

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

DECEMBER 6, 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: Deputy Mayor Siciliano
Councilmember(s) Evans, Garofalo and Schepiga

Absent: Mayor Larkin

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:

In the absence of Mayor Larkin, Deputy Mayor Siciliano 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.

Deputy Mayor Siciliano said that he was going to open up the meeting with Council Reports:

Councilmember Garofalo reiterated how taken aback he was with Mayor Larkin's retirement announcement at the November 6, 2014 meeting. He further went on to say that even during Mayor Larkin's tenure, Deputy Mayor Siciliano did a great job filling in for him when he was unable to attend a meeting or an event and based on that plus his many years of service as a councilman it was Councilman Garofalo's intention to nominate Deputy Mayor Siciliano to fill the unexpired term of Mayor Larkin effective January 1, 2015.

Councilmember Schepiga announced that the Townships Annual Tree Lighting will be held on Sunday, December 7, 2014 beginning at 4:30 p.m. Light refreshments will be served.

Councilmember Schepiga also announced that the Annual Menorah Lighting will be held on December 16, 2014 in front of Town Hall.

Councilmember Evans said that he whole-heartedly agreed with Councilmember Garofalo and thinks that Deputy Mayor Siciliano will do a great job.

Councilmember Evans thanked Police Lieutenant Tim Torchia for doing such a great job with the social media aspect of the Police Department.

Andrew Brannen, Township Manager, said that the closing for Poplar Village will likely take place before January 2015.

Martin Arbus, Esq., Township Attorney, agreed with the comments made about Mayor Larkin and Deputy Mayor Siciliano.

CERTIFICATES OF ACCOMPLISHMENT:**Ocean Township Little League
Challenger Division**

Deputy Mayor Siciliano gave a brief history of the Challenger League and invited Coach Scott Yasko to assist in the presentation of the Certificates of Accomplishment.

Certificates were presented to the following members present:

Connor Glass	Christopher Marrow	Gregory Clark
Ryan Cezanne	Cole Yosco	Damarius Roman
Dylan Baker	Anthony Ayala	

A group picture was taken with all the players present.

**Township of Ocean Hammerheads
8U Fall Champions**

Deputy Mayor Siciliano introduced Coach Sobieski and asked him to speak about the accomplishments of the Hammerheads.

Coach Sobieski explained that his team went 9-0 in the division and won the championship for the 8U bracket.

Certificates were presented to the following:

Shane Andrus	Ben Buerck	Nicholas Case
Marty Cohen	Justin Cook	Anthony Flesca
Bobby Karinja	George Krenkel	Andrew Palumbo
Ben Robinson	James Sobieski	Brady Stewart

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

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:

Don Geiger inquired about a number of payments that appear on the voucher list including but not limited to:

Aurora Environmental, Inc., CFM Construction, Inc., Classic Tours, Eagle Truck Equipment, Inc., Ebsco Subscription Service, Fun Express, LLC, GCS Contractors Corp., Granicus, Hunter Technologies, Impreo, LLC, Lowe's Home Centers, Inc., Sanitation Equipment Corp., Van Sant Contractors Vantagepoint Transfer Agents

14-228 Will the Township be receiving any money back from the previous contractor?

Mr. Arbus said that the Township will keep the bid guarantee and will pay the contractor a pro-rata portion of the contract for the first two months that they performed work at Colonial Terrace Golf Course.

14-230 When will the work be done on the bridge referenced in the resolution?

Mr. Brannen said that the agreement in this resolution pertains to emergency work necessary on the bridge located on Wickapecko Drive and not the bridge on Sunset Avenue around Deal Lake.

Marc Comer asked for clarification on Resolution 14-232 – is it an indoor tennis facility or an all-purpose facility?

Deputy Mayor Siciliano explained that the proposal originally was for a tennis facility but with the option to make it available for various indoor sports such as soccer or lacrosse.

Mr. Comer asked if the Township planned on keeping the outdoor courts?

