

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

DECEMBER 29, 2015

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 Siciliano
Deputy Mayor Garofalo
Councilmember(s) Acerra and Long

Absent: Councilmember Schepiga

Others: Matthew Goode, Esq., Township Attorney (for Martin J. Arbus, Esq.)
Andrew Brannen, Township Manager
Vincent Buttiglieri, Township Clerk

Statement of Compliance with the Open Public Meetings Act:

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, 2014.

NOTICE:

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

COUNCIL COMMENTS:

Deputy Mayor Garofalo wished everyone a Happy New Year.

Councilmember Long wished everyone a Happy New Year.

Councilmember Long spoke about joining the Council in January 2015 replacing Mayor Larkin. Throughout his first year he has seen the dedication and professionalism of both the Council and the employees.

Councilmember Acerra wished everyone a Happy New Year.

Councilmember Acerra announced Posillippo's Restaurant will be re-opening in the Argo Restaurant building on Route 35 North.

Mayor Siciliano announced that the Township is unveiling a new video system at this meeting which should improve both the quality and sound of the recording.

Andrew Brannen, Township Manager, announced that the Township calendar will be mailed out the first week of January.

The following did not issue a Report:

Matthew Goode, Township Attorney

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:

Don Geiger asked about the following resolutions:

- Resolution No. 15-225 – why is the Township holding the Budget meeting on a Saturday?

Mayor Siciliano said it takes a longer period of time to review the proposed budget and the Regular Agenda meetings do not afford the time required.

- Resolution No. 15-232 – do we need to purchase this truck for \$128,282.00?

Mayor Siciliano said the Township accepted Sealed Bids two times and received one response both times and this is the best price received.

Mr. Geiger also asked questions on a number of payments included on the voucher list including but not limited to: AEGIS Security Agency, LLC, Air Systems Maintenance, Inc., American Uniform & Supply Co., Armstrong Tree Service, B & H Photo, Bargs Lawn & Garden Shop, Builders General Supply, Champion Press, Concept Professional, Connell Consulting, LLC, Diamondback Products, Inc., Gametime, Inc., Handi-lift Service Co., Inc., Lager Glass Co., Inc., MTB Contracting, NJ Business Systems, Shi International, Taylor Fence Co., Inc., Whole Person Health and Wellness.

Mr. Brannen responded to all inquiries concerning the payment of vouchers.

Paul Mayerowitz inquired as follows:

- Vouchers – Christiana Trust – what is that for?

Mr. Brannen said it was for a refund of a tax lien.

- Inquired how the Township knows they are being charged for the correct number of street lights?

Mr. Brannen will look into this matter.

CONSENT AGENDA:

MINUTES:

December 3, 2015 - Workshop and Public Meeting(s)

RESOLUTIONS:

15-222 Authorize a Developer's Agreement with the following:

a. Block 34, Lot 16 - 1800 Highway 35 - 1800 Highway 35, LLC

WHEREAS, 1800 Acquisition, LLC (hereinafter referred to as "Developer") is the owner of certain real property known as Block 34, Lot 16, as shown on the official tax map of the Township of Ocean, which property is located at 1800 Highway 35 in the C-2 (Highway Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer was granted Site Plan Approval from the Township of Ocean Planning Board by way of Resolution dated July 27, 2015 to construct a mixed use development to include a self-storage facility at the rear of the building and retail uses in the front of the building; and

WHEREAS, this Agreement relates to a Site Plan of the property entitled Preliminary & Final Site Plan for 1800 Highway 35, Tax Block 34, Tax Lot 16, Township of Ocean, Monmouth County, New Jersey prepared by Robert A. Nelson, P.E. of Nelson Engineering Associates,

Inc. consisting of twelve (12) sheets dated June 5, 2008 and last updated October 23, 2015 and the Architectural Plans entitled Ocean Self Storage, 21st Century Storage, 1800 Highway 35, Monmouth County, N.J., Ocean Township by Joseph J. Matis NCARB A.I.A. of MPM Studio, L.L.C. consisting of three (3) sheets dated November 7, 2014 and last updated October 28, 2015; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated December 3, 2015 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 a follows:

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement between the Township of Ocean and 1800 Acquisition, LLC, subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting Performance Guarantees in the total amount of \$546,840.00 and Inspection Fees in the amount of \$24,684.00

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Jennifer S. Krimko, Esq.
5. 1800 Acquisition, LLC

