

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

MAY 2, 2013

OAKHURST, NEW JERSEY

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

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

Absent: Deputy Mayor Siciliano

Others: Martin Arbus, Esq., Township Attorney
Stephen Gallagher, Deputy Township Manager/Director of Finance
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 12, 2012.

Fire Exit Procedures:

There are two emergency exits on the wall to my right that will take you to the front of the building and another one to my left that will take you to the rear parking lot.

NOTICE:

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

Mayor's Statement: Public Portion of any Questions as to Resolutions

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

Public Questions on Resolutions:

There were no questions at this time.

PUBLIC HEARING and ADOPTION – 2013 Municipal Budget

B1 Resolution – Authorizing the Budget to be read by title

WHEREAS, the 2013 Local Municipal Budget of the Township of Ocean was duly published in The Coaster on March 28, 2013 and the Public Hearing thereon was scheduled for May 2, 2013 at 7:00 p.m., or soon thereafter; and

WHEREAS, N.J.S.A. 40A:4-8 provides that the Budget, as advertised, may be read by title if at least one week prior to the date of the hearing it shall be posted in the Municipal Building, a copy of Budget be delivered to the Township of Ocean Public Library and made available to any person requesting same during said week and during the Public Hearing; and

WHEREAS, the Township Clerk has advised that the forgoing conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby find that the conditions set forth in N.J.S.A. 40A:4-8 have been met and, accordingly, the Municipal Budget may be read by title:

**“LOCAL BUDGET OF THE TOWNSHIP OF OCEAN,
COUNTY OF MONMOUTH FOR THE FISCAL YEAR 2013”**

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

Public Hearing

Motion to open the Public Hearing on the 2013 Municipal Budget:

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

Public Comments:

There were no comments on the 2013 Municipal Budget.

Motion to close the Public Hearing on the 2013 Municipal Budget:

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

Resolution – Amend previously approved 2013 Municipal Budget

WHEREAS, the local municipal budget for the year 2013 was approved on the 21st day of March, 2013; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that that following amendments to the approved budget of 2011 be made:

MEETING MINUTES

MAY 2, 2013

RECORDED VOTE:

Ayes:	(Nays:	(Absent:	(
	(((
	(Abstained:	(
	(

	FROM	TO
Anticipated Revenues:		
3. Miscellaneous Revenues – Section F: Special Items of Revenue Anticipated With Prior Written Consent Director of Division of Local Government Services – Public and Private Revenues Offset With Appropriations		
Safe and secure Communities Grant	30,000.00	0
Total Section F: Special Items of Revenue Anticipated With Prior Written Consent Director of Local Government Services – Public and Private Revenues Offset With Appropriations	274,620.20	244,620.20
Summary of Revenues:		
3. Miscellaneous Revenues		
Total Section F: Special Items of Revenue Anticipated With Prior Written Consent Of Director of Division of Local Government Services – Public and Private Revenues	274,620.20	244,620.20
Total Miscellaneous Revenues	6,008,421.20	5,978,421.20
5. Subtotal General Revenues (Items 1, 2, 3 and 4)	13,508,421.20	13,478,421.20
7. Total General Revenues	33,578,206.80	33,548,206.80
8. General Appropriations		
(A) Operations – Within “CAPS”		
Insurance:		
Employee Group Health	2,509,413.00	2,552,337.00
Police		
Salary & Wages	6,440,341.00	6,549,581.00
Other Expenses	289,460.00	314,803.32
Total Operations (Items 8(A)) Within “CAPS”	22,533,735.00	22,711,242.32
Total Operations Including Contingent – within “CAPS”	22,538,735.00	22,716,242.32
Detail:		
Salary & Wages	12,961,601.00	13,070,841.00
Other expenses (Including Contingent)	9,577,134.00	9,645,401.32
(H-1) Total General Appropriations For Municipal Purposes Within “CAPS”	25,246,520.00	25,424,027.32
(A) Operations – Excluded From “CAPS”		
COPs Universal Hiring Program:		
Police:		
Salary & Wages	109,240.00	0
Other Expenses	25,343.32	0
Insurance:		
Employees Group Health	154,525.00	111,601.00
Total Other Operations – Excluded From “CAPS”	317,783.32	140,276.00
Public and Private Programs Offset by Revenue		
Safe and Secure Communities Grant	30,000.00	0
Total Public and Private Programs Offset by Revenue	577,216.20	547,216.20
Total Operations – Excluded From “CAPS”	971,669.52	764,162.20
Detail:		
Salary & Wages	401,958.68	262,718.68
Other Expenses	569,710.84	501,443.52

