

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

**DECEMBER 11, 2012**

**OAKHURST, NEW JERSEY**

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

**Present:** Mayor Larkin  
Deputy Mayor Siciliano  
Councilmember(s) Evans, Garofalo and Schepiga

**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 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 December 6, 2011 and revised on December 3, 2012.

**NOTICE:**

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

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**SWEARING-IN CEREMONY: James Kelesidis  
Police Sergeant**

Mayor Larkin swore-in Police Officer James Kelesidis to the position of Sergeant.

Police Chief Steven Peters discussed Sergeant Kelesidis's vast experience as a dispatcher, Special Police Officer, an Officer in the Special Assignment Unit and since January 2010 as a Detective in the Criminal Investigation Unit.

Sergeant Kelesidis thanked the Governing Body and Chief Peters for the trust they have placed in him. Sergeant Kelesidis went on to say that he has been very privileged to work with very qualified officers, all of which have taught him so much.

**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 COMENTS:**

**Don Geiger** inquired as follows:

- Vouchers – including payments to the Board of Fire Commissioners, Cablevision, Central Towing & Recovery, Diamond M. Lumber, Edwards Tire, Giles & Ransome, Inc., Gill Associates, Joseph Fazzio Wall, LLC, Lesco-Prox, Main Electric Supply Co., New Jersey League of Municipalities, Quality Star Freightline, Recreonics, Inc., Rutgers, Shi International, Sissco Material Handling Equipment, Peter Sparrock, The English Manor, Trident Abstract, United Cleaning Contractors, Virtual F/X, Ebsco Subscription Service, AR Communications, GovConnections and Leon S. Avakian, Inc.

- Why was the December 27, 2012 meeting added?

Andrew Brannen, Township Manager, explained that the meeting was needed to pay 2012 bills and for various appointments

- Resolution 12-195 Is there a need for these vehicles?

Mr. Brannen said that these vehicles will be used as non-essential police vehicles, not for the patrol division

- Is the Township being reimbursed for their storm expenditures?

Mr. Brannen said the Township would be reimbursed.

**Brian Lefferson** inquired as follows:

- Resolution #12-192 - why would some of these minutes not be released?

Mr. Brannen said that if the item is still ongoing, the item would not be released.

- Resolution #12-200 – what work is being done

Mr. Brannen stated they will be performing a survey and Phase I Environmental Assessment.

- Resolution #12-207 – what happens if the costs exceed the \$458,940.00?

Mr. Brannen responded that the Township was done with this service and the contractor named in Resolution #12-208 will assist the Township in the removal of the collected material.

### **CONSENT AGENDA:**

#### **MINUTES:**

October 17, 2012 – Workshop, Public and Closed Meeting

November 9, 2012 – Special Public and Closed Meeting

November 21, 2012 – Special Public Meeting

#### **RESOLUTIONS:**

**12-184 Authorize a Stormwater Management Easement Agreement for the following:**

**a. Block 17, Lot 39.01 – 304 Garfield Avenue – Elliot Elo**

**WHEREAS**, the Township has approved a development project on Block 17, Lots 36, 37.01 & 39 also known as 304 Garfield Avenue; and

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

**WHEREAS**, Elliot Elo has posted cash performance guarantees totaling \$4,590.00 along with engineering inspection fees totaling \$1,965.00 and the required certificate of insurance; and

**WHEREAS**, the Escrow Fund for Stormwater Management will be addressed under a separate resolution.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Elliot Elo

**12-185 Authorize the Release of Tree Replacement Funds for the following:**

**a. Block 140, Lot 1.09 – 731 Highway 35 – Ocean 35 Developers, LLC**

**WHEREAS**, the Township Council of the Township of Ocean granted the release of the performance guarantees posted by Ocean 35 Developers, LLC by way of Resolution No. 12-059f dated April 18, 2012 for Block 140, Lot 109 located at 731 Highway 35; and

**WHEREAS**, after the approval of Resolution No. 12-059f, it was determined that a condition noted in the release letter submitted by Gregory S. Blash, P.E., representing the Township Engineer stating that Ocean 35 Developers, LLC was to make a payment of \$8,000.00 to the Township of Ocean for tree replacement was omitted from the conditions of release noted in Resolution No. 12-059f; and

**WHEREAS**, the Township Council of the Township of Ocean by way of Resolution No. 12-082a dated June 12, 2012 authorized Ocean 35 Developers, LLC to submit the payment of \$8,000.00 for tree replacement on property known as Block 140, Lot 109 located at 731 Highway 35; and

**WHEREAS**, Ocean 35 Developers, LLC has heretofore deposited with the Township of Ocean \$8,000.00 in the Tree Replacement Fund for Block 140, Lot 109 located at 731 Highway 35; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 12, 2012, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the Township's Landscaping Consultant has inspected the property and said representative of the Township Engineer advises that the trees have been replaced and recommends the release of the Tree Replacement Funds.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the monies posted in the Tree Replacement Fund in the amount of \$8,000.00 for Block 140, Lot 109 located at 731 Highway 35 is hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** that a copy of the 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. Ocean 35 Developers, LLC

**12-186 Authorize the Release of Performance Guarantees for the following:****a. Block 25, Lot 33 – 395 Deal Road – Congregation Magen David of West Deal, 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 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 March 21, 2012 with Congregation Magen David of West Deal, Inc. for Site Plan Approval to construct a 2,757 square foot addition to the existing Youth Center, along with landscaping for property known as Block 25, Lot 33 located at 395 Deal Road; and

**WHEREAS**, Congregation Magen David of West Deal, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$43,920.00 in the form of Cash to guarantee the completion of all improvements on premises known as Block 25, Lot 33 located at 395 Deal Road; and

**WHEREAS**, the Township Clerk is in receipt of a letter from Ken Himsel, on behalf of Congregation Magen David of West Deal, 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 November 27, 2012 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 \$43,920.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$5,490.00 and 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. Congregation Magen David of West Deal, Inc.
6. Ken Himsel

**b. Block 33.33, Lot 6 – 1806 Bellmore Avenue – Marcelo Gruberg**

**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 July 6, 2011 with Marcelo Gruberg for Site Plan and Bulk Variance Approval

to construct a 1,061 square foot addition to a small office building, expand the parking lot and provide ADA access to the building for property known as Block 33.33, Lot 6 located at 1806 Bellmore Street; and

**WHEREAS**, Marcelo Gruberg has heretofore deposited with the Township of Ocean performance guarantees totaling \$45,120.00 in the form of Cash to guarantee the completion of all improvements on premises known as Block 33.33, Lot 6 located at 1806 Bellmore Street; and

**WHEREAS**, the Township Clerk is in receipt of a letter from Mark Gruberg, on behalf of Marcelo Gruberg, 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 November 27, 2012 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 \$45,120.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$5,640.00 and 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. Marcelo Gruberg

**c. Block 105, Lot 21 – 1306 Maple Avenue – Walter J. Clifford**

**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**, Walter J. Clifford has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$3,888.00 to guarantee the completion of all improvements on premises known as Block 105, Lot 21 also known as 1306 Maple Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends the acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% (\$1,620.00) of the cost of the improvements and any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the performance guarantees totaling \$3,888.00 are hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,620.00) of the cost of the improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Walter J. Clifford

**d. Block 141, Lot 7 – 810 Highway 35 – Steven Schmelz/Seaview Jeep**

**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 May 16, 2011 with Steven Schmelz t/a Seaview Jeep for Bulk Variance, Expansion of a Conditional Use Variance and Minor Site Plan Approvals to modify the front façade of the existing building, including a slight expansion of the front façade and a change in signage, construct a minor expansion on the southwest side of the building and construct an ADA compliant ramp on the south side of the building for property known as Block 141 Lot 7 located at 810 Highway 35; and

**WHEREAS**, Steven Schmelz has heretofore deposited with the Township of Ocean performance guarantees totaling \$97,800.00 in the form of Letter of Credit No. 20004684 issued by TD Bank in the amount of \$88,020.00 and cash in the amount of \$9,780.00 to guarantee the completion of all improvements on premises known as Block 141, Lot 7 located at 810 Highway 35; and

**WHEREAS**, the Township Clerk is in receipt of a letter from Edward Roy Rosen, Esq., on behalf of Steven Schmelz, 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 November 27, 2012 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 \$97,800.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$12,225.00 and 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. Steven Schmelz/Seaview Jeep
6. Edward Roy Rosen, Esq.

**e. Block 203, Lot 16 – 1217 Allenhurst Avenue – Nancy Weldon**

**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**, Nancy Weldon has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$4,464.00 to guarantee the completion of all improvements on premises known as Block 203, Lot 16 also known as 1217 Allenhurst Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed and said representative of the Township Engineer recommends that acceptance of same and the release of the aforementioned cash performance guarantee subject to the posting of a maintenance guarantee in the amount of 15% (\$1,860.00) of the cost of the improvements and any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, P.E. and the performance guarantees totaling \$4,464.00 are hereby released, canceled and discharged.

**BE IT FURTHER RESOLVED** by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,860.00) of the cost of improvements and payment of any outstanding engineering and administrative fees; and

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Nancy Weldon

**f. Block 33, Lot 22 – 1631 Highway 35 – 1631 Highway 35, LLC**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated November 8, 2001 with 1631 Highway 35, LLC for preliminary and final site plan approval, bulk variance approval and floor area ratio approval to expand the existing warehouse area of Ocean Dinettes, improve the rear of the lot with landscaping and to add additional parking spaces to the business parking lot for Block 33, Lot 22 located at 1631 Highway 35; and

**WHEREAS**, 1631 Highway 35, LLC posted cash performance guarantees totaling \$4,537.89, which was reduced to a total of \$1,361.37 by resolution dated May 15, 2003, to

guarantee the completion of all improvements on premises known as Block 33, Lot 22 located at 1631 Highway 35; and

**WHEREAS**, the Township Council by way of resolution dated November 9, 2012 entered into a Stipulation and Consent Order Agreement with Charles Stanziale, Jr., Esq., as Chapter 11 Trustee (hereinafter "Trustee") for Solomon Dwek, pertaining to the turnover and release of funds held in escrow by the Township of Ocean; and

**WHEREAS**, 1631 Highway 35, LLC is listed as Count 1 on the Stipulation and Consent Order; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash performance guarantees posted by 1631 Highway 35, LLC in the amount of \$1,367.37 is hereby released, canceled and discharged, with fifty percent (50%) (\$680.68) of the funds paid to the Township of Ocean and fifty percent (50%) (\$680.69) of the funds paid to the Trustee together with any and all interest, if any, that accrued since the settlement.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Charles Stanziale, Jr., Esq.

**g. Block 25.34, Lot 2 – Office Building – Brookside Avenue & Monmouth Road – Monmouth Plaza, LLC**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated October 4, 2000 with Monmouth Plaza, LLC for preliminary and final site plan approval with bulk variances and minor subdivision approval to construct a general office building on Block 25.34, Lot 2 located at the intersection of Brookside Avenue and Monmouth Road; and

**WHEREAS**, Monmouth Plaza, LLC posted cash performance guarantees totaling \$19,131.66, which was reduced to \$6,812.30 (inclusive of interest) by resolution dated April 25, 2001, to guarantee the completion of all improvements on premises known as Block 25.34, Lot 2 located at the intersection of Brookside Avenue and Monmouth Road; and

**WHEREAS**, the Township Council by way of resolution dated November 9, 2012 entered into a Stipulation and Consent Order Agreement with Charles Stanziale, Jr., Esq., as Chapter 11 Trustee (hereinafter "Trustee") for Solomon Dwek, pertaining to the turnover and release of funds held in escrow by the Township of Ocean; and

**WHEREAS**, Monmouth Plaza, LLC is listed as Count 4 on the Stipulation and Consent Order; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash performance guarantees posted by Monmouth Plaza, LLC in the amount of \$6,812.30 is hereby released, canceled and discharged, with fifty percent (50%) (\$3,406.15) of the funds paid to the Township of Ocean and fifty percent (50%) (\$3,406.15) of the funds paid to the Trustee together with any and all interest, if any, that accrued since the settlement.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development

4. Construction Official
5. Charles Stanziale, Jr., Esq.

**h. Block 25.34, Lot 2 – Right of Way Improvements – Brookside Avenue & Monmouth Road – Monmouth Plaza, LLC**

**WHEREAS**, Monmouth Plaza, LLC posted cash performance guarantees totaling \$2,630.20 and cash inspection fees of \$780.50 by way of resolution dated June 29, 2000 for the installation of all right of way improvements for Block 25.34, Lot 2 located at the corner of Brookside Avenue and Monmouth Road; and

**WHEREAS**, the Township Council by way of resolution dated November 9, 2012 entered into a Stipulation and Consent Order Agreement with Charles Stanziale, Jr., Esq., as Chapter 11 Trustee (hereinafter "Trustee") for Solomon Dwek, pertaining to the turnover and release of funds held in escrow by the Township of Ocean; and

**WHEREAS**, Monmouth Plaza, LLC is listed as Count 4 on the Stipulation and Consent Order; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash performance guarantees posted by Monmouth Plaza, LLC in the amount of \$2,630.20 and cash inspection fees of \$780.50 are hereby released, canceled and discharged, with fifty percent (50%) (\$1,705.35) of the funds paid to the Township of Ocean and fifty percent (50%) (\$1,705.35) of the funds paid to the Trustee together with any and all interest, if any, that accrued since the settlement.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Charles Stanziale, Jr., Esq.