Deputy Mayor Siciliano said that they are to be re-built and re-located with the new building going in the location of the existing courts.

Mr. Comer wanted to know the timeframe of the construction of the new facility and will the students be displaced?

Deputy Mayor Siciliano said that the Township hopes that construction will begin in the spring and there is a possibility that the High School team will be impacted.

What will happen with the current tennis program run through the Townships recreation Department?

Deputy Mayor Siciliano said that the program will remain.

Mr. Arbus said that the contract is being awarded subject to the finalization of the land lease agreement.

Barbara Hudson stated that she had no knowledge of this new facility.

Mr. Brannen said that authorization was approved at a Council meeting a few months ago.

CONSENT AGENDA:

MINUTES:

November 6, 2014 – Workshop, Public and Closed Meeting

WHEREAS, Samuel and Jane Sutton have posted cash performance guarantees totaling \$7,992.00 along with engineering inspection fees totaling \$2,110.00 and the required certificate of insurance.

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

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

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Samuel and Jane Sutton
5. Massaro Construction, Inc.

b. Block 33.41, Lot 10.01 – 1640 Westfield Street – Palatial Homes, Inc.

WHEREAS, the Township of Ocean has approved a development project on Block 33.41, Lot 10.01 also known as 1640 Westfield Street; and

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

WHEREAS, Palatial Homes, Inc. has posted cash performance guarantees totaling \$3,744.00 along with engineering inspection fees totaling \$1,520.00 and the required certificate of insurance.

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

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

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

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

c. Block 33.38, Lot 11 – 1710 FINDERNE STREET – PALATIAL HOMES, INC.

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

subject to the posting of a maintenance guarantee in the amount of 15% (\$1,908.00) of the cost of the improvements and any outstanding engineering and administrative fees; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash, and the performance guarantees totaling \$3,816.00 are hereby, canceled and discharged.

BE IT FURTHER RESOLVED by the Township Council that this resolution shall not become effective unless and until the Township of Ocean is furnished with the posting of a maintenance guarantee in the amount of 15% (\$1,908.00) 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. Palatial Homes, Inc.

14-215 Authorize a Developers Agreement for the following:

a. Block 204, Lot 4 – 1209-1213 Highway 35 – 1209 Route 35, LLC

WHEREAS, 1209 Route 35, LLC (hereinafter “Developer”) is the owner of certain property known as Block 204, Lot 4, as shown on the official tax map of the Township of Ocean, which property is located at 1209-1213 Route 35 North in the C-3 (General Commercial) Zone; and

WHEREAS, the Developer was granted Approval of Bulk Variance(s), Approval of Use (D-1) Variance and Minor Site Plan Approval from the Zoning Board of Adjustment of the Township of Ocean by Resolutions dated August 14, 2014 to use a portion of an existing building for the purpose of automotive customization sales and installation; and

WHEREAS, this Agreement relates to a Site Plan for the property entitled Site Plan Application for: 1209 Highway 35, LLC, Lot 4, Block 204, 1213 Highway 35, Ocean, New Jersey by Donald J. Passman, AIA of Passman Ercolino Architects consisting of four (4) sheets dated April 9, 2014 and last updated July 24, 2014; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated September 10, 2014 prepared by the Township of Ocean Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

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

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a

3. Construction Official
4. Gary E. Fox, Esq.
5. 1209 Route 35, LLC

14-216 Authorize the Release of Performance Guarantee(s) for the following:

a. Block 1.05, Lots 1 & 2 – 2108 Kings Highway – Sprint Spectrum

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 June 6, 2005 with Sprint Spectrum, L.P. to construct a wireless communications facility with an associated 150 foot monopole and attached wireless antennae on premises known and designated as Block 1.05, Lots 1 and 2 located at 2108 Kings Highway ; and

WHEREAS, Sprint Spectrum, L.P. has heretofore deposited with the Township of Ocean performance guarantees totaling \$159,922.80, in the form of Performance Bond #104468350 issued by Travelers Casualty and Surety Company of America, in the amount of \$143,930.52 together with cash in the amount of \$15,992.28 to guarantee the completion of all improvements on premises known as Block 1.05, Lots 1 and 2 located at 2108 Kings Highway; and

