

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

JULY 6, 2011

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 Siciliano
Councilmember(s) Evans, Garofalo, Schepiga

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

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 6, 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.

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

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

Larry Loigman inquired as follows:

1. Did the Township have a response to his inquiries regarding the CAD system

Andrew Brannen, Township Manager, stated that the cost for that system would be in excess of \$300,000.00 if the Township bought it alone therefore, it is more cost efficient to utilize the County's system. Plus, the Township gets the benefit of sharing information with the other municipalities that are also utilizing the County's CAD system.

2. Resolution #11-116a – What criteria was used to fill these positions

Mayor Larkin discussed the fact that most individuals were being re-appointed and the new members had submitted either resumes or letter's of interest. After review, it was determined that the new members brought vast experience to the various boards they were being appointed to.

3. Resolution #11-116b –

Mr. Loigman expressed his opinion that Ms. Hanlon was not competent to serve in the position that she was being appointed to.

Mayor Larkin stated that Ms. Hanlon had significant experience in this position with other municipalities, specifically with Atlantic Highlands.

Mr. Loigman also inquired about the amount of compensation Ms. Hanlon received in 2010 while serving in this same capacity

Mr. Brannen stated that he did not have that information but would certainly let Mr. Loigman know subsequent to the next meeting.

4. Resolution #11-123 –

Mr. Loigman was not in favor of this re-appointment

5. Resolution #11-126

Mr. Loigman inquired if any other attorney advised as to the legality of the contract the Township was entering into with Mr. Arbus

Mayor Larkin stated that the contract is the same as it had been for the past few years and did not feel it was necessary to expend any funds for the purpose Mr. Loigman mentioned.

6. Resolution #11-127

Mr. Loigman wanted to know what process was used to solicit resumes from interested attorneys and expressed his concern with the process used for this appointment

7. Resolution #11-130

Inquired why the Township would be waiving fees for Fire District #1 when that entity continues to refuse to utilize the Township's 911 system

Mr. Brannen stated that discussion had been held and the Township and the Fire Districts will be meeting in the near future to discuss this matter

Brian Lefferson stated that he was disappointed he was not being re-appointed to the Zoning Board. Mr. Lefferson also inquired about who would be replacing both he and Jennifer Lombardi, who had resigned previously

Mayor Larkin stated that the replacements will be named in the very near future.

F.K. Hudson inquired as follows:

1. Resolution #11-124a

What is happening with the mulch pile at the recycling center

Mr. Brannen stated that the material is still there but there was a significant amount so the previous vendor removed what they could.

2. Inquired why some appointments were done by consent and some individually

Mr. Brannen stated that if a contract for services was necessary, the award was voted on separately.

3. Does the Council have an attendance policy for the members of the Boards

Mayor Larkin stated that there was no attendance policy at this time.

Bob Ades inquired as follows:

1. Resolution #11-118 –

Mr. Ades inquired about the restriction that there would only be four (4) large events held each year at Joe Palaia Park and was that being adhered to and was Shrimpfest one of the four

Mr. Brannen explained that Shrimpfest was new this year so that policy may need to be revised should this become a yearly event.

CONSENT AGENDA:

MINUTES:

June 8, 2011 – Workshop and Closed Meeting

June 13, 2011 – Workshop, Public and Closed Meeting

RESOLUTIONS:

11-112 Authorize a Performance Guarantee for the following:

a. Block 33.13, Lot 15 – 15 Tudor Drive – Manuel Sanpedro

WHEREAS, Louis J. Lobosco, P.E., P.P., representing the Township Engineer, requested the posting of \$500.00 for inspection fees for Block 37.13, Lot 15 also known as 15 Tudor Drive; and

WHEREAS, Manuel and Cynthia Sampedro have posted \$500.00 inspection fees for Block 37.13, Lot 15 also known as 15 Tudor Drive; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the inspection fees posted by Manuel and Cynthia Sampedro for Block 37.13, Lot 15 also known as 15 Tudor Drive are hereby accepted.

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. Manuel and Cynthia Sampdero

11-113 Authorize the Release of Performance Guarantees for the following:

a. Block 182, Lot 73 – 1502 Highway 35 – Middlebrook Shopping Center/Kohls

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 Developer's 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 June 25, 2008 with Westwood Oaks Partnership/Middlebrook at Monmouth t/a Middlebrook Shopping Center for Site Plan Approval with Variances to remove an 111,371 square foot portion of the shopping center and construct a 110, 306 square foot addition to

consist of a Kohl's Department Store (96,268 square feet) and an additional retail store of 12,040 square feet described as Block 182, Lots 72-75 & 78 located at 1502 Highway 35; and

WHEREAS, Vision General Construction, Inc./ Westwood Oaks Partnership/ Middlebrook Shopping Center has heretofore deposited with the Township of Ocean performance guarantees totaling \$899,160.00 in the form of Performance Surety Bond No. 0370602 issued by International Fidelity Insurance Company in the amount of \$809,244.00 and cash in the amount of \$89,916.00 to guarantee the completion of all improvements on premises known as Block 182, Lots 72-7 & 78 located at 1502 Highway 35; and

WHEREAS, the Township Clerk is in receipt of a letter from Danielle N. Taubner, on behalf of Vision General Construction, Inc. requesting the release of the performance guarantees; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated June 22, 2011 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 \$899,160.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$112,395.00 said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
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. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. International Fidelity Insurance Company
6. Vision General Construction, Inc.
7. Westwood Oaks Partnership/Middlebrook at Monmouth

b. Block 34, Lot 6 – 1604 Highway 35 – Lumber Liquidators, Inc.

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 July 7, 2010 with Lumber Liquidators for Site Plan Approval with Bulk Variances to use 5,260 square feet of the existing building as a showroom/warehouse for property known as Block 34, Lot 6 located at 1604 Highway 35 South; and

WHEREAS, Lumber Liquidators has heretofore deposited with the Township of Ocean performance guarantees totaling \$28,320.00 in the form of Site Improvement Bond No. 83BSBFT2555 issued by Hartford Fire Insurance Company in the amount of \$25,488.00 and

cash in the amount of \$2,832.00 to guarantee the completion of all improvements on premises known as Block 34, Lot 6; and

WHEREAS, the Township Clerk is in receipt of a letter from Tricia Murch, on behalf of Lumber Liquidators, dated April 12, 2011 requesting the release of the performance guarantee; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated June 21, 2011, 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 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 \$28,320.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$3,540.00 said maintenance bond is to run for a period of two (2) years to cover the maintenance of all improvements constructed under the original performance guarantee
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. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Lumber Liquidators
6. Hartford Fire Insurance Company

11-114 Authorize the Acceptance of Developers Agreements for the following:

a. Block 141, Lot 17 – 1 North Mall Drive – Daniel Betesh

WHEREAS, Daniel Betesh (hereinafter "Developer") is the owner of Block 141, Lot 17, as shown on the official tax map of the Township of Ocean which property is located at 1 North Mall Drive in the C-5(Light Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer has received Minor Site Plan Approval by the Township of Ocean Planning Board by way of resolution dated March 28, 2011 to construct some minor on-site curb realignments, driveway widening and new loading zone drop-off; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Minor Site Plan, Goodwill of Ocean, Tax Lot 17, Tax Block 141, Ocean Township, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc., consisting of one (1) sheet dated March 11, 2011 and last updated March 24, 2011

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated April 1, 2011 prepared by the Township of Ocean Engineer Louis J. Lobosco, P.E., P.P.

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 Daniel Betesh, 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 \$59,400.00 and Inspection Fees in the amount of \$2,475.00

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

1. Township Engineer
2. Director of Finance
3. Construction Official
4. Director of Community Development
5. Daniel Betesh

b. Block 22, Lot 107, 107, 108 – Grant Avenue – G.S. Realty Corp./ Amboy Bank

WHEREAS, the Township of Ocean, a municipal corporation (hereinafter "Township") entered into a Developer's Agreement (hereinafter "Agreement") with Grant Avenue Estates, LLC (hereinafter "Grant Estates") dated May 12, 2004 for certain property known as Block 22, Lots 106, 107 and 108 on the official tax map of the Township of Ocean, which property is located on Grant Avenue, in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Agreement between the Township and Grant Estates acknowledged that Grant Estates had obtained all the requisite Major Subdivision Approvals from the Township of Ocean Planning Board by way of resolution dated July 22, 2002 to subdivide a 7.2 acre parcel into seven buildable lots with one lot for the sole purpose of a detention basin; and

WHEREAS, the Agreement also relates to a Map entitled Final Plat Major Subdivision, Country Club Estates, Block 22, Lots 106, 107 and 108 in the Township of Ocean, Monmouth County, new Jersey by Nelson Engineering Associates, Inc., Robert A. Nelson, P.E. consisting of seven (7) pages dated December 13, 2000 and last updated October 18, 2003 and the Performance Guarantee Estimate prepared by the Township of Ocean Engineer, Schoor DePalma dated January 23, 2004; and

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

WHEREAS, Grant Estates posted performance guarantees in the total amount of \$350,097.84, ten percent (10%) (\$35,009.78) of which was cash and deposited with the Township in accordance with the ordinances of the Township and the remaining ninety percent (90%) (\$315,088.06) was in the form of a surety performance bond and cash in the sum of \$18,562.41 for inspection costs of the Township Engineer; and

WHEREAS, by deed dated November 30, 2009, Charles A. Stanziale, Jr., being the duly appointed Chapter 11 Trustee for debtor Grant Avenue Estates, LLC, consolidated with lead case Solomon Dwek, et al., case number 07-11757, (the "Trustee"), transferred title to the Property (hereinafter "Assigned Property") to G.S. Realty Corp., a wholly owned subsidiary of Amboy Bank (hereinafter "Assignee"); and

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

WHEREAS, Amboy is seeking the assignment from the Township/Assignor of said Developer's Agreement to the Contract Purchaser/Assignee Amboy.