**i. Block 25.01, Lot 12 – 55 Idlewood Avenue – Solomon Dwek/Brick Lots, LLC**

**WHEREAS**, the Township Council accepted cash performance guarantees and inspection fees by way of resolution dated March 13, 2002 for a single family home on Block 25.01, Lot 12 located at 55 Idlewood Avenue; and

**WHEREAS**, Solomon Dwek/Brick Lots, LLC posted cash performance guarantees totaling \$2,256.30 and inspection fees of \$135.63, to guarantee the completion of all improvements on premises known as Block 25.01, Lot 12 located at 55 Idlewood Avenue; and

**WHEREAS**, the Township Council by way of resolution dated November 9, 2012 entered into a Stipulation and Consent Order Agreement with Charles Stanziale, Jr., Esq., as Chapter 11 Trustee (hereinafter "Trustee") for Solomon Dwek, pertaining to the turnover and release of funds held in escrow by the Township of Ocean; and

**WHEREAS**, Solomon Dwek/Brick Lots, LLC is listed as Count 8 on the Stipulation and Consent Order; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash performance guarantees in the amount of \$2,256.30 and cash inspection fees of \$135.63 posted by Solomon Dwek/Brick Lots, LLC are hereby released, canceled and discharged, with fifty percent (50%) (\$1,195.96) of the funds paid to the Township of Ocean and fifty percent (50%) (\$1,195.97) of the funds paid to the Trustee together with any interest, if any, that accrued since the settlement.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Charles Stanziale, Jr., Esq.

**j. Block 34, Lot 16 – 1800 Highway 35 – 1800 Highway 35, LLC**

**WHEREAS**, 1800 Highway 35, LLC posted cash re-zoning review fees in the amount of \$4,771.95 for Block 34, Lot 16 located at 1800 Highway 35; and

**WHEREAS**, the Township Council by way of resolution dated November 9, 2012 entered into a Stipulation and Consent Order Agreement with Charles Stanziale, Jr., Esq., as Chapter 11 Trustee (hereinafter “Trustee”) for Solomon Dwek, pertaining to the turnover and release of funds held in escrow by the Township of Ocean; and

**WHEREAS**, 1800 Highway 35, LLC is listed as Count 2 on the Stipulation and Consent Order; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash re-zoning review fees in the amount of \$4,771.95 posted by 1800 Highway 35, LLC is hereby released, canceled and discharged, with fifty percent (50%) (\$2,385.97) of the funds paid to the Township of Ocean and fifty percent (50%) (\$2,385.98) of the funds paid to the Trustee together with any and all interest, if any, that accrued since the settlement.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Charles Stanziale, Jr., Esq.

**k. Block 152, Lot 1 & Block 153, Lot 73 – Center Street – Nobility Crest at Ocean, LLC**

**WHEREAS**, the Township Council did authorize and enter into a Developer’s Agreement dated November 5, 2003 with Nobility Crest at Ocean, LLC for preliminary and final site plan approval with variances for property known as Block 152, Lot 1 and Block 153, Lot 73 located at Center Street to construct a 120 unit senior residential facility; and

**WHEREAS**, Nobility Crest at Ocean, LLC posted performance guarantees totaling \$1,429,335.12 by way of Performance Bond No. 5007576 issued by Safeguard Insurance Company in the amount of \$1,286,401.61 and cash in the amount of \$142,933.51, which was reduced to a total of \$428,800.54 by resolution dated March 22, 2006 to guarantee the completion of all improvements on premises known as Block 152, Lot 1 and Block 153, Lot 73 located at Center Street; and

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

**WHEREAS**, Nobility Crest at Ocean, LLC, its successors or assigns, has entered into a contract to transfer, sell or otherwise assign its interest in the property known as Block 152, Lot 1 and Block 153, Lot 73 located at Center Street; and

**WHEREAS**, the Township Council by way of resolution dated October 17, 2012 authorized the assignment of developer's agreement from Nobility Crest at Ocean, LLC to Amboy Bank; and

**WHEREAS**, Amboy Bank has posted the proper performance guarantees, inspection fees and certificate of insurance; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth that it does hereby authorize the full release of the performance guarantees heretofore posted by Nobility Crest at Ocean, LLC for Block 152, Lot 1 and Block 153, Lot 73 located at Center Street.

**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. Nobility Crest at Ocean, LLC
6. Safeguard Insurance Company

**12-187 Authorize the Release of Maintenance Guarantees for the following:**

**a. Block 1.05, Lot 7 – 42 Cindy Lane – Lee Hoffman**

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

**WHEREAS**, the Township did authorize and enter into a developer's agreement dated December 26, 2001 with M & H Realty for preliminary and final site plan with variances to add 36 parking spaces and increase the office space of the existing 30,390 square foot building to 10,000 square feet, 5,000 square feet for a new non-retail pharmacy and 15,000 square feet to be used for warehouse space for Block 1.05, Lot 7 located at 42 Cindy Lane; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$16,758.11 maintenance bond by way of resolution dated October 4, 2006; and

**WHEREAS**, the Township Council by way of resolution dated January 7, 2008 accepted a cash maintenance bond in the amount of \$16,758.11 from Lee Hoffman the new owner of Block 1.05, Lot 7 located at 42 Cindy Lane to cover all improvements constructed under the original performance guarantee and address the repairs to the trash enclosure during the maintenance period; and

**WHEREAS**, Louis J. Lobosco, P.E., P.P., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$16,758.11 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance

3. Director of Community Development
4. Construction Official
5. Lee Hoffman

**b. Block 1.05, Lots 8 & 9 – Cindy Lane – R & S Realities, LLC**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement date June 23, 2004 with R and S Realities, LLC c/o Raymond S. Catena for site plan and variance approvals to expand vehicle storage use onto an adjacent site described as Block 1.05, Lots 8 & 9 located at Cindy Lane; and

**WHEREAS**, R & S Realities, LLC posted performance guarantees totaling \$96,317.64, in the form of Performance Bond No. 0387150 issued by International Fidelity Insurance Company in the amount of \$86,685.88 and cash in the amount of \$9,631.76 to guarantee the completion of all improvements on premises known as Block 1.05, Lots 8 & 9 located at Cindy Lane; and

**WHEREAS**, the Township Council did authorize the release of the performance guarantees and acceptance of a \$12,039.71 maintenance bond by way of resolution dated June 14, 2010; and

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

**WHEREAS**, R & S Realities, LLC has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$12,039.71 for Block 1.05, Lots 8 & 9 located at Cindy Lane; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$12,039.71 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. R & S Realities, LLC
6. International Fidelity Insurance Company

**c. Block 1.05, Lot 9 – Cindy Lane/Phase IIb – R & S Realty, LLC/Ray Catena Lexus of Monmouth**

**WHEREAS**, the Township did authorize and enter into a developer's agreement dated April 23, 2003 with R & S Realty, LLC/Ray Catena Lexus of Monmouth for site plan and variance approvals to change the use of the existing improved building from car storage to a combination of office space, car service and car storage described as Block 1.05, Lot 9 located at Cindy Lane (Phase IIb); and

**WHEREAS**, R & S Realty, LLC/Ray Catena Lexus of Monmouth has heretofore deposited with the Township of Ocean cash performance guarantees totaling \$7,326.00 to

guarantee the completion of all improvements on premises known as Block 1.05, Lot 9 located at Cindy Lane (Phase IIb); and

**WHEREAS**, the Township Council did authorize the release of the performance guarantees and acceptance of a \$915.75 maintenance bond by way of resolution dated June 14, 2010; and

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

**WHEREAS**, R & S Realty, LLC/Ray Catena Lexus of Monmouth has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$915.75 for Block 1.05, Lot 9 located at Cindy Lane (Phase IIb); and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$915.75 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. R and S Realties, LLC
6. International Fidelity Insurance Company

**d. Block 1.05, Lot 9 – Cindy Lane/Phase I – R & S Realty, LLC/Ray Catena Lexus**

**WHEREAS**, the Township did authorize and enter into a developer's agreement dated April 23, 2003 with R & S Realty, LLC/Ray Catena Lexus of Monmouth for site plan and variance approvals to change the use of the existing improved building from car storage to a combination of office space, car service and car storage described as Block 1.05, Lot 9 located at Cindy Lane (Phase IIb); and

**WHEREAS**, R & S Realty, LLC/Ray Catena Lexus of Monmouth has heretofore deposited with the Township of Ocean cash performance guarantees totaling \$7,326.00 to guarantee the completion of all improvements on premises known as Block 1.05, Lot 9 located at Cindy Lane (Phase IIb); and

**WHEREAS**, the Township Council did authorize the release of the performance guarantees and acceptance of a \$915.75 maintenance bond by way of resolution dated June 14, 2010; and

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

**WHEREAS**, R & S Realty, LLC/Ray Catena Lexus of Monmouth has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$915.75 for Block 1.05, Lot 9 located at Cindy Lane (Phase IIb); and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$915.75 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. R and S Realties, LLC
6. International Fidelity Insurance Company

**e. Block 13, Lot 2.01 & 2.02 – 232 & 234 Elberon Blvd – Braha Brothers, LLC**

**WHEREAS**, the Township did authorize and enter into a developer's agreement dated July 5, 2006 with Ralph Braha/Braha Elberon, LLC/Braha Brothers, LLC for a minor subdivision with variances to remove the existing dwellings and subdivide the existing parcel to create two (2) new lots for certain property known as Block 13, Lot 2 located at 234 Elberon Boulevard; and

**WHEREAS**, Ralph Braha/Braha Elberon, LLC/Braha Brothers, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$23,988.90 in the form of cash to guarantee the completion of all improvements on premises known as Block 13, Lot 2 located at 234 Elberon Boulevard; and

**WHEREAS**, the Township Council did authorize the release of the performance guarantees and acceptance of \$2,998.61 by way of resolution dated October 7, 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 completed by the Township Engineer; and

**WHEREAS**, Ralph Braha/Braha Elberon, LLC/Braha Brothers, LLC has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$2,998.61 for Block 13, Lot 2 located at 234 Elberon Boulevard; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$2,998.61 is hereby released, canceled and discharged.

