

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

NOVEMBER 21, 2012

OAKHURST, NEW JERSEY

The Regular Meeting of the Township Council was held in the Public Meeting Room, First Floor, 399 Monmouth Road, Oakhurst, NJ 07755 at 5:00 p.m.

Present: Mayor Larkin
Deputy Mayor Siciliano
Councilmember(s) Schepiga

Absent: Councilmembers Evans and Garofalo

Others: Martin J. Arbus, Esq., Township Attorney
Andrew G. 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 Special Meeting Notice was sent to the Asbury Park Press and The Coaster, posted in Town Hall and filed in the Office of the Township Clerk on November 16, 2012.

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

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:

Brian Lefferson inquired about Resolution #12-182 as follows:

- What year was Whalepond Village constructed and how did K. Hovnanian receive permission to build said development

Martin Arbus, Township Attorney, stated that it was built in 1994 and it was done through a bidding process.

- Why is the Township purchasing

Mr. Arbus explained that there was a 20-year age restriction on this property that is set to expire in 2014. The Township has a "right of first refusal" and was notified that K. Hovnanian was interested in selling the property. As part of that sale, the age restriction would be lifted.

Based on that fact, the Township has decided to purchase the property and preserve the age-restriction.

- What is the purchase price

Mr. Arbus responded that the original asking price was \$7,000,000 and it was increased to \$7,250,000 and the final purchase price is \$7,125,000.

- Is the Township planning on managing the property

Mr. Arbus stated that there is an entity that is interested in purchasing it from the Township and that entity will maintain the age-restriction component.

- Since it calls for spending in excess of \$7 million, why not put it on a referendum for the voters

Mayor Larkin responded that he is not inclined to do so as the issue to preserve the age-restriction for those living at Whalepond Village is too important and time is of the essence so as to secure that it will not be sold to another entity.

INDIVIDUAL ACTION:

VOUCHERS: \$ 1,815,313.97

**Township of Ocean
Department of Finance
Voucher List for November 21, 2012**

Vendor Name	Description	Amount	Contract
<u>Appropriation Reserves Payments</u>			
FREEHOLD CARTAGE INC.	Removal of Damaged Fertilizer	255.00	
SOCKLER REALTY SERVICES GROUP	APPRAISAL SVCS FOR TAX APPEALS	11,800.00	
<u>Total</u>		12,055.00	
<u>Total Appropriation Reserves Payments</u>			
		12,055.00	
<u>2012 Current Fund Appropriation Payments</u>			
AFLAC - NEW YORK - FLEX ONE	OCT 2012 FLEX ONE ADMIN FEE	50.00	
ALL AMERICAN TURF INC	October misc lawn mower parts	261.34	
ALL HANDS FIRE EQUIPMENT LLC	PFD / Vests	1,103.22	
AMERICAN WEAR INC	October rags for Shop use.	975.35	
ARBUS, MAYBRUCH & GOODE LLC C1200016	TWP ATTORNEY - OCT/NOV 2012	7,141.32	
ATLANTIC PLUMBING SUPPLY CORP	October misc plumbing supply	438.23	
BERGEY'S INC	October misc parts for Twp.	242.70	
BLUE SWAN DINER	Hurricane Sandy/DPW Breakfast	203.65	
BULLET LOCK & SAFE CO INC	October misc keys etc.,	126.03	
BURKE CONSTRUCTION INC	STORM CLEAN UP 11/7-11/10/12	106,725.00	
CABLEVISION	Townhall Acc#7866-186654	74.90	
CALABRO, PHIL	Substitute Adult Basketball	26.00	
CLARKE CATON HINTZ C1200013	LITIGATION PLANNING OCT, 2012	74.15	
CLEARVIEW SPRING WATER	October bottled water for Twp.	127.50	
COAST CITIES EQUIP SALES INC	Emission Testing/All Trucks	3,060.00	
COMCAST SPOTLIGHT INC	DHS ADVERTISING OCTOBER	1,480.00	
CRAFT OIL CORP	Mobil grease for Twp vehicles	1,015.71	
DISAKIAS, MARK	Hurricane Sandy/DPW Breaks	209.77	
DOWD, JACQUELINE A	Seminar Fee Reimbursement	10.00	
EAGLE TRUCK EQUIPMENT INC	Lift Pump/72 Scarab Machine	678.85	
FLEETWASH INC	Wash sanitation trucks in/out	967.50	
GARDEN STATE HWY PRODUCTS INC	Chevron Signs/Cold Indian Spr.	680.00	
GILES & RANSOME INC	Tube Assy for Backhoe Cat #55	570.57	
IDEAL LUMBER & SUPPLY CO	October misc lumber & support	21.50	
JIM CURLEY PONTIAC GMC TRUCK	October misc parts for Twp.	1,075.44	
JOHNNY ON THE SPOT INC	NOV ADA UNIT AT PALAIA PARK	110.30	
JOHNSON, JUDI	Textbook Reimbursement	84.00	
LANGUAGE LINE SERVICES	Sept Telephone Interpreting	71.40	
LEE BATTERY SERVICE INC	Sept misc batteries for Twp	560.40	
LERTCH RECYCLING CO	October recycle brush	3,200.68	
LESCO - PROX	White pails of paint/fields	696.00	
LOWES INC	October misc building supplies	179.73	

