

**COMBINED MEETING
OF THE
TOWNSHIP COUNCIL
OF THE
TOWNSHIP OF OLD BRIDGE**

June 25, 2007

A combined meeting of the Township Council of the Township of Old Bridge was held on Monday, June 25, 2007 at 7:30 p.m. in the Municipal Complex. President Gillespie called the meeting to order and asked all present to participate in a salute to the flag, followed by a short prayer. President Gillespie also asked for a moment of silence for our troops who are serving in harms way and for the young adult from Laurence Harbor who lost his life this week.

Deputy Clerk Stella Ward announced that the meeting was being held in conformance with the Open Public Meetings Act, notice has been given to the newspapers and placed in public places. Deputy Clerk Ward stated that the next regularly scheduled meeting of the Council will be on Monday, July 16, 2007 at 7:30 p.m. .

Roll Call by Deputy Ward showed the following answering present: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, President Gillespie. Councilwoman Panos arrived at 7:35 p.m., Councilman Testino arrived at 7:40 p.m..

RESOLUTION NO. 262-07

APPROVAL OF MINUTES

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

The following Minutes are hereby approved:

Combined Meeting - May 21, 2007

Moved by Councilman Butler, seconded by Councilman Calogera and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, President Gillespie

NAYS: None.

ABSENT: Councilman Testino, Councilwoman Panos

RESOLUTION NO. 263-07

BILL LIST

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the Business Administrator has the responsibility of approving all vouchers subject to preaudit and control; and

WHEREAS, the Director of Finance is responsible for the preaudit, the disbursement of all monies and the control over all expenditures to ensure that the budget appropriations are not exceeded; and

WHEREAS, the finance committee of the Township Council has satisfied themselves in respect to the bill listing of **June 25, 2007** that there exists a detailed bill or voucher supporting each payment and there is indication that goods or services have been received or rendered.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the bill listing of **June 25, 2007** as approved by the Business Administrator after preaudit

and control by the Director of Finance and after review by the finance committee be spread on the minutes in the amount of **\$9,549,685.23**

Moved by Councilman Butler, seconded by Councilman Calogera and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, President Gillespie

NAYS: None.

ABSENT: Councilman Testino, Councilwoman Panos

Prior to the roll call vote the following discussion took place:

Councilman Greene inquired about the voided checks on the bill list.

Maureen Laffey responded that these checks were taken from the wrong account and had to be voided and reissued.

RESOLUTION NO. 264-07
BILL LIST

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the Business Administrator has the responsibility of approving all vouchers subject to preaudit and control; and

WHEREAS, the Director of Finance is responsible for the preaudit, the disbursement of all monies and the control over all expenditures to ensure that the budget appropriations are not exceeded; and

WHEREAS, the finance committee of the Township Council has satisfied themselves in respect to the bill listing of **June 25, 2007** that there exists a detailed bill or voucher supporting each payment and there is indication that goods or services have been received or rendered.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the bill listing of **June 25, 2007** as approved by the Business Administrator after preaudit and control by the Director of Finance and after review by the finance committee be spread on the minutes in the amount of **\$852,864.89**.

Moved by Councilman Butler, seconded by Councilman Calogera and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, President Gillespie

NAYS: None.

ABSENT: Councilman Testino, Councilwoman Panos

RESOLUTION NO. 265-07
BILL LIST

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the Business Administrator has the responsibility of approving all vouchers subject to preaudit and control; and

WHEREAS, the Director of Finance is responsible for the preaudit, the disbursement of all monies and the control over all expenditures to ensure that the budget appropriations are not exceeded; and

WHEREAS, the finance committee of the Township Council has satisfied themselves in respect to the bill listing of **June 25, 2007** that there exists a detailed bill or voucher supporting each payment and there is indication that goods or services have been received or rendered.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the bill listing of **June 25, 2007** as approved by the Business Administrator after preaudit and control by the Director of Finance and after review by the finance committee be spread on the minutes in the amount of **\$ 92,060.88**.