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

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

## 5. Ralph Braha/Braha Elberon, LLC/Braha Brothers, LLC

**f. Block 33.01, Lot 8 – 537 West Lincoln Avenue – Mimma Maggio**

**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**, Mimma Maggio has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$2,835.00 on premises known as Block 33.01, Lot 8 also known as 537 West Lincoln Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantees in the amount of \$2,835.00 are hereby released, canceled and discharged in accordance with the recommendation of the Township Engineer 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 Finance
3. Director of Community Development
4. Construction Official
5. Mimma Maggio

**g. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Hillel School of the Shore Area, Inc.**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated June 9, 2004 with the Hillel School of the Shore Area, Inc./Hillel Yeshiva for a conditional use variance to enclose an outdoor playground, modify the entrance and parking areas of Poplar Place and Deal Road including chain link fences, gates and a guardhouse for the property known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and

**WHEREAS**, Hillel School of the Shore Area, Inc./Hillel Yeshiva posted performance guarantees totaling \$72,723.06 in the form of Performance Bond #FP0010079 issued by First Indemnity of America Insurance Company in the amount of \$65,450.75 and cash in the amount of \$7,272.31, which was reduced to a total of \$46,076.94 by resolution dated February 8, 2006, to guarantee the completion of all improvements on premises known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$9,093.38 maintenance bond by way of resolution dated October 8, 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 completed by the Township Engineer; and

**WHEREAS**, Hillel School of the Shore Area, Inc./Hillel Yeshiva has heretofore deposited with the Township a maintenance guarantee in the amount of \$9,093.38 for the property known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$9,093.38 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 Finance
3. Director of Community Development
4. Construction Official
5. Hillel School of the Shore Area, Inc./Hillel Yeshiva
6. First Indemnity of America Insurance Company

**h. Block 34.03, Lots 2 & 2.01 – 1025 Deal Road – Hillel School of the Shore Area, Inc.**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated December 18, 1996 with the Hillel School of the Shore Area, Inc. for site plan approval with bulk variances to construct a three (3) story , 35,363 foot addition to the building, the addition of a freestanding classroom trailer on the east side of the building, the addition of 90 parking spaces, the reconfiguration of the bus staging area, the expansion of a play area along the Deal Road frontage, together with numerous related site and traffic circulation improvements for the property known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and

**WHEREAS**, Hillel School of the Shore Area, Inc. posted performance guarantees totaling \$447,115.80 in the form of Performance Bond No. 960632 issued by International Fidelity Insurance Company in the amount of \$402,404.22 and cash in the amount of \$44,711.58, which was reduced to a total of \$134,134.74 by resolution dated September 14, 2005, to guarantee the completion of all improvements on premises known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$55,899.48 maintenance bond by way of resolution dated October 19, 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 completed by the Township Engineer; and

**WHEREAS**, Hillel School of the Shore Area, Inc. has heretofore deposited with the Township a maintenance guarantee in the amount of \$55,899.48 for the property known as Block 34.03, Lots 2 and 2.01 located at 1025 Deal Road; and

**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 \$55,899.48 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 Finance
3. Director of Community Development
4. Construction Official
5. Hillel School of the Shore Area, Inc.
6. International Fidelity Insurance Company

**i. Block 33, Lot 26 – 1639 Highway 35 – Somerset Tire Service**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated September 2, 1992 with Somerset Tire Service for preliminary and final site plan approval for Block 33, Lot 26 located at 1639 Highway 35; and

**WHEREAS**, Somerset Tire Service posted performance guarantees totaling \$61,429.20 in the form of Performance Bond #OA10081206 issued by Atlantic Alliance Fidelity and Surety Company in the amount of \$55,286.00 and cash in the amount of \$6,143.00, which was reduced to a total of \$18,428.76 by resolution dated December 4, 1996, to guarantee the completion of all improvements on premises known as Block 33, Lot 26 located at 1639 Highway 35; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$9,214.00 maintenance bond by way of resolution dated May 18, 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 completed by the Township Engineer; and

**WHEREAS**, Somerset Tire Service has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$9,214.00 for Block 33, Lot 26 located at 1639 Highway 35; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 recommend 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 \$9,214.00 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Somerset Tire Service
6. The Guarantee Company of North America USA

**j. Block 40, Lots 1, 2, 32 & 111 – Roseld Avenue/Phase II – Hollywood Golf Club**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated November 29, 2006 with Hollywood Golf Club for site plan and variance approvals for Phase II for the construction of the new tennis pro shop, construction of various buildings, sheds, building expansions, seasonal staff quarters, a new maintenance barn with an attached pump house and construction of a small pre-fabricated storage building for Block 40, Lots 1, 2, 32 and 111 located at Roseld Avenue; and

**WHEREAS**, Hollywood Golf Club posted performance guarantees totaling \$20,880.00 in the form of Letter of Credit No. 132192060087 issued by Commerce Bank in the amount of \$18,792.00 and cash in the amount of \$2,088.00 to guarantee the completion of all improvements on premises known as Block 40, Lots 1, 2, 32 & 111 located at Roseld Avenue; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$2,610.00 maintenance bond by way of resolution dated October 7, 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 completed by the Township Engineer; and

**WHEREAS**, Hollywood Golf Club has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$2,610.00 for Block 40, Lots 1, 2, 32 & 111 located at Roseld Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$2,610.00 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Hollywood Golf Club

**k. Block 137, Lot 33 – 815 Highway 35 – Douglas H. & Janet L. Hamann**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated December 17, 1997 with Douglas H. and Janet L. Hamann for preliminary and final site plan approval with variances for use of an existing building for a stain glass studio and sales showroom for Block 137 Lot 33 located at 815 Highway 35; and

**WHEREAS**, Douglas H. and Janet L. Hamann posted performance guarantees totaling \$22,964.70 in the form of Performance Bond No. B164060 issued by Selective Insurance Company of America in the amount of \$20,668.23 and cash in the amount of \$2,296.47 to guarantee the completion of all improvements on premises known as Block 137, Lot 33 located at 815 Highway 35; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$3,445.00 maintenance bond by way of resolution dated October 4, 2006; and

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

**WHEREAS**, Douglas H. and Janet L. Hamann has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$3,445.00 for Block 137, Lot 33 located at 815 Highway 35; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$3,445.00 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Douglas H. & Janet L. Hamann
6. Selective Insurance Company of America

**I. Block 140.18, Lot 8 – 725 Highway 35 – Israel & Sarah Bercovicz**

**WHEREAS**, the Township Council did authorize and enter into a developer's agreement dated December 8, 1995 with Israel and Sarah Bercovicz for site plan with bulk variances and conditional use to utilize a former gas station as an automotive service and repair facility for Block 140.18, Lot 8 located at 721 Asbury Avenue; and

**WHEREAS**, Israel and Sarah Bercovicz posted performance guarantees totaling \$42,093.00 in the form of Performance Bond No. 020535 issued by International Fidelity Insurance Company in the amount of \$37,883.70 and cash in the amount of \$4,209.30 to guarantee the completion of all improvements on premises known as Block 140.18, Lot 8 located at 721 Asbury Avenue; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$6,313.95 maintenance bond by way of resolution dated October 8, 1997; and

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

**WHEREAS**, Israel and Sarah Bercovicz has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$6,313.95 for Block 140.18, Lot 8 located at 721 Asbury Avenue; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$6,313.95 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development

4. Construction Official
5. Israel and Sarah Bercovicz
6. International Fidelity Insurance Company

**m. Block 141, Lots 1 & 23 – Road Configuration, Phase IV & Lowe’s Repair – Seaview Square, LLC**

**WHEREAS**, the Township Council did authorize and enter into a developer’s agreement dated March 12, 2008 with Seaview Square, LLC for site plan and variance approvals for Block 141, Lots 1 and 23, located at 2401 Route 66, Retail “A” – Road Configuration – Phase IV and Lowe’s Repair; and

**WHEREAS**, Seaview Square, LLC posted performance guarantees totaling \$391,200.00 in the form of Performance Bond No. HOIFSU0463063 issued by International Fidelity Insurance Co. in the amount of \$352,080.00 and cash in the amount of \$39,120.00, to guarantee the completion of all improvements on premises known as Block 141, Lots 1 and 23 located at 2401 Route 66; and

**WHEREAS**, the Township Council did authorize the release of performance guarantees and acceptance of a \$48,900.00 maintenance bond by way of resolution dated June 15, 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 completed by the Township Engineer; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 27, 2012, 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 \$48,900.00 is hereby released, canceled and discharged.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Seaview Square, LLC
6. International Fidelity Insurance Company
7. Peter S. Falvo, Jr., Esq.

**12-188 Approve the 2013 Township Council Meeting Schedule**

**WHEREAS**, in accordance with the Open Public Meetings Act, Chapter 231, P.L. 1975, it is necessary for the Township Council of the Township of Ocean to post and maintain a schedule of the meetings of the Township Council that will be held during the year 2013; and

**WHEREAS**, the following meetings will be held by the Township Council of the Township of Ocean for the year 2013:

1. Workshop Meetings – beginning at 5:30 p.m. or as otherwise advertised
2. Public Meetings – beginning at 7:00 p.m. or as otherwise advertised
3. Special Meetings – as needed and advertised according to the requirements of the Open Public Meetings Act.



**MEETING MINUTES****DECEMBER 11, 2012**

August 15, 2013
September 5, 2013
October 3, 2013    Workshop ONLY
October 17, 2013
November 7, 2013
December 5, 2013
December 30, 2013 <b>(Monday)</b> Public Meeting ONLY

**12-189 Authorize a Developers Agreement for the following:****a. Block 34, Lot 14 – 1710 Highway 35 – Selma, LLC**

**WHEREAS**, the Developer (Selma, LLC) is the owner of certain property known as Block 34, Lot 14, as shown on the official tax map of the Township of Ocean which property is located at 1710 Highway 35 in the C-2 (Highway Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

**WHEREAS**, the Developer was granted Site Plan and Variance Approvals from the Township of Ocean Planning Board by way of Resolution dated August 27, 2012 to modify an existing building for the purpose of creating two (2) retail spaces of 11,567 square feet and 8,874 square feet and one (1) mail order space of 21,769 square feet along with significant site improvements; and

**WHEREAS**, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plan for Selma, LLC, Tax Block 34, Tax Lot 14, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc. consisting of ten (10) sheets dated June 29, 2012 and last updated October 25, 2012 and Maps entitled Proposed East Elevation by James Watt, Architect of Watt Architects consisting of four (4) sheets dated August 31, 2012; and

**WHEREAS**, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated October 17, 2012 prepared by the Township 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 Selma, LLC, subject to the following conditions first being met:
  - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
  - b. Posting of Performance Guarantees in the total amount of \$498,000.00 and Inspection Fees in the amount of \$22,250.00

**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. Selma, LLC

5. Rick Brodsky, Esq.

**12-190 Authorize the submission of the following Grants:**

**a. COPS IN SHOPS College Fall Initiative 2012-2013**

**WHEREAS**, there are funds available from the New Jersey Division of Alcoholic Beverage and New Jersey Division of Highway Traffic Safety entitled **COPS IN SHOPS College Fall Initiative 2012-2013**; and

**WHEREAS**, funds are available to cover overtime wages for the Township of Ocean Police Officers to enforce underage drinking laws; and

**WHEREAS**, the Township of Ocean Police Chief has recommended that the Township apply for said Grant; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Township of Ocean, County of Monmouth, and State of New Jersey, that the appropriate officials are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of Grant Funds between the Township of Ocean, County of Monmouth and the New Jersey Division of Alcoholic Beverage Control for the **COPS IN SHOPS College Fall Initiative 2012-2013 Grant**; and

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

1. Director of Finance
2. Chief of Police

**12-191 Authorize the transfer of liquor license #1337-33-013-011, issued to Zvi Berger to Coach's Enterprises, LLC effective December 12, 2012**

**WHEREAS**, Coach's Enterprises, LLC, 1610 Route 35 South, Oakhurst, NJ made application on October 19, 2012 for a Person-to-Person Transfer of Plenary Retail Consumption Liquor License, Number 1337-33-013-011; and

**WHEREAS**, the submitted transfer application is complete in all respects, all appropriate State and Township fees have been paid, and the license has been renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed in accordance with all standards established by Title 33 of the New Jersey Statutes, regulations promulgated hereunder, as well as pertinent local ordinances pertaining to same; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby approve, effective December 12, 2012, the Person-to-Person Transfer of the aforesaid Plenary Retail Consumption License to Coach's Enterprises, LLC and does hereby direct the Municipal Clerk to endorse the license as follows: **"This license, subject to all its terms and conditions, is hereby transferred to Coach's Enterprises, LLC, 1610 Route 35 South, Oakhurst, NJ 07755 effective December 12, 2012**; and

**FURTHER BE IT RESOLVED** that the Municipal Clerk of the Township of Ocean is hereby authorized to change the number of the license to #1337-33-013-012 reflecting this transfer and to so advise the State of New Jersey, Division of Alcoholic Beverage Control

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

1. Mark Aikens, Esq., attorney for Coach's Enterprises, LLC
2. Chief of Police

3. State of New Jersey, Division of Alcoholic Beverage Control

**12-192 Authorize the release of various 2012 Closed Session Minutes (minus those items which will be redacted due to the fact that they are ongoing)**

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

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

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

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

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

**WHEREAS**, the release of the below noted closed session minutes are subject to certain item(s) being redacted prior to the release due to the fact that the matter has not been concluded, and therefore, are not subject to release;

**NOW, THEREFORE BE IT RESOLVED**, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to release the following closed session minutes, subject to any appropriate redaction:

**2012**

October 17, 2012  
November 9, 2012

**12-193 Accept the Performance Guarantee(s) for the following:**

**a. Block 33.02, Lot 2 – 559 Trenton Avenue – Palatial Homes, Inc.**

**WHEREAS**, the Township has approved a development project on Block 33.02, Lot 2 also known as 559 Trenton Avenue; and

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

**WHEREAS**, Palatial Homes, Inc. has posted cash performance guarantees totaling \$4,068.00 along with engineering inspection fees totaling \$1,565.00 and the required certificate of insurance; and

**WHEREAS**, the Escrow Fund for Stormwater Management will be addressed under a separate resolution.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Palatial Homes, Inc.

**12-194 Amend the 2012 Council Meeting Schedule**

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-18 requires a public body post and maintain posted throughout the year a schedule of regular meetings of the public body to be held during the succeeding year; and

**WHEREAS**, the Township Council of the Township of Ocean wishes to amend the meeting schedule that was approved on December 5, 2011 as follows:

NEW MEETING

December 27, 2012 – Public Meeting ONLY  
(meeting will begin at 7:00 p.m.)