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

1. The execution of the assignment of the aforesaid Developer's Agreement from the Township of Ocean to Assignee, G.S. Realty Corp./Amboy Bank
2. The assignment to G.S. Realty/Amboy Bank shall be conditioned upon the following:
 - 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 \$350,097.84 and Inspection fees in the amount of \$18,562.41

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. GS Realty Corp/Amboy Bank

c. Block 33.33, Lot 6 – 1806 Bellmore Street – Marcelo Gruberg

WHEREAS, Marcelo Gruberg (hereinafter "Developer") is the owner of certain property known as Block 33.33, Lot 6 as shown on the official tax map of the Township of Ocean, which property is located at 1806 Bellmore Street in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth and State of New Jersey; and

WHEREAS, the Developer has received Site Plan and Bulk Variance Approval by the Township of Ocean Planning Board by way of Resolution dated January 24, 2011 to construct a 1,061 square foot addition to a small office building, expand the parking lot and provide ADA access to the building; and

WHEREAS, the Agreement relates to a Site Plan Map entitled Gruberg Office Building, Preliminary and Final Plat – Major Site Plan, Block 33.33, Lot 6, Ocean Township, Monmouth County, NJ by Elizabeth M. Waterbury, P.E., P.P. of E.M. Waterbury & Associates, P.A., consisting of seven (7) sheets dated August 12, 2010 and last updated March 31, 2011; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee estimate dated June 6, 2011 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 Marcelo Gruberg, 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 sum of \$45,120.00 and Inspection Fees in the amount of \$2,880.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Marcelo Gruberg
5. Maxwell X. Colby, Esq.

11-115 Authorize the Release of Maintenance Guarantees for the following:

a. Block 34, Lot 24 – 802 West Park Avenue – Little Silver Investors, LLC

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated June 11, 2007 with Little Silver Investors, LLC for Site Plan Approval with Variances to construct a two-story office/parking building at the rear of Block 34, Lot 24 also known as 802 West Park Avenue; and

WHEREAS, performance guarantees totaling \$56,640.00 were posted in the form of Letter of Credit No. SM26021W issued by Wachovia Bank, National Association, in the amount of \$50,976.00 and cash in the amount of \$5,664.00; and

WHEREAS, the Township Council did authorize the release of the performance guarantees on January 7, 2009; and

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

WHEREAS, Little Silver Investors, LLC has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$7,080.00 on Block 34, Lot 24 also known as 802 West Park Avenue; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated June 24, 2011, 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 \$7,080.00 is hereby released, canceled and discharged subject to the payment of any outstanding engineering and administrative fees.

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 Community Development
3. Construction Official
4. Director of Finance
5. Little Silver Investors, LLC

b. Block 35, Lots Various – Rear Yards/Easement Storm Sewer – MGO Group, Inc. – Wayside Woods, Section 6

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated September 11, 2002 with MGO Group, Inc. for Minor Site Plan Approval with Variances on Block 35, Lots 72-81 also known as Wayside Woods Section VI - Rear Yards/Easement Storm Sewer; and

WHEREAS, performance guarantees totaling \$94,084.98 were posted in the form of Performance Bond #B12680541 in the amount of \$84,676.48 issued by International Gulf Insurance Company and cash in the amount of \$9,408.50; and

WHEREAS, the Township Council did authorize the release of the performance guarantees on February 20, 2008; and

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

WHEREAS, MGO Group, Inc. has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$11,760.62 on Block 35, Lots 72-81 also known as Wayside Woods Section VI – Rear Yards/Easement Storm Sewer; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 30, 2010, a copy of which is on file in the Office of the Township 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 \$11,760.62 is hereby released, canceled and discharged subject to the payment of any outstanding engineering and administrative fees.

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 Community Development
3. Construction Official
4. Director of Finance
5. MGO Group, Inc.
6. The Travelers Indemnity Company

11-116 Authorize the following appointments:

a. Zoning Board of Adjustment, Environmental Commission, Planning Board, Multiple Dwelling Emergency Board, Monmouth County Office on Aging, Municipal Alliance to Prevent Alcohol and Drug Abuse, Clean Communities, Sewerage Authority

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

MEETING MINUTES**JULY 6, 2011****MUNICIPAL
ALLIANCE TO
PREVENT ALCOHOL
AND DRUG ABUSE**

	Member	Starting	Ending
<i>1 year terms</i>	Richard Long	July 1, 2011	June 30, 2012
	Kathy Reiser	July 1, 2011	June 30, 2012
	Linda Kotch	July 1, 2011	June 30, 2012
	Julia Davidow	July 1, 2011	June 30, 2012
	Cathy Brown	July 1, 2011	June 30, 2012
	Rose Acerra	July 1, 2011	June 30, 2012
	Danielle Pfeiffer	July 1, 2011	June 30, 2012
	William Garofalo	July 1, 2011	June 30, 2012
	Kevin McDermott, Captain	July 1, 2011	June 30, 2012
	Antonio Amodio, Police Chief	July 1, 2011	June 30, 2012
	William Larkin, Mayor	July 1, 2011	June 30, 2012
	Theresa Gilvary	July 1, 2011	June 30, 2012
	John Lysko	July 1, 2011	June 30, 2012
	Margaret Simpson	July 1, 2011	June 30, 2012
	Judith Young	July 1, 2011	June 30, 2012
	Jay McManigal	July 1, 2011	June 30, 2012
	Gene Wefer	July 1, 2011	June 30, 2012
	Jesse Kauffmann	July 1, 2011	June 30, 2012
	TOGS Youth Representative	July 1, 2011	June 30, 2012
	Kelly Weldon	July 1, 2011	June 30, 2011

**CLEAN
COMMUNITIES
ADVISORY
COMMITTEE**

	Members		
<i>1 year terms</i>	Carole Allgor	July 1, 2011	June 30, 2012
	Eileen Glynn	July 1, 2011	June 30, 2012
	Evelyn Hampton	July 1, 2011	June 30, 2012
	Laurie McGrath, Coordinator	July 1, 2011	June 30, 2012
	Rosemary Napolitano	July 1, 2011	June 30, 2012
	Donna Schepiga, Council Liaison	July 1, 2011	June 30, 2012
	Mario Delano	July 1, 2011	June 30, 2012
	Catelin McGrath	July 1, 2011	June 30, 2012

**TOWNSHIP OF OCEAN
SEWERAGE AUTHORITY**

	Member	Starting	Ending
<i>5 year term</i>	Richard G. Bernhardt, P.E. (filling unexpired term of Andrew DeSarno)	July 1, 2011	January 31, 2012

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

1. Board/Committee or Department
2. Administrative Secretary
3. Public Agency Compliance Officer

b. Prosecutor and Alternate Prosecutor

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

MEETING MINUTES**JULY 6, 2011**

PROSECUTOR	Member	Starting	Ending
1 year term	Timothy F. McGoughran <i>Prosecutor</i>	July 1, 2011	June 30, 2012
	Christine G. Hanlon <i>Alternate Prosecutor</i>	July 1, 2011	June 30, 2012

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

1. Board/Committee or Department
2. Administrative Secretary
3. Public Agency Compliance Officer

11-117 Authorize the naming of the Official Newspapers for the Township of Ocean for the period July 1, 2011 through June 30, 2012

WHEREAS, N.J.S.A. 10:4-18 authorizes a municipality to designate an official Newspaper for the Township of Ocean; and

WHEREAS, "Official Newspaper" means paid, published and circulated in the municipality. If there is no such newspaper, then at least one published in the county in which the municipality is located and said newspaper is circulated;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, in the County of Monmouth that the following newspapers be and are hereby designated as the "official newspapers" in the Township of Ocean in which any and all legal notices of the Township are authorized to be published:

The Asbury Park Press
The Coaster

11-118 Authorize fireworks for the Italian American Association of the Township of Ocean on August 12, 2011 (rain dates August 13, 2011 and August 14, 2011)

WHEREAS, N.J.S.A. 21:3-3 permits the governing body of a municipality to "grant a permit for the public display of fireworks by fraternal or civic... or other organizations..." after application has been made; and

WHEREAS, the Italian American Association of the Township of Ocean has made an application for a public display of fireworks at 9:45 p.m. on August 12, 2011 (rain dates are August 13, 2011 and August 14, 2011) at Joe Palaia Park; and

WHEREAS, the Chief of Police and Fire Marshall of Fire District Number One have approved said application;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the aforementioned public display of fireworks by the Italian American Association of the Township of Ocean at Joe Palaia Park on August 12, 2011 (rain dates August 13, 2011 and August 14, 2011); and

BE IT FURTHER RESOLVED, that the Township Manager is hereby authorized to execute said permit upon receipt of the following by the Township:

1. Copy of the contract between the pyrotechnic operator and the Italian American Association of the Township of Ocean.
2. Certificate of Insurance with Comprehensive General Liability coverage, including Contractual, Automobile and Workers Compensation.