Moved by Councilman Butler, seconded by Councilman Calogera and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Greene, Maher, Volkert, President Gillespie

NAYS: Councilman Calogera

ABSTAIN: Councilwoman Panos

ABSENT: Councilman Testino

Prior to the roll call vote the following discussion took place:

Councilman Calogera inquired as to why the overtime amount was almost double.

Administrator Jacobs responded that due to payout of accumulated time for the current fiscal year for employees, which cannot be carried, the overtime amount was significantly higher.

Councilman Calogera requested a breakdown of this paid time.

Administrator Jacobs responded he would forward the report to the Council.

ATTORNEY'S REPORT

Attorney Convery stated that he wanted to clarify the items on the Executive Session Agenda. The matter of Hamptons at Fair View Acres LLC is actual litigation and will be discussed during the Executive Session. With regard to Negotiations Inter-Local Agreement between South River and Old Bridge Township, Mike Jacobs will be handling this matter and will explain in Executive Session. There was a miscommunication with regard to Item #1 - Personnel Matters, it actually refers to the sale of Township land to a property owner, and this will be discussed during the Executive Session.

Mayor Phillips announced that the Township received two grants today. One is in regard to the New Jersey 911 Commission, who have issued a grant in the amount of \$547,997.00. It is broken down into an equipment grant in the amount of \$489,000 and general assistance grant in the amount of \$58,997.00. This will improve our 911 communication and may require the Township to add some additional monies. Overall it is good news for the program and the Township. The second grant was received from the Middlesex County Board of Freeholders for infrastructure improvements at Mannino Park. With this grant hopefully the bids for the new YMCA will commence immediately.

PRELIMINARY PUBLIC COMMENTS

Anita Clavering spoke regarding problems at the Chuck Costello Complex. There are residents living there that have severe disabilities and others who are relatives of Penrose Properties who have no disabilities, which has diminished the primary goal of the complex to provide housing for people with disabilities who are able to function independently. There are people on the waiting list for a long time who are not able to get housing at this facility because of current practices. Ms. Clavering also stated that the recreation and playground amenities still have not been provided. Assistance was requested from the Council, to look into this matter and help resolve the existing problems. .

Irene Clavering stated that she has spoken with several of the Council members regarding the problems at the Costello Complex. She has spoken with Allies Inc., they have been very helpful with the U-turn at Rt. 18 and Ferry Road and have brought this to the attention of Sam Thompson. With the help of the Council she believes that most of the problems will be resolved.

Michael Gordon stated that he has spoken with Councilman Calogera about the maintenance at the complex.

Lucy Landreth stated that she is a resident of the Costello Complex. She is concerned about her rights as a tenant and if there were changes in the original agreement, why were not the tenants notified. Also, Ms. Landreth wanted to know why some single residents were given a two bedroom apartment? There are children living in the complex who have nothing to do and are playing in the parking lot and can get injured. Also, people who requested first floor apartments because of their disabilities who were placed on the upper floors and are having a hard time. Ms. Landreth feels that there are two separate communities and they should come together and act for the benefit of all the residents.

Tom Svec a resident of Costello Complex stated that he wanted to voice his concern about the disability requirements at the complex. There is a huge difference between disabled and severely disabled. Persons who require 24 hour care should not be living at this complex and the proper facility should be found for these individuals.

Several of the residents who signed up to speak relinquished their time.

President Gillespie addressed the concerns of the Costello Complex. The building is jointly owned and operated by Allies and Penrose Properties and there are questions that need to be answered. Therefore, President Gillespie requested that Mike Jacobs get in touch with the Housing Authority and get a report from them.

Costello Resident with MS and uses a scooter, stated she requested a first floor apartment and was told none was available; she is on the 4th floor. Also, she needs a walk-in tub and was not provided with one and therefore cannot bathe unassisted. She needs this in order to function independently. With regard to the elevator she was told that there was a auxiliary generator and she has been advised that there is no generator, so exiting from 4th floor during an emergency is impossible for her in her scooter.