MEETING MINUTES

MAY 2, 2013

(H-2) Total General Appropriations For Municipal Purposes Excluded From "CAPS"	4,452,226.52	4,244,719.20
(O) Total General Appropriations – Excluded From "CAPS"	4,452,226.52	4,244,719.20
(L) Subtotal General Appropriations {Items (H-1) and (O)}	29,698,746.52	29,668,746.52
9. TOTAL GENERAL APPROPRIATIONS	33,578,206.80	33,548,206.80

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Division of Local Government Services for his certification of the local municipal budget so amended.

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

Public Hearing on the Amendment to the 2013 Budget:

Motion to open the Public Hearing on the Amendment of the 2013 Municipal Budget:

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

Public Comments:

There were no comments on the Amendment to the 2013 Municipal Budget.

Motion to close the Public Hearing on the Amendment to the 2013 Municipal Budget:

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

Resolution to Adopt the 2013 Municipal Budget

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

Mayor's Statement: Public Portion of any Questions as to Resolutions

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

Public Questions on Resolutions:

There were no questions at this time.

CONSENT AGENDA:**MINUTES:**

April 18, 2013 – Workshop, Public and Closed Meeting

RESOLUTIONS:**13-081 Approve the release of 2013 Closed Session Minutes**

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

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

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

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

WHEREAS, the Municipal Clerk, on a periodic basis 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:

April 18, 2013

13-082 Authorize receipt of bids for the Sale of the Boise Building

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

Administration Department:

Sale of Boise Building

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Township Clerk to advertise for bids for the aforesaid item(s) as per the specifications on file and will be received by the Township Manager in the Township Manager's Conference Room, Third Floor, Township Hall, 399 Monmouth Road, Oakhurst, New Jersey on a date to be determined.

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

1. Director of Finance
2. Township Manager

13-083 Authorize fireworks display for July 3, 2013 (raindate July 5, 2013) at Joe Palaia Park

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

WHEREAS, the Township of Ocean Community Celebration Committee has made an application for a public display of fireworks on July 3, 2013 (raindate July 5, 2013) at Joe Palaia Park; and

WHEREAS, the Chief of Police and Fire Marshall of Fire District Number One will be required to approve said application;

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 for the aforementioned public display of fireworks by the Township of Ocean Community Celebration Committee on July 3, 2013 (raindate July 5, 2013) at Joe Palaia Park; and

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

1. Copy of the contract between the pyrotechnic operator and the Township of Ocean Community Celebration Committee
2. Certificate of Insurance with Comprehensive General Liability coverage, including Contractual, Automobile and Workers Compensation
 - a. Liability Limits of \$1,000,000 CSL and Statutory Workers' Compensation;
 - b. Municipality as additional named insured;
 - c. Specifically mentioned hold harmless contract.

