

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

OCTOBER 16, 2014

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
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 30, 2013.

NOTICE:

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

Clean Communities Coloring and Poetry Contest Winners

Clean Communities Representative Carol Allgor joined the Governing Body in presenting the following with Certificates of Accomplishment:

Coloring Contest

Pre-Kindergarten

Wayside School	Yousuf Syed
Ocean Township Elementary School	Abigail Batalas

Kindergarten

Wayside School	Siri Sriharsha
Wanamassa School	Sophia Johannensen
Ocean Township Elementary School	Brian Stevens

First Grade

Wayside School	Suvit Asnani
Wanamassa School	Ava Archer
Ocean Township Elementary School	Ryan Smyth

Second Grade

Wayside School	Lana Rudolph
Wanamassa School	Alex Foley
Ocean Township Elementary School	Chanell Mauro

Poster Contest

Third Grade

Wanamassa School	Sophia Rause
Ocean Township Elementary School	Joey Critelli

Fourth Grade

Wayside School
Ocean Township Elementary School

June Alto
Alexandra Brannen

PROCLAMATIONS:

J. Thomas Means
Planning Board Chair
30 Years of Service

J. Thomas Means
Planning Board Chairman

WHEREAS, J. Thomas Means was appointed to the Township of Ocean Planning Board on July 11, 1984 as the Alternate II member and has served continuously for the past 30 plus years; and

WHEREAS, Tom's leadership and common sense were evident from the onset which led to him being named Vice Chair of the Township of Ocean Planning Board on July 13, 1987 and ultimately as its Chairman on July 12, 1993; and

WHEREAS, throughout his tenure as Chairman, Tom has maintained a professionalism that belies the somewhat challenging times of growth and prosperity that has faced the Community of Gracious Living; and

NOW, THEREFORE, BE IT PROCLAIMED that the Township of Ocean hereby extends our heartfelt appreciation to

J. Thomas Means

for his many years of service to the residents and businesses of the Township of Ocean and further offer our sincere appreciation to the role he has played in maintaining the quality of life for those who reside in the Community of Gracious Living; and

FURTHER BE IT PROCLAIMED that we extend our sincere wishes that Tom continue to lead the Township of Ocean Planning Board for many years to come.

Warren B. Goode
Zoning Board of Adjustment Chair
36 Years of Service

Warren B. Goode
Zoning Board of Adjustment Chairman
Planning Board Vice Chairman

WHEREAS, Warren B. Goode was appointed to the Township of Ocean Planning Board on May 8, 1978 and has served continuously for the past 36 plus years; and

WHEREAS, Warren was subsequently appointed to serve as a member of the Zoning Board of Adjustment on February 26, 1987 and has served continuously for the past 27 years

WHEREAS, Warren has served as the Chair of both the Planning Board (1984-1993) and the Zoning Board of Adjustment (1993-Present) and as Vice Chair of the Planning Board (1979-1984 and 1993-Present); and

WHEREAS, throughout his service as Chair and Vice Chair of both Boards, Warren has been able to lead these Boards with a firm, yet compassionate, hand and has put his indelible mark on the footprint of the Township of Ocean;

NOW, THEREFORE, BE IT PROCLAIMED that the Township of Ocean hereby extends our heartfelt appreciation to

Warren B. Goode

for his many years of service to the residents and businesses of the Township of Ocean and further offer our sincere appreciation to the role he has played in maintaining the quality of life for those who reside in the Community of Gracious Living; and

FURTHER BE IT PROCLAIMED that we extend our sincere wishes that Warren continue to serve in leadership capacities on both the Township of Ocean Planning Board and Zoning Board of Adjustment for many years to come.

Mayor Larkin commended both men on their long-standing service to the Township.

Mr. Means and Mr. Goode expressed their appreciation for being recognized by the Township and reiterated their commitment to continue to serve the Township.

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 and Vouchers 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 and Vouchers:

There were no questions from the Public at this time.