Councilman Butler stated that there were similar problems when Maher Manor was put-up. Councilman Butler inquired if the residents were organized and have these complaints been written down and addressed to the management companies?

Anita Clavering stated she forwarded letters to Penrose regarding the problems.

Councilman Butler stated that he would like copies of the letter sent. Those residents who have problems should give the letters to Administration who in turn will contact Penrose and Allies and arrange to have a meeting to discuss the various matters. The Council will have members present at this meeting and the residents will also be advised of the meeting so they can be included.

Councilman Calogera stated it is a very nice building and the residents need us to step-in and assist them so that we do not lose sight of what the initial focus of that building was intended to be

Councilman Greene for the record Penrose Property and the Housing Authority put this project together. As part of the Zoning Board Resolution they hired Allies Corporation to provide a variety of services to the residents. It appears that they have a two-tier system there where Allies only serves part of the population there. There may be a question that Allies holds some apartments in reserve and Old Bridge Residents who apply may or may not be considered. Mr. Greene stated that he along with Councilman Calogera and Councilwoman Panos be included in any discussions with Allies, Penrose and the residents of Costello Housing.

Mr. Rao questioned why President Gillespie did not call upon him during the School Board Budget hearings.

President Gillespie responded that Mr. Rao did speak for almost one hour at the public hearing.

David Putz stated his concern about the traffic on Laurence Parkway and if there were any plans to try and alleviate this problem.

Patrick Monaghan stated he was also concerned about the traffic on Laurence Parkway and the amount of accidents that have occurred there. He requested assistance with traffic control.

President Gillespie closed the public portion.

HEARING

H-1 Release/Reduction Performance Guarantee Bayshore Fitness Center

Jeffrey Gray, Esq. stated he represented the Lamaer Companies for the release of the monies that were put up.

Doug Romine of CME Associates stated that the office had prepared a punch list for any outstanding items and as per March list, everything has been completed and there is no objection to the release of the performance guarantee on this project subject to the posting of a 2 year maintenance bond of \$30,557.18 which is 15% of the original estimated project cost.

President Gillespie inquired if there were any member of the public wishing to be heard on this matter. Seeing no hands, he closed the public portion.\

MOTION

Motion to accept the engineers report and release the performance guarantee as outlined in the resolution made by Councilman Testino, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie.

HEARINGS - LIQUOR LICENSE

President Gillespie opened this matter to the public. Seeing no hands he closed the public portion.

RESOLUTION NO. 266

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-025-007, NEW JERSEY WINES & SPIRITS, TA/ BREAKFAST CLUB 80

WHEREAS, the New Jersey Wines and Spirits, t/a Breakfast Club 80, 292 Route 516, Old Bridge, New Jersey has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007 conditioned upon the following:

1. The occupancy limit of the Breakfast Club shall be determined in accordance with the current Land Development Ordinance, subject to the appropriate fire official approval.

2. The inside configuration of the establishment shall be in accordance with the plans approved by the Old Bridge Township Planning Board in Application No. 45-06P on January 2, 2007.
3. In accordance with said Planning Board approval, the valet parking service at the facility shall be free to all patrons, and there shall be no charge for patron parking at the facility.
4. The licensee shall submit a security plan to the Chief of Police for his approval. Said plan shall include manpower levels, hours worked, in what capacity and where said security will be stationed on the premises and in the parking area.

Moved by Councilman Testino, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Maher, Testino, Volkert, President Gillespie.

NAYS: Councilman Greene

ABSTAIN: Councilwoman Panos

Prior to the roll call vote the following discussion took place.

Councilman Greene stated that this is a business that should not be at this location. It was supposed to be a restaurant. He was able to work out a deal for the parking in order to comply and Councilman Greene feels it is unfair to the residents in that area and he will be voting no on this matter.

Councilwoman Panos stated she is concerned about the capacity of the club. She is going to be watching and hope that the conditions imposed on this license are abided by.