WHEREAS, the Township Council authorized Time Extensions with No Reductions by way of Resolutions dated April 11, 2011 and February 20, 2014; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 10, 2014, a copy of which is on file in the Office of the Township Clerk and made a part hereof, recommending the release of the aforementioned performance guarantees and the waiver of the maintenance guarantee because the project except for punchlist items was completed seven (7) years ago; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the performance guarantees hereinbefore referred to be and the same are hereby released, canceled and discharged as per the aforesaid memorandum from Gregory S. Blash subject to the payment of any outstanding engineering and administrative fees.

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

1. Township Engineer
2. Director of Finance
3. Director of Community Development
4. Construction Official
5. Sprint Spectrum, L.P.
6. Travelers Casualty & Surety Company of America

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 10, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$1,860.00 is hereby released, canceled and discharged as per the memorandum from Gregory S. Blash subject to the payment of any outstanding engineering and administrative fees.

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

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

b. Block 20, Lot 18 – 3 Greenbrier Road – AS Builders

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

WHEREAS, AS Builders has heretofore deposited with the Township of Ocean a cash maintenance guarantee in the amount of \$4,302.00 for premises known as Block 20, Lot 18 also known as 3 Greenbrier Road; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer, has advised the Township Manager by letter dated November 25, 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 cash maintenance guarantee subject to the payment of any outstanding engineering and administrative fees.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean in the County of Monmouth, that the cash maintenance guarantee in the amount of \$4,302.00 is hereby released, canceled and discharged as per the memorandum from Gregory S. Blash subject to the payment of any outstanding engineering and administrative fees.

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

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

- 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:

November 6, 2014

14-219 Approve the appointment(s) of the Registrar, Deputy Registrar and Alternate Deputy Registrar of Vital Statistics

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

REGISTRAR OF VITAL STATISTICS	Member	Starting	Ending
<i>3 year terms</i>	Jessie M. Joseph Registrar of Vital Statistics	August 7, 2014	August 6, 2017
	Vincent Buttiglieri Deputy Registrar	August 7, 2014	August 6, 2017
	Allison Hollister Alternate Deputy Registrar	August 7, 2014	August 6, 2017

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

- 1. Board/Committee or Department
- 2. Administrative Assistant to the Township Manager
- 3. Public Agency Compliance Officer

WHEREAS, the project must address an impact caused by Superstorm Sandy, reducing flooding risk, and improve flood resiliency, and meet an unmet need; and

WHEREAS, the Township Council has authorized the Township Manager to submit an application to the New Jersey Department of Environmental Protection for the following project:

Whalepond Brook Watershed Project

NOW, THEREFORE, BE IT RESOLVED by the Township of Ocean, in the County of Monmouth that authorization is hereby given for the Township Manager to process the New Jersey Department of Environmental Protection Flood Hazard Risk reduction and Resiliency Grant Program; and

BE IT FURTHER RESOLVED that the Mayor and/ or his designee and Municipal Clerk are hereby authorized to execute said Grant Application; and

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

1. Township Manager
2. Director of Finance
3. Township Engineer

14-221 Support the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown

Supporting the Drive Sober or Get Pulled Over 2014 Year End Holiday Crackdown

WHEREAS, impaired drivers on our nation's roads kill more than 10,000 people each year and cost our society more than \$37 billion annually; and

WHEREAS, 22% of motor vehicle fatalities in New Jersey in 2013 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from December 5, 2014 through January 2, 2015; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

WHEREAS, the Township of Ocean wishes to combine the above mentioned grants into a combined allotment of \$375,000; and

WHEREAS, by combining these two projects, the Township of Ocean will reduce the design, construction and administration costs; and