3. An executed hold harmless agreement in favor of the municipality must be signed by the fireworks contractor.

13-084 Authorize the Performance Guarantee Reduction for the following:

a. Block 33.34, Lots 5 & 6 – 1705-1709 Highway 35 – Smart Access, LLC

WHEREAS, Smart Access LLC (“Developer”) was granted site plan and variance approval from the Township of Ocean Planning Board by way of Resolution dated August 22, 2011, for property located on Block 33.34, Lots 5 and 6, 1705-1709 Highway 35, to remove the front 40’ from two (2) existing buildings, fill in the area between the two (2) buildings to create 6,562 square feet of building area on the first floor and construct 960 square feet of unheated utility area on a new second floor, for a total of 7,522 square feet of gross floor area. A total of thirty-two (32) parking spaces will be constructed in the front of the building and a loading/service area will be constructed at the rear of the building; and

WHEREAS, the Township Council did authorize and enter into a developer’s agreement dated April 18, 2012 site plan and variance approval to remove the front 40’ from two (2) existing buildings, fill in the area between the two (2) buildings to create 6,562 square feet of building area on the first floor and construct 960 square feet of unheated utility area on a new second floor, for a total of 7,522 square feet of gross floor area. A total of thirty-two (32) parking spaces will be constructed in the front of the building and a loading/service area will be constructed at the rear of the building for; and

WHEREAS, Smart Access, LLC posted performance guarantees totaling \$177,120.00 by way of Subdivision/Site Plan Bond Number B1114174 issued by Selective Insurance Company of America in the total amount of \$159,408.00 and cash in the amount of \$17,712.00; and

WHEREAS, the Township Clerk is in receipt of letter from Shlomo Abitbul, representing Smart Access, LLC dated April 3, 2013, requesting a reduction of the performance guarantees; and

WHEREAS, the Township Clerk is in receipt of a letter from the Township Engineer’s representative, Louis J. Lobosco, P.E., dated April 29, 2013 recommending the granting of the performance guarantee reduction; and

WHEREAS, the Township Council is willing to reduce the amount of the performance bond and cash to 30% of the original performance guarantee estimate amount.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize and approve a reduction of the performance guarantee to the sum of \$53,136.00, in the form of a performance in the amount of \$47,822.40 and cash in the amount of \$5,313.60, representing 30% of the original performance guarantee pursuant to N.J.S.A. 40:44D-52.e.(1) expressly subject to the following conditions:

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Selective Insurance Company of America
5. Smart Access, LLC

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
Opposed					
Not Voting/Recuse					
Absent/Excused	X				

INDIVIDUAL ACTION:

RESOLUTIONS:

13-085 Approve a road opening permit for Block 9, Lot 72, commonly known as 2 Helen Court, as requested by Jack Cohen

WHEREAS, a request has been received from Jack Cohen for the granting of a street opening permit at Block 9, Lot 72, more commonly known as 2 Helen Court; and

WHEREAS, the Township Manager and the Director of Public Works have fully investigated this request and determined that this roadway was paved in September 2009 and informed Jack Cohen of the five-year moratorium for the opening of the street following resurfacing; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that the Township Manager or his designee is hereby authorized to grant a road opening permit for the minimum opening, as noted in the request from Jack Cohen for Block 9, Lot 72, commonly known as 2 Helen Court as follows:

<u>Type</u>	<u>Permit Fee</u>	<u>Penalty Assessment</u>
Water Opening	\$125.00	\$500.00

and is required to be paid pursuant to Section 8-1.8C of the Revised General Ordinances of the Township of Ocean, 1965 prior to the issuance of the permit; and

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

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

1. William McMahon, Director of Public Works
2. Jack Cohen
3. Director of Finance

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

13-086 Authorize the purchase of various vehicle equipment for the Police Department from General Sales Administration, DBA/Major Police Supply, Kenvil, NJ (State Contract A81330) at a cost not to exceed \$8,711.56; and

AUTHORIZE THE PURCHASE OF POLICE EQUIPMENT FROM MAJOR POLICE SUPPLY UNDER THE STATE OF NEW JERSEY CONTRACT NUMBER #A81330

WHEREAS, the Township of Ocean, Monmouth County has availed itself of the right to purchase materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey pursuant to N.J.S.A. 40A:11-10; and