15-224 Approve the release of the Closed Session Minutes from December 3, 2015

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:

MEETING MINUTES

DECEMBER 29, 2015

February 11, 2016	
February 25, 2016	(Workshop will start at 4:00 p.m.)
March 10, 2016	(Workshop will start at 4:00 p.m.)
March 24, 2016	
April 14, 2016	
April 21, 2016	(Workshop ONLY)
April 28, 2016	
May 12, 2016	
May 31, 2016	TUESDAY
June 9, 2016	
June 23, 2016	
July 14, 2016	
July 21, 2016	(Workshop ONLY)
August 4, 2015	
September 8, 2016	
September 22, 2016	
October 13, 2016	
October 20, 2016	(Workshop ONLY)
October 27, 2016	
November 10, 2016	
December 8, 2016	
December 29, 2016	(Workshop to begin at 6:00 p.m.)

15-226 Authorize the appointment of the Special Law Enforcement Officer(s) - Class II for the period January 1 through December 31, 2016

WHEREAS, the Township of Ocean has a need for Special Law Enforcement Officers – Class II for the year 2016; and

WHEREAS, the Police Chief has submitted the following individuals for appointment as Special Law Enforcement Officers – Class II for the Township of Ocean for the year 2016:

Jeffrey C. Algor, Jr.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that the above named individuals be and are hereby appointed as Special Law Enforcement Officers – Class II for the Township of Ocean for the year 2016, as a salary commensurate with the current salary ordinance.

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

1. Police Chief
2. Township Manager

15-227 Authorize the appointment of the following:

Public Defender, Conflict Public Defender, Public Agency Compliance Officer and the Deal Lake Commission

BE IT RESOLVED by the Township Council 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:

PUBLIC DEFENDER	Member	Starting	Ending
1 year term	Lisa Krenkel, Esq. and the Firm Krenkel & Krenkel	January 1, 2016	December 31, 2016

Conflict

1 year term	Jason Volet	January 1, 2016	December 31, 2016
1 year term	Michael G. Celli	January 1, 2016	December 31, 2016

PUBLIC AGENCY COMPLIANCE OFFICER	Member	Starting	Ending
1 year term	Vincent Buttiglieri	January 1, 2016	December 31, 2016

DEAL LAKE COMMISSION	Member	Starting	Ending
1 year term	Don Brockel	January 1, 2016	December 31, 2016
	Brian Mullins, Alternate	January 1, 2016	December 31, 2016

All other previously made appointments and associated terms shall remain in full force and effect.

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. Municipal Clerk/Public Agency Compliance Officer

Vote on All Consent Items:

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

INDIVIDUAL ACTION:

VOUCHERS: \$

\$2,637,517.44 (Revised from December 3, 2015)

\$5,641,448.00

See next two pages for full list of Vouchers

RESOLUTIONS:

15-228 Authorize the purchase of various street signs from Signs and Safety Devices, LLC, Bound Brook, NJ at a cost not to exceed \$10,076.95

WHEREAS, the Township of Ocean is in need of replenishing street signs at various locations throughout the Township; and

WHEREAS, the Township of Ocean has solicited price quotes for the purchase of said street signs and received the following three (3) responses:

Signs and Safety Devices, LLC, Bound Brook, NJ	\$10,076.95
Glenco Supply, Inc., Oakhurst, NJ	\$10,280.93
Garden State Highway Products, Vineland, NJ	\$13,227.00

WHEREAS, the Township Manager and Director of Public Works have recommended that the Township purchase said street signs from Signs and Safety Devices, LLC, Bound Brook, NJ at a cost not to exceed \$10,076.95; and

WHEREAS, the Director of Finance has certified that funds for said purchase are available in the Capital Improvement Fund - account # C-04-55-947-907

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the purchase of various street signs from Signs and Safety Devices, LLC, Bound Brook, NJ at a cost not to exceed \$10,076.95; and

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

1. Director of Finance
2. Director of Public Works
3. Signs and Safety Devices, LLC

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

15-229 Authorize the Acceptance of the following Grant(s):

a. COPS in SHOPS - College/Fall Initiative 2015-2016

WHEREAS, the Township of has been selected as a recipient for the **COPS in SHOPS – College/Fall Initiative 2015-2016 grant** program; and