CONSENT AGENDA:

MINUTES:

October 2, 2014 – Workshop, Public and Closed Meeting

RESOLUTIONS:

14-194 Approve the Release of Maintenance Guarantee for the following:

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

WHEREAS, the Township Council did authorize and enter into a developer's agreement dated July 6, 2011 with Daniel Betesh for Minor Site Plan Approval to construct some minor on-site curb realignments, driveway widening and new loading zone drop-off for Block 141, Lot 17 located at 1 North Mall Drive; and

WHEREAS, Daniel Betesh posted performance guarantees totaling \$59,400.00 in the form of cash to guarantee the completion of all improvements on premises known as Block 141, Lot 17 located at 1 North Mall Drive; and

WHEREAS, the Township Council did authorize the release of performance guarantees and acceptance of a \$7,425.00 maintenance bond by way of resolution dated February 22, 2012; 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, Daniel Betesh has heretofore deposited with the Township of Ocean a maintenance guarantee in the amount of \$7,425.00 for Block 141, Lot 17 located at 1 North Mall Drive; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 29, 2014, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially maintained and said representative of the Township Engineer recommends the release of the aforementioned maintenance guarantee.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the maintenance guarantee in the amount of \$7,425.00 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. Daniel Betesh

14-195 Authorize the Release of Performance Guarantee(s) for the following:

a. Block 8, Lots 20 & 27 – 45 Monmouth Road – The White House in Oakhurst

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

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated October 17, 2013 with The White House at Oakhurst, LLC for Site Plan Approval, Approval of Use Variance, Minor Subdivision Approval and Approval of Bulk Variances to convert an existing office building located on Lot 20 to a commercial use of a tearoom, which will also sell teas and related supplies, as well as supporting office space for property known as Block 8, Lots 20 & 27 located at 45 Monmouth Road; and

WHEREAS, The White House at Oakhurst, LLC has deposited with the Township of Ocean performance guarantees totaling \$70,320.00 in the form of cash to guarantee the completion of all improvements on premises known as Block 8, Lots 20 & 27 located at 45 Monmouth Road; and

WHEREAS, the Township Clerk is in receipt of a letter from a P. O. Kristensen, on behalf of The White House at Oakhurst, LLC, dated September 16, 2014 requesting the release of the performance guarantee; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated September 29, 2014, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$70,320.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$8,790.00 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. Construction Official
4. Director of Community Development
5. The White House at Oakhurst, LLC

b. Block 61.03, Lot 4 – 604 Woodland Road – Ryan & Wanessa Vaccaro

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, Ryan and Wanessa Vaccaro has heretofore deposited with the Township of Ocean a cash performance guarantee in the amount of \$5,328.00 to guarantee the completion of all improvements on premises known as Block 61.03, Lot 4 also known as 604 Woodland Road; and

WHEREAS, Louis J. Lobosco, P.E., P.P., representing the Township Engineer, has advised the Township Manager by letter dated September 30, 2014, 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 complete 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% (\$2,664.00) 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 Louis J. Lobosco, P.E., P.P. and the performance guarantees totaling \$5,328.00 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% (\$2,664.00) 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. Ryan and Wanessa Vaccaro

14-196 Approve the participation in the Monmouth County Mutual Aid Program and authorize the Police Chief to be the Township's representative to same

WHEREAS, the Monmouth County Prosecutor's Office and the Monmouth County Chiefs of Police Association have created the Monmouth County Mutual Aid Agreement (the "Agreement") to provide a mechanism for participation in a program designed to provide supplemental police protection for all municipalities joining in such agreement; and

WHEREAS, the provisions and procedures for providing mutual police assistance are set forth in the Agreement; and

WHEREAS, the Governing Body finds that participation in the Agreement will benefit the citizens of the municipality;

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 participation in the Agreement.
2. It hereby authorizes the Chief of Police, Steven R. Peters, to be the representative of this municipality to sign the Declaration of Joinder in the Monmouth County Mutual Aid Agreement.
3. It hereby accepts the guidelines set forth in the Agreement.
4. This Resolution is separate and distinct from any mutual aid agreement previously entered into between any other municipalities and shall remain in effect until the Agreement is dissolved or until a formal resolution is adopted by the Governing Body withdrawing from the Agreement.
5. A certified copy of this resolution shall be provided by the Municipal Clerk to:
 - a. The Monmouth County Prosecutor
 - b. The Municipal Clerk of each municipality participating in the Agreement

14-197 Authorize the submission of the FY2015 NJ Department of Transportation Trust Fund Municipal Aid Program

WHEREAS, the State of New Jersey, Department of Transportation has notified all municipalities of the availability of funding under the Transportation Trust Fund Municipal Aid Program for Fiscal Year 2015; and