MEETING MINUTES

JULY 6, 2011

- a. Liability Limits of \$1,000,000 CSL and Statutory Workers' Compensation;
 - b. Municipality as additional named insured;
 - c. Specifically mentioned hold harmless contract.
3. An executed hold harmless agreement in favor of the municipality must be signed by the fireworks contractor.

INDIVIDUAL ACTION:**VOUCHERS: \$ 758,819.96**

**Township of Ocean
Department of Finance
Voucher List for July 6, 2011**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
EDMUNDS & ASSOCIATES INC	W.I.P.P. WEB BASED APPLICATION	2,400.00	
FARRUGGIA, SALVATORE	NOV/DEC 2010 CELL PHONE	50.00	
HOFFMANN	Pumps up to DEP standards	1,880.90	
LAWMAN SUPPLY CO OF NJ INC	PD- AMMO REPLENISHMENT	10,527.60	
LAWMAN SUPPLY CO OF NJ INC	PD- AMMO REPLENISHMENT	1,699.14	
<u>Total</u>		16,557.64	
<u>Total Appropriation Reserves Payments</u>		16,557.64	
<u>2011 Current Fund Appropriation Payments</u>			
33 EAST CAR WASH OF OCEAN	Car Wash	7.00	
ACUSHNET CO	MISC RETAIL ITEMS CTGC	757.43	
ADP INC	May Payroll Services	1,002.99	
ADP INC	June Payroll Services	1,295.70	
ADPRO IMPRINTS/BUDGET BANNERS	CAMP STAFF T-SHIRTS	90.00	
AFLAC - NEW YORK - FLEX ONE	MAY 2011 MEDFLEX ADMIN FEES	50.00	
AMERICAN WEAR INC	May uniform rental	997.65	
AMERICAN WEAR INC	May rags for shop use	60.00	
AMERICAN WEAR INC	June rags for shop use	48.00	
ARBUS, MARTIN ESQ C1100001	JUN RETAINER,MAY GEN,COAH,BAIL	15,733.93	
ASHLEY BALDANZA	REIMBURSE FINGERPRINTING	26.25	
ATLANTIC PLUMBING SUPPLY CORP	April misc plumbing supplies	681.61	
ATLANTIC PLUMBING SUPPLY CORP	May misc plumbing supplies	116.46	
BENDINER & SCHLESINGER INC	MAY: DRUG SCREENS	1,942.00	
BROWN, SANFORD ESQ	PB litigation reviews	120.00	
BROWN, SANFORD ESQ	COAH Reviews	29.28	
CABLEVISION	Gargage Internet	144.68	
CABLEVISION	W.Park Rec #7866-184155-2	49.95	
CALABRO, PHIL	SUBSTITUTE SUPERVISOR BB	26.00	
CLARKE CATON HINTZ C1100012	3/26/11-4/29/11 LITIGATION PLA	5,912.70	
CLARKE CATON HINTZ	3/26/11-4/29/11 COAH EXTRA MTG	1,122.00	
CLARKE CATON HINTZ C1100013	COAH PLANNING 3/26/11-4/29/11	15,274.00	
CLARKE CATON HINTZ	REIMBURSABLES 3/26/11-4/29/11	1,724.32	
CLARKE CATON HINTZ C1100013	COAH PLANNING 4/29/11-5/27/11	5,492.00	
CLARKE CATON HINTZ	PLANNING REIM 4/29/11-5/27/11	947.63	
CLARKE CATON HINTZ C1100012	COAH LITIGATED 4/29/11-5/27/11	2,080.00	
CMF BUSINESS SUPPLIES INC	PAPER FOR MUNICIPAL OFFICES	1,497.00	
COUNTRY CLEAN INC	Black bags/Janitorial Supplies	1,284.75	
COUNTRY CLEAN INC	MAINT SUPPLIES POOL & REC	887.83	

MEETING MINUTES

JULY 6, 2011

COUNTRY CLEAN INC	CTGC PAPER PRODUCTS	118.36
DELTA DENTAL OF NJ INC	July Dental Insurance	9,981.89
EATONTOWN TV & APPLIANCE CO	CTGC TELEVISION	599.00
EATONTOWN TV & APPLIANCE CO	Bracket for TV CTGC	128.00
EMERGENCY COM NETWORK INC	PD- CODERED ADD'L 3000-MINUTES	990.00
FALCON SUPPLY CO INC	C" fold towels/Janitorial	1,059.50
FARRUGGIA, SALVATORE	NJ STATE PLUM INSP ASSOC 2011	75.00
FARRUGGIA, SALVATORE	PLUM/HTG/COOL CONT ASSOC 2011	100.00
FEDEX	PD- ALCOTEST PARTS RECERT	35.58
FEDEX	PD- RADAR UNIT MAINTENANCE	12.13
FITZGERALD, WILLIAM	PB /BOA Meetings and Reviews	3,273.75
FLAGSHIP DENTAL PLANS	July Dental Insurance	613.70
FORT DEARBORN LIFE INS CO	July Life Insurance	634.56
GANNETT NJ NEWSPAPERS	A/C9459 6/8 JOINT MTG W/PLANNI	13.50
GANNETT NJ NEWSPAPERS	A/C9459 JUNE/JULY LEGAL ADS	31.00
GANNETT NJ NEWSPAPERS	A/C9459 6/17 PB MTG MASTER PLA	25.00
GEESE CHASERS LLC	JUNE 2011 GEESE CONTROL MAINT	862.33
C1100003		
GIANNONE, SUSAN	INSTRUCTOR:LIFEGUARD TRAINING	500.00
GOFFCO INDUSTRIES INC	Printed 2-Part Forms	147.40
GOLF CAR SPECIALITIES LLC	JUNE 2011 CTGC GOLF CART LEASE	2,024.00
C1100004		
GRAYBAR ELECTRIC CO	May misc supplies	1,156.52
GRAYBAR ELECTRIC CO	Network wires/Cat5 ends	99.85
GUIDE PUBLICATIONS INC	CTGC ADVERTISEMENT MAY	395.00
GUIDE PUBLICATIONS INC	ADVERTISING POOL/TENNIS FACIL.	550.00
HALSEY, MATTHEW	SUPERVISE VOLLEYBALL JUNE	72.00
INGENITO, NEIL CAPT	PD-PETTY CASH REIMBURSEMENT	183.10
JAMES HIGGINS ASSOCIATES	Attend Board of Adjustment	600.00
JASON BUONO	REFUND OF ROOM RENTAL FEE	140.00
JEFFREY R SURENIAN & ASSOC LLC	APR/MAY 2011 AFFORDABLE HOUSE	3,868.00
C1100008		
JENNA FLEMING	REIMBURSE FINGERPRINTING	26.25
JERSEY CENTRAL POWER & LIGHT	May electric general usage	8,860.45
JERSEY CENTRAL POWER & LIGHT	May street lighting	18,893.48
JET-VAC INC	Hose Guide for Jet Truck #77	86.80
JOAN PAWLISH	REFUND OF POOL MEMB REG FEE	85.00
JOANNE MANN	REFUND OF REC CAMP BUSSING FEE	40.00
JOHNNY ON THE SPOT INC	UNITS AT PALAIA & GOLF COURSE	159.70
JOSEPH, JESSIE	Reimburse hotel - MCANJ Conf.	101.90
JOSEPH, LAUREN	Nightime Election Worker	150.00
JUNGLE LASER LLC	ROLLBASE APPLICATION MAY 2011	2,675.00
KELLY WINTHROP, LLC.	Dear Carcass Removal	45.00
KEYLA UCLES	REFUND OF REC CAMP REG FEE	75.00
LAKWOOD AUTO/ASBURY NAPA	May misc parts for Twp vehicle	1,437.29
LAKWOOD AUTO/ASBURY NAPA	Oil meter dispensor for Shop	531.99
LANGUAGE LINE SERVICES	PD-PHONE INTERPRETATION-5/2011	121.51
LAWSON PRODUCTS INC	Locking bar/supplies for Depts	425.59
LEON S AVAKIAN INC	COPIES OF PLANS-GOLD COAST CAD	17.00
LOWES INC	May misc building supplies	655.68
MAC FARLAND, LARRY	REFRIGERATION SERVICE POOL	200.00
MC MAHON, WILLIAM	Cell phone reimbursement	25.00
McHEFFEY, DR DINA A	MEDICAL CONSULTANT 2ND QUARTER	300.00
MGL PRINTING SOLUTIONS	10,000 WINDOW ENVELOPES - TAX	395.00
MIAMI SYSTEMS INC	mailers ATS/ACS	448.63
MIDWEST ELECTRIC PRODUCTS INC	Doors replaced @ festival site	90.80
MIRACLE CHEMICAL CO	CHLORINE: JUNE ESTIMATE	4,819.50
MON CTY ASSESSORS ASSOC	Assessor Seminar for 6 credits	120.00
MON CTY REGIONAL HEALTH	MCRHC PUBLIC SERV, NURSING SER	45,834.50
MONMOUTH COUNTY TREASURER	Postage - Promary Election	1,235.75
MOORE WALLACE NORTH AMERICA	Cert. Paper 8-1/2x14 Reg 42B	62.50
MULTI HEALTH SYSTEMS	SUBSTANCE ABUSE EVAL FORMS	387.45
NEOPOST, INC.	SUPPLIES FOR POSTAL MACHINE	170.00
NEPTUNE AUTO SUPPLY	May misc parts for Twp vehicle	1,791.06
NEXTEL-SPRINT PO MANAGEMENT	AIR CARDS 4/27/11 - 5/26/11	49.99
NJ DIV OF ALCOHOLIC BEVERAGE	2011/2012 Liquor Licenses	60.00
NJ LEAGUE OF MUNICIPALITIES	Post Ad for employment	100.00