WHEREAS, the program utilizes National Highway Traffic Safety Administration Funds administered through the New Jersey Division of Highway Traffic Safety; and

WHEREAS, \$2,400.00 has been made available to the Township of Ocean Police Officers to cover overtime wages for the Township of Ocean Police Officers to perform alcohol enforcement programs; and

WHEREAS, the Township of Ocean Police Chief has recommended that this allocation be accepted.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey that the appropriate officials are hereby authorized to execute and sign any and all documents in order to effectuate the receipt of grant funds for the **COPS in SHOPS – College /Fall Initiative 2015-2016** administered by the New Jersey Division of Alcoholic Beverage Control, and Division of Highway Traffic Safety; 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

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

15-230 Authorize an amendment to the Professional Services Contract Clark Caton Hintz increasing the contract by \$15,000 for a total not to exceed contract amount of \$40,000 for the period ending December 31, 2015

WHEREAS, the Township of Ocean previously awarded a contract to Clarke Caton Hintz, a professional planner licensed in the State of New Jersey, to provide planning services to the Township of Ocean relating to its ongoing COAH litigation; and

WHEREAS, there is a need to amend the contract with Clarke Caton Hintz with a not to exceed provision of \$15,000.00 for the remainder of 2015, bringing the total contract amount to \$40,000.00; and

WHEREAS, the Township of Ocean Council has elected to utilize the “non-fair and open” process in making this appointment pursuant to the provisions of N.J.S.A. 19:44A-20.8 for the purpose of imposing the strictest campaign spending limitations under the New Jersey Local Unit Pay-to-Play Law; and

WHEREAS, the Township Manager has recommended that an amendment to the contract awarded to the Firm of Clarke Caton Hintz, Trenton, NJ be and is hereby authorized at a cost not to exceed \$15,000.00, bringing the total contract amount to \$40,000.00; and

WHEREAS, the Director of Finance has certified that funds are available in the following line item appropriation: Legal – Litigation, account #5-01-20-712-217; and

WHEREAS, Clarke Caton Hintz, Trenton, NJ has submitted a Business Entity Disclosure Certification and the C.271 Political Contribution Disclosure Form certifying that Clarke Caton Hintz has not made any reportable contributions to a political or candidate committee in the Township of Ocean in the previous one year, and that the contract will prohibit Clarke Caton Hintz from making any reportable contributions to a political or candidate committee in the Township of Ocean during the term of this contract;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Ocean, County of Monmouth that authorization is hereby given for the Mayor and Municipal Clerk to amend the contract with Clarke Caton Hintz to provide planning services to the Township of Ocean relating to its ongoing COAH litigation at a cost not to exceed \$15,000.00, bringing the total contract amount to \$40,000.00; and

BE IT FURTHER RESOLVED, that this resolution shall be advertised according to law; and

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

1. Clarke Caton Hintz
2. Township Auditor

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

15-231 Approve a contract with Mazza and Sons for the Bulk Material Recovery Facility To Accept Construction and Demolition Waste Rubbish, Bulky Trash, Tied and Containerized Brush and other Type #13 and #13C Waste Materials and Concrete as Delivered by the Township of Ocean for the period ending November 30, 2016 at a cost not to exceed \$81.00 per ton

WHEREAS, the Township Council of the Township of Ocean authorized Receipt of Sealed Bids on October 15, 2015 for Bulk Material Recovery Facility to Accept Construction and Demolition Waste Rubbish, Bulky Trash, Tied and Containerized Brush and other Type #13 and #13C Waste Materials and Concrete as delivered by the Township of Ocean; and

WHEREAS, the Township Clerk did duly advertise on November 5, 2015 to receive bids for said service; and

WHEREAS, in connection therewith, the following submitted bids on November 24, 2015:

	2015/2016	2016/2017	2017/2018
Mazza & Sons, Tinton Falls, NJ	\$81.00/ton	\$83.00/ton	\$85.00/ton

WHEREAS, it was determined that the lowest responsive responder meeting specifications was Mazza & Sons, Tinton Falls, NJ; and

WHEREAS, the Township Manager and the Director of Public Works have recommended that a contract be awarded to Mazza & Sons, Tinton Falls, NJ as per their proposal for Bulk Material Recovery Facility to Accept Construction and Demolition Waste Rubbish, Bulky Trash, Tied and Containerized Brush and other Type #13 and #13C Waste Materials and Concrete as delivered by the Township of Ocean for the One-Year period at a cost of \$81.00 per ton for 2015/2016; and