WHEREAS, the Township of Ocean is desirous of submitting an application under this program for the Fiscal Year 2015 for the following purpose:

- Improvements to Hope Road/Green Grove Road Phase I from Industrial Way West to West Park Avenue

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Township Engineer, Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2015 Hope Road/Green Grove Road Phase I – 00415 to the New Jersey Department of Transportation on behalf of the Township of Ocean; and

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Ocean and that their signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

14-198 Approve the Release of various 2014 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:

October 2, 2014

14-199 Certify the Review of the CY2014/SFY2015 Best Practices Checklist
CERTIFYING REVIEW OF THE 2014
BEST PRACTICES CHECK LIST

WHEREAS, the Township of Ocean is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the Check List has been certified by the Chief Financial Officer and a copy thereof has been received by each member of the Governing Body; and

WHEREAS, the members of the Governing Body have personally reviewed the Local Government Best Practices Check List.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Township of Ocean, hereby certifies that they have reviewed and discussed the checklist at a public workshop meeting held on October 16, 2014; and

BE IT FURTHER RESOLVED that certified copies of this resolution are to be provided to the following:

1. Division of Local Government Services
2. Director of Finance
3. Township Auditor

14-200 Approve the amendment to the Agreement between the Township of Ocean and the Wanamassa Fire Company for Firemen's Field

Amendment to an Agreement originally dated JUNE 11, 1993 and amended on APRIL 19, 2010 by and between the Wanamassa Fire Company, Inc., a CORPORATION of the State of New Jersey, and the Township of Ocean, a municipal corporation in the County of Monmouth in the State of New Jersey, hereinafter called the TOWNSHIP;

WHEREAS, the CORPORATION and the TOWNSHIP entered into an agreement dated June 11, 1993 and amended on April 19, 2010, with regard to property known as Block 142, Lot 47 on the Tax Map Number 46 of the Township of Ocean, which property is commonly referred to as Wanamassa Firemen's Field; and

WHEREAS, the parties seek to amend the terms of the agreement and more specifically the terms set forth in Schedule C of that agreement regarding the use and maintenance of the fields;

NOW, THEREFORE in consideration of One Dollar (\$1.00) and other good and valuable consideration the parties hereto agree as follows:

FIRST: The TOWNSHIP, its agents, or designees shall be solely responsible for the maintenance, scheduling, and use of both the softball and baseball fields located at the subject property.

SECOND: The TOWNSHIP will be responsible for all costs associated with maintenance and utilities of the fields and snack bar.

THIRD: The TOWNSHIP will establish a fee schedule and collect fees according to law for the use of the field and snack bar. All such fees collected shall belong to the TOWNSHIP.

FOURTH: The TOWNSHIP will be responsible for the costs of electricity and natural gas for the meeting room and pavilion and will further be responsible to paint the exterior of the structure, as needed.

FIFTH: The TOWNSHIP, or their designee, shall be entitled to sell sign space in the area of the hardball and softball fields and shall be further entitled to income from those sales.

SIXTH: The TOWNSHIP, or their designee, with the approval of the CORPORATION, shall have the right to erect such structures as necessary to promote the purposes of the facilities.

SEVENTH: The TOWNSHIP agrees to prioritize requests from the CORPORATION for special events hosted by the CORPORATION within the limits of availability and regulations established by Ordinance. No fee will be charged to the CORPORATION for such use.

EIGHTH: The TOWNSHIP agrees to retain the name of the field as "Wanamassa Firemen's Field", with an Indian head logo on the sign. Additionally, the TOWNSHIP will be responsible for the maintenance of the sign.

NINTH: The TOWNSHIP shall furnish to the CORPORATION a Certificate of Insurance providing for coverages to extend to Block 142, Lot 47, and specifically naming the CORPORATION as an additional insured.

TENTH: The TOWNSHIP shall hold harmless and indemnify the CORPORATION for any and all injuries sustained to any persons as a result of any activities that may occur while using any of the athletic fields or facilities, unless members of the CORPORATION, or designees of the CORPORATION, are using the meeting room, pavilion, and/or athletic fields for their own purposes and uses.

ELEVENTH: The CORPORATION will continue to have responsibility for scheduling the meeting room and pavilion.

TWELVTH: The CORPORATION will be responsible for insuring the pavilion and meeting room structures and providing all necessary insurance, including liability insurance for all the CORPORATION'S events occurring in the meeting room, pavilion, and/or athletic fields, in the minimum amount of one million (41,000.000) dollars and shall provide the TOWNSHIP with a Certificate of Insurance naming the TOWNSHIP as a certificate holder and additional insured.