MEETING MINUTES

JULY 6, 2011

NJ LEAGUE OF MUNICIPALITIES	NEW PENS&HEALTH BENEFITS LAW	110.00
NJ MOTOR VEHICLE SERVICES	Title fee for 2011 Tahoe	60.00
NJ NATURAL GAS CO	May gas usage for Twp building	3,011.30
NJ STATE HEALTH BENEFITS FUND	June Health Benefits	166,031.83
NJAWC	May water usage	3,764.82
OLD DOMINION BRUSH CO	Trigger switch/#64 Leaf vac	154.00
OTES PTA	ADVERTISEMENT	100.00
PILOT ELECTRIC CO	REPAIRS TO EXISTING POOL PUMP	2,949.90
POGWIST, RAYMOND E	Smart Green & Clean Conference	30.00
PUBLIC EMPLOYEES' RETIREMENT	PERS CONTRIBUTION J TRONOLONE	4,183.74
RACHLES/MICHELE'S OIL CO	May unleaded gasoline/diesel	30,531.60
RELIANCE GRAPHICS INC	Printing - 6/11 Primary Ballot	6,160.00
RESNICK DISTRIBUTORS	CTGC SNACK ITEMS	783.11
RUDERMAN & GLICKMAN PC C1100006	JUN 2011 LABOR RELATION MATTER	4,800.00
RUTGERS THE STATE UNIVERSITY	Registration one day seminar	105.00
RUTGERS YOUTH SPORTS RESEARCH	TRAINING FOR COACH INSTRUCTOR	149.00
SEA BREEZE FORD INC	May misc parts for Twp.	772.65
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - MAY 2011	195.80
SEABOARD FIRE & SAFETY	May recharge fire extinguisher	150.70
SEACOAST CHEVROLET OLDSMOBILE	May vehicle repairs	664.95
SHORE LANES	MORNING REC CAMP BOWLING	945.00
SOFTWARE HOUSE INT'L INC	PD- TONER CARTRIDGES/DISPATCH	148.00
SPRINT PO MANAGEMENT	PD- NEXTEL SERV PLAN - MAY 11	730.70
STATE TOXICOLOGY LABORATORY	PD- RANDOM DRUG TESTING	210.00
STAVOLA ASPHALT CO INC	May 2nd half patch program	429.00
STAVOLA ASPHALT CO INC	June 1st half patch program	570.90
STEINBERG, MARK A ESQ	BOA Special Meeting / Hillel	420.00
STEINBERG, MARK A ESQ	BOA Meeting and Resolutions	840.00
STEWART BUSINESS SYSTEMS	Printing Services	622.50
STORR TRACTOR CO	May misc parts for Toro mowers	817.24
STORR TRACTOR CO	Irrigation heads/Twp fields.	1,204.17
TAYLOR FENCE CO INC	Slit rail/repair fence lines.	1,299.00
THE NEW COASTER LLC	JUNE 2,2011 COAH,RED LIGHT CAM	24.18
THE NEW COASTER LLC	JUNE 23-TWP MTG 7/1 & SHADE TR	13.95
THOMAS FARRELL LANDSCAPE	Mulch/240 Whalepond Rd.	420.00
THOMAS FARRELL LANDSCAPE	Mulch for 240 Whalepond	840.00
TONKS'S USED OIL FILTER DISP	Used Oil Filters Removed	100.00
TREASURER STATE OF NEW JERSEY	Annual Life Hazard Reg. fee	2,075.00
TRICO EQUIPMENT SERVICES LLC	May misc parts for Twp. loader	32.02
TWP OF OCEAN MUNICIPAL COURT	June Credit Card Service Fees	296.79
TWP OF OCEAN SEWERAGE AUTH	3rd qtr 2011 sewerage payment	4,567.92
US 1 AUTO PARTS	May misc parts for vehicles	129.71
VALLEYCREST GOLF COURSE MAINT C1100005	JUNE 2011 CTGC GOLF COURSE	23,197.33
VANTAGEPOINT TRANSFER AGENTS	July RHS Benefits	5,954.47
VERIZON	TELEPHONE SERVICE 7/11	199.36
VERIZON	BROADBAND SERVICES 7/11	118.47
VERIZON BUSINESS FIOS	FIOS@Library Acc#7325314664647	157.32
WANAMASSA PTA	POOL/GOLF COURSE ADVERTISEMENT	100.00
WAYSIDE ELEMENTARY SCHOOL PTA	ADVERTISEMENT	125.00
WOHLERT LANDSCAPING	Installing sod/Saul Rubin	1,800.00
WPCS INT'L INC - LAKEWOOD	PD-3RD QRT CONSOLE MAINTENANCE	5,100.00
ZEP MANUFACTURING CO	Fuel system cleaner for garage	800.91
Total		457,165.49
<u>Non Budget Account Payments</u>		
BRUCE J. STAVITSKY, ESQ FOR E & G PLAZA, LLC	TAX APPEAL REFUND BL 141 L 1	18,790.00
GOLD ENTERPRISES ETC AND THE MANOLAKIS PROF PLAZA C/O G. E.	TAX APPEAL REFUND BL 1.02 L 61	3,704.00
TREASURER ST OF NJ	TAX APPEAL REFUNDS BL 34 L 27	95,059.72
TREASURER ST OF NJ	TAX APPEAL REFUND BL 33.16 L 3	7,259.67
TREASURER ST OF NJ	Marriage/Civil Union - 4th Qtr	575.00
TREASURER STATE OF NJ	Marriage/Civil Union - 1st Qtr	625.00
TREASURER STATE OF NJ	Marr/Civil Unions Licenses	1,325.00
TREASURER STATE OF NJ	Burial Permits Jan-Mar 2011	10.00
TREASURER STATE OF NJ	Burial Permit April-June 2011	15.00
ZIPP & TANNENBAUM, LLC & 1631	TAX APPEAL REFUND BL 33 L 22	2,113.05

MEETING MINUTES

JULY 6, 2011

<u>Total Non Budget Account Payments</u>		129,476.44
<u>Total 2010 Current Fund Appropriations Payments</u>		<u>586,641.93</u>
<u>General Capital Payments</u>		
KALDOR	Safety light bar/Truck 35	513.00
LEON S AVAKIAN INC C1100014	2011 ROAD PROGRAM OT11-03 7/11	7,475.00
LEON S AVAKIAN INC C1100014	2011 ROAD PROG OT11-03 7/11(2)	9,090.00
MC LAUGHLIN GELSON LLC	LEGAL SVS FOR BOND ORD 2171	685.00
<u>Total</u>		17,763.00
<u>Total General Capital Payments</u>		<u>17,763.00</u>
<u>Grants Payments</u>		
BOW WOW PET WASTE PRODUCTS	Pet waste receptacles for park	680.00
DAS MANUFACTURING INC	Storm Drain Markers	73.48
DELTA DENTAL OF NJ INC	July Dental Insurance	171.57
NJ STATE HEALTH BENEFITS FUND	June Health Benefits	3,005.65
<u>Total</u>		3,930.70
<u>Total Grants Payments</u>		<u>3,930.70</u>
<u>TORTA Payments</u>		
MAGHAN, DAWN RYT	INSTRUCTOR YOGA JUNE	200.00
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 6/17/2011 payroll	3,115.75
TWP OF OCEAN PAYROLL ACCOUNT	TORTA 7/1/2011	1,195.00
<u>Total</u>		4,510.75
<u>Total TORTA Payments</u>		<u>4,510.75</u>
<u>Trust Other Payments</u>		
BROWN, SANFORD ESQ	BOA Reviews	1,064.00
BROWN, SANFORD ESQ	COAH reviews	60.72
FNA JERSEY LIEN SERVICES LLC	REDEMPTION B 73 LOT 4	20,532.92
FNA JERSEY LIEN SERVICES LLC	REDEMPTION B. 73 LOT 4	4,200.00
JAMES HIGGINS ASSOCIATES	PB and BOA Reviews	3,031.25
JAMES HIGGINS ASSOCIATES	Landscaping Inspections	281.25
LEON S AVAKIAN INC	THRU APR 2011 1 NORTH MALL DR	875.00
LEON S AVAKIAN INC	KOHL'S BL 182 L 73 6/2011	1,097.50
MASER CONSULTING, P.A.	MAY/JUNE VARIOUS INSPECTIONS	1,393.75
PAT MAGGIO & SONS ELECTRIC INC	Reimbursement for surety bond	500.00
RICH'S AUTO BODY	DED. 2010 TAHOE 4/24/11 MVC	2,500.00
RICH'S AUTO BODY	REPAIR TO 2007 FORD CV #125764	719.80
RICH'S AUTO BODY	REPAIR DAMAGES '02 DODGE STRAT	1,517.98
STEINBERG, MARK A ESQ	Resolutions for Hillel	1,050.00
TWP OF OCEAN CURRENT FUND	Off Duty Admin/Police Car Use	6,427.50
TWP OF OCEAN CURRENT FUND	Spec/Off Duty Admin/Police car	8,581.25
TWP OF OCEAN PAYROLL ACCOUNT	Off Duty Police 6/17/2011	13,680.00
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Sick Pay 6/17/2011	22,900.86
TWP OF OCEAN PAYROLL ACCOUNT	Special/Off Duty	19,125.00
US BANK CUST/PRO CAPITAL I LLC	REDEMPTION 33.13/10 10-00009	15,948.06
US BANK CUST/PRO CAPITAL I LLC	PREMIUM 10-00009 33.13/10	3,500.00
<u>Total</u>		128,986.84
<u>Total Trust Other Payments</u>		<u>128,986.84</u>
<u>Animal Control Trust Payments</u>		
NJ STATE DEPT OF HEALTH	MAY'11 DOG LIC. STATE REPORT	94.20
NJ STATE DEPT OF HEALTH	STATE DOG LIC REPORT JUNE 2011	84.00
TWP OF OCEAN CURRENT FUND	DOG POSTAGE/FEB,MAR,APR,MAY'11	250.90
<u>Total</u>		429.10
<u>Total Animal Control Trust Payments</u>		<u>429.10</u>