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that it does hereby amend the meeting schedule of the Township Council as noted above and the Township Clerk is authorized to post said change in accordance with N.J.S.A. 10:4-18

**Vote on all Consent Items:**

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					

\* Recused on Meeting Minutes of November 21, 2012

**INDIVIDUAL ACTION:**

**VOUCHERS: \$ 6,185,838.99**

**Township of Ocean  
Department of Finance  
Voucher List for December 11, 2012**

Vendor Name	Description	Amount	Contract
<u>2012 Current Fund Appropriation Payments</u>			
33 EAST CAR WASH OF OCEAN	PD- CAR WASHES - OCT 2012	102.00	
A R COMMUNICATIONS	Antenna Masts/2 way radios	144.00	

## MEETING MINUTES

DECEMBER 11, 2012

ACCURINT FOR LAW ENFORCEMENT	PD-BACKGROUND SEARCHES- OCT 12	35.50
ADPRO IMPRINTS/BUDGET BANNERS	Mouse Pads	164.00
AFLAC - NEW YORK - FLEX ONE	NOV 2012 FLEX ONE ADMIN FEE	50.00
ALL AMERICAN TURF INC	November misc lawn mower parts	3,028.43
ALLIED OIL LLC	November unleaded/diesel fuel	77,090.14
AMERICAN HOSE & HYDRAULICS CO	TRUCK 5 CYLINDER REPAIR	600.00
AMERICAN WEAR INC	November uniform rentals	759.60
APCO INTERNATIONAL INC	PD- ANNUAL MEMBERSHIP/RESEAR	92.00
ARBUS, MAYBRUCH & GOODE LLC C1200016	TWP ATTORNEY - NOV/DEC 2012	4,860.66
ATLANTIC DETROIT DIESEL- BERGEY'S INC	Sensor Assembly/Truck 94	76.29
BOARD OF FIRE COMMISSIONERS	November misc parts for Twp	594.78
BOWE, WILLIAM	2012 SUPPLEMENTAL FIRE SERVICE	16,091.00
BULLET LOCK & SAFE CO INC	REFUND OF UCC PERMIT FEES	75.00
BURKE CONSTRUCTION INC	November misc keys etc.	10.00
BUTTIGLIERI, VINCENT CMC	STORM CLEAN UP 11/14-11/20/12	67,090.00
CABLEVISION	Petty Cash - Nov/Dec 2012	332.22
CAMPANELLI, EMILIA	W.Park Rec #7866-184155-2	445.11
CEDAR VILLAGE OCEAN	REFUND OF UCC PERMIT FEES	75.00
CENTRAL JERSEY OFFICE	2012 MUNICIPAL REIMBURSEMENTS	5,308.38
CENTRAL TOWING & RECOVERY INC	PD- ADMIN COPIER TONER	162.95
CENTURY CONTRACTING LLC	Tow/Sunset Ave to Monroe/#63	440.00
CLEARVIEW SPRING WATER	HURRICANE SANDY DEBRIS PICKUP	23,625.00
CONNELL CONSULTING LLC	November bottled water for Twp	52.50
CONTINENTAL LAND DEVELOPERS	PD- TRAINING	500.00
COOPER ELECTRIC SUPPLY CO	2012 GARBAGE REIMBURSEMENT	13,364.40
COTSWOLD GREEN CONDO ASSOC	October misc electric supplies	521.26
COUNTRY CLEAN INC	2012 MUNICIPAL REIMBURSEMENTS	143.64
COUNTY TAX ADMINISTRATOR	REPLENISH CLEANING SUPPLIES	554.00
CRAFT OIL CORP	2012 Mod4 Computer Processing	3,465.05
CRISPO, PHYLLIS	Diesel Engine Oil/All Twp Veh.	10,763.00
DEARBORN NATIONAL LIFE INS CO	REFUND OF UCC PERMIT FEES	75.00
DEBBIE MARINO	Dec-Dearborn Life Ins Premium	548.06
DELTA DENTAL OF NJ INC	Reimburse for Supplies	28.16
DIAMOND M LUMBER CO INC	Delta Dental Premium - Dec	9,948.68
EDWARDS TIRE CO INC	PICNIC TABLE LUMBER OCPTF	966.60
END POINT COMMUNICATIONS LLC	Snow Tire Chains for PD	16,952.42
F & C AUTOMOTIVE SUPPLY INC	Phone Issues	175.00
FARRUGGIA, SALVATORE	November misc parts for Twp	9,558.28
FERRIERA, SAUNDRA	WORK BOOTS FULL-TIME INSP	194.00
FLAGSHIP DENTAL PLANS	REFUND FACILITY RENTAL FEE	95.00
FOLD A GOAL	Dental Flagship Premium-Dec	439.32
FORD, RUSSELL	Soccer Nets	242.00
GANNETT NJ NEWSPAPERS	REFUND OF UCC PERMIT FEES	75.00
GEESE CHASERS LLC C1200006	10/28-12/5/12 ADVERTISING	1,225.00
GENERAL RADIATOR INDUSTRIES	NOV 2012 GEESE CONTROL CTGC	862.33
GEORGE WALL LINCOLN MERCURY	ROADS TRUCK 98 RADIATOR REPAIR	2,364.90
GILES & RANSOME INC	November misc parts for Twp	108.94
GILL ASSOCIATES	October misc loader parts	4,586.39
GROUNDWATER & ENV SERVICES INC C1200014	EQUIPMENT FOR POOL SNACK BAR	944.00
HESS CORPORATION	OCT-12 SITE REMED BEECROFT PL	3,403.84
HIDDEN MEADOWS CONDO ASSOC	Electric sustainable energy	9,921.43
HOLLAND, DONNA DICKERSON	2012 MUNICIPAL REIMBURSEMENTS	574.56
JEFFREY R SURENIAN & ASSOC LLC C1200002	REFUND FACILITY RENTAL FEE	165.00
JERSEY CENTRAL POWER & LIGHT	OCT 2012 AFFORDABLE HOUSING	896.82
JIM CURLEY PONTIAC GMC TRUCK	October street lighting	18,414.59
JOHN F TRAINOR INC	November misc parts for Twp	50.82
JOSEPH FAZZIO WALL LLC	COURT REPORTING ON 10/16/12	1,416.50
JUNGLE LASER LLC	2"x1/8" C-Channel/Sanitation	250.82
KELLY WINTHROP, LLC.	ROLLBASE APPLICATION - OCT. 12	2,670.00
KEPWEL SPRING WATER CO	Deer Carcass Removal	197.50
LAKWOOD AUTO/ASBURY NAPA	Estimate for Water DHS - Nov	125.90
LANIGAN ASSOCIATES INC	November misc parts for Twp	3,074.39
LEE BATTERY SERVICE INC	PD- SAFETY SUPPLIES - NOV 2012	1,312.50
LEON S AVAKIAN INC	October misc batteries for Twp	260.10
	GENERAL ENGINEERING SERVICES	12,486.25

## MEETING MINUTES

DECEMBER 11, 2012

LESCO - PROX	Starter Fertilizer	6,861.00
LINE SYSTEMS, INC.	OCT/NOV 2012 PHONE SVC CHARGE	3,146.58
LOWES INC	November misc building supply	554.62
LYNN PEAVEY CO	PD- EVIDENCE SUPPLIES	703.00
MAIN ELECTRIC SUPPLY CO INC	Pole for Town Hall Light	665.00
MANASQUAN GENERATOR SHOP	Starter for 41 small sander	90.00
MATTHIJSEN BUSINESS SYSTEMS	PD- COPIER TONER - KYOCERA	446.30
MAZZA & SONS INC	November dump fees for bulk	5,727.20
MC LEOD, DONNA	REFUND RECREATION PROGRAM FEES	45.00
MC MAHON, WILLIAM	Reimbursement for cell phone	25.00
MCGRAIL, MARTIN	REFUND OF UCC PERMIT FEES	75.00
MGL PRINTING SOLUTIONS	2012 1099 INT & MISC. FORMS	222.00
MIDDLEBROOK AT MONMOUTH	2012 GARBAGE REIMBURSEMENT	20,335.20
MILMOE, ALEXANDER	PAYMENT FOR TEEN WRESTLING	52.00
MILWIN FARMS HOMEOWNERS ASSOC	2012 MUNICIPAL REIMBURSEMENTS	239.40
MORPHOTRAK INC	PD-ANNUAL LIVESCAN MAINTENANCE	3,247.11
MOUTA, JULIO	REFUND OF UCC PERMIT FEES	75.00
MUNICIPAL RECORD SERVICE	Bail Receipts & Sp Complaints	558.50
NEPTUNE AUTO SUPPLY	October misc parts for Twp.	5,523.16
NEXTEL-SPRINT PO MANAGEMENT	AIR CARDS 9/27/12 - 10/26/12	49.99
NJ EMERGENCY MGMT ASSOC	Membership Dues	175.00
NJ LEAGUE OF MUNICIPALITIES	AGB 11/28 SEMINAR- H. SANDY	195.00
NJ MOTOR VEHICLE SERVICES	Fee for Title for new vehicle	60.00
NJ NATURAL GAS CO	October gas usage	3,147.91
NJAWC	October water usage	2,480.87
NOBILITY CREST CONDO ASSOC.	2012 MUNICIPAL REIMBURSEMENTS	2,693.16
NORCIA CORP	November misc parts for Twp	905.75
OAK MEWS CONDO ASSOC	2012 MUNICIPAL REIMBURSEMENTS	71.82
P F PETTIBONE & CO	Minute Books and Paper	447.75
PAGNONI, GEORGE	REFUND OF UCC TREE PERMIT FEE	30.00
PROVIDENT CT CONDOMINIUM ASSOC	2012 MUNICIPAL REIMBURSEMENTS	47.88
QUALITY STAR FREIGHTLINER	Coolant Reservoir #63 and SL-1	663.38
R & R RADAR INC	PD- NEW VEHICLE EQUIPMENT	408.00
R&H AUTO SPRING & TRUCK	November misc repairs for Twp	89.99
RECREONICS INC	Replacement Pool Equipment	556.72
RED THE UNIFORM TAILOR	PD- REPLACE DAMAGED UNIFORM	96.50
RESETAR, MICHAEL CAPTAIN	PD- PETTY CASH REIMBURSEMENT	152.03
ROBERT A. VERRY	PD- TRAINING	100.00
ROLLING MEADOWS AT WAYSIDE	2012 MUNICIPAL REIMBURSEMENTS	742.14
RUDERMAN & GLICKMAN PC C1200001	NOV 2012 LABOR RELATIONS ATTY	8,512.00
RUTGERS THE STATE UNIVERSITY	CMFO - FINANCIAL MGMT PROGRAM	1,203.00
RUTGERS YOUTH SPORTS RESEARCH	Replenish Coaches Trng Packets	610.00
SAADA, GERALYN	REFUND OF UCC PERMIT FEES	75.00
SEA BREEZE FORD INC	November misc parts for Twp	1,112.08
SEABOARD FIRE & SAFETY	PD- CO2 REFILLS - NOV 2012	386.20
SEABOARD WELDING SUPPLY INC	PD- OXYGEN REFILLS - NOV 2012	269.50
SEACOAST CHEVROLET OLDSMOBILE	November vehicle repairs	877.81
SHANNON SAENZ	REFUND RECREATION FEES	170.00
SHI INTERNATIONAL CORP.	Cat5 Extender Remote Receiver	353.00
SISSCO MATERIAL HANDLING EQUIP	After OSHA/ANSI Inspections	2,761.00
SMITH, CURTIS	REFUND OF UCC PERMIT FEES	75.00
SPARROCK, PETER	REFUND OF UCC PERMIT FEES	75.00
SPRINT PO MANAGEMENT	Service Oct 27 to Nov 26	942.95
STAPLES PRINT SOLUTIONS	Warrants 2 part - 2000	80.04
STEINBERG, MARK A ESQ	BOA Resolutions and Meeting	560.00
STEWART BUSINESS SYSTEMS	Printing Services	985.77
STORR TRACTOR CO	November misc parts for Toro	52.40
SUNSET FARM MARKET	November misc supplies for Twp	1,039.95
SUPERIOR OFFICE SYSTEMS INC	PD- COPIER REPAIR	360.52
T.E.A.M. LIFE INC	PD- DEFIBRILATOR BATTERIES	1,778.00
TAMBE, UNMIL	REFUND FACILITY RENTAL FEE	155.00
TARIQ, IMRAN	REFUND FACILITY RENTAL FEE	110.00
THE ENGLISH MANOR	POST-HOLIDAY PARTY DEPOSIT	500.00
THE MANOR @ WAYSIDE	2012 MUNICIPAL REIMBURSEMENTS	478.80
THE NEW COASTER LLC	10/25-12/6/12 ADVERTISING	178.56
THE VERDIN COMPANY	Mote for Deal Rd. side Clock	260.90
TOWNE HARDWARE	November misc maint supplies	114.00
TREASURER COUNTY OF MONMOUTH	November dumping fees	62,616.35