THIRTEENTH: The CORPORATION will further be responsible for all costs associated with the meeting room and pavilion, except as stated in paragraph number four, and unless specifically assumed herein by the TOWNSHIP.

FOURTEENTH: To the extent any provisions herein are inconsistent with the original agreement, the provisions set forth herein shall control.

FIFTEENTH: Except otherwise provided, through the lease agreement and the subsequent addendums, the regulations established by ordinance which are applicable to other TOWNSHIP recreational facilities shall be applicable to this facility.

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					

* Yes except for Resolution #14-200 which Councilmember Evans recused on.

INDIVIDUAL ACTION:

VOUCHERS: \$5,379,419.48 (See Attached for complete list)

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 which I have a conflict:

Kepwell Spring Water Co.

RESOLUTIONS:**14-201 Provide for the issuance of \$16,200,000 General Obligation Bonds, Series 2014**

RESOLUTION PROVIDING FOR THE ISSUANCE OF \$16,200,000 GENERAL OBLIGATION BONDS, SERIES 2014, AUTHORIZED IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Township of Ocean, in the County of Monmouth, New Jersey (the "Township"), adopted the various bond ordinances (collectively, the "Bond Ordinances") listed in Attachment A annexed hereto, authorizing the construction and/or acquisition of general improvements of the Township and the issuance of in excess of \$16,200,000 bonds pursuant thereto; and

WHEREAS, the Township has issued various Bond Anticipation Notes pursuant to the Bond Ordinances set forth in Attachment A and the Township desires to refund said notes through the issuance of the bonds hereinafter described; and

WHEREAS, the Local Bond Law, constituting Chapter 2 of Title 40A of the Revised Statutes of the State of New Jersey (*N.J.S.A. 40A:2-1 et seq.*), governs the issuance of bonds by the Township; and

WHEREAS, the Township has determined it is in the best interests of the Township to issue bonds pursuant to said authorizations in order to permanently finance the above-described purposes.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF MONMOUTH, NEW JERSEY, AS FOLLOWS:

Section 1. Authorization for the Bonds and Projects to be Funded. Pursuant to the Local Bond Law and by virtue of the proceedings herein described, the Township hereby authorizes the sale and issuance of general obligation bonds in an aggregate principal amount of \$16,200,000, as hereinafter set forth. Said bonds shall consist of one (1) series composed of \$16,200,000 General Obligation Bonds, Series 2014 (the "Bonds") issued pursuant to the Bond Ordinances.

Section 2. Details of the Bonds.

(a) The Bonds shall be dated November 1, 2014 or such other date consistent with the Notice of Sale, shall be issued, and shall mature on November 1st of each year in the principal amounts as follows:

Year	Principal	Year	Principal
2015	925,000	2023	1,095,000
2016	950,000	2024	1,120,000
2017	950,000	2025	1,145,000
2018	975,000	2026	1,170,000
2019	1,000,000	2027	1,220,000
2020	1,020,000	2028	1,245,000
2021	1,045,000	2029	1,270,000
2022	1,070,000		

(b) The Bonds are subject to redemption prior to their stated maturity as set forth in the Notice of Sale included as Attachment C hereto .

(c) The Bonds shall bear interest payable semiannually on May 1 and November 1 in each year until maturity or prior redemption (the "Interest Payment Dates"), or on the next business day if an Interest Payment Date is not a business day, commencing May 1, 2015.

(d) The Bonds shall be fifteen (15) in number, with one certificate being issued for each maturity, and shall be numbered GO-2014-1 to GO-2014-15, inclusive.

Section 3. Form of the Bonds. (a) The Bonds shall be in substantially the form annexed hereto as Attachment B, subject to such modifications as are approved in the reasonable discretion of the Chief Financial Officer in consultation with Bond Counsel (hereinafter described), and consistent with applicable law.

(b) If any Bond is mutilated, destroyed, lost or stolen and replaced in accordance with the Local Bond Law, including specifically *N.J.S.A. 40A:2-36*, the owner thereof shall be responsible for all costs incurred in connection with the replacement thereof, including legal, printing and other related costs.