WHEREAS, it is desirable from time to time to obtain materials, supplies and equipment under contracts for such materials, supplies and equipment entered into on behalf of the State of New Jersey without the necessity of advertising for bids, or in the cases where no bids have been received; and

WHEREAS, the Township of Ocean, Monmouth County, desires to purchase various equipment for vehicles utilized by the Police Department from General Sales Administration, DBA/Major Police Supply, Kenvil, NJ (State Contract A81330) at a cost not to exceed \$8,711.56; and

WHEREAS, the Director of Finance has certified that there are sufficient funds available in the Police Department Budget - Purchase of Township Vehicles, account #3-01-30-810-355;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, does hereby authorize the purchase of equipment for Police vehicles from General Sales Administration, DBA/Major Police Supply, Kenvil, NJ (State Contract A81330) at a cost not to exceed \$8,711.56; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution are to be filed with

- 1. Director of Finance
- 2. Chief of Police
- 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
Opposed					
Not Voting/Recuse					
Absent/Excused	X				

13-087 Authorize an inter-local services contract with Monmouth County for the Police CAD System at a cost not to exceed \$38,519.00

WHEREAS, the Township of Ocean entered into a shared services agreement with the Monmouth County Sheriffs Department to provide computer related services to support any call-taking and dispatching functions; and

WHEREAS, the Township of Ocean Police Department wishes to continue with said shared serves with the Monmouth County Sheriffs Department to provide said services for 2013 at a cost not to exceed \$38,519.00; and

WHEREAS, it is the recommendation of the Township Manager and the Police Chief to continue with the shared services agreement with the Monmouth County Sheriffs Department; and

WHEREAS, the Director of Finance has certified that there are available funds for said contract in the Police Department Budget, account # 3-01-25-745-277

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that authorization is hereby given to continue with the previously-entered Shared Services Agreement between the Township of Ocean and the Monmouth County Sheriffs Department to provide services as noted within at the not to exceed cost of \$38,519.00; 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
2. Monmouth County Sheriffs Department

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

13-088 Authorize the submission of the Emergency Watershed Protection Grant

WHEREAS, the Township of Ocean would like to undertake the removal of debris from Whalepond Brook, Poplar Brook, Harvey Brook and sections of Deal Lake; and

WHEREAS, the Township of Ocean is seeking authorization to apply for assistance through a grant entitled Emergency Watershed Protection administered by Natural Resources Conservation Assistance; and

WHEREAS, it is the recommendation of the Township Manager endorses the submission of said grant application;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given to submit the Emergency Watershed Protection grant administered by the Natural Resources Conservation Assistance ;

FURTHER BE IT RESOLVED that the Mayor, Township Manager and Municipal Clerk to are hereby authorized to execute any and all documents related to the submission said Grant application; and

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

1. Township Manager
2. Office of Emergency Management
3. Michael Mirage, Natural Resources Conservation Assistance

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

13-089 Authorize the execution of the Payment in Lieu of Taxes for Block 3, Lots 16.03 and 16.04

13-090 Authorize Township Manager to execute the Board of Adjustment application for Block 3, Lot 16.03 & 16.04

WHEREAS, the Township is the current owner of Block 3, Lots 16.03 and 16.04, more commonly known as 777 West Park Avenue; and

WHEREAS, an application has been made to the Zoning Board of Adjustment for a site plan and zoning variance to said parcel; and

WHEREAS, the authorization is requested to have the Township Manager execute said application on behalf of the Township;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth that authorization is hereby given for the Township Manager to execute the Zoning Board of Adjustment as it relates to Block 3, Lots 16.03 and 16.04; and

BE IT FURTHER RESOLVED that a certified copy of said resolution be filed with the following:

1. Township Manager
2. Director of Community Development

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

13-091 Authorize the Affordable Housing Agreement between the Township of Ocean, Ocean Senior Citizens Housing Corporation and Community Investment Strategies for Poplar Village

ORDINANCES:

Adoption(s):

Ordinance #2194 – (P.H. 5/2 Coaster)

An Ordinance amending Chapter XI of the “Revised General of the Township of Ocean, 1965” entitled: Health

The following vote was taken to open the Public Hearing on Ordinance #2194:

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

There were no Public Comments on Ordinance #2194.