## MEETING MINUTES

DECEMBER 11, 2012

TREE TRIMMING & REMOVAL INC	HURRICANE SANDY TREE REMOVAL	51,650.00
TRICO EQUIPMENT SERVICES LLC	November misc parts for Twp	911.26
TRIDENT ABSTRACT CO	TITLE WORK - 777 WEST PARK AVE	2,430.00
TRIOUS INC	Spinner Motor/92 Sander	412.80
TRONOLONE, JOHN	SUPERVISE ADULT VOLLEYBALL	108.00
TWIN BROOK APARTMENTS	2012 GARBAGE REIMBURSEMENT	19,536.00
UNITED CLEANING CONTRACTORS IN	Cleaning of Windows In/Out	825.00
UP TITE FASTENERS INC	October misc maint supplies	94.70
US 1 AUTO PARTS	November misc parts for Twp	876.62
V E RALPH & SON INC	PD- FIRST AID SUPPLIES	994.95
VAN NOSTRAND, BATYA	REFUND MESSY SCHOOL FEES	20.00
VANTAGEPOINT TRANSFER AGENTS	Dec RHS Distribution	8,720.80
VERIZON	TELEPHONE SERVICE 11/12	204.87
VERIZON BUSINESS FIOS	Library FIOS #7325314664647	169.77
VERIZON WIRELESS	PD-AIRCARD SERV PLAN- NOV 2012	968.31
VIRTUAL F/X	PD- CIB/REAR DOOR LETTERING	745.00
W B MASON CO INC	SUPP. ORDERS AS PER ATTACHED	641.13
W W GRAINGER INC	October misc supplies	615.67
WALKER, GLORIA	POMCA IV Classes 9/10-11/7	138.56
WALLACE, ROXANNE CCR	COURT REPORTER 11/13/2012	651.00
WANAMASSA GARDEN ASSOCIATES	2012 GARBAGE REIMBURSEMENT	1,465.20
WEST PARK MANOR APARTMENTS	2012 GARBAGE REIMBURSEMENT	7,636.80
WILENSKY, MARIANNE	Cell Phone June - November	150.00
WILTBANK, LARRY	Training Clinics for coaches	90.00
WITTEK GOLF SUPPLY CO INC	MISC SUPPLIES CTGC	172.29
WPCS INT'L INC - LAKEWOOD	PD-SERV/MAINTAINANCE- OCT 2012	82.50
<b>Total</b>		<b>583,935.03</b>

**Non Budget Account Payments**

ARCHER & GREINER, PC, TRUSTEE	STATE TAX APPEAL BL 187 LOT 1	126,647.04
BOARD OF FIRE COMMISSIONERS	4TH QTR 2012 FIRE DIST 1 TAXES	686,731.50
BOWE, WILLIAM	REFUND OF UCC PERMIT FEES	1.00
CAMPANELLI, EMILIA	REFUND OF UCC PERMIT FEES	1.00
CRISPO, PHYLLIS	REFUND OF UCC PERMIT FEES	1.00
EBSCO SUBSCRIPTION SERVICE	2013 MAGAZINE SUBSCRIPTIONS	4,144.49
ESTATE OF BARBARA BRUNO C/O	TAX OVERPAYMENT BL 150.04 L 5	1,623.31
FORD, RUSSELL	REFUND OF UCC PERMIT FEES	1.00
KONG, HELEN Y CHANG	STATE TAX APPEAL BL 113 LOT 59	744.10
MCGRAIL, MARTIN	REFUND OF UCC PERMIT FEES	1.00
MOUTA, JULIO	REFUND OF UCC PERMIT FEES	1.00
SAADA, GERALYN	REFUND OF UCC PERMIT FEES	1.00
SMITH, CURTIS	REFUND OF UCC PERMIT FEES	1.00
SPARROCK, PETER	REFUND OF UCC PERMIT FEES	1.00
TREASURER OF SCHOOL MONIES	DEC 2012 SCHOOL TAXES PAYABLE	4,554,646.40
WELLS FARGO R.E. TAX SERVICE	TAX OVERPAYMENT BL 123 LOT 52	4,942.02

**Total Non Budget Account Payments**

5,379,487.86

**Total 2012 Current Fund Appropriations Payments**

5,963,422.89

**General Capital Payments**

A R COMMUNICATIONS	new Antenna at 1313 Roller	9,154.60
ARBUS, MAYBRUCH & GOODE LLC	LEGAL SVS-WHALEPOND VILLAGE	6,579.00
BELMAR WINDOW SHOP	PD/CAP- BLINDS - CIB/JUVENILE	381.00
FEDEX	SHIPPING RE: ORD 2190	42.76
GOVCONNECTION INC	Laptop/ UPS	6,628.78
HERTRICH FLEET SERVICES	TRANSPORTATION VAN	20,667.00
L3 COM MOBILE-VISION INC	PD/CAP- MOBILE VISION SERVER	16,029.85
LEON S AVAKIAN INC C1200015	ENG SVCS - 2012 ROAD PROGRAM	45,855.00
MC LAUGHLIN STAUFFER & SHAKLEE	LEGAL SERVICES - BOND ORD 2190	685.00
SHI INTERNATIONAL CORP.	Xerox WorCentre 6505N	535.00

**Total**

106,557.99

**Total General Capital Payments**

106,557.99

**Grants Payments**

DELTA DENTAL OF NJ INC	Delta Dental Premium - Dec	171.57
VIRTUAL F/X	PD/DDEF- NEW VEHICLE GRAPHICS	540.00

## MEETING MINUTES

DECEMBER 11, 2012

<b><u>Total</u></b>		<b>711.57</b>
	<b><u>Total Grants Payments</u></b>	<b><u>711.57</u></b>
	<b><u>Law Enforcement Trust Payments</u></b>	
CABLEVISION	PD- INTERNET SERV- NOV 2012	59.90
ELSAG NORTH AMERICA	PD/LETF- ALPR UNIT	25,365.00
HITECH STEREO	PD/LETF- SURVEILLANCE UPGRADE	1,749.00
<b><u>Total</u></b>		<b>27,173.90</b>
	<b><u>Total Law Enforcement Trust Payments</u></b>	<b><u>27,173.90</u></b>
	<b><u>TORTA Payments</u></b>	
LAMB, KAITLIN	PAYMENT FOR JV GYM ASSISTANT	40.00
NOVOBILSKY, DIANE	Payment for class instruction	960.00
TWP OF OCEAN PAYROLL ACCOUNT	Torta Programs	2,214.99
<b><u>Total</u></b>		<b>3,214.99</b>
	<b><u>Total TORTA Payments</u></b>	<b><u>3,214.99</u></b>
	<b><u>Trust Other Payments</u></b>	
ADVANCED SOLAR & ENERGY	Return Escrow JGJ Associates	375.00
ALBERT ZAGER ESQUIRE	Return Escrow Nelson-Schneider	4,278.75
AXELROD PERFORMNING ARTS CTR	REFUND OFF DUTY POLICE BALANCE	260.00
BIVAS, ELI	Return Escrow Bivas	692.50
BROWN, SANFORD ESQ	PB Reviews	294.00
CELLI, MICHAEL G JR ESQUIRE	PUBLIC DEFENDER OCTOBER 2012	500.00
FITZGERALD, WILLIAM	PB & BOA Reviews	7,053.75
HANNA, JOHN	Worker's Comp Scibal Ck#50230	1,620.00
ILVENTO, CHRIS	Return Escrow Ilvento	168.75
JAMES HIGGINS ASSOCIATES	PB & BOA Reviews	2,687.50
JOHN H. SUMINSKI, ESQ	Return Escrow Clearview Cinema	1,000.00
KENNETH L. PAPE, ESQ	Return Escrow 1712 Highway 35	616.25
KITTLER, JOAN R	PERFORMANCE GUARANTEE	864.50
LEON S AVAKIAN INC	ENG SVCS - OT 11-30 TREE INSP	11,233.75
MASER CONSULTING, P.A.	PROF SERVICES THRU 11/11/12	251.25
MICHAEL RUBINO ESQUIRE	Return Escrow Roman	325.00
OAKHURST VETERINARY HOSPITAL	MAINTENANCE GUARANTEE RELEASE	7,297.00
PETER B. BASS, ESQUIRE	Return Escrow Seelamsetty	125.00
REDMOND, KEVIN II	Twp Share Workers Comp Ck50256	1,620.00
RICK BRODSKY ESQUIRE	Return Escrow Adjmi	221.25
THOMAS HIRSCH ESQUIRE	Return Escrow Kolarsick	286.00
TWP OF OCEAN CURRENT FUND	Special Duty Admin & Car Fees	13,870.00
TWP OF OCEAN PAYROLL ACCOUNT	Special Duty Payroll Details	28,740.00
ULLMAN, JEFFREY	Return Escrow Vassallo	375.00
<b><u>Total</u></b>		<b>84,755.25</b>
	<b><u>Total Trust Other Payments</u></b>	<b><u>84,755.25</u></b>
	<b><u>Animal Control Trust Payments</u></b>	
NJ STATE DEPT OF HEALTH	OCTOBER DOG LICENSE	2.40
<b><u>Total</u></b>		<b>2.40</b>
	<b><u>Total Animal Control Trust Payments</u></b>	<b><u>2.40</u></b>
<b><u>Total Bill List for December 11, 2012</u></b>		
	<b>Appropriation Reserve Total</b>	
	<b>Current Fund Total</b>	<b><u>5,963,422.89</u></b>
	<b>General Capital Fund Total</b>	<b><u>106,557.99</u></b>
	<b>State &amp; Federal Grant Total</b>	<b><u>711.57</u></b>
	<b>Law Enforcement Trust Total</b>	<b><u>27,173.90</u></b>
	<b>TORTA Total</b>	<b><u>3,214.99</u></b>
	<b>Trust Other Total</b>	<b><u>84,755.25</u></b>
	<b>Animal Control Total</b>	<b><u>2.40</u></b>

Bid Deposit Refund	
State Unemployment Trust	
Trust Assessment Fund	
Total of All Funds	<u>6,185,838.99</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 for those in which a conflict exists:  
 Sanford Brown, Esq.  
 Burke Construction, Inc.  
 James Higgins Associates  
 Kepwel Spring Water Co.

**RESOLUTIONS:**

**12-195 Authorize the purchase of five (5) vehicles for the Police Department from the New Jersey State Agency for Surplus Property at a total cost not to exceed \$45,000.00**

**Authorizing Annual Contract for Purchase of Used Vehicles and Equipment for Various Department**

**WHEREAS**, the Township of Ocean has the need to replace or supplement vehicles and other equipment assigned to and utilized by various Township departments and agencies; and

**WHEREAS**, in accordance with NJSA 40A:11-5(2), the Township may negotiate or enter into contract with the United States of America, the State of New Jersey, any County or Municipality, or any board, body, officer, agency or authority thereof, or any other state or subdivision thereof, without public advertising for bids; and

**WHEREAS**, contracts with government entities are exempt from requirements of New Jersey Pay to Play legislation; and

**WHEREAS**, the General Services Administration, an agency of the United States Federal Government, through New Jersey State Agency for Surplus Property, will have available throughout the year, via its on-line auction site, used vehicles and equipment available for purchase, and it is a requirement of the program that payment be made within 14 days of commitment to purchase a vehicle and the Township's Chief Financial Officer has recommended that an annual contract be awarded to General Services Administration for anticipated purchases to enable the Township to take advantage of this means of purchase for its vehicles and equipment needs during 2012; and

**WHEREAS**, the Township wishes to purchase the following vehicles:

1. 2008 Chev Impala, Vin# 2G1WB58K081251567, at a cost not to exceed \$10,200.00,
2. 2008 Chev Impala, Vin# 2G1WB58K881292948, at a cost not to exceed \$ 9,700.00
3. 2007 Chev Impala, Vin# 2G1WB58K079357288, at a cost not to exceed \$ 9,200.00
4. 2007 Ford Crown Victoria, Vin# 2FAHP71W57X148253, at a cost not to exceed \$ 7,900.00
5. 2009 Ford Crown Victoria, Vin# 2FAHP71V39X149346, at a cost not to exceed \$ 8,000.00

**WHEREAS**, the Director of Finance has certified that there are sufficient funds available for said purchase in the Township Vehicle Account #2-01-30-810-354 and Insurance Replacement account, account #T-03-56-855-855;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, Monmouth County hereby authorizes a contract with New Jersey State Agency for Surplus Property and U.S. Government General Service Administration, for purchase of used vehicles and equipment that may become available during the 2012 calendar year, in accordance with procedures established by the Purchasing Agent, and subject of availability of funds for each purchase.