WHEREAS, funds for said contract have been certified by the Director of Finance and are available in the Department of Public Works Solid Waste Budget – Account # 5-01-32-837-341 and will be made available in subsequent budgets;

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 Mazza & Sons, Inc., Tinton Falls, NJ as per their proposal for Bulk Material Recovery Facility to Accept Construction and Demolition Waste Rubbish, Bulky Trash, Tied and Containerized Brush and other Type #13 and #13C Waste Materials and Concrete as delivered by the Township of Ocean for the One-Year period 2015/2016 at a cost of \$81.00 per ton; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bonds and/or certified checks received for said service; 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.

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. Mazza & Sons

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

15-232 Authorize the purchase of One (1) Eight (8) Cubic Yard Rear-loading Refuse Collection Truck from Mid-Atlantic Truck Centre at a cost not to exceed \$128,282.00

WHEREAS, the Township Council of the Township of Ocean authorized Receipt of Sealed Bids on August 13, 2015 for the purchase of One (1) Eight (8) Cubic Yard Rear-loading Refuse Collection Truck; and

WHEREAS, the Township Clerk did duly advertise on August 27, 2015 to receive bids for said purchase; and

WHEREAS, in connection therewith, the Township did receive one (1) bid on September 15, 2015 from Mid-Atlantic Truck Centre, Linden, NJ for said truck at a cost of \$129,923.00; and

WHEREAS, the Township Manager received a request from the Director of Public Works recommending the rejection of said bid due to material inconsistencies in the bid specifications; and

WHEREAS, on October 1, 2015, the Governing Body authorize the rejection of said bid and authorized the Director of Public Works to re-advertise for the receipt of sealed bids for the purchase of One (1) Eight (8) Cubic Yard Rear-loading Refuse Collection Truck; and

WHEREAS, the Township Clerk did duly advertise on November 5, 2015 to receive bids funds for said purchase; and

WHEREAS, on November 24, 2015, sealed bids were received from Mid-Atlantic Truck Centre, Linden, NJ at a cost not to exceed \$128, 282.00 for the purchase of One (1) Eight (8) Cubic Yard Rear-loading Refuse Collection Truck; and

WHEREAS, the Township did also send bid documents to an additional eight (8) truck dealers but did not receive a reply from any of them; and

WHEREAS, it is the recommendation from the Township Manager and the Director of Public Works to accept the bid from Mid-Atlantic Truck Centre, Linden, NJ for the purchase of One (1) Eight (8) Cubic Yard Rear-loading Refuse Collection Truck; and

WHEREAS, funds for said purchase have been certified by the Director of Finance and are available in the Capital Improvement Fund – account # C-04-55-934-904 (\$37,219.06) and account # C-04-55-942-901 (\$91,062.94);

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth that it does hereby authorize the purchase of One (1) Eight (8) Cubic Yard Rear-loading Refuse Collection Truck from Mid-Atlantic Truck Centre, Linden, NJ at a cost not to exceed \$128,282.00; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to return all bonds and/or certified checks received for said purchase; 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.

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

1. Township Manager
2. Director of Finance
3. Director of Public Works
4. Mid-Atlantic Truck Centre

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

15-233 Authorize the Mayor and Municipal Clerk to execute the Defense and Indemnity Agreement with CIS Oakhurst, LLC as it pertains to Heritage Village at Oakhurst, LLC

THIS DEFENSE AND INDEMNITY AGREEMENT (this “Agreement”) is made this ____ day of _____, 2015 by and between **CIS OAKHURST, LLC**, a New Jersey limited liability company, whose address is 1970 Brunswick Avenue, Suite 100, Lawrenceville, NJ 08648 (“INDEMNITOR”), and **THE TOWNSHIP OF OCEAN**, a municipal corporation of the State of New Jersey with offices at 399 Monmouth Road, Oakhurst, NJ 07755 (the “Township”) (the “Parties”).