WHEREAS, the Township of Ocean has awarded projects on October 2, 2014 and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Ocean formally approves to combine these two projects subject to conditions required by NJDOT: and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to signed new grant agreement on behalf of the Township of Ocean, if required and that their signature constitutes acceptance of the terms and conditions of the grant agreement

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:

VOUCHERS: \$ 16,690,160.41 (See attached for complete copy of Voucher 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	
Opposed					
Not Voting/Recuse					
Absent/Excused					X

RESOLUTIONS:

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby approve Change Order No. 2 decreasing the overall contract amount by \$8,230.40, from \$248,607.96 to \$240,377.56 for the Improvements to the DPR/Recycling Center that was awarded to Precise Construction, Inc.; and

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

1. Director of Finance
2. Township Engineer
3. Director of Public Works
4. Precise Construction, Inc.

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

14-224 Authorize the Tax Collector to issue a refund for the overpayment of taxes on Block 56 Lot 5

WHEREAS, Block 56 Lot 5 was combined with Block 56 Lot 4 therefore eliminating any tax obligation for Block 56 Lot 5 for 2014; and

WHEREAS, tax payments were made on behalf of Simon and Renee Abadi for Block 56 Lot 5 for the 1st and 2nd quarters of 2014 creating an overpayment in the amount of \$18,793.07 for said parcel; and

WHEREAS, the tax overpayment should be refunded to Simon and Renee Abadi, 1525 East 5th Street, Brooklyn, NY 11230;

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

Block	Lot	Owner/Payer Name	Amount	Reason
56	5	Simon and Renee Abadi	\$18,793.07	Incorrect Payment made for 1 st and 2nd Quarters of 2014 taxes.

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

14-225 Authorize an Interlocal Agreement with the Township of Ocean Sewerage Authority for the use and maintenance of the Cablevision Tower

WHEREAS, the Township of Ocean is the owner of Block 142 Lot 36, more commonly known as 1313 South Roller Road; and

WHEREAS, the property is the former home of Cablevision and now houses a communications tower located on said property; and

WHEREAS, the Township of Ocean Sewerage Authority had solicited bids for a radio communication system for its alarms at its various pump stations; and

WHEREAS, the Township of Ocean Sewerage Authority is under the impression that the Cablevision Tower will enhance the operation of its radio communication system; and

WHEREAS, the Township of Ocean is agreeable to sharing the use of the Cablevision Tower with the Sewerage Authority;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean in the County of Monmouth that it hereby agrees to enter into an Interlocal Agreement with the Township of Ocean Sewerage Authority for the use and maintenance of the Cablevision Tower in a form similar to that attached to this Resolution; and

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

1. Township of Ocean Sewerage Authority
2. Director of Finance
3. Director of Public Works

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

WHEREAS, the Township Manager and the Township Engineer have recommended that a contract be awarded to MTB Contracting, LLC, Neptune City, NJ, to remove a section of wall in the Police Evidence Room at a cost not to exceed \$9,269.00; and

WHEREAS, the Director of Finance has certified to the Township Manager that there are adequate funds available for the purpose of award of this contract in the Capital Improvement Fund, account #C-04-55-942-909;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby award a contract to MTB Contracting, LLC, Neptune City, NJ to remove a section of wall in the Police Evidence Room at a cost of not to exceed cost of \$9,269.00; and

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

1. Township Engineer
2. Director of Finance
3. MTB Contracting, LLC

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

14-227 Award a contract to Lertch Recycling Co., Inc. to provide refuse containers for concrete at the Recycling Center at a cost of \$330.00 per box, not to exceed \$10,000.00

WHEREAS, the Township of Ocean is in need of providing a refuse container for concrete at the newly constructed Recycling Facility; and

WHEREAS, in connection therewith the Township of Ocean solicited price quotes for said refuse container and received responses from the following:

- | | |
|--------------------------------------|------------------|
| Lertch Recycling Co., Inc., Wall, NJ | \$330.00 per box |
| Mazza & Sons, Inc., Tinton Falls, NJ | \$345.00 per box |

WHEREAS, the Township Manager and the Director of Public Works have recommended that a contract be awarded to Lertch Recycling Co., Inc., Wall, NJ, to furnish 20-ton concrete recycling boxes on a continuing basis at the DPW Recycling Center at a cost of \$330.00 per box, with a not to exceed cost of \$10,000.00; and

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

1. Township Engineer
2. Director of Finance
3. Lertch Recycling Co., Inc.

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

14-228 Authorize the execution of a Settlement Agreement and Release with Shearon Environmental Design Co., Inc.