Total Bill List for July 6, 2011

Appropriation Reserve Total	<u>16,557.64</u>
Current Fund Total	<u>586,641.93</u>
General Capital Fund Total	<u>17,763.00</u>
State & Federal Grant Total	<u>3,930.70</u>
Law Enforcement Trust Total	
TORTA Total	<u>4,510.75</u>
Trust Other Total	<u>128,986.84</u>
Animal Control Total	<u>429.10</u>
Bid Deposit Refund	
State Unemployment Trust	
Trust Assessment Fund	
Total of All Funds	<u>758,819.96</u>

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

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

RESOLUTIONS:

11-119 Authorize a contract with Seacoast Chevrolet to perform various vehicles repairs for the period July 1 through December 31, 2011 (State Contract #A76415)

WHEREAS, the Township of Ocean wishes to authorize a contract with an outside vendor to perform vehicle repairs on various Township vehicles; and

WHEREAS, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to Seacoast Chevrolet, Ocean Township, NJ under State Contract A76415, and

WHEREAS, it is the recommendation of the Director of Public Works that a contract be awarded to Seacoast Chevrolet, Ocean Township, NJ at a cost not to exceed \$30,000 for the period January 1, 2011 through June 30, 2011; and

WHEREAS, the Director of Finance has certified that funds will be made available by the Governing Body in the Township of Ocean Temporary and Final 2011 Municipal Budget for the Department of Public Works – account #1-01-26-767-252;

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 Seacoast Chevrolet, Ocean Township, NJ, to perform vehicle repairs on various Township vehicles for the period January 1, 2011 through June 30, 2011 at a cost not to exceed \$30,000.00; and

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

1. Director of Finance
2. Director of Public Works
3. Seacoast Chevrolet

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					

11-120 Endorse the Amended Housing Element and Fair Share Plan

RESOLUTION

ENDORISING AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on June 27, 2011, the Planning Board of the Township of Ocean, County of Monmouth, State of New Jersey, adopted under protest an amended Housing Element and Fair Share Plan, dated May 6, 2011, which includes a document entitled "Additional Documents and Corrections dated June 16, 2011;" and

WHEREAS, a true copy of the resolution of the Planning Board adopting under protest the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the amended Housing Plan Element and Fair Share Plan addresses the Township's rehabilitation and prior cycle affordable housing obligations in accordance with N.J.A.C. 5:97-1.1 et seq. and as per the Order signed on May 11, 2011 by the Honorable Paul A. Kapalko, J.S.C.; and,

WHEREAS, the Court's decision to forego requiring the Township to address its Cycle III obligations is supported by the current state of uncertainty associated with the Township's actual Cycle III obligation and by COAH's "decisions, criteria, and guidelines"; and

WHEREAS, the uncertainty in the law arises from the Appellate Decision's decision of October 8, 2010, wherein the Court invalidated certain aspects of COAH's substantive regulations in In re Adoption Of N.J.A.C. 5:96 and 5:97 By New Jersey Council On Affordable Housing, 416 N.J. Super. 462 (App. Div. 2010), certif.. granted, 205 N.J. 317 (2011); and

WHEREAS, on March 31, 2011, the Supreme Court certified the five petitions and cross petitions challenging the Appellate Division's decision in In re Adoption Of N.J.A.C. 5:96 and 5:97; and

WHEREAS, in the cross petition filed by the Township of Middletown, County of Monmouth, Middletown asserts that, pursuant to the fundamental principles of the Mount Laurel doctrine, municipalities that can demonstrate their inclusionary nature through demographic data, housing stock, and other means should be free from any additional Mount Laurel burdens; and

WHEREAS, if the Supreme Court agrees with this argument, the Township of Ocean may be in a position to prove that it has not abused its zoning powers and thus has not violated the Mount Laurel doctrine by using its powers to exclude lower income households; and

WHEREAS, as such, consistent with the Planning Board's decision to adopt the amended Housing Element and Fair Share Plan under protest as sanctioned by the Supreme Court in So. Burlington County N.A.A.C.P. v. Tp. Of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II), the Township Council intends to endorse the amended Housing Element and Fair Share Plan under protest; and

WHEREAS, the Township's decision to adopt the plan under protest should in no way be construed as an intent not to comply fully with the law, but is merely a recognition that the laws are evolving and that all the requirements the Township seeks to satisfy through the current plan could easily change as a result of *inter alia* the Supreme Court decision; and

WHEREAS, the Township further acknowledges that the process of securing plan approval is a dynamic process and that changes may vary well be necessitated to address the concerns of the Court and/or the Special Master; and

WHEREAS, the Township is committed to making any changes that may be necessary and reasonable to address any gap that the Master or Court may find in the plan as a result of their analysis of the Township's RDP analysis or evaluation of any compliance techniques included in the plan; and

WHEREAS, the Township merely seeks to preserve unto itself the ability to choose the means to address any gap that may emerge.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, hereby endorses under protest the amended Housing Element and Fair Share Plan as adopted by the Ocean Township Planning Board on June 27, 2011; and

BE IT FURTHER RESOLVED that the Council of the Township of Ocean, pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. hereby authorizes its professionals to immediately file the adopted and endorsed amended Housing Element and Fair Share Plan with the Court and to submit a copy of all relevant documents to the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED that the Council of the Township of Ocean hereby authorizes its professionals to take any and all actions reasonable and necessary to secure a prior cycle Judgment of Compliance and Repose from the Court and to maintain the Township's immunity from any additional Mount Laurel lawsuits; and

BE IT FURTHER RESOLVED that, upon seeking its prior cycle Judgment of Compliance and repose, all known interested parties and owners of sites in the amended Housing Element and Fair Share Plan shall receive notice of the Township's intent; and

BE IT FURTHER RESOLVED that the notice of the Township's application for judicial approval of its amended Housing Element and Fair Share Plan shall be published in a newspaper of regional circulation and the Township shall otherwise provide appropriate notice concerning the date the Court sets for a hearing on whether the amended Housing Element and Fair Share Plan satisfies the Township's prior cycle and rehabilitation affordable housing responsibilities under applicable laws. Said notice shall give the public sufficient time to review the Township's amended Housing Element and Fair Share Plan and offer comments that the individual or entity may deem appropriate.

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

11-121 Authorize the Tax Collector to issue a refund to property owner(s) who have received a favorable State Tax Appeal judgment(s)

RESOLUTION AUTHORIZING THE CANCELATION OF 2008, 2009 AND 2010 TAXES AND REFUNDING THE TAX OVERPAYMENTS FROM 2008, 2009 AND 2010 RESULTING FROM NEW JERSEY STATE TAX COURT JUDGMENT TO THE TAXPAYER

WHEREAS, the State of New Jersey Tax Court has rendered judgments on appeals made by a tax payer regarding the assessment of their property, and,

WHEREAS, the property had the assessment reduced by the State of New Jersey Tax Court resulting in a reduction in the total taxes to be paid to the Township of Ocean for the years 2008, 2009, and 2010,

WHEREAS, proper procedures require that the 2008, 2009 and 2010 tax assessments be adjusted and refunds be made for taxes overpaid in 2008, 2009 and 2010 that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor's Field Book for 2008, 2009 and 2010.