WITNESSETH:

WHEREAS, the Township and Heritage Village At Oakhurst LLC are parties to a certain Developer’s Agreement dated February 5, 2015, under which the Township committed to provide a subsidy in the amount of Three Hundred Thousand and 00/100 Dollars (\$300,000.00) at the construction loan closing to be used in connection with the development of a 93-unit, 100% affordable rental project to be known as Heritage Village at Oakhurst, located within the Township (the “Subsidy”) (the “Developer’s Agreement”); and

WHEREAS, the Indemnitor is the Managing Member of Heritage Village At Oakhurst LLC; and

WHEREAS, the Township intends to fund the subsidy from its Affordable Housing Trust Fund, and a release of funds from the Township's Affordable Housing Trust Fund requires approval from the courts of New Jersey or New Jersey Council on Affordable Housing; and

WHEREAS, the Township has indicated that it is not willing to release the Subsidy absent Developer's agreement to defend the Township from any claims related to its release of the Subsidy from its Affordable Housing Trust Fund; and

WHEREAS, to ensure the present release of the Subsidy, Indemnitor has agreed to so defend the Township.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions herein contained, and for other good and valuable consideration, the parties, intending to be legally bound, do hereby agree as follows:

1. **Defense/Indemnity.** (a) If any litigation or administrative challenge is initiated challenging the validity of the Township's release of the Subsidy under the Developer's Agreement, Indemnitor agrees to defend the Township, using counsel of Indemnitor's choice, from and against any such challenge. Indemnitor shall maintain complete control over the defense of any such action or challenge. The Township shall promptly notify Indemnitor of any claim triggering the defense obligations of this paragraph, along with a copy of any filing related thereto. In the event a challenge raises other unrelated issues, the Indemnitor shall have no obligation to defend the Township with regard to unrelated issues.

(b) If, but only if, a judgment is entered against the Township, and all appeal rights have been exhausted, or Indemnitor declines to pursue an appeal of such judgment, Indemnitor shall satisfy such judgment within thirty (30) days of its entry or the exhaustion of all appeal rights, provided, however, Indemnitor's indemnification obligation shall be capped at the amount of the Subsidy, to wit \$300,000.00.

(c) At any point during the pendency of any litigation or administrative challenge triggering the defense and indemnity obligations of this paragraph 1, Indemnitor shall have the right, but not the obligation, in its sole and absolute discretion, in lieu of a defended such a claim to either repay the Subsidy or to settle any such litigation or challenge.

(d) The Indemnitor's obligation to defend or indemnify the Township, under this agreement, shall be limited to an aggregate amount of Three Hundred Thousand and 00/100 Dollars (\$300,000.00).

(e) This Agreement is contingent upon the Township's payment of the Subsidy.

2. **Release of the Subsidy.** The Township shall release the Subsidy immediately upon execution of this Agreement by Indemnitor.

3. **Modification of Agreement.** This Agreement represents the entire agreement by and between the Parties with respect to the subject matter hereof. No amendment to this Agreement shall be considered binding on either of the Parties unless such amendment is in writing and specifically recites that it is being entered into by and between the Parties with the specific intention to modify the terms of this Agreement.

4. **Notices and Demands.** A notice, demand or other communication under this Redevelopment Agreement by any party to the other shall be sufficiently given or delivered if dispatched by United States Registered or Certified Mail, postage prepaid and return receipt requested, or delivered by overnight courier or delivered personally (with receipt acknowledged), or by facsimile transmission (with receipt acknowledged) to the Parties at their respective addresses set forth herein, or at such other address or addresses with respect to the Parties or their counsel as any party may, from time to time, designate in writing and forward to the others as provided in this Section.

As to the Developer: CIS OAKHURST, LLC
1970 Brunswick Avenue, Suite 100
Lawrenceville, NJ 08648
Attention: Christiana Foglio, President

With a copy to: Chris Walrath, Esq.
GluckWalrath, LLP
11 Wharf Avenue, Suite 4
Red Bank, NJ 07701

As to the Township: Township of Ocean
399 Monmouth Road
Oakhurst, NJ 07755-1589
Attention: Township Manager

With a copy to: Martin J. Arbus Esq.
Arbus, Marbruch &Goode, LLC
61 Village Court
Hazlet, NJ 07730

From time to time either party may designate a different person or address for all the purposes of this Notice provision by giving the other party no less than ten (10) Days notice in advance of such change of address in accordance with the provisions hereof.

5. **Titles of Articles and Sections.** The titles of the several Articles and Sections of this Redevelopment Agreement, as set forth at the heads of said Articles and Sections, are inserted for convenience of reference only and shall be disregarded in construing or interpreting any of its provisions.

