean

ORDINANCE #2158

AN ORDINANCE AMENDING CHAPTER II, OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965”

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

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter II, Section 2-10.2 entitled “Fees for Copy” shall be amended and supplemented in the following manner:

Section 2-10 Public Records shall be amended in part to read:

2-10.2 Fees for Copies. The following fees shall be charged for copies of public documents:

- 1. Letter-size Page \$.05 per page
- 2. Legal-size Page or Greater \$.07 per page

If the Township of ocean can demonstrate that its actual costs for duplication of a government record exceed the foregoing rates, the Township of Ocean shall be permitted to charge the actual cost of duplicating the record. The actual cost of duplicating the record, upon which all copy fees are based, shall be the cost of materials and supplies used to make a copy of the record, but shall not include the cost of labor or other overhead expenses associated with making the copy except as provided by law.

MEETING MINTUES**OCTOBER 4, 2010**

Section II

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

Section III

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

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

Council Reports:

Councilmember Siciliano reminded everyone about the Columbus Day celebration in Asbury Park on October 10, 2010 beginning at 1:00 pm.

Andrew Brannen, Township Manager, stated that there were no new hires in September and one employee, Kaitlyn Davino transferred from Community Development to the Municipal Court during that month.

The following made no Reports:

Deputy Mayor Hiers
Councilmember(s) Garofalo and Schepiga,
Martin Arbus, Township Attorney

PUBLIC COMMENTS:

Don Geiger inquired about the projected increase in the Township's pension contribution for 2011

Mayor Larkin explained that earlier that evening, the budget process began with an overview of the projected budget for 2011 and what the Township is doing to minimize any tax increase.

Mr. Brannen also stated that the Township's pension cost appear to be increasing by approximately \$300,000.00

Barbara Hudson inquired about whether Mr. Arbus reviews the invoices submitted by Mr. Surenian prior to the payment of such and is Mr. Arbus monitoring how much Mr. Surenian is utilized.

Mr. Brannen stated that he reviews every invoice submitted prior to its payment.

Mr. Arbus stated the COAH litigation happens to be very intense and there are daily items that need to be addressed, what with interrogatories and various court filings. Also, Mr. Arbus stated that everyone needs to remember that there are three groups

pulling in different directions with regards to any revisions to COAH: the builders/developers, the municipalities and of course, COAH. Ocean Township has spoken with legislators that are spear-heading the revisions to the law to make sure that our concerns were heard prior to the drafting of the new legislation.

Deputy Mayor Hiers reiterated that the Township is working very hard to minimize the impact on the Township.

Mr. Arbus further explained that the Martelli decision has not been finalized by the Court and will not be until all the various hearings have been completed. Additionally, it was ruled that Avalon bay was not entitled to a Builders Remedy and was not the "catalyst for change".

Mr. Arbus went further to explain that the Township has received immunity against anyone else filing a builders remedy lawsuit against the Township and he further explained what is meant by being ruled "inclusionary".

Bob Ades inquired about the status of the following:

1. Stop & Shop Litigation

Mr. Arbus stated that the owner may ask that the property be rezoned but at this point, he is not sure where this litigation is going.

2. Will the old trash cans be picked up by the Township when they deliver the automated cans

Mr. Brannen stated that they will be collected at that time.

3. Status of the Municipal Election

Mr. Ades feels that moving the election to November will get more people out to vote, and that is a good thing.

Mayor Larkin agreed but explained that the Council does not want politics to play a role in the way the Township is run and should the election be moved to the same time as the General Election, it will just be a matter of time before either political party chooses to influence the process.

Don Geiger inquired about the 911 issue that was raised at the last meeting

Mayor Larkin explained that he had just received a response and will be reviewing it.

F.K. Hudson inquired if the Council had decided to leave the Municipal Election in May

Mayor Larkin stated that they had decided to continue to hold it in May

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

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve				X	
Motion to Second			X		
Approved	X	X	X	X	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC
Municipal Clerk