WHEREAS, the Township of Ocean awarded a contract to Shearon Environmental Design Co., Inc., for the maintenance of Colonial Terrace Golf Course on November 13, 2013; and

WHEREAS, subsequent to said award, it was determined by the Township of Ocean that Shearon Environmental Design failed to provide the required signed contracts, failed to provide the personnel as specified by the bid documents and failed to perform their normal day to day responsibilities for the maintenance of the course; and

WHEREAS, the Township of Ocean authorized the termination of said contract with Shearon Environmental Design Co., Inc. on April 17, 2014 due to these deficiencies; and

WHEREAS, the Township of Ocean and Shearon Environmental Design Co., Inc. have reached a settlement for the payment for services rendered by Shearon Environmental Design Co., Inc. prior to said termination, as stipulated in the attached agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the Mayor and/or his designee to execute the Settlement Agreement and Release with Shearon Environmental Design Co., Inc.; and

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

1. Recreation Director
2. Director of Finance
3. Shearon Environmental Design Co., Inc.

14-229 Authorize the execution of the Settlement of Dispute with Advanced Fiber Works

AUTHORIZING THE SETTLEMENT OF DISPUTE BETWEEN THE TOWNSHIP OF OCEAN AND ADVANCED FIBER WORKS FOR THE PURCHASE OF BLOCK 152, LOT 2.01, ONE FREEHOLD STREET

WHEREAS, the Township of Ocean placed Block 152, Lot 2.01, One Freehold Street, for sale pursuant to a public auction process; and

WHEREAS, an auction was held on December 11, 2013 and bids were received for the sale of said property; and

WHEREAS, the Township Council of the Township of Ocean accepted and confirmed the bids received and authorized the Mayor and Township Clerk to execute the Contract of Sale relative to said property on January 23, 2014; and

WHEREAS, since the conclusion of the sale the parties have had a dispute with regard to the operation of Advanced Fiber Works business at the location and the hours of said business; and

WHEREAS, the Township of Ocean and Advanced Fiber Works have reached a settlement on the disputed issues;

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 Mayor and/or his designee to execute the Settlement of Dispute between the Township of Ocean and Advanced Fiber Works; and

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

1. Township Attorney
2. Township Auditor
3. Advanced Fiber Works

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

14-230 Authorize the Right-of-Way Agreement with the County of Monmouth for the repairs to the Bridge O-7 on Wickapecko Drive and Deal Lake

AUTHORIZING THE CONVEYANCE OF AN EMERGENCY RIGHT-OF-ENTRY

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that the Mayor and/or his designee and any other Township Officials so required are hereby authorized to execute the Right-of-Entry Agreement related to the repairs located at the northeast corner of Bridge O-7 on Wickapecko Drive and Deal Lake for the purpose of making emergency repairs;

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

1. Township Attorney
2. Township Engineer
3. Monmouth County Department of Public Works and Engineering

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					

14-231 Approve the extension of the Services Agreement between the Township and Hidden Meadows Condominium Association

WHEREAS, the Township of Ocean and Hidden Meadows Condominium Association entered into an Agreement on July 21, 1993 establishing the terms and conditions under which the Township shall provide solid waste and recycling removal, street lighting and snow removal services or reimburse the cost of such services to the Condominium; and

WHEREAS, said Agreement was amended on November 19, 1996, May 19, 2001 and March 12, 2003; and