**BE IT FURTHER RESOLVED** that the Finance Director is hereby authorized to take any necessary action to arrange for payment to be made at the time of delivery of the vehicles and equipment.

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

1. Director of Finance
2. Chief of Police.
3. Township of 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					

**12-196 Consideration of Bids:**

**a. Public Works Uniforms (3 years)**

**WHEREAS**, the Township Clerk was authorized by the Township Council to advertise for the receipt of bids for Uniforms (3 years) for the Department of Public Works and the Township of Ocean Board of Education on October 17, 2012; and

**WHEREAS**, the Township Clerk did duly advertise to receive bids for said uniforms on November 10, 2012; and

**WHEREAS**, in connection therewith, one (1) bid was received by the Township of Ocean on November 27, 2012 from American Wear Uniforms, East Orange, NJ and it was determined that the submissions made by the bidder did meet all specifications for the period January 1, 2013 through December 31, 2015; and

**WHEREAS**, the Superintendent of Public Works, as well as the Township Manager, have recommended to the Township Council that a contract be awarded to American War Uniforms, East Orange, NJ as per their bid proposal for Public Works Uniforms for the three (3) year period January 1, 2013 through December 31, 2015 in the amount of \$70,845.84 (\$23,615.28 per year), of which \$33,561.84 (\$11,187.28 per year) is related to the Township's Public Works Department and \$37,284.00 (\$12,428.00 per year) is for the Ocean Township Board of Education; and

**WHEREAS**, the Director of Finance has certified that funds for the Department of Public Works portion will be made available by the Governing Body in the Township of Ocean Temporary and Final 2013 Municipal Budget under the following line item appropriations of said budget to which this contract will be properly charged:

<u>Division</u>	<u>Account #</u>	<u>Amount</u>
Streets and Roads Uniforms	3-01-26-765-254	\$ 2,734.16
Maintenance of Equipment	3-01-26-767-254	\$ 1,493.44
Sanitation/Recycling	3-01-26-770-254	\$ 4,225.52
Buildings and Grounds	3-01-26-772-254	\$ 2,734.16
<b>TOTAL</b>		<b>\$11,187.28</b>

**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 2014 and 2015 Municipal Budget under the various line item appropriations of said budget;

**WHEREAS**, the Township Council has considered the foregoing.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the award of a contract with American Wear Uniforms, East Orange, NJ for the purchase of Public Works Uniforms for the three (3) year period from January 1, 2013 through December 31, 2015 at a cost of \$33,561.84 (\$11,187.28 per year); and

**BE IT FURTHER RESOLVED** that the award of this contract is conditioned upon the delivery and execution of the appropriate insurance certificate, Affirmative Action Certificate and performance bonds as may be required by said specifications; and

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

1. Director of Finance
2. Public Works Director
3. American Wear, 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					

**b. Heating and Air Conditioning Services**

**WHEREAS**, the Township Council of the Township of Ocean authorize receipt of bids for heating and air conditioning services for all Township facilities on October 17, 2012; and

**WHEREAS**, the Township Clerk did duly advertise on November 10, 2012 to receive said bids; and

**WHEREAS**, in connection therewith, the following two (2) bids were received by the Township of Ocean on November 27, 2012: Encon Mechanical Corp., Ocean, NJ and Air Systems Maintenance, Inc., Kenilworth, NJ; and

**WHEREAS**, it was determined that the lowest responsible bidder meeting specifications was Air Systems Maintenance, Inc., Kenilworth, NJ, at a cost of \$48,880.00 (plus labor at the rates as stated in their bid); and

**WHEREAS**, the Township Manager and the Public Works Director have recommended that a contract be awarded to Air Systems Maintenance, Inc., Kenilworth, NJ as per their bid

proposal for the heating and air conditioning service for the two year period from January 1, 2013 through December 31, 2014, with at a following costs:

	<u>YEAR 1</u>	<u>YEAR 2</u>
Service and repair work	\$24,440.00	\$24,440.00
Discount % on parts and supplies	0%	0%
Regular labor billing rate per hour	\$84.00	\$86.00

**WHEREAS**, the total contract amount for the period January 1, 2013 through December 31, 2014 is a not to exceed \$160,000.00, including labor; and

**WHEREAS**, funds for said contract have been certified by the Director of Finance and are available in account the following account(s): Contract Services, account #3-01-26-772-247 and Outside Services Repairs, account #3-01-26-772-252;

**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 2014 Municipal Budget under said line items of said budget;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the contract for heating and air conditioning service at all Township facilities to Air Systems Maintenance, Inc., Kenilworth, NJ for the two year period from January 1, 2013 through December 31, 2014 at the following cost, and with a not to exceed contract amount of \$160,000.00:

	<u>YEAR 1</u>	<u>YEAR 2</u>
Service and repair work	\$24,440.00	\$24,440.00
Discount % on parts and supplies	0%	0%
Regular labor billing rate per hour	\$84.00	\$86.00

**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. Director of Finance
2. Public Works Department
3. Air Systems Maintenance, 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					

**c. DPW/Recycling Facility**

**WHEREAS**, the Township of Ocean authorized the receipt of bids for the Improvements to the DPW/Recycling Center on June 13, 2011; and

**WHEREAS**, the Township Clerk did duly advertise on October 30, 2012 to receive bids for said project; and

**WHEREAS**, in connection therewith the following eight (8) bids were received by the Township of Ocean on November 21, 2012: Precise Construction, Inc., Freehold, NJ; Helios Construction, Inc., Ocean, NJ; Glenside Equipment Corp., Farmingdale, NJ; L & L Paving Company, Inc., Tinton Falls, NJ; Fernandez Construction, Inc., South River, NJ; Manzo Maroba, Inc., Matawan, NJ; Earle Asphalt Company, Farmingdale, NJ; Cypreco Industries, Inc., Neptune, NJ; and

**WHEREAS**, the following three (3) companies picked up bid specifications but failed to submit said bid: 1 Sq. Ft., New York, NY, Gavan General Contracting, Inc., Lakewood, NJ and Burke Construction, Inc., Ocean, NJ; and

**WHEREAS**, it was determined that the lowest responsible bidder meeting specifications for the bid was Precise Construction, Inc., Freehold, NJ; and

**WHEREAS**, the Township Manager and the Township Engineer have recommended that a contract be awarded to Precise Construction, Inc., Freehold, NJ, as per their bid proposal for the Improvements for the DPW/Recycling Center (Base Bid plus Alternates No. 1-4) at a cost not to exceed \$233,967.50; and

**WHEREAS**, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the following accounts: G-02-41-900-301 and C-04-55-931-903;

**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 Precise Construction, Inc., Freehold, NJ, as per their bid proposal for the Improvements for the DPW/Recycling Center as set forth in their bid submitted (Base Bid plus Alternates No. 1-4) at a cost not to exceed \$233,967.00; 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; and

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

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

1. Township Engineer
2. Director of Finance
3. Precise Construction, 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					

**d. Various Road Construction Materials**

**WHEREAS**, the Township Council of the Township of Ocean did duly authorize the Township Clerk to advertise for bids for various road construction materials for 2013 on October 17, 2012; and

**WHEREAS**, the Township Clerk did duly advertise said bid various road construction materials including dense graded aggregate, clean broken stone, bituminous asphalt (winter use), sodium chloride, reinforced concrete pipe, plastic drainage pipe, inlet frames and grates, manhole frames and grates, and high performance cold patch materials in the Asbury Park Press on November 10, 2012 and said bids were opened on November 27, 2012; and

**WHEREAS**, in connection therewith, four (4) bids were received for the various items from Campbell Foundry Co., Harrison, NJ, Stavola Construction Materials, Inc., Red Bank, NJ, International Salt Co., Clarks Summit, PA and Gibraltar Rock, Inc., Belle Meade, NJ; and

**WHEREAS**, the Director of Public Works and the Township Manager have recommended that contracts be awarded to the following items:

**ITEM #1A Dense Graded Aggregate - Delivered**

Stavola Construction Materials, Inc. \$17.15 per ton

**ITEM 1B Dense Graded Aggregate – Picked Up**

Stavola Construction Materials, Inc. \$17.15 per ton

**ITEM #2A Clean Broken Stone 3/8” to 12” – Delivered**

*Stavola Construction Materials, Inc.*

3/8” clean broken stone	\$25.15 per ton
3/4” clean broken stone	\$18.15 per ton
5/8” clean broken stone	\$20.15 per ton
1” clean broken stone	\$20.15 per ton
1-1/2” clean broken stone	\$19.15 per ton
2-1/2” clean broken stone	\$19.15 per ton
3”-5” clean broken stone	\$23.15 per ton
6”-12” clean broken stone	\$25.15 per ton

**ITEM #2B Clean Broken Stone 3/8” to 12” – Picked-Up**

*Stavola Construction Materials, Inc.*

3/8” clean broken stone	\$25.15 per ton
3/4” clean broken stone	\$18.15 per ton
5/8” clean broken stone	\$20.15 per ton
1” clean broken stone	\$21.15 per ton
1-1/2 clean broken stone	\$19.15 per ton
2-1/2 clean broken stone	\$19.15 per ton
3”-5” clean broken stone	\$23.15 per ton
6-12” clean broken stone	\$25.15 per ton

**ITEM #3 Bituminous Patch (winter use) – Picked-Up**

Stavola Construction Materials, Inc. \$90.00 per ton

**ITEM #4 Sodium Chloride - Delivered**

*Monmouth County Cooperative Purchasing* \$55.60 per ton

**ITEM #5 Reinforced Concrete Pipe – Delivered**

Campbell Foundry Company

12"	\$11.80 per foot
15"	\$11.50 per foot
18"	\$14.50 per foot
21"	\$20.50 per foot
24"	\$20.75 per foot
30"	\$32.50 per foot
36"	\$45.70 per foot

**ITEM #6 Smooth Interior Corrugated Polyethylene Storm Sewer Pipe, Plastic Drainage Pipe - Delivered**

Campbell Foundry Company

8" smooth interior corrugated storm/drainage pipe	\$2.75 per foot
10" smooth interior corrugated storm/drainage pipe	\$3.90 per foot
12" smooth interior corrugated storm/drainage pipe	\$4.00 per foot
15" smooth interior corrugated storm/drainage pipe	\$5.690per foot
18" smooth interior corrugated storm/drainage pipe	\$7.95 per foot
24" smooth interior corrugated storm/drainage pipe	\$13.00 per foot
30" smooth interior corrugated storm/drainage pipe	\$19.75 per foot
36" smooth interior corrugated storm/drainage pipe	\$24.85 per foot

**ITEM #7 Inlet Frames and Grates and Extension Frames - Delivered****State Contract No. T-0148**

- |  |               |
|--|---------------|
| A. Inlet frames and grates, 8" heads Campbell Foundry Pattern #2618, Type B, or Equivalent equal                             | \$635.00 each |
| B. Inlet frames and grates, 8" heads Campbell Foundry Pattern #2617, Type D, or Equivalent equal                             |               |
| C. Inlet frames and grates, standard highway type with bicycle type grate (A) Campbell Foundry #3405, or Equivalent equal    | \$225.00 each |
| D. Inlet frames and grates, standard highway type with bicycle type grate (E) Campbell Foundry #3425, or Equivalent equal    | \$675.00 each |
| E. 2" extension frames Campbell Foundry Design Model #2701 to fit Campbell Foundry Inlets Type B and D or Equivalent equal   | \$158.00 each |
| F. 2" extension frames Campbell Foundry Design Model #3402 to fit Campbell Foundry Inlets Type A or Equivalent equal         | \$163.00 each |
| G. 2" extension frames Campbell Foundry Design Model #3402 and #3440 used in pairs to fill Inlets Type E or Equivalent equal | \$323.00 each |

**ITEM #8 Manholes, Frames, Covers and Extension Rings****State Contract No. T-0148**

- |  |               |
|--|---------------|
| A. Manhole frames and covers Campbell Foundry design Model #1202 or equivalent equal           | \$289.00 each |
| B. Extension rings 24" diameter covers Campbell Foundry Design Model #1007 or equivalent equal |               |
| C. Extension rings 25.5" diameter covers Campbell Foundry Pattern #1202 or equivalent equal    | \$132.00 each |
| D. Extension rings 30" diameter covers Campbell Foundry Pattern #1011 or equivalent equal      |               |

**ITEM #9 High Performance Cold Patch Materials**

Stavola Construction Materials, Inc.	\$150.00 per ton
--------------------------------------	------------------

**WHEREAS**, the Director of Finance has certify that funds for the purpose of the award of these contracts will be provided for in the 2013 Temporary and Adopted Budget subject to provisions provided by the Governing Body in the Township of Ocean in the following line item appropriations:

Road Repairs and Maintenance – Other Expenses  
Various Capital Ordinances

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award contracts to Stavola Construction Materials, Inc., Red Bank, NJ, and Campbell Foundry Company, Harrison, NJ as per their proposals submitted for the year 2013; and

**BE IT FURTHER RESOLVED** by the Township Council that it does hereby authorize the use of Monmouth County Cooperative Purchasing and the State of New Jersey (State Contract No. T-0148) for the purchase of those items so noted above.