MEETING MINUTES

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MERCER SPRING AND ALIGNMENT	Main Springs/Mack Dump #87	1,810.82
MID ATLANTIC TRUCK CENTER INC	October misc parts for trucks	51.56
MUNICIPAL RECORD SERVICE	Traffic Summonses 2000	608.00
NJ STATE HEALTH BENEFITS FUND	November Health Ins Premium	174,518.41
NORCIA CORP	October misc parts for Twp.	4,175.05
NORTH AMERICAN PIPELINE	Flushing&vacuuming/sewer lines	6,000.00
OAKHURST PIZZA & RESTAURANT	Hurricane Sandy/Lunch DPW	250.00
OCEANSIDE SERVICE INC	Harvest Assembly/Ice Mch/Roads	738.00
OLD DOMINION BRUSH CO	Gear tooth/Leaf Mch #64	1,328.00
REALTY APPRAISAL CO	2012 ADDED ASSESSMENTS-APPRAIS	5,625.00
RUDERMAN & GLICKMAN PC C1200001	OCT 2012 LABOR RELATIONS ATTY	13,982.00
RUTGERS, THE STATE UNIVERSITY	Rutgers HR Workshop 12/5/2012	495.00
SANITATION EQUIPMENT CORP	October misc truck parts	736.38
SEA BREEZE FORD INC	October misc parts for Twp.	1,337.63
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - OCT 2012	30.75
SEABOARD WELDING SUPPLY INC	October propane/patch truck	595.90
SEACOAST CHEVROLET OLDSMOBILE	October misc parts for Twp	2,596.77
SNAP-ON INDUSTRIAL	Powdered Parts cleaner/Garage	168.71
SPRINT PO MANAGEMENT	Service Sept 27 to Oct 26	49.99
STAVOLA ASPHALT CO INC	October 2nd half patch program	146.16
STORR TRACTOR CO	Radiator for #4 Toro Mower	1,137.93
SUNSET FARM MARKET	October misc supplies for Twp	39.96
THE BANK OF NEW YORK	MON CTY IMPROV AUTH BOND/INT	945,047.35
TONKS'S USED OIL FILTER DISP	Removal of Used Oil Filters	100.00
TOWNE HARDWARE	October misc maint. supplies	433.38
TREASURER COUNTY OF MONMOUTH	October dumping fees	43,503.87
TREASURER STATE OF NJ	Registration underground tanks	150.00
TREE TRIMMING & REMOVAL INC	EMERGENCY TREE SVC 11/2-11/10	60,850.00
TRONOLONE, JOHN	Supervisor - Adult Volleyball	108.00
US 1 AUTO PARTS	October misc parts for Twp	399.53
VALLEYCREST GOLF COURSE MAINT C1200012	NOVEMBER 2012 CTGC	23,197.33
VEHICLE TRACKING SOLUTIONS	Monthly service contract	799.60
VERIZON	BROADBAND SERVICES 10/12	511.51
VERIZON BUSINESS FIOS	Library FIOS #7325314664647	166.60
<u>Total</u>		1,423,930.43
<u>Total 2012 Current Fund Appropriations Payments</u>		<u>1,423,930.43</u>
<u>General Capital Payments</u>		
ARBUS, MAYBRUCH & GOODE LLC	LEGAL SVS-WHALEPOND VILLAGE	1,207.00
HIMELMAN, WERTHEIM&GELLER,LLC	DEPOSIT-WHALEPOND VILLAGE	362,500.00
MC LAUGHLIN STAUFFER & SHAKLEE	ORD:2190 LEGAL SERVICES 10/12	1,468.80
<u>Total</u>		365,175.80
<u>Total General Capital Payments</u>		<u>365,175.80</u>
<u>Grants Payments</u>		
NJ STATE HEALTH BENEFITS FUND	November Health Ins Premium	3,549.00
NJ STATE SAFETY COUNCIL	Def Driving Clas/Certification	485.00
<u>Total</u>		4,034.00
<u>Total Grants Payments</u>		<u>4,034.00</u>
<u>TORTA Payments</u>		
EDNA BABAD	Program Fees Refund	60.00
IRELAND, STEVE	REIMBURSE FUNDS FOR CTML EVENT	515.30
TRONOLONE, JOHN	SUPERVISOR FOR JV GYM PROG.	130.00
TWP OF OCEAN PAYROLL ACCOUNT	Torta Programs	762.50
<u>Total</u>		1,467.80
<u>Total TORTA Payments</u>		<u>1,467.80</u>

Trust Other Payments

REDMOND, KEVIN II	Township Share Scibal Ck#50188	1,620.00
TWP OF OCEAN CURRENT FUND	Special Duty Admin & Car Fees	1,132.50
TWP OF OCEAN PAYROLL ACCOUNT	Deferred Vacation	5,898.44
<u>Total</u>		8,650.94
<u>Total Trust Other Payments</u>		<u>8,650.94</u>

Total Bill List for November 21, 2012

Appropriation Reserve Total	<u>12,055.00</u>
Current Fund Total	<u>1,423,930.43</u>
General Capital Fund Total	<u>365,175.80</u>
State & Federal Grant Total	<u>4,034.00</u>
Law Enforcement Trust Total	
TORTA Total	<u>1,467.80</u>
Trust Other Total	<u>8,650.94</u>
Animal Control Total	
Bid Deposit Refund	
State Unemployment Trust	
Trust Assessment Fund	
Total of All Funds	<u>1,815,313.97</u>

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Evans	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 for those in which a conflict exists:
Burke Construction, Inc.