(c) At the discretion of the Chief Financial Officer, upon advice of Bond Counsel, the Bonds may have printed thereon a copy of the written opinion with respect to the Bonds (complete except for omission of its date), which is to be rendered by the law firm of McLaughlin Stauffer & Shaklee, PC, Wall, New Jersey, Bond Counsel for the Bonds. The Municipal Clerk is hereby authorized and directed to certify to the correctness of the copies of such opinions by executing, by manual or facsimile signature, a certificate on each of the Bonds, in form satisfactory to said firm, and to file a signed duplicate of such written opinions in said Clerk's office.

(d) The Bonds shall be executed by the manual or facsimile signatures of the Mayor and Chief Financial Officer, under the official seal of the Township affixed, imprinted or reproduced thereon and attested to by the manual signature of the Municipal Clerk or Deputy Clerk.

Section 4. The Depository Trust Company. (a) The Chief Financial Officer is hereby authorized to make representations and warranties, to enter into agreements and to make all arrangements with The Depository Trust Company, as may be necessary in order to provide that the Bonds will be eligible for deposit with The Depository Trust Company and to satisfy any obligation undertaken in connection herewith.

(b) In the event that The Depository Trust Company may determine to discontinue providing its service with respect to the Bonds or is removed by the Township and if no successor Securities Depository is appointed, the Bonds which were previously issued in book-entry form shall be converted to registered bonds in denominations of \$5,000, or any integral multiple thereof except, if necessary, also in the amount of \$1,000. The beneficial owner under the book-entry system, upon registration of the Bonds held in the beneficial owner's name, will become the registered owner of the registered bonds. The Township shall be obligated to provide for the execution and delivery of the registered bonds in certified form.

Section 5. Disclosure Undertaking.

(a) Solely for purposes of complying with Rule 15c2-12 of the Securities and Exchange Commission, as amended and interpreted from time to time (the "Rule"), and provided that the Bonds are not exempt from the Rule and provided that the Bonds are not exempt from the following requirements in accordance with paragraph (d) of the Rule, for so long as the Bonds remain outstanding (unless the Bonds have been wholly defeased), the Township shall provide for the benefit of the holders of the Bonds and the beneficial owners thereof:

(i) On or prior to 270 days from the end of the fiscal year, beginning with the fiscal year ending December 31 of the year in which such series of Bonds is issued, to the Municipal Securities Rulemaking Board through the Electronic Municipal Market Access Data Port (the "MSRB"), annual financial information with respect to the Township consisting of the audited financial statements (or unaudited financial statements if audited financial statements are not then available, which audited financial statements will be delivered when and if available) of the Township and certain financial information and operating data consisting of (1) the Township and overlapping indebtedness including a schedule of outstanding debt issued by the Township, (2) the Township's most current adopted budget, (3) property valuation information, and (4) tax rate, levy and collection data. The audited financial information will be prepared in accordance with modified cash accounting as mandated by State of New Jersey statutory principles in effect from time to time or with generally accepted accounting principles as modified by governmental accounting standards as may be required by New Jersey law and shall be filed electronically and accompanied by identifying information with the MSRB;

(ii) in a timely manner not in excess of ten business days after the occurrence of the event, to the MSRB, notice of any of the following events with respect to the Bonds (herein "Material Events"):

- (1) principal and interest payment delinquencies;
- (2) non-payment related defaults, if material;
- (3) unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) unscheduled draws on credit enhancements reflecting financial difficulties;
- (5) substitution of credit or liquidity providers, or their failure to perform;
- (6) adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (7) modifications to rights of holders of the Bonds, if material;
- (8) bond calls, if material, and tender offers;
- (9) defeasances;
- (10) release, substitution or sale of property securing repayment of the Bonds, if material;
- (11) rating changes;
- (12) bankruptcy, insolvency, receivership or similar event of the obligated person;
- (13) the consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of

the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(14) appointment of a successor or additional trustee or the change of name of a trustee, if material.

For purposes of the event identified in subparagraph (12) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(iii) in a timely manner to the MSRB notice of failure of the Township to provide required annual financial information on or before the date specified in this Resolution.

(b) If all or any part of the Rule ceases to be in effect for any reason, then the information required to be provided under this Resolution, insofar as the provision of the Rule no longer in effect required the provision of such information, shall no longer be required to be provided.