**BE IT FURTHER RESOLVED**, that these award of contracts are conditioned upon the delivery and execution thereof within ten days from the date of the resolution by such appropriate insurance certificate, Affirmative Action forms and performance bonds as may be required in the specifications; and

**BE IT FURTHER RESOLVED**, that the Township Clerk is hereby authorized to return to all unsuccessful bidders their respective bid bonds and/or certified checks; 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. Stavola Construction Materials, Inc.
4. Campbell Foundry Company
5. State of New Jersey

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					

**12-197 Authorize the amendment of the contract for Emergency Notification Service with CodeRed**

**Authorizing the amendment of Contract for Emergency Notification Service**

**WHEREAS**, the Township of Ocean, County of Monmouth has entered into a two-year contract with Emergency Communications Network, Inc. Ormond Beach Florida for implementation of a service identified as “CodeRed” Emergency Notification System; and

**WHEREAS**, the Township Council is desirous that this service continue to be provided to the residents of this community; and

**WHEREAS**, the existing contract with CodeRed needs to be amended from \$10,000.00 per year to \$15,112.50 and change the contract from limited time usage to unlimited time usage; and

**WHEREAS**, the Director of Finance has certified to the Township Manager that there are adequate funds available for said purpose in the Police Telecommunications budget, account # 3-01-25-745-277

**WHEREAS**, the Emergency Communications Network, Inc. shall amend the service specified in the contract of July 22, 2011. Thereafter, the contract shall be automatically renewable upon consent of both parties or until terminated in accordance with the terms and conditions contained in Section 4 of the contract.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the amendment of the contract for the CodeRed Emergency Notification System at the contracted annual amount of \$15,112.50 with unlimited time usage and that a copy of this resolution will be forwarded to the following

1. Chief of Police.
2. Director of Finance
3. Township of 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					

**12-198 Authorize the Transfer of Funds in accordance with N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a.**

**WHEREAS**, there exists insufficient balances in certain line item appropriations of the 2012 budget, and

**WHEREAS**, under the provisions of N.J.S.A. 40A:5-58 and N.J.S.A. 40A4-45.4a it is legal to transfer to certain appropriations which are expected to be insufficient between November 1 and December 31,

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth, (not less than 2/3 of all member of the Governing Body concurring) that the Township Manager is hereby authorized to make the following transfers:

<u>Appropriations Within "CAPS":</u>	<u>TO</u>	<u>FROM</u>
Finance – Salary & Wages	1,200.00	
Data Processing – Salary & Wages	4,200.00	
Police – Salary & Wages	85,000.00	
Prosecutor – Salary & Wages	1,500.00	
Director of Public Works – Salary & Wages	30,000.00	
Maintenance of Equipment – Salary & Wages	5,000.00	
Sanitation – Salary & Wages	40,000.00	
Buildings & Grounds – Salary & Wages	50,000.00	
Streets & Roads – Other Expenses	225,000.00	
Maintenance of Equipment – Other Expenses	40,000.00	
Buildings & Grounds – Other Expenses	25,000.00	
Water – Other Expenses	5,000.00	
Fuel – Other Expenses	10,000.00	
Landfill - Other Expense	325,000.00	
Social Security – Other Expenses	14,000.00	
Tax Collection – Salary & Wages		15,000.00
Dispatch – Salary & Wages		5,000.00
Streets & Roads – Salary & Wages		65,000.00
Recycling – Salary & Wages		12,000.00
Community Services – Salary & Wages		25,000.00
Recreation – Salary & Wages		11,000.00
Township Manager – Other Expenses		15,000.00
Financial Administration – Other Expenses		1,200.00
Tax Assessor – Other Expenses		10,000.00
Legal Services – Other Expenses		10,000.00
Liability Insurance		15,000.00
Group Health Insurance		454,700.00
Police – Other Expenses		20,000.00
Director of Public Works – Other Expenses		22,000.00
Community Services Administration – Oth Exp		25,000.00
Electric – Other Expenses		100,000.00
Street Lighting – Other Expenses		14,000.00
Telephone – Other Expenses		11,000.00
Natural Gas – Other Expenses		30,000.00
Total of All Transfers	860,900.00	860,900.00

**BE IT FURTHER RESOLVED** that one copy go 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					

**12-199 Authorize the Tax Collector to issue a refund to property owner(s) who have received a favorable State Tax Appeal judgments**

**AUTHORIZING THE CANCELATION OF YEAR 2009, 2010, 2011 AND 2012 TAXES AND REFUNDING OR CREDITING THE TAX OVERPAYMENTS 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 2009, 2010 and 2011; and

**WHEREAS**, proper procedures require that the tax assessments for the years 2009, 2010 and 2011 be adjusted and refunds or credits to unpaid taxes be made for taxes overpaid in those years that resulted from New Jersey Tax Court judgments reducing the property assessment reflected in the Tax Assessor’s Field Book;

**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 years 2009, 2010 and 2011 tax assessments based on the State Tax Board Judgment and refund the tax overpayments for those years’ taxes as listed below:

Block/Lot	Property Owner	Property Address	2009	2010	2011	Total Refund
113 59	KONG, HELEN Y CHANG	13 WANAMASSA POINT RD	-	744.10	-	744.10
187 1	SUNSET ARCADIA CENTER INC% STAVOLA	1100 - 1104 HIGHWAY 35	19,671.03	42,230.86	64,745.15	126,647.04
Totals			19,671.03	42,974.96	64,745.15	127,391.14

**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					
Motion to Second					
Approved					
Opposed					
Not Voting/Recues					
Absent/Excused					

**12-200 Authorize a Professional Services contract with Maser Consulting, P.A., Red Bank, NJ to perform engineering and surveying related services at Whalepond Village at a cost not to exceed \$23,950.00**

**WHEREAS**, the Township wishes to execute a contract with a licensed engineer and surveyor to perform said services associated with the purchase of Whalepond Village; 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 one (1) reply from Maser Consulting, P.A., Red Bank, NJ to perform said engineering and surveying service at a cost not to exceed \$23,950.00; and

**WHEREAS**, the Township Manager has recommended that the Township enter into a contract with Maser Consulting, P.A., Red Bank, NJ for said engineering and surveying services at a cost not to exceed \$23,950.00; and

**WHEREAS**, the Township Manager has determined that the value of the services Maser Consulting, P.A., Red Bank, NJ will provide to the Township will exceed \$17,500.00 for the calendar year 2012; and

**WHEREAS**, the firm of Maser Consulting, P.A., Red Bank, 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 Maser Consulting, P.A., Red Bank, NJ 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 Maser Consulting, P.A., Red Bank, NJ 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 contract in the Capital Ordinance #2190, account # C-04-55-938-995; 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 Maser Consulting, P.A., Red Bank, NJ at a cost not to exceed \$23,950.00, 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. Maser Consulting, P.A.

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					

**12-201 Authorize the Tax Collector to issue a refund to the previous owner of Block 150.04, Lot 5 due to a duplicate payment**

**AUTHORIZING REFUND OF TAX OVERPAYMENT**

**WHEREAS**, a duplicate payment was made by both the current owner and the previous owner (through Direct Debit of the Deceased Bank Account) for 4<sup>th</sup> quarter 2012 property taxes in the amount of \$1,623.31 for Block 150.04, Lot 5; and

**WHEREAS**, the tax overpayment should be refunded to the Estate of Barbara Bruno, c/o Peluso, Castelluci & Weintraub, 740 Broad street, Highway 35, Shrewsbury, NJ 07702;

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Tax Collector and the Director of Finance to refund the said tax overpayment to the payer listed below.

Block	Lot	Owner/Payer Name	Amount	Reason
150.04	5	Estate of Barbara Bruno c/o Peluso, Castelluci & Weintraub 740 Broad Street – Hwy 35 Shrewsbury, NJ 07702	\$1,623.31	Duplicate payment made by old and new property owner for 4 <sup>th</sup> Quarter 2012 taxes.
<b>Total Taxes Overpaid</b>			\$1,623.31	

**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/Recuse					
Absent/Excused					

**12-202 Authorize the amendment of the Addendum to the Developer’s Agreement for K & D Associates, L.P., Block 140, Lot 108 (735 Highway 35)**

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

**WHEREAS**, the Township Council of the Township of Ocean authorized the Mayor and Municipal Clerk to execute a Developer’s Agreement, along with an Addendum, with K & D Associates, L.P., by way of resolution dated on October 4, 2010, as well as a time extension on December 5, 2011 and again on May 16, 2012; and

**WHEREAS**, it was determined that a third amendment to the Addendum of the Developer’s Agreement between the Township and K & D Associates, L.S. is necessary and the execution of said Addendum will be required; and

**WHEREAS**, the Developer has requested an extension for completion of all work covered by the previously obtained permits, with all work scheduled to be completed by May 31, 2013;

**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 approve the requested time extension for the completion of the renovations for Block 140, Lot 108, located at 735 Highway 35 North, as submitted by K & D Associates, L.P./Renuka Sheth; and

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. K & D Associates/Renuka Sheth
5. Code Enforcement Officer

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					

**12-203 Authorize the rejection of bid(s) received for the Removal of Composted Leaves and authorize the re-advertisement of same**

**WHEREAS**, the Township of Ocean Council authorized the receipt of bids for the Removal of Composted Leaves on October 17, 2012; and

**WHEREAS**, the Township Clerk did duly advertise to receive bids for the Removal of Composted Leaves on November 10, 2012, during which time a state of emergency was declared by Governor Christie due to the devastation from Hurricane Sandy; and

**WHEREAS**, in connection therewith one (1) bid was received by the Township of Ocean on November 20, 2012 from Carl Fraley & Son, Inc., Tinton Falls, NJ; and

**WHEREAS**, the Township of Ocean determined that due to the imposed state of emergency, the Township Manager and Director of Public Works recommended that the aforementioned bid be rejected; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, State of New Jersey, that the bid received for the Removal of Composted Leaves be and is hereby rejected and the Director of Public Works is hereby authorized to re-advertise for receipt of same; and

**BE IT FURTHER RESOLVED** that the Township Clerk is hereby authorized to return all bid bonds and/or certified checks received for this particular bid item; 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. Township Manager

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					

**12-204 Authorize the extension of the following contracts:**

**a. Recap of Tires, Accessories and Road Service – Edwards Tire Co., Inc.**

**WHEREAS**, the Township Council of the Township of Ocean awarded a contract for the recapping of tires, accessories and road service to Edwards Tire Co., Inc., Farmingdale, NJ on December 5, 2011; and

**WHEREAS**, Edwards Tire Co., Inc., Farmingdale, NJ has agreed to maintain their current pricing for the year of 2013; and

**WHEREAS**, the Township Manager and the Public Works Director have recommended that the contract awarded to Edwards Tire Co., Inc., Farmingdale, NJ be extended for the period January 1 through December 31, 2013 at a cost not to exceed \$53,053.75; and

**WHEREAS**, funds for said contract have been certified by the Director of Finance and will be made available by the Governing Body in the Public Works 2013 Temporary and Final Budget, account #3-01-26-767-249;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize an extension of the contract for the recapping of tires, accessories and road service to Edwards Tire Co., Inc., Farmingdale, NJ for the one-year period from January 1 through December 31, 2013 at a cost not to exceed \$53,053.75;

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

1. Director of Finance
2. Public Works Department
3. Edwards Tire Co., 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					

**b. Snow Removal Services – Berardesco General Contracting**

**WHEREAS**, the Township Council of the Township of Ocean awarded a contract for snow removal services to Berardesco General Contracting, LLC, Brick, NJ on December 30, 2011; and

**WHEREAS**, Berardesco General Contracting, LLC, Brick, NJ has agreed to maintain their current pricing for the year of 2013 as follows:

	<u>ITEM</u>	<u>RATE</u>
A	<b>Primary Plowing Vehicles (minimum of 10)</b>	\$175.00 per hour
C	<b>Four wheel drive pickup (minimum of 4)</b>	\$175.00 per hour
D	<b>Supervisor with four wheel drive, plow and radio (one)</b>	\$175.00 per hour