WHEREAS, the Township of Ocean and the Hidden Meadows Condominium Association wish to extend the existing agreement for a period of five (5) years expiring December 31, 2019;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given to extend the Agreement, as amended, between the Township of Ocean and the Hidden Meadows Condominium Association for a period of five (5) years expiring December 31, 2019; and

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

1. Township Attorney
2. Director of Finance
3. Hidden Meadows Condominium Association

14-232 Accept the Proposal from Park Avenue Tennis Facility, LLC subject to the an acceptable lease agreement

WHEREAS, the Township of Ocean authorized the receipt of Request for Proposals for the construction, and subsequent lease, of a Multi-Purpose Indoor Recreation Facility on October 2, 2014; and

WHEREAS, the Township Clerk did duly advertise for said Request for Proposals in the Asbury Park Press on October 7, 2014; and

WHEREAS, in connection therewith, three entities picked up Proposals and the Township of Ocean did receive the following response:

Park Avenue Tennis Facility, LLC, Spring Lake, NJ	\$50,000.00 lease payment per year
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WHEREAS, the Township Manager have recommended the acceptance of the Proposal as submitted by Park Avenue Tennis Facility, LLC, Spring Lake, NJ, as per their proposal to construct a Multi-Purpose Indoor Recreation Facility, and subsequent ten (10) year lease of said facility, at a yearly lease amount payable to the Township of Ocean in the amount of \$50,000.00 plus increases in accordance with said Agreement; and

WHEREAS, said acceptance of the Proposal submitted by Park Avenue Tennis Facility, LLC is contingent upon the approval of the ten (10) year Lease Agreement with said entity;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby accept the Proposal as submitted by Park Avenue Tennis Facility, LLC, Spring Lake, NJ contingent upon the approval of a ten (10) year Lease Agreement with said entity at a yearly lease amount of \$50,000.00 plus increases in accordance with said Agreement; and

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

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

1. Township Engineer
2. Director of Finance
3. Park Avenue Tennis Facility, LLC

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	Mayor Larkin
Motion To Approve			X		
Motion to Second				X	

AUTHORIZING THE CANCELATION OF YEARS 2011 THROUGH 2013 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 2011 through 2013 and,

WHEREAS, proper procedures require that the tax assessments for the years 2011 through 2013 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 2011 through 2013 tax assessments based on the State Tax Board Judgment and refund the tax overpayments or credit 4th quarter taxes for those years’ taxes on the attached listing

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	
Opposed					
Not Voting/Recuse					
Absent/Excused					X

PUBLIC COMMENTS:

Don Geiger asked if the Community Center on Roosevelt Avenue is open to the public?

Deputy Mayor Siciliano stated that the facility is privately owned and operated. and is geared towards the youth of the Sephardic Community.

Mr. Geiger asked if the Township hired someone to work the Recycling Center?

Mr. Brannen said if the Township has an employee on restricted or light duty, they will utilize that person to work at the Township Recycling Center.

very few Township services since he lives in Rolling Meadows. It is coming to the point that he can not afford to continue to live in the Township if his taxes keep increasing.

Mr. Steinberg went on to say that the Township needs to take a hard look at cutting costs. If not, the Rolling Meadows community is going to take a look at filing a group tax appeal.

F.K. Hudson inquired as follows:

1. Green/Blue Acres

Mr. Brannen explained that there were 13 homeowners who submitted paperwork to have the State purchase their homes. Now it is up to the State to determine if they will fund the purchase based on the submission from these 13 homeowners. The property will be deed restricted if purchased by the State.

2. Update on COAH

Mr. Arbus reiterated that Judge Kapalko rendered a decision in the Roosevelt Properties case and sided with the Township that Roosevelt was not entitled to a Builders Remedy. Mr. Arbus said that this property is in the Townships Fair Share Housing Plan and is ear-marked for 20 units.

With regard to Stop & Shop, Mr. Arbus reported that the hearing date has been postponed. The Case Management Hearing will occur in a few months.

Mr. Brannen said that the Master Plan Re-examination was authorized a few months back. The Re-examination will look to determine what the best use for that property is and then zone it accordingly.

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