(c) The Chief Financial Officer shall determine, in consultation with Bond Counsel, the application of the Rule or the exemption from the Rule for each issue of obligations of the Township prior to their offering. Such officer is hereby authorized to enter into additional written contracts or undertakings to implement the Rule and is further authorized to amend such contracts or undertakings or the undertakings set forth in this Resolution, provided such amendment is, in the opinion of nationally recognized bond counsel, in compliance with the Rule.

(d) In the event that the Township fails to comply with the Rule or the written contracts or undertakings specified in this Resolution, the Township shall not be liable for monetary damages, remedy being hereby specifically limited to specific performance of the Rule requirements or the written contracts or undertakings therefor.

Section 6. Additional Matters. The following additional matters are hereby determined, declared, recited and stated:

(a) The Bonds have not been heretofore sold or issued and the Bond Ordinances described herein have not been rescinded and now remain in full force and effect as authorization for the aggregate principal amount of the Bonds.

(b) The purposes for which the Bonds have been authorized to be issued are purposes for which bonds may lawfully be issued pursuant to the Local Bond Law.

(c) The average period of usefulness of the Bonds authorized by the Bond Ordinances is 15.12 years and the Bonds shall mature within such period.

Section 7. Tax Matters. The Township hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the Bonds, including the requirement to rebate all net investment earnings on the gross proceeds above the yield on the Bonds, if necessary.

Section 8. Security for the Bonds. Any Bond issued pursuant to the Bond Ordinances shall be a general obligation of the Township, and the Township's full faith and credit are hereby pledged to the punctual payment of the principal of and the interest on the Bonds and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 9. Sale of the Bonds. The Bonds shall be sold on November 6, 2014, or such other date as may be determined by the Chief Financial Officer, via the "PARITY Electronic Bid System" ("PARITY") upon the terms and conditions set forth and described in the Notice of Sale for the Bonds set forth in Attachment C. The Notice of Sale shall be posted on PARITY. Pursuant to N.J.S.A. 40A:2-34, the Township hereby designates the Chief Financial Officer to sell and to award the Bonds in accordance with the Notice of Sale authorized herein, and such financial officer shall report in writing the results of the sale to the Township Council as required by law. The Chief Financial Officer is hereby authorized and directed, consistent with the terms of the Notice of Sale, to retain the good faith deposit of the successful bidder and to immediately return such good faith deposits, whether by wire or check, to the unsuccessful bidders.

Section 10. Notice of Sale. (a) The Notice of Sale shall be substantially in the form set forth in Attachment C hereto with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company and PARITY. The Short Notice of Sale shall be substantially in the form set forth in Attachment D hereto with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company and PARITY. The Summary Notice of Sale shall be substantially in the form set forth in Attachment E hereto with such additions, deletions and omissions as may be necessary for the Township to market the Bonds, including in accordance with the requirements of The Depository Trust Company and PARITY.

(b) The Township Clerk is hereby directed to arrange for the publication of the Short Notice of Sale set forth in Attachment D hereto in the Asbury Park Press or such other authorized newspaper of the Township. McLaughlin Stauffer & Shaklee, PC is hereby directed to arrange for the publication of the Summary Notice of Sale in the form attached hereto as Attachment E in The Bond Buyer, a financial newspaper published and circulating in the City of New York, New York.

Section 11. Official Statement and Credit Rating or Enhancement. The Chief Financial Officer, Township officers, Bond Counsel, and Auditor are hereby authorized and directed to prepare the Official Statement in preliminary and final form and to comply with the provisions of Securities and Exchange Commission Rule 15c2-12 (the "Rule"). Such Official Statement may be distributed in preliminary form and deemed final for purposes of the Rule on behalf of the Township by the Chief Financial Officer or by the Mayor. The Mayor and/or Chief Financial Officer are authorized to sign the Official Statement on behalf of the Township in as many counterparts as are needed for the Closing and delivery of the Bonds. Township Officials are hereby authorized and directed to take all action necessary and convenient to the Township's issuance of the Bonds including, as said officials deem appropriate, the preparation of the reports and disclosure information on the Bonds and the Township and to apply to nationally recognized credit rating agencies to obtain a credit rating on the Bonds from one or more such service, to apply to insurers of municipal bonds in order to acquire a policy of municipal bond insurance for the Bonds and to take all action relating thereto and to pay the premium associated therewith, to obtain fee information from potential printers of the Official Statement and the Bonds, and to contact securities depositories regarding the issuance of the Bonds in book-entry only form.