The following vote was taken to close the Public Hearing on Ordinance #2194

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

The following vote was taken to adopt Ordinance #2194 and advertise according to law:

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

Introduction(s):

Ordinance #2204 – (P.H. 5/23 Coaster)

A bond ordinance providing for various improvements and appropriating \$9,359,543 therefor and authorizing the issuance of \$8,770,435 bonds or notes to furnish a portion of the costs thereof

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$9,359,543 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$8,770,435 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

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

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$9,359,543, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$589,108 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 *et seq.*. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$8,770,435, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

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

(i) the acquisition of Public Works equipment and vehicles and various Public Works improvements, including four (4) heavy duty hydraulic lifters; one (1) tink claw for loader; replacement of holland loader with skid steer loader; Boise Building roof replacement; new salt spreader hangars; one (1) Bucket Truck; fire alarm improvements for Town Hall; library repairs; vehicle maintenance software; replacement of existing gas pumps at Sunset Sheds; and one (1) camera truck, with a total appropriation and estimated cost of \$432,000, estimated maximum amount of bonds or notes therefor of \$410,400, and an average period of usefulness of 15 years;

(ii) the acquisition of computers, monitors, servers and other computer related items, with a total appropriation and estimated cost of \$45,000, estimated maximum amount of bonds or notes therefor of \$42,750, and an average period of usefulness of 5 years;

(iii) Police Department improvements, including the acquisition of handguns, four (4) police mobile computer upgrades, replacement of four (4) jail cell doors, and the acquisition of a Police SUV, with a total appropriation and estimated cost of \$198,500, estimated maximum amount of bonds or notes therefor of \$188,575, and an average period of usefulness of 5 years;

(iv) recreation improvements, including the acquisition of a maintenance truck, tennis court improvements, the acquisition of an accessible van, and various pool improvements, with a total appropriation and estimated cost of \$299,500, estimated maximum amount of bonds or notes therefor of \$284,525, and an average period of usefulness of 5 years;

(v) the acquisition of OEM equipment, including an NLPRO II 8kw mobile light tower and radio communication upgrades, with a total appropriation of \$21,000, estimated maximum amount of bonds and notes therefor of \$19,950, and an average period of usefulness of 5 years;

(vi) public building improvements and land acquisition, including West Park Avenue Recreation Center renovations and the purchase and demolition of Poplar Village, with a total appropriation of \$6,635,000, estimated maximum amount of bonds and notes therefor of \$6,303,250, and an average period of usefulness of 39.82 years;

(vii) road improvements, including Monmouth Road curbing and various road milling and paving improvements, with a total appropriation and estimated cost of \$1,601,037, estimated maximum amount of bonds or notes therefor of \$1,520,985, and an average period of usefulness of 10 years; and

(vii) equipment purchased from Capital Improvement Fund, including equipment for buildings and grounds, streets and roads, sanitation, pool, police, OEM departments, with a total appropriation and estimated cost of \$127,506 and an average period of usefulness of 5 years.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$8,770,435, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$9,359,543, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$9,359,543 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$589,108 down payment.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 31.00 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$8,770,435 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$317,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Township are used to finance, on an interim basis, costs of said improvements or purposes, the Township reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Township for the improvements or purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and, unless paid

from other sources, the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Ordinance #2205 – (P.H. 5/23 Coaster)

An ordinance amending and supplementing Chapter XVI of the “Revised General Ordinances of the Township of Ocean, 1965” entitled: Parks and Playgrounds

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XVI OF THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF OCEAN, 1965 entitled: PARKS AND PLAYGROUNDS