6. **Assignability.** This agreement is personal to the makers hereof, and shall only be binding upon and inure to the benefit of the parties hereto, and shall not be assignable absent the express written consent of the non-assigning party. The obligations hereunder shall relate exclusively to claims, challenges or litigation related solely and exclusively to the Subsidy, and not to any claim, challenge or litigation related to the release of any other funds from the Township's Affordable Housing Trust fund or any other such funds and the Subsidy.

7. **Counterparts.** This Agreement may be executed in counterparts. All such counterparts shall be deemed to be originals and together shall constitute but one and the same instrument.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

WITNESS: CIS OAKHURST, LLC
By: Community Investment Strategies Inc., its
Managing Member

_____ By: _____
Christiana Foglio, President

WITNESS: TOWNSHIP OF OCEAN
By: _____
Christopher Siciliano, Mayor

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

15-234 Authorize the Tax Collector to cancel the real estate taxes for 2015 and refund the taxes already paid for 2015 to the owner of Block 34.03, Lot 8, C3204 who has been declared a 100% totally disabled veteran

WHEREAS, the following individual filed an application with the Assessor for a Total Disabled Veteran and was given approval effective January 1, 2015:

Owner Name	Block	Lot	Qual.	Address
Liebeskind, Kalman & Arlyne	34.03	8	C3204	141 Old Orchard Lane

WHEREAS, the 2015 taxes assessed of \$5,912.72 should be canceled and payments made on canceled taxes be refunded:

Owner Name	1 st Quarter 2015	2 nd Quarter 2015	3 rd Quarter 2015	4 th Quarter 2015	Total Refund
Liebeskind, Kalman & Arlyne	1,511.03	1,511.03	1,445.33	1,445.33	5,912.72

WHEREAS, Total taxes for 2015 levied on this property are \$5,912.72, of which the owner paid \$5,912.72 and is now entitled to a refund of the 2015 taxes paid and taxes assessed for 2015 should be canceled.

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Ocean, County of Monmouth, that the Tax Collector is hereby authorized to cancel the Real Estate Taxes for the 2015 tax year and refund the 2015 taxes already paid by the individual listed above.

BE IT FURTHER RESLOVED that a copy of the within resolution be forwarded to the following:

1. Director of Finance/Tax Collector
2. Township Auditor

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

15-235 Authorize the Tax Collector to refund taxes paid for the years 2009 and 2014 to property owners who have received a favorable State Tax Appeal judgment

AUTHORIZING THE CANCELATION OF YEAR 2009 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 year 2009 and 2014 and,

WHEREAS, proper procedures require that the tax assessments for the year 2009 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 year 2009 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 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

Block/Lot	Property Owner/Address	2009	2014	Refund
33 16 2	OSTEOCARE 1907 LLC 1907 HIGHWAY 35	6,350.33	-	6,350.33
217 5	SCHELANE SUNSET LLC C/O S.ARENBORG 3311 SUNSET AVE	-	5,157.73	5,157.73
Totals		6,350.33	5,157.73	11,508.06

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

15-236 Authorize the Transfer of Funds in accordance with N.J.S.A. 40A:5-58 and N.J.S.A. 40A:4-45.4a

WHEREAS, there exists insufficient balances in certain line item appropriations of the 2015 budget, and

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

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

APPROPRIATIONS WITHIN "CAPS":	TO:	FROM:
Governing Body - Other Expenses	1,000.00	
Township Clerk's Office - Other Expenses	2,500.00	
Legal - Other Expenses	60,000.00	
Board of Adjustment - Other Expenses	20,000.00	
Health Benefit Waiver (Payment in Lieu of Health Insurance)	7,500.00	
Health & Code Enforcement - Salary & Wages	5,000.00	
Community Services Department - Other Expenses	5,000.00	
Police Department - Salary & Wages		(50,000.00)
Streets & Roads - Other Expenses		(20,000.00)
Recreation - Salary & Wages		(15,000.00)
Project Extend - Salary & Wages		(10,000.00)
Electricity - Other Expenses		(6,000.00)
TOTAL OF ALL TRANSFERS	101,000.00	(101,000.00)

BE IT FURTHER RESOLVED that one copy go to the following:

1. Director of Finance
2. Township Auditor

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

ORDINANCES:

Adoption(s):

Ord #2251 (Coaster)

An ordinance amending and supplementing Chapter 21 – The Comprehensive Land Development Ordinance of the Township of Ocean

The following vote was taken to open the Public Hearing on Ordinance #2251

Record of Vote	Deputy Mayor Garofalo	Councilman Evans	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
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 at this time.