**WHEREAS**, the Township Manager and the Public Works Director have recommended that the contract awarded to Berardesco General Contracting, LLC, Brick, NJ be extended for the period January 1 through December 31, 2013 at the above-noted rates; and

**WHEREAS**, funds for said contract have been certified by the Director of Finance and will be made available by the Governing Body in the Public Works 2013 Temporary and Final Budget, account #3-01-26-765-247;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize an extension of the contract for snow removal services to Berardesco General Contracting, LLC, Brick, NJ for the one-year period from January 1 through December 31, 2013 at the above-noted rates;

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

1. Director of Finance
2. Public Works Department
3. Berardesco General Contracting, LLC, Brick, NJ

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					

**12-205 Authorize a contract with Hunter Technologies, Inc., Eatontown, NJ for the purchase of a new telephone system for the Department of Human Services at a cost not to exceed \$8,712.48**

**WHEREAS**, N.J.S.A. 40:11-12 requires that any local contracting unit purchasing materials, supplies or equipment under a contract entered into by the State Division of Purchasing and Property shall authorize the award of such contract by Resolution of the Governing Body, and

**WHEREAS**, the State of New Jersey, Division of Purchase and Property has awarded a cooperative purchasing contract to Hertrich Fleet Services, Inc., Milford, DE under State Contract A78758,

**WHEREAS**, the Director of Finance has certified that there are sufficient funds available in the Capital Improvement Fund – account # C-04-55-936-917;

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the purchase of a 2013 Dodge Caravan SE from Hertrich Fleet Services, Inc. in an amount not to exceed \$20,667.00 for use by the Department of Human Services; and

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

1. Director of Finance
2. Director of Human Services
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					

**12-206 Approve the placement of one storage containers at Ocean Wine & Spirits, Inc. for a period not to extend beyond January 5, 2013**

**WHEREAS**, the Chapter 5, Section 5-3 prohibits the placement of any storage container on private property for a period of more than 21 consecutive days; and

**WHEREAS**, Ocean Wine & Spirits, Inc. is requesting approval to place one storage container on their property located at 1104 Highway 35 South for the period ending January 5, 2013; and

**WHEREAS**, Ocean Wine & Spirits wishes to utilize said container for the storage of additional merchandise for the holiday season;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that approval is hereby granted to allow Ocean Wine & Spirits, Inc. to place one (1) storage container at 1104 Highway 35 South for a period not to extend past January 5, 2012; and

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

1. Ocean Wine & Spirits, Inc.
2. Director of Community Development
3. Zoning Official
4. Code Enforcement Official

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
xOpposed					
Not Voting/Recuse					
Absent/Excused					

**12-207 Approve an emergency procurement for private contractors to assist the Township in tree and vegetative waste removal operations from Hurricane Sandy at a cost not to exceed \$458,940.00**

**WHEREAS**, a hurricane emergency occurred in the Township of Ocean between October 29 through November 21, 2012 where the Township experienced a significant number of trees and downed power lines throughout the Township; and

**WHEREAS**, the Township of Ocean was in need of assistance from private contractors to assist in the removal of the debris off Township roadways that resulted from the cleanup of said trees and other vegetative waste and due to the emergent nature of the situation, the Director of Public Works was able to locate the following three (3) contractors, without soliciting bids, to assist in the removal of said material off of the Township roadways: TTR, Inc., Oakhurst, NJ, Burke Construction, Inc., Ocean, NJ and Century Contracting, Inc., Ocean, NJ; and

**WHEREAS**, the Township Manager authorized the hiring of said contractors for the duration of the removal operation; and

**WHEREAS**, the Director of Public Works has received final invoices from said contractors noting the following cost for their services:

TTR, Inc.	\$262,500.00
Burke Construction, Inc.	\$173,815.00
Century Contracting, Inc.	\$ 23,625.00

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

Solid Waste – account #2-01-32-837-343	\$262,500.00
Contract Services – account #2-01-26-765-247	\$196,440.00

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council in the Township of Ocean, County of Monmouth that authorization is hereby given to approve the emergency procurement of private contractors to assist Township personnel in the removal of debris from the hurricane emergency that occurred between October 29 through November 21, 2012; and

**BE IT FURTHER RESOLVED** that authorization is hereby given to remit payment as noted above for said services; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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/Recuse					
Absent/Excused					

**12-208 Authorize a contract with AshBritt, Inc., State Contract AG-063, to assist in waste management at a cost not to exceed \$250,000.00**

**WHEREAS**, the Township of Ocean is in need of assistance with debris management resulting from Hurricane Sandy which caused major damage throughout the Township of Ocean from October 29 through November 21, 2012; and

**WHEREAS**, due to the significant damage suffered by many municipalities and residents, the State of New Jersey has afforded municipalities to utilize the services of AshBritt, Inc. to assist in waste management under State Contract AG-063; and

**WHEREAS**, the use of said services will be applicable to the period of October 30, 2012 through April 30, 2013; and

**WHEREAS**, the Township Manager has recommended that a contract be executed with AshBritt, Inc. to assist the Township in debris management at a cost not to exceed \$250,000.00; and

**WHEREAS**, the Director of Finance has certified that funds are available in the Public Works Budget - Solid Waste, account #2-01-32-837-343;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council in the Township of Ocean, County of Monmouth that authorization is hereby to enter into a contract with AshBritt, Inc., under State Contract AG-063, to assist the Township in debris management at a cost not to exceed \$250,000.00; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded 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/Recuse					
Absent/Excused					

**12-209 Approve the temporary amendment of Section 21-20.2 of the Land Development Ordinance and the waiver of certain permit fees for the period ending March 31, 2013**

**WHEREAS**, Governor Christie declared a state of emergency on Saturday, October 27, 2012 as residents of New Jersey prepared for Hurricane Sandy, which made landfall on October 29, 2012 causing extensive damage due to wind, falling trees and storm surge; and

**WHEREAS**, due to the extensive damage, the Township is experiencing an unprecedented need for permits for both construction and housing items with the urgency to receive said permits at an all-time high as residents who were forced to relocate due to the damage wish to return to their homes; and

**WHEREAS**, in an effort to accommodate residents, effective November 5, 2012, the Township began to waive the fees for various permits and/or inspections; and

**WHEREAS**, Section 21-20.2 of the Land Development Ordinance of the Township of Ocean requires that certain alterations, enlargements and enhancements of a nonconforming building or structure require obtaining a variance from the Zoning Board of Adjustment;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council in the Township of Ocean, County of Monmouth, that in an effort to assist residents and businesses recover from the damage caused by Hurricane Sandy, the following will be effective until March 31, 2013:

- Section 21-20.2 of the Land Development Ordinance will be suspended for those individuals who can demonstrate to the satisfaction of the Director of Community Development or her designee that the replacement is necessitated by storm damage; and
- The structure can only be rebuilt as far as the previous non-conformity and cannot be enlarged or otherwise changed in size from the previously existing structure
- The waiver of the following fees:
  1. Electrical service inspection permits where the service was ripped from buildings
  2. Construction permits for roof repair
  3. Rental housing certificates of occupancy for individuals and families who have had to relocate due to damage to their place of residency
  4. Tree removal permits

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

1. Director of Community Development
2. 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					

**12-210 Authorize the Tax Collector to issue a refund to the previous owner of Block 123, Lot 52 due to a duplicate payment**

**WHEREAS**, subsequent to the owner of Block 123, Lot 52 being declared a Totally Exempt Veteran, payments were made by Wells Fargo in the amount of \$4,942.02 representing the 1<sup>st</sup> and 2<sup>nd</sup> quarters of 2012; and

**WHEREAS**, the tax overpayment should be refunded to Wells Fargo, Wells Fargo Real Estate Tax Services, LLC, 1 Home Campus, Des Moines, IA 50328-0001;

**NOW, THEREFORE BE IT RESOLVED**, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Tax Collector and the Director of Finance to refund the said tax overpayment to the payer listed below.

Block	Lot	Qual	Owner/Payer Name	Amount	Reason
123	52		Wells Fargo, Wells Fargo Real Estate Tax Services, LLC, 1 Home Campus, Des Moines, IA 50328-0001	\$4,942.02	Payment made for 1 <sup>st</sup> and 2 <sup>nd</sup> quarter 2012 after owner declared 100% Totally Disabled Veteran
<b>Total Taxes Overpaid</b>				<b>\$4,942.02</b>	

**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/Recuse					
Absent/Excused					

**12-211 Authorize the purchase of diesel, unleaded and winter blend gasoline from Finch Fuel Oil, Inc, Kearney, NJ through the Monmouth County Cooperative Purchasing Program (F-43-2012)**

**WHEREAS**, the Township Council of the Township of Ocean is in need of purchasing diesel, unleaded and winter blend gasoline for the one-year period from January 1 through December 31, 2013; and

**WHEREAS**, it was determined that said diesel, unleaded and winter blend gasoline could be purchased under the Monmouth County Cooperative Purchasing Program (F-43-2012) from Finch Fuel Oil, Inc., Kearney, NJ at the following costs:

Regular Diesel	\$3.4536 per gallon
Winter Blend	\$3.4661 per gallon
Unleaded Gasoline	\$3.2923 per gallon

**WHEREAS**, the Director of Finance has certified that sufficient funds exist for the purchase of said fuel will be made available by the Governing Body in the Public Works 2013 Budget, account #3-01-31-833-392 and #3-01-31-833-393;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given to purchase diesel, unleaded and winter blend gasoline from Finch Fuel Oil, Inc., Kearney, NJ through the Monmouth County Cooperative Purchasing Program (F-43-2012) at the above noted prices; and

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

1. Director of Public Works
2. Director of Finance
3. Finch Fuel Oil, 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					

### **Council Reports:**

All Councilmembers wished everyone a happy holiday and a safe 2013.  
Mr. Brannen and Mr. Arbus reiterated the comments from the Councilmembers.

### **PUBLIC COMMENTS:**

**Don Geiger** inquired if anyone attended the Mayor's "Snow Summit"

Andrew Brannen, Township Manager, said that Tom Caruso, Emergency Management Coordinator attended on behalf of the Township.

**Mr. Geiger** also expressed his continued concern about the parking situation at the Post Office

Albert Fiore, Joe Malone, Bob Miller and Tom Ribaudo all expressed concern and frustration over the flooding situation in and around Branch Road. All stated that the problem has gotten progressively worse through the years and the extensive development done in the Township and the surrounding municipalities have had a negative effect on the entire area.

Mr. Malone stated that the brook is full of debris which is inhibiting the flow of water and the County does not appear willing to do anything.

Mr. Brannen said that he and Councilmember Garofalo will be meeting again with representatives from Monmouth County to discuss the problem and determine what course of action should be undertaken.

**Brian Lefferson** congratulated Sergeant Kelesidis on his promotion and thinks the Township should hire additional police officers.

Mr. Lefferson discussed the history of Whalepond Village, including any monetary contributions made by K Hovnanian to the Township recreation program.

Mr. Lefferson inquired why the Township would not put restrictions on the property.

Martin Arbus, Esq., Township Attorney, explained there were parameters were established that the 96 units would be set aside as low/moderate units and the Township would have the Right of First Refusal should K. Hovanian wish to sell the property. The Township has, indeed, been notified that K Hovnanian was interested in selling the property. The Township has taken the necessary steps to acquire said property to ensure that they remain low/moderate rental units.

Mr. Lefferson inquired about the status of the Stop & Shop litigation because he had heard that Stop & Shop is purchasing Foodtown.

Mr. Arbus said that the litigation has been dismissed, however, it could be reinstated

**Barbara Hudson** read a statement concerning the utilization of cell tower funds for building repairs. Mrs. Hudson inquired if any funds have been expended.

Mr. Brannen stated that no funds have been expended to date.

**Susan Borea** asked that adequate notification be given to the residents when there is a meeting change or additional meetings are scheduled.

**F.K. Hudson** inquired if the Township still provided composting to other municipalities

Mr. Brannen stated that the service is strictly for residents only.

Mr. Hudson asked where the funds were coming from for the acquisition of Whalepond Village

Mr. Brannen explained that the Township has applied to the State for a portion of the funding and the Governing Body passed Ordinance #2190. Mr. Brannen went on to say that the Township will realize additional revenue from the rents collected each month.

Mr. Hudson asked for an update on COAH

Mr. Arbus said that there has been a new judge assigned to the case and a Case Management Conference is set for January 2013.

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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Respectfully submitted,

William F. Larkin  
Mayor

Vincent Buttiglieri, RMC/CMC/MMC  
Municipal Clerk