NOW, THEREFORE, BE IT RESOLVED, by the Township council of the Township of Ocean, County of Monmouth and State of New Jersey that it does hereby authorize the Tax Collector to adjust the 2008, 2009 and 2010 tax assessment based on the State Tax Board Judgment and refund the tax overpayments for 2008, 2009 and 2010 taxes as listed below:

Block/Lot	Property Owner	Property Address	Tax Overpayments			Total Refund
			2008	2009	2010	
1.02/61	E & G PLAZA, LLC	909 WEST PARK AVE	1,839.00	1,865.00	-	3,704.00
33/22	1631 HIGHWAY 35 LLC	1631 HIGHWAY 35	-	2,113.05	-	2,113.05
33.16/3	MANOLAKIS PROF.PLAZA %G E MANOLAKIS	1915 HIGHWAY 35	919.50	2,226.81	4,113.36	7,259.67
34/27	GOLD ENTERPRISES % SALEM MANAGEMENT	806-08 WEST PARK AVE	48,761.09	46,298.63	-	95,059.72
141/1	TARGET (SEAVIEW SQUARE)	2301 ROUTE 66	18,790.00	-	-	18,790.00
Totals			70,309.59	52,503.49	4,113.36	126,926.44

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

- 1. Tax Collector
- 2. Township Auditor

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

11-122 Approve a Chapter 159 for the following Grants:

a. Community Hope Fund D.A.R.E. Grant

**CHAPTER 159
COMMUNITY HOPE FUND D.A.R.E. GRANT**

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 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 any equal amount, and

WHEREAS, the Township of Ocean has received from the Community Hope Fund a total award of \$750.00 for the Police Department D.A.R.E. program, a copy of which is attached, and

WHEREAS, the 2011 budget needs to be amended to include the \$750.00 awarded to the Township of Ocean from the Community Hope Fund,

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 items of revenue in the 2011 budget, the sum \$750.00 which is now available as revenue from the Community Hope Fund.

BE IT FURTHER RESOLVED that a like sum is hereby appropriated under the caption of:

Community Hope Fund D.A.R.E. Grant
 Other Expenses.....\$: 750.00

BE IT FURTHER RESOLVED that two copies of this resolution be forwarded to the Director, Division of Local Government Services, PO Box 803, Trenton NJ 08625-0803 and one copy to the following:

- 1. Director of Finance
- 2. Township Auditor

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

11-123 Appoint McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC as Township Bond Counsel for the year July 1, 2011 through June 30, 2012

WHEREAS, Chapter II of the "Revised General Ordinances of the Township of Ocean, 1965" provides for the appointment of Bond Counsel and further defines their powers and duties which are incorporated herein by reference as though set forth in length; and

WHEREAS, the Township Council desires to enter into a contract for said services within the dollar limits as provided in the Municipal Budget and/or in those bond ordinances containing appropriations for legal services; and

WHEREAS, McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC has submitted a proposal to perform said services for the year commencing July 1, 2011 through June 30, 2012; and

WHEREAS, the Township Council has elected to make this appointment pursuant to the "non-fair and open" process in accordance with 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 Pay-to-Play Law; and

WHEREAS, as required by law, McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC has completed and submitted a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form which certifies that McLaughlin, Gelson, D'Apolito, Stauffer, Skaklee & Curtis, LLC has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract; and

WHEREAS, the Director of Finance has certified that there are adequate funds available for the purpose of this award, specifically under the aforementioned appropriations of Legal Services & Costs – O/E and Various General Capital Ordinances and shall not exceed \$7,500.00; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the Resolution authorizing the award of a contract for professional services without competitive bids, as well as the contract itself, must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that authorization is hereby given to appoint McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC as Bond Counsel for the Township of Ocean for the one year term commencing July 1, 2011 through June 30, 2012; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be published according to law; and

BE IT FURTHER RESOLVED, that the Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form shall be filed with this Resolution and Contract; and

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

1. McLaughlin, Gelson, D'Apolito, Stauffer, Shaklee & Curtis, LLC
2. Director of Finance
3. Township Auditor

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

11-124 Authorize the Consideration for the following Bids:

a. Removal of Composted Leaves

WHEREAS, the Township Council of the Township of Ocean authorized the receipt of proposals for the removal of composted leaves on May 16, 2011; and

WHEREAS, the Township Clerk did duly advertise the request for proposals on May 21, 2011 in The Asbury Park Press, to receive request for proposals for the removal of composted leaves on June 7, 2011; and

WHEREAS, the Township of Ocean solicited proposals for the removal of composted leaves from Joe Palaia Park for a two-year period from July 1, 2011 to June 30, 2013; and

WHEREAS, in connection therewith, the following proposals were received by the Township of Ocean for said service: Caruso Excavating Co., P.O. Box 2043, Ocean, NJ; and

WHEREAS, the following fees are to be paid by the above referenced vendor to the Township of Ocean for the removal of composted leaves from the compost site:

Caruso Excavating Co. \$0.315 per cubic yard (no exceptions)

WHEREAS, the Township Manager and Director of Public Works have recommended that a contract be awarded to Caruso Excavating Co., Ocean, NJ as per their proposal for the removal of composted leaves from Joe Palaia Park in return for payment in the amount of \$0.315 per cubic yard of unscreened leaf compost material; 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 Caruso Excavating Co., Ocean, NJ as per their proposal as set forth in return for payment in the amount of \$0.315 per cubic yard of leaf compost material for the removal of composted leaves from Joe Palaia Park for a two-year period from July 1, 2011 through June 30, 2013; and

BE IT FURTHER RESOLVED that the award of this contract is conditioned upon the delivery and execution thereof within 10 days from the date of this resolution accompanied by such appropriate insurance certificate and bonds, as required; and

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

1. Director of Public Works
2. Director of Finance
3. Caruso Excavating Co.

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

WHEREAS, the Township Council of the Township of Ocean authorized Request for Proposals on May 16, 2011 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 May 21, 2011 to receive proposals for said service; and

WHEREAS, in connection therewith, the following submitted proposals (Average Bid Price for the Initial Proposal plus Extension Option 1) on June 7, 2011:

	2011/2012	2010/2011
Mazza & Sons, Tinton Falls, NJ	\$78.00/ton	\$80.00/ton

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

WHEREAS, the Township Manager and the Director of Public Works have recommended that a contract be awarded to Mazza & Sons, Tinton Falls, 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 \$78.00 per ton for 2011/2012 and \$80.00 per ton for 2012/2013; and

WHEREAS, funds for said contract have been certified by the Director of Finance and are available in the Department of Public Works Solid Waste Budget – Account # 1-01-32-837-341;

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 Mazza & Sons, Inc., Tinton Falls, 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 \$78.00 per ton for 2011/2012 and \$80.00 per ton for 2012/2013; 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

c. Bituminous Concrete Mix I-2, I-4 and I-5

WHEREAS, the Township Council of the Township of Ocean authorized the Requests for Proposals on May 16, 2011 for Asphalt F.A.B.C, Mix I-2, Mix I-4, Mix I-5; and

WHEREAS, the Township Clerk did duly advertise on May 21, 2011 to receive request for proposals for said item; and

WHEREAS, in connection therewith the following two (2) responses were received by the Township of Ocean on June 7, 2011: Stavola Asphalt Co., Tinton Falls, NJ and Walter R. Earle Corp., Farmingdale, NJ; and

WHEREAS, in connection therewith the Township of Ocean received the following submitted proposals on June 7, 2011:

	Mix I-2	Mix I-4	Mix I-5
Stavola Asphalt Co., Inc., Tinton Falls, NJ	\$60.00/ton	\$62.00/ton	\$62.70/ton
Walter R. Earle Corp., Farmingdale, NJ	\$64.13/ton	\$66.13/ton	\$66.13/ton

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

WHEREAS, the Township Manager and the Director of Public Works have recommended that a contract be awarded to Stavola Asphalt Co., Tinton Falls, NJ as per their proposal for Asphalt F.A.B.C, Mix I-2, Mix I-4, Mix I-5 for the one (1) year period July 2011 through June 2012; and

WHEREAS, funds for said contract have been certified by the Director of Finance and are available in the Department of Public Works Budget – Account # 1-01-26-765-273 and various Capital Improvement Accounts, at a cost not to exceed \$172,000.00;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to Stavola Asphalt Co., Tinton Falls, NJ, as per their proposal for Asphalt F.A.B.C, Mix I-2, Mix I-4, Mix I-5 for the one (1) year period July 2011 through June 2012 in the amounts as noted above, with a not to exceed of \$172,000.00; 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.

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

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

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

11-125 Appoint Leon S. Avakian, Inc. as Township Engineer for the year July 1, 2011 through June 30, 2012.