HEARING - LIQUOR LICENSE

RESOLUTION NO. 267-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-009-002, COUNTRY HEARTH INC., T/A MARLEYBONE PUB

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007, conditioned upon:

1. Installation of a digital surveillance system. This system will have a hard drive that, at a minimum, will record 100 hours of activity from inside the bar and the exterior parking lots. Said digital surveillance system shall be installed by December 26, 2007.

<u>Licensee</u>	<u>State License No.</u>
Country Hearth Inc. t/a Marleybone Pub 238 Highway 34 Matawan, N.J. 07747	1209-33-009-002

Moved by President Gillespie, seconded Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Maher, Testino, Volkert, President Gillespie

NAYS: None

ABSTAIN: Councilmen Calogera, Greene, Councilwoman Panos

President Gillespie opened this matter to the public.

Mr. Peterson, Esq. representing the owners of the Marleybone.

President Gillespie stated that part of the condition for renewal was that surveillance cameras be installed by December 26, 2007.

Mr. Peterson responded that this was not acceptable. He explained that the manager, Leslie Gregors and her husband reside above the bar; she is also the daughter of the owner. This establishment has been at this location for over 30 years and she has resided there for ten years. There is an extensive lighting system which provides significant light. Over the past 30 years there have been very few incidents there and that is due to the fact that the clientel that goes to the bar are classified as "regulars" and everyone is familiar with and they are aware that the "family" lives above the bar and monitor what goes on in the bar or the parking lot. We feel that an expensive recording device would be unfair to his clients at this time.

President Gillespie stated that was this not a simple surveillance device found at any 7-11?

Ms. Gregors responded that it was not what was stated in the letter. It referred to a hard drive, et cetera and at this point in time she cannot afford it.

Mr. Peterson stated that with the new smoking laws in effect, there is always someone in the parking lot, smoking who is observing the area.

President Gillespie inquired of the Attorney Convery as to the stipulation of conditions at other locations that must provide security in the lot and another location that must provide a security plan for the lot.

Attorney Convery stated this license has to be renewed by the end of this month. The condition for the camera installation has been extended to December 26, 2007. The thing is this type of recommendation comes from the police department and the Clerk would not have placed that restriction unless so advised. As the Township Attorney, he will not recommend that this condition be dismissed. However, if the license is renewed this evening, they have until December to try and work out the problem by either appealing to the ABC or it can be reviewed with the Chief of Police to see if there is any middle ground to amend this condition, which can then be done prior to the December 2007 date. Mr. Convery is recommending this resolution be adopted as indicated and there is time to take other steps as necessary.

Prior to the roll call vote the following discussion took place.

Councilman Testino stated he had not seen this type of condition before and why is it not employed at all of these type of establishments? It makes sense and perhaps it should be required across the board. Councilman Testino stated he wanted to see the letter from the Police as well as other background information.

Attorney Convery stated it was discussed by the Detective Bureau with Rose-Marie and in view of Councilman Testino's remarks, and that there are other locations that have security guards posted could be another alternative. However, he recommended that this license be renewed as is and that it will be reviewed prior to December 26, 2007 if there is a different recommendation.

Councilman Baker stated that he would be voting yes and hope that the matter can be resolved with the Chief.

Councilman Calogera stated that the list generated from the police department, of which he only has page 4 of 4 indicating six incidents; on the top it indicates 62 incidents. He would like to have the rest of the list and would like to table this matter.

Attorney Convery stated that we had an obligation to renew this license before July 1st and our next meeting is not until July 16th.