RESOLUTIONS:

12-182 Authorize the execution of a contract with K. Hovnanian for the purchase of Whalepond Village

WHEREAS, K. Hovnanian at Ocean Township, Inc. is the owner of Block 1.02, Lot 21.02, commonly known as Whalepond Village, 400 Stacey Drive; and

WHEREAS, Whalepond Village consists of ninety-six (96) age and income restricted rental apartment units located in three (3) buildings; and

WHEREAS, the Township of Ocean and K. Hovnanian at Ocean Township, Inc. entered into a Stipulation of Settlement agreement dated February 26, 1992 in which the Township was granted a Right of First Refusal to purchase this parcel in the event that K. Hovnanian desired to sell the parcel to a third party;

WHEREAS, on March 30, 2012 K. Hovnanian notified the Township that it had received a bona fide third party offer to purchase the Whalepond Village complex for a price of \$7,000,000.00; and

WHEREAS, the proposed purchaser intended to eliminate the income and rent restrictions on the ninety-six (96) rental apartment units on March 1, 2014 as permitted by the New Jersey Housing and Mortgage Finance Agency; and

WHEREAS, the proposed purchaser later increased its offer to \$7,250,000.00; and

WHEREAS, the Township wishes to exercise its Right of First Refusal, purchase Whalepond Village at a cost of \$7,125,000.00, and preserve the age, income and rent restrictions on the ninety-six (96) apartment units; and

WHEREAS, the Purchase and Sale Agreement provides the Township with a sixty (60) day period for due diligence and further requires a \$362,500.00 deposit; and

WHEREAS, the Director of Finance has certified that there are available sufficient funds for the deposit for said purchase in Ordinance #2190, account # C-04-55-938-995; and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey hereby authorizes the Mayor, Township Manager and Municipal Clerk to execute the Purchase and Sale Agreement with K. Hovnanian at Ocean Township, Inc. to purchase Whalepond Village, Block 1.02, Lot 21.02, commonly known as 400 Stacey Drive at a cost of \$7,125,000.00

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to:

1. Director of Finance
2. Township Attorney
2. K. Hovnanian at Ocean Township, 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
Opposed					
Not Voting/Recuse					
Absent/Excused		X	X		

12-183 Authorize a Professional Services contract with Gagliano & Company to provide appraisal services for 32-units at Poplar Village

WHEREAS, the Township wishes to execute a contract with a licensed appraiser to perform appraisal services on 32 apartment units within the Poplar Village Apartment Complex; 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. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-To Play Law; and

WHEREAS, the Township solicited proposals for said services and received a reply from Gagliano & Company, Shrewsbury, NJ to perform said services at a cost not to exceed \$4,750.00; and

WHEREAS, the Township Manager has recommended that the Township enter into a contract with Gagliano & Company, Shrewsbury, NJ for said appraisal services at a cost not to exceed \$4,750.00; and

WHEREAS, the Township Manager has determined that the value of the services Gagliano & Company, Shrewsbury, NJ will provide to the Township will not exceed \$17,500.00 for the calendar year 2012; and

WHEREAS, the firm of Gagliano & Company, Shrewsbury, NJ will be required to complete and submit the required Business Entity Disclosure Certification and C.271 Political Contribution Disclosure Form, which certifies that the firm of Gagliano & Company has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous year, and that the contract will prohibit the firm of Gagliano & Company 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 said services, not to exceed \$4,750.00 in the Tax Assessor Contract Services budget, account #1-01-20-710-247; 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 of the Township of Ocean, County of Monmouth, State of New Jersey that authorization is hereby given to the Township Manager to enter into a contract with Gagliano & Company, Shrewsbury, NJ at a cost not to exceed \$4,750.00, in accordance with their proposal.

BE IT FURTHER RESOLVED that a notice of this action shall be published according to law; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to:

1. Director of Finance
2. Township Manager
3. Gagliano & Company

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X	X		

Council Reports:

Deputy Mayor Siciliano, Councilmember Schepiga wished everyone a Happy Thanksgiving.

PUBLIC COMMENTS:

Brian Lefferson noticed that the Township paid approximately \$46,000.00 for the maintenance of Colonial Terrace Golf Course. Why so high?

Andrew Brannen, Township Manager, stated that it was for two months, \$23,000 per month.

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

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
Opposed					
Not Voting/Recuse					
Absent/Excused		X			

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Municipal Clerk