WHEREAS, the State of New Jersey requires that every municipality appoint an individual to serve as both Township Engineer and as a licensed land surveyor; and

WHEREAS, Peter R. Avakian, on behalf of the engineering firm of Leon S. Avakian, Inc. has submitted a proposal to perform said engineering services for the period July 1, 2011 through June 30, 2012; and

WHEREAS, Peter R. Avakian, on behalf of the firm Leon S. Avakian, Inc., is fully qualified to serve as both the Township Engineer and as Township Land Surveyor since he is a licensed Professional Engineer, a Professional Planner and a Professional Land Surveyor; and

WHEREAS, it is the recommendation of the Township Manager that Peter R. Avakian, P.E., P.P., P.L.S., and the firm Leon S. Avakian, Inc., be appointed as the Township Engineer for a term of July 1, 2011 through June 30, 2012; and

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

WHEREAS, Peter R. Avakian, on behalf of the firm Leon S. Avakian, Inc. has completed and submitted the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that Peter R. Avakian and the firm of Leon S. Avakian, Inc. 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 Peter R. Avakian and the firm Leon S. Avakian, Inc. from making any reportable contributions to a political or candidate committee in the Township of Ocean through the term of the contract; and

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

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

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

1. The Mayor and the Township Clerk are hereby authorized and directed to execute an agreement with Leon S. Avakian, Inc., Consulting Engineers for the provision of engineering services of Peter R. Avakian as the Township of Ocean Engineer and his staff for the period July 1, 2011 through June 30, 2012 in accordance with the attached Schedule of Billable Hourly Rates which is made a part of this resolution with the total estimated payments not to exceed \$350,000.00 exclusive of any independent professional service contracts that may be authorized.
2. It is further understood that there will be a rate freeze for the duration of the appointment with annual contracts setting forth the total estimated payments for the subsequent twelve months.

3. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because engineering service is professional in nature and performed by persons authorized by law to practice a recognized profession.
4. A notice of this action shall be published as required by law.
5. A copy of this resolution shall be forwarded to the following:
 1. Peter R. Avakian, P.E., P.P., P.L.S. of the firm Leon S. Avakian, Inc.
 2. Township Manager
 3. Director of Finance
 4. Township Attorney

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

11-126 Appoint Martin J. Arbus, Esq., as Township Attorney for the year July 1, 2011 through June 30, 2012.

WHEREAS, Chapter II of the "Revised General Ordinances of the Township of Ocean, 1965" provides for the appointment of a Township Attorney and further defines their powers and duties which are incorporated herein by reference as through set forth in length; and

WHEREAS, the Township Council of the Township of Ocean desires to enter into a contract for said position within the dollar limits as provided by the 2011 Municipal Budget containing appropriations for legal services and/or a salary established annually through the salary ordinance; and;

WHEREAS, Martin J. Arbus, Esq. submitted a proposal for the position of Township Attorney for the one year term from July 1, 2011 through June 30, 2012, at an hourly rate of \$170.00 per hour, not to exceed \$80,000.00 and a retainer of \$32,240.00 for attendance at meetings and other items as set forth in the agreement, a copy of which is attached hereto; 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, Martin J. Arbus 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 Martin J. Arbus, Esq. 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 there are available sufficient funds for the purpose of this award, specifically under the aforementioned appropriations; Legal Services & Costs – O/E and various General Capital Ordinances; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bids, as well as the contract itself, shall be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that Martin J. Arbus, Esq., is hereby appointed to the position of Township Attorney, at a rate of \$170.00 per hour, not to exceed \$80,000.00, as well as a retainer in the amount of \$32,240.00, for the one year term of July 1, 2011 through June 30, 2012; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with Martin J. Arbus, Esq. as Township Attorney; and

BE IT FURTHER RESOLVED, that this resolution shall be advertised according to law; and

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

1. Martin J. Arbus, Esq.
2. Director of Finance
3. Township Auditor
4. Public Agency Compliance Officer

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

11-127 Appoint David A. Krenkel, Esq., as Assistant Township Attorney for the year July 1, 2011 through June 30, 2012

WHEREAS, Chapter II of the "Revised General Ordinances of the Township of Ocean, 1965" provides for the appointment of a Township Attorney and Assistant Township Attorney and further defines their powers and duties; and

WHEREAS, the Township Council of the Township of Ocean has authorized a contract with Martin J. Arbus, Esq. to provide legal services for the year from July 1, 2011 through June 30, 2012; and

WHEREAS, pursuant to the Rules of Council, Martin J. Arbus Esq., as Township Attorney, wishes to designate David A. Krenkel, Esq. to attend regular and special Council meetings when he is unavailable to attend said meetings, with the consent and approval of the Township Council; and

WHEREAS, the Township Council of the Township of Ocean wishes to appoint David A. Krenkel, Esq. as an Assistant Township Attorney for the period July 1, 2011 through June 30, 2012 at a rate of \$160.00 per hour, not to exceed \$5,000.00; and

WHEREAS, the Township of Ocean desires to enter into a contract for the position of Assistant Township Attorney within the dollar limits as provided by the 2011 Municipal Budget containing appropriations for legal services; 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, David A. Krenkel, Esq. has completed and submitted a Business Entity Disclosure Certification and a C.271 Political Contribution Disclosure Form certifying that he has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous twelve months and that the contract will prohibit David A, Krenkel, Esq. 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 there are available sufficient funds for the purpose of this award, specifically under the aforementioned appropriations; Legal Services & Costs – O/E and various General Capital Ordinances; and

WHEREAS, Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., requires that the resolution authorizing the award of a contract for professional services without competitive bids, as well as the contract itself, shall be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Ocean, County of Monmouth, State of New Jersey that David A. Krenkel, Esq., be and is hereby appointed as the Assistant Township Attorney, at a rate of \$160.00 per hour, not to exceed \$5,000.00 for the period July 1, 2011 through June 30, 2012; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to execute the contract with David A. Krenkel, Esq. as Assistant Township Attorney; and

BE IT FURTHER RESOLVED, that this resolution shall be advertised according to law; and

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

1. David A. Krenkel, Esq.
2. Martin J. Arbus, Esq.
3. Director of Finance
4. Township Auditor
5. Public Agency Compliance Officer

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

11-128 Authorize the acceptance of the following Grants:

a. 2011 Sustainable Land Use Planning Grant

WHEREAS, the Township Council of the Township of Ocean is desirous of engaging a professional engineer to develop a detailed sidewalk plan, including cost estimates, within a one-mile radius of the Township’s three elementary schools; and

WHEREAS, the Township Council authorized the submission of the 2011 Sustainable Land Use Planning Grant (Safe Route to Schools Sidewalk Project) to the Association of New Jersey Environmental Commissions (ANJEC) on March 21, 2011; and

WHEREAS, the Township of Ocean has been notified that the Safe Route to Schools Sidewalk Project has been selected to receive a Grant in the amount of \$4,500.00 to be utilized to perform engineering for said project;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Mayor and Municipal Clerk are hereby authorized to execute the 2011 Sustainable Land Use Planning Grant Project Agreement administered through the Association of New Jersey Environmental Commissions (ANJEC) whereby the Township of Ocean will receive \$4,500.00 to be utilized to engage a professional engineer to develop a detailed sidewalk plan within a one-mile radius of the Township’s three elementary schools; and

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

1. Township of Ocean Environmental Commission
2. Director of Finance
3. Association of New Jersey Environmental Commissions

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

b. FY2010 Flood Mitigation Assistance Grant

WHEREAS, the Township Council of the Township of Ocean is desirous of providing flood mitigation assistance to Township residents that reside in Poplar Village by acquiring up to 32 units/structures in that development; and

WHEREAS, the Township Council authorized the submission of the Poplar Village FY 2010 Flood Mitigation Assistance Acquisition Project Grant administered through the State of New Jersey, Office of Emergency Management on October 19, 2009; and

WHEREAS, the Township of Ocean has been notified that they have been awarded a grant up to \$3,346,124.69 for said purpose; and

WHEREAS, the Township Manager has recommended that the Township Council authorize the execution of the acceptance of the FY2010 Flood Mitigation Assistance Acquisition Grant;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Mayor and Municipal Clerk are hereby authorized to execute the FY2010 Flood Mitigation Assistance Grant, administered through the State of New Jersey, Office of Emergency Management whereby the Township of Ocean will receive up to \$3,346,124.69 to be utilized to acquire up to 32 units/structures in the Poplar Village development; and

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

1. Township of Ocean Office of Emergency Management
2. Director of Finance
3. State of New Jersey, Office of Emergency Management

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

11-129 Authorize the acceptance of bids for the following:

a. 2011 Road Improvements

WHEREAS, the Township Council is desirous of receiving Bid(s) for the following:

Engineering:

2011 Road Improvements

WHEREAS, specifications for the aforesaid items will be on file in the Township Clerks Office 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(s) as per the specifications on file and will be received by the Township Manager in the Township Manager’s Conference Room, Third 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. Director of Public Works
2. Leon S. Avakian Engineers, Inc.