Section 12. Delegation of Authority. The Chief Financial Officer is hereby authorized and directed to determine all matters in connection with the Bonds not determined by this or a prior or subsequent resolution, all in consultation with Bond Counsel, and the manual or facsimile signature of the Chief Financial Officer upon the Bonds shall be conclusive as to such determinations. The Mayor, Chief Financial Officer and the Municipal Clerk are hereby authorized and directed to execute and deliver such documents as are necessary for the issuance and delivery of Bonds and to take such actions or refrain from such actions as are necessary for the issuance of the Bonds, in consultation with Bond Counsel.

Section 13. Closing and Delivery of the Bonds. The Township shall cause the Bonds to be prepared and made ready for delivery on the Closing Date, which shall be on or about, but in no event later than, November 20, 2014. The delivery of and payment for the Bonds shall take place at the offices of McLaughlin Stauffer & Shaklee, PC, Wall, New Jersey, Bond Counsel, or at such other place as is agreed to by the Chief Financial Officer. If the purchaser shall so request, the Bonds shall be made available before the Closing Date for purposes of inspection and packaging. At the Closing, the Township will deliver the Bonds to the purchaser or upon his order in definitive or temporary form duly executed, together with the other required documents and, subject to the terms and conditions hereof, the purchaser will accept such delivery and pay the aggregate purchase price of the Bonds in immediately available funds.

Section 14. Application of Bond Proceeds. The proceeds of the Bonds shall be applied to pay the costs of the projects described in the Bond Ordinances including the payment of the outstanding Bond Anticipation Notes described herein and the costs of issuance of said Bonds.

Section 15. Report on the Bonds. The Chief Financial Officer is hereby directed to report in writing to the governing body of the Township at the meeting next succeeding the date of delivery of the Bonds. Such report shall include the principal amount, description, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

Section 16. Effective Date. This resolution shall take effect immediately.

CERTIFICATION AS TO
BOND RESOLUTION

Upon motion of Township Council Member Siciliano, and seconded by Township Council Member Schepiga, the foregoing resolution was adopted by the following vote:

Township Council Member By Name

AYES: Evans, Garofalo, Larkin, Schepiga, Siciliano

NAYS:

ABSENT:

ABSTENTIONS:

14-202 Authorize the purchase of a evidence locker system from Diversified Storage Solutions at a cost not to exceed \$13,836.00

WHEREAS, the Township of Ocean Police Department is in need of purchasing an evidence locker system; and

WHEREAS, the Police Department solicited quotes for the purchase of said evidence locker system and received the following responses:

Diversified Storage Solutions, Norristown, PA	\$13,836.00
FASCO Inc.	\$10,197.00
DeBough All American Lockers, LaJunta, CO	\$10,714.00

WHEREAS, it is the recommendation of the Chief of Police that the Township of Ocean purchase an evidence locker system from Diversified Storage Solutions, Norristown, PA 19401 on quality based selection at a cost not to exceed \$13,836.00; and

WHEREAS, the required authorization to spend up to \$13,836.00 from the Township of Ocean Law Enforcement Trust Fund for the purpose of purchasing the equipment has been granted by the Monmouth County Prosecutor; and

WHEREAS, the Director of Finance has certified that there are sufficient funds available in Law Enforcement Trust Fund Account;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, Monmouth County that it does hereby approve the Township Manager's execution of a purchase order to Diversified Storage Solutions, Norristown, PA in an amount not to exceed \$13,836.00 for the purchase of an evidence locker system; and

BE IT FURTHER RESOLVED, by the Township Council that certified copies of this resolution be forwarded to the following:

1. Chief of Police
2. Director of Finance
3. Diversified Storage Solutions

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					

14-203 Authorize the Tax Collector to issue refunds/credits to those taxpayers that have received favorable State Tax Appeal judgments.