BE IT ORDAINED, by the Township Council of the Township of Ocean, County of Monmouth and State of New Jersey that the following be and are hereby amended to read as follows:

CHAPTER XVI PARKS AND PLAYGROUNDS

SECTION 16-5 Fees

16-5.2 Program Fees

ADD:

- f. *Project Extend Morning Child Care (per month)*
Residents - \$50.00 to \$100.00 per participant
- g. *Project Extend Afternoon Care (per month)*
Residents - \$70.00 to \$210.00 per participant
- h. *Project Extend Summer Care (per week)*
Residents - \$80.00 to \$140.00 per participant
Non-Residents - \$80.00 to \$150.00 per participant
- i. *Project Extend Fees*
Special Activity Fee - \$5.00 to \$30.00 per participant
Registration Fee - \$40.00 per family
Late Payment Fee - \$30.00 per late payment in accord with registration agreement

BE IT FURTHER ORDAINED, that all other ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistencies; and

BE IT FURTHER ORDAINED, if any section, paragraph, subparagraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subparagraph, clause or provision or adjusted and the remainder of the ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, This ordinance shall take effect after publication and passage as provided by law.

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

Council Reports:

Councilmember Schepiga reminded all of the Memorial Day Ceremony on May 27, 2013 beginning at 11:00 am.

The following offered no Report: Councilmember(s) Evans and Garofalo
Matthew Goode, Esq., Township Attorney

PUBLIC COMMENTS:

Merwin Meller asked if the Governing Body had considered passing an ordinance to preclude residents from utilizing drone for their own personal use, as it is an invasion of people's privacy.

Mayor Larkin said that nothing is being considered at this point.

F.K. Hudson inquired as follows:

- Ordinance #2203, which was introduced at the April 18, 2013 meeting vacated a portion of Truax Street. What happens with the vacated portion of the street?

Martin Arbus, Township Attorney, informed Mr. Hudson that the vacated portion of the street is divided equally between the properties on both sides of the vacation.

- Ordinance 2204 – What is the purpose?

Stephen Gallagher, Director of Finance, explained that this is the 2013 Capital Ordinance.

- Resolution 13-091 – Asked for an explanation?

Mr. Arbus explained that since 2/3rds of the units are not currently occupied, another location, specifically 777 West Park Avenue, has been identified as the new location of Poplar Village. Poplar Village and CIS are entering into this venture jointly, with the Township donating the land to offset the required 5% contribution that the Township would need to make.

Mr. Hudson asked what is the future for the remaining units and who will own the new entity?

Mr. Arbus said that they will continue to exist and will continue to be run by Poplar Village. The new entity will be a joint venture between CIS and Poplar Village. The Township will not have any involvement in the new entity.

- COAH Update?

Mr. Arbus stated that there was nothing new to report.

Carolyn Pierson, who lives at 7 Centre Street, inquired about the ownership of the property across the street from her residence, as it is unsightly and needs to be cleaned up.

Mayor Larkin informed Ms. Pierson that the property is owned by the utility company and someone will speak to them about maintaining the property.

Mr. Arbus said that the Township does not have jurisdiction over State property but if they were to come before one of the Townships Boards, then conditions can be placed on the owner.

Barbara Stetcon asked if the new owner of the Boise Building will be required to maintain the property in a manner acceptable to the Township?

Mr. Arbus reiterated what was said earlier.

Barbara Hudson asked if this agreement between Poplar Village and CIS has come up before at another meeting?

Mr. Arbus said that Poplar Vilalge had made the decision to utilize the services of CIS to re-develop their existing property but when that became a moot point, they needed to locate to another site, hence 777 West Park Avenue. The Townships sole involvement is to donate the property where the new units will be constructed.

Mrs. Hudson relayed the safety concerns that she had heard from a current resident of Poplar Village and what should she do?

Mayor Larkin said that the resident should contact Pam Morley from Poplar Village.

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

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

Respectfully submitted,

William F. Larkin
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Municipal Clerk