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

11-130 Authorize the waiver of all construction permit fees for floor repairs for Fire District No. 1 located on Larkin Place

WHEREAS, the Board of Fire Commissioners of Fire District One in the Township of Ocean would like to repair the Engine Room floor due to deterioration located on Larkin Place; and

WHEREAS, by letter dated June 29, 2011, the Board of Fire Commissioners of Fire District One have requested a waiver of all construction permit fees related to said renovations;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the fees associated with the above referenced improvements to Fire District One, located on Larkin Place, be and are hereby waived; and

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

1. J. David Hiers, Fire District Administrator for Fire District One
2. Director of Community Development
3. Director of Finance

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

ORDINANCES:

Introduction(s):

Ordinance #2170 - An Ordinance amending in part Bond Ordinance No. 2127 adopted (P.H. 8/8/11 Coaster) on November 9, 2009, providing for various improvements in order to more fully describe the improvements and equipment authorized thereby, authorized in and by the Township of Ocean, in the County of Monmouth, New Jersey

No. 2170

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 2127 ADOPTED ON NOVEMBER 9, 2009, PROVIDING FOR VARIOUS IMPROVEMENTS IN ORDER TO MORE FULLY DESCRIBE THE IMPROVEMENTS AND EQUIPMENT AUTHORIZED THEREBY, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Township of Ocean, in the County of Monmouth, New Jersey (the "Township") adopted Bond Ordinance No. 2127 on November 9, 2009 (the "Bond Ordinance") authorizing various improvements; and

WHEREAS, the Bond Ordinance is the subject of a prerogative writ action known as Ocean Open Government v. Ocean Township, Docket No. MON-L-4495-09PW, which, among other things, alleges that the Bond Ordinance does not adequately describe the improvements and equipment authorized therein; and

WHEREAS, the Township has determined that the improvements authorized by the Bond Ordinance should be set forth in greater detail without changing the aggregate appropriation or debt authorization for said purposes, by amendment of the Bond Ordinance.

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

Section One. Section 3 (a) of Bond Ordinance No. 2127 shall be amended in its entirety to read as follows:

Section 3 (a). The improvements hereby authorized and the purposes for which the obligations are to be issued consist of the projects listed below, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township, and the estimated cost of each project, estimated maximum amount of bonds or notes, and the period or average period of usefulness of the improvements are as follows:

(i) the acquisition of Public Works equipment and vehicles, including two (2) automated trash trucks; replacement of roof top chiller at Town Hall; and the acquisition of one (1) mason dump truck, with a total appropriation and estimated cost of \$794,000, estimated maximum amount of bonds or notes therefor of \$754,300, and an average period of usefulness of 10.47 years;

(ii) the acquisition of computers, monitors, servers and other computer related items, with a total appropriation and estimated cost of \$60,020, estimated maximum amount of bonds or notes therefor of \$57,018, and an average period of usefulness of 5 years;

(iii) the acquisition of equipment for the Police Department, including MobilVision digital mobile video recording systems and police digital radio system, with a total appropriation and estimated cost of \$635,010, estimated maximum amount of bonds or notes therefor of \$603,259, and an average period of usefulness of 15 years;

(iv) recreation improvements, including the resurfacing of tennis courts, with a total appropriation and estimated cost of \$28,177, estimated maximum amount of bonds or notes therefor of \$22,927, and an average period of usefulness of 15 years; and

(v) roadway improvements, including reconstruction of various streets, with a total appropriation and estimated cost of \$486,720, estimated maximum amount of bonds or notes therefor of \$193,298, New Jersey Department of Transportation grant funds of \$283,250, and an average period of usefulness of 10 years.

Section Two. The appropriation (\$2,003,927), debt authorization (\$1,630,802) and other authorizations of the Bond Ordinance remain unchanged and are ratified hereunder.

Section Three. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section Four. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq.

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

Ordinance #2172 – An Ordinance to amend Chapter XII of the “Revised General ordinances of the Township of Ocean, 1965” by adding Section 12-14A entitled: “Traffic Control Signal Monitoring System”
(P.H. 8/8/11 Coaster)

No. 2172

AN ORDINANCE AMENDING CHAPTER XII OF THE “REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965” BY ADDING SECTION 12-14A ENTITLED: “TRAFFIC CONTROL SIGNAL MONITORING SYSTEM”

BE IT ORDAINED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, that Chapter XII, Section 12 of the “Revised General Ordinances of the Township of Ocean, 1965” be and is hereby amended to add a new Section 12-14a to read as follows:

Section 1.

Chapter XII, Section 12-14 is hereby amended and supplemented so as to include a new section 12-14a entitled: "Traffic Signal Monitoring System", which shall read as follows:

Section 12-14a Traffic Control Monitoring System

Subject to the provisions of Subtitle 1 of Title 39, the following locations within the Township of Ocean shall utilize a Traffic control Monitoring System:

Location

1. State Highway 35 and Deal Road
2. State Highway 35 and West Park Avenue
3. State Highway 35 and Sunset Avenue

Section 2.

This ordinance shall take effect upon final passage, publication and approval by the New Jersey Department of Transportation.

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	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 Garofalo thanked the Community Celebrations Committee for a great job on the July 2nd festivities.

Councilmember Schepiga hoped everyone enjoyed the fireworks that were held on July 2, 2011. Councilmember Schepiga also reminded everyone that Shrimpfest, sponsored by the Greater Ocean Township Chamber of Commerce, will be held from July 8-10, 2011 at Joe Palaia Park.

Deputy Mayor Siciliano reported that the preliminary numbers for the month of June for Colonial Terrace Golf Course show a significant increase in revenue, which will offset the slow months of May and June 2011.

Andrew Brannen, Township Manager, reported that, during the month of June, the Township had one new employee hired – Kimberly Williams, Payroll Specialist in the Finance Office.

The following Councilmember(s) offered no report:

Councilmember(s) Evans

Martin Arbus, Esq., Township Attorney

PUBLIC COMMENTS:

Morris Asher expressed concern over the fact that raccoons are eating through the lids of the garbage which he feels can cause a health issue. Mr. Asher inquired if the Township could replace the lids with racoon-proof lids.

Mayor Larkin stated that the cans were supposed to be vermin proof and asked Mr. Brannen to contact the vendor to find out what recourse the Township has to insure that the residents do not continue to have this issue.

Susan Lefferson expressed her frustration with the fact that her husband, Brian, had not been re-appointed to the Board of Adjustment after serving for six year's. Mrs. Lefferson read a statement commending Brian for his willingness to serve the Township in a variety of capacities. She expressed her disappointment in the actions of the Governing Body.

Bob Ades discussed health benefit issues that were raised at the candidate debate held in April 2011, more specifically whether the members of the Council receive any health benefits from the Township.

Damian Sylvia stated that there are three adopt-a-spot locations in the Township that are unsightly and overgrown. He asked Mr. Brannen to implore to the person/group to clean up each location. The sites are: Deal and Poplar Roads; Deal and Bowne Roads; and Route 35 at the Eatontown border.

Mr. Brannen will look into rectifying this issue.

Barbara Hudson read a statement expressing her opinion that health benefits not be made available to any elected official.

Cheryl Miller expressed her concern over the condition of the cell towers at Joe Palaia Park and hoped that the Township would refurbish the towers at that site.

Ms. Miller also stated that a sign explaining the history of the site was missing and asked if the Public Works Department could replace it.

Mr. Brannen stated that he would look into whether the sign was taken down to be repaired or it was just missing. In any event, it would be put back up.

Ms. Miller also inquired where the Township gets the “matching” funds that are required for certain Grants that the Township receives.

Mr. Brannen stated that the Township puts between \$15,000 - \$20,000 of “matching” funds in each year’s budget to cover the various Grants that require such.

Mr. Brannen also stated that the repairs to the building at Joe Palaia Park could be quite costly but the Township continues to accumulate rental fees to assist with any repairs that the Township undertakes.

Ms. Miller discussed the revenue that the Red Light Camera’s are supposed to bring to the Township and inquired when the lights will be installed.

Mayor Larkin stated that the original pilot program included 25 towns and all others, including Ocean Township, would need to receive approval prior to the installation of the camera’s.

Michael Lewandowski expressed concern over the unleashed dogs that run around Joe Palaia Park. He is concerned because his sister is very afraid of dogs and he is afraid that one of the loose dogs will chase his sister.

Mayor Larkin stated that he will have the Police patrol the area and issue summonses to anyone who does not have their dog on a leash.

F.K. Hudson inquired as follows:

1. Ordinance #2172 – what is the anticipated start of the installation of the red light camera’s

Mr. Brannen stated that the Township is not sure, as we are still waiting for approval.

2. Automated Garbage – if the cans are continually overflowing, can the Township issue the resident an additional can.

Mr. Brannen stated that the additional cans are available for purchase by the resident.

3. How much does the Township have in the fund for the Palaia Park repairs

Mr. Brannen stated that there is approximately \$160,000.00 - \$170,000.00 in the fund.

4. COAH Litigation – Mr. Arbus reported on this matter
 - a. The Township needs to respond to the objections raised by all parties by July 15, 2011
 - b. Resolution #11-120 will be submitted to the Court
 - c. On September 13, 2011, there is a Case Management Conference with Judge Kapalko.
 - d. Governor Christie has proposed moving the authority for affordable housing under the Department of Community Affairs. Mr. Arbus stated that both the Senate and assembly would need to oppose the move for it to be overturned. Even if DCA takes over, the regulations still exist.
 - e. All the resolutions done by the Township, which were required, have been done under protest.

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

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	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/MMC
Municipal Clerk