The following vote was taken to close the Public Hearing on Ordinance #2251

Record of Vote	Deputy Mayor Garofalo	Councilman Evans	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
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 #2251 and advertise according to law:

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

Ord #2254 (Coaster)

An ordinance amending Chapter V, Section 5-5.4 and section 5-15.3 of the "Revised General Ordinances of the Township of Ocean, 1965" entitled: Licensing

The following vote was taken to open the Public Hearing on Ordinance #2254

Public

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

Comments:

There were no comments at this time.

The following vote was taken to close the Public Hearing on Ordinance #2254

Record of Vote	Deputy Mayor Garofalo	Councilman Evans	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
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 #2254 and advertise according to law:

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

Ord #2255 (Coaster)

An ordinance amending Ordinance #2185 entitled: An ordinance fixing salaries and compensation of certain offices, positions and employees in the Township of Ocean

The following vote was taken to open the Public Hearing on Ordinance #2255

Record of Vote	Deputy Mayor Garofalo	Councilman Evans	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
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 at this time.

The following vote was taken to close the Public Hearing on Ordinance #2255

Record of Vote	Deputy Mayor Garofalo	Councilman Evans	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
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 #2255 and advertise according to law:

Record of Vote	Deputy Mayor Garofalo	Councilman Evans	Councilman Long	Councilwoman Schepiga	Mayor Siciliano
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 there was any update on the Value City property?

Mayor Siciliano stated they were in the process of negotiating a lease.

Mr. Geiger also spoke about Buhler Car Dealership moving where the Chalet Motel is on Route 35. Is that correct?

Mayor Siciliano said that he heard they were in negotiations also.

Mr. Geiger inquired if the Township is back to square one with COAH?

Mr. Brannen explained the Township had complied with the requirements established to receive immunity from any further litigation. In order for us to maintain that immunity, we will be required to amend our Housing Plan and have it approved by the Court.

Mr. Geiger closed out his comments by wishing all a very Happy New Year.

Geno Dellomo discussed the need for the installation of approximately 160 feet of sidewalk at the intersection of Wickapecko Drive and Darlene Avenue. How can this be placed on the Townships radar?

Mayor Siciliano explained how each year the Township creates an assessment district for these types of projects.

Mr. Brannen explained how stretches of sidewalk were done on Logan Road which would be similar to how it would be done in this instance. Mr. Brannen also noted that the road program in any given year will determine where the assessment districts are.

Mr. Dellomo also noted a handicapped ramp is also missing in that area.

Mr. Dellomo also mentioned that a street light is needed in the area of 45 Wickapecko Drive, his residence. Mr. Dellomo currently pays JCP&L directly for the light he had installed on the pole in front of his home. Since the pole already is in place, Mr. Dellomo would like the Township to have a light installed so that he can stop paying for it.

Mr. Dellomo asked how many Police Officers are currently on the night shift?

Mr. Brannen said there are 5 officers on the night shift.

Mr. Dellomo inquired since the Township is growing, and we have had a few home invasions, do we have enough officers?

Mayor Siciliano said that we increased our manpower from 58 to 61 officers in 2015 with the goal of going up to 62 in 2016.

Paul Mayerowitz spoke on the following matters:

1. Is the Township still collecting leaves that are left at the curb?

Mr. Brannen said that leaf collection continues until January 1.

2. Has the Township made any progress on the Sexually-Oriented ordinance or the No Knock ordinance?

Mr. Brannen said that he hopes to have the No Knock ordinance ready for introduction at the first meeting in January, with the sexually-Oriented ordinance introduced at the second meeting in January.

3. Is the Township planning on absorbing the Sewerage Authority?

Mr. Brannen said that the Township is not intending to do so.

- 4. When will the Preliminary Budget be available for the public?

Mr. Brannen stated that the Draft Budget will be delivered to the Governing Body by January 15 with the Budget Workshop slated for February 6.

- 5. What percentage of the Budget is contractual?

Mr. Brannen said it is close to 80% contractual.

Mr. Mayerowitz wished all a Happy New Year.

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

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

Respectfully submitted,

Christopher P. Siciliano
Mayor

Vincent Buttiglieri, RMC/CMC/MMC
Township Clerk