AUTHORIZING THE CANCELATION OF YEARS 2013 and 2014 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 2013 and 2014 and,

WHEREAS, proper procedures require that the tax assessments for the years 2013 and 2014 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 2013 and 2014 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4th quarter taxes for those years’ taxes below:

Block/Lot	Property Owner	Property Address	2013	2014	Total Refund
141 10	BETESH, MICHAEL J & BETESH, DANIEL	912 HIGHWAY 35	5,417.68	5,581.56	10,999.24
141 11	BETESH,MICHAEL J& BETESH, D	920 HIGHWAY 35	5,417.68	5,581.56	10,999.24
					-
Totals			10,835.36	11,163.12	21,998.48

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

1. Tax Collector
2. Township Auditor

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

ORDINANCE:

Adoption(s):

Ordinance #2227 – A bond ordinance providing for curb and sidewalk improvements and appropriating \$332,700 therefor and authorizing the issuance of \$316,065 bonds or notes to furnish a portion of the costs thereof
 (Coaster)

Mayor Larkin asked for a motion to open the Public Hearing on Ordinance #2227

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					

Public Comments:

Steve Ciaverelli asked if the Township has solicited bids for this project?

Andrew Brannen, Township Manager, explained that bids were opened and each property owner will be assessed the cost for said work payable over a five-year period. However, if the homeowner so desires, it can be paid off at any time during the payoff period.

Mr. Brannen further explained that an informational session was held with the affected property owners prior to bids being accepted. Mr. Brannen offered to meet with those property owners that would like to further discuss the proposed work and what cost will be assessed to their property.

Edward Verdi said that he lives in a new home that already has curbs and sidewalks. Would he be required to pay to re-do them?

Mr. Brannen stated that no additional work was planned at this property.

Michael Basile said that a portion of this work has already been completed – does it need to be redone?

Mr. Brannen said that in most cases it would be left up to the property owner.

Bette Kiernan inquired about the rationale used to determine what properties get work done and which do not.

Mr. Brannen explained the assessment district is identified and then the properties in that area are examined to see if work is required.

Lou Vitale asked how much the assessment is for his property?

Charles Aria asked why his property was included in the ordinance if no work is slated to be done?

Mr. Brannen said that all properties within the assessment districts were included just in case he chose to have work done during the project.

A Resident from 1600 Logan Road asked if anything had changed since the last information meeting.

Mr. Brannen said that nothing has changed.

Seeing no additional comments, Mayor Larkin asked for a motion to close the Public Hearing on Ordinance #2227:

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					

The following vote was taken to adopt Ordinance #2227 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Ordinance #2233 – An ordinance amending and supplementing Chapter XII of the “Revised (Coaster) General Ordinances of the Township of Ocean, 1965” entitled: Traffic

Mayor Larkin asked for a motion to open the Public Hearing on Ordinance #2233

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					

Seeing no comments, Mayor Larkin asked for a motion to close the Public Hearing on Ordinance #2233:

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					

The following vote was taken to adopt Ordinance #2233 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	X
Opposed					
Not Voting/Recuse					
Absent/Excused					

Council Reports:

Deputy Mayor Siciliano announced that the new recycling center on Sunset Avenue was open.

Martin Arbus, Township Attorney, said that he worked many years with both Tom Means and Warren Goode while he was the Planning Board Attorney. He went on to say that Ocean Township is lucky to have such dedicated individuals serving on those very important Boards.

The following offered no Report:

Councilmember(s) Evans, Garofalo and Schepiga
Andrew Brannen, Township Manager

PUBLIC COMMENTS:

Merwin Meller reported that Cedar Village held their Cancer Walk and they had 65 participants and raised over \$3,800.00 for Jersey Shore Medical Center.

Barbara Hudson asked what was changed at the recycling center?

Deputy Mayor Siciliano said the work was done to make the center more accessible for the public.

F.K. Hudson inquired as follows:

1. Resolution #14-201 – what is the anticipated interest rate?

Mr. Brannen said that it is tied in to the coupon rate which is relatively low these days.

Mr. Hudson asked for an update on the COAH litigation.

Mr. Arbus reported that no decision has been made by Judge Kapalko on the Roosevelt Properties litigation.

With regard to the Stop & Shop property, there is a Case Management Hearing in mid-November.

Mr. Hudson asked what Stop & Shop was looking for?

Mr. Arbus is unsure but ultimately thinks they felt their application was wrongly denied and will want some remedy from that denial.

Mr. Hudson asked if there was a COAH impact with the Heritage Village at Oakhurst development?

Mr. Arbus stated that this development was included in the Townships Fair Share Housing Plan.

Bette Kiernan discussed the excessive deer population and was concerned that they are starving during the winter months.

Mayor Larkin explained that the Township had a census done last year which noted that the Township was within the allowable limits based on the size of the Township.

Mr. Brannen said that there are really only two ways to reduce the population and neither is very humane.

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