MOTION (Denied)

Motion to table made by Councilman Calogera, seconded by Councilman Greene and so denied on the following roll call vote:

AYES: Councilmen Calogera, Greene, Councilwoman Panos

NAYS: Councilman Baker, Butler, Maher, Testino, Volkert, President Gillespie

SECOND READING ORDINANCES

ORDINANCE NO. 2007-10

AN ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE CODIFYING THE LAND DEVELOPMENT LEGISLATION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY BY ADOPTING CHAPTER 250, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF OLD BRIDGE

WHEREAS, the Township Council of the Township of Old Bridge adopted a Code Adoption Ordinance for the Code of the Township of Old Bridge 1-9-2006 by Ordinance No. 38-2005;

WHEREAS, the Township Council of the Township of Old Bridge desires to recodify the Township's Land Development Ordinance originally adopted 7-20-1992 by Ordinance No. 23-92 and amended to become Chapter 250, Land Development, of the 2005 Code of the Township of Old Bridge;

WHEREAS, N.J.S.A. 40:49-2.1 provides for summary publication of Land Development ordinances, codifications, amendments or revisions; and

WHEREAS, Chapter 250, Land Development, contains §§250-1 through 250-112, along with a zoning map and several appendixes;

WHEREAS, this ordinance upon enactment will be included as Chapter 1, Article IV, Adoption of Land Development Codification, of the Code of the Township of Old Bridge.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

Section 1. The following shall be adopted as Article IV, Adoption of Land Development Codification, of Chapter 1, General Provisions, of the Code of the Township of Old Bridge:

§ 1-20 Adoption of revised and renumbered legislation.

The Land Development Ordinance of the Township of Old Bridge, adopted 7-20-1992 by ordinance No. 23-92, as amended, as revised and codified by General Code, is hereby approved, adopted, ordained and enacted as the Land Development Legislation of the Township of Old Bridge.

§1-21 Changes to Land Development Legislation.

A. In compiling and preparing the Land Development legislation for adoption and revision as part of the code pursuant to NJSA 40:49-4, certain grammatical changes, numbering and other minor changes were made in the ordinance. It is the intention of the Township Council that such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

B. In addition, the changes, amendments or revisions as set forth in Schedule A and on file in the office of the Township Clerk are to become effective upon the effective date of this ordinance. (Chapter and section number references are to the ordinance as it has been renumbered and appears in the Code).

§1-22. Repealer.

All ordinances or parts of ordinances which are inconsistent herewith are repealed to the extent of such inconsistencies.

§1-23. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

§1-24. Copies available to public.

Copies of Chapter 250, Land Development shall be placed on file for public examination and acquisition at the Township Clerk's office during regular business hours, and upon final passage of Chapter 250, Land Development, copies shall be made available to the public.

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Maher, Testino, Volkert, President Gillespie.

NAYS: None.

ABSTAIN: Councilman Greene.

ABSENT PODIUM: Councilman Calogera, Councilwoman Panos.

Prior to the roll call vote the following discussion took place.

Attorney Convery stated that this went to the Planning Board and and Sam Rizzo advised that there are several minor issues and some typos, which will be reviewed by himself and Carol Berlen and they will contact the codification company to make sure they are corrected. They are all minor changes and Attorney Convery requested that this ordinance be passed.

President Gillespie opened this matter to the public, seeing no hands he closed the public portion.

ORDINANCE NO. 2007-12

ORDINANCE AUTHORIZING ACCEPTANCE OF DEED OF CONSERVATION, ACCESS AND MAINTENANCE EASEMENT FROM DOUGLAS LINKE.

BE IT ORDAINED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

SECTION 1: PURPOSE OF ORDINANCE

This Ordinance is adopted for the primary purpose of accepting a Deed of Conservation, Access and Maintenance Easement within Lot 375.11 in Block 26011 within the Township of Old Bridge.

SECTION 2: ACCEPTANCE OF PROPERTY

The Township of Old Bridge does hereby accept a Deed of Conservation, Access and Maintenance Easement within Lot 375.11 in Block 26011 on North Street Road located in the Township of Old Bridge and more fully described in the legal description as Schedule "A" on file at the office of the Township Clerk. The conveyance of the property shall be made by Deed of Conservation, Access and Maintenance Easement in a form approved by the Township Attorney.

SECTION 3: INCONSISTENT ORDINANCES

All Ordinances or parts of Ordinances inconsistent with or in conflict with this ordinance are hereby repealed to extent of such inconsistency.

SECTION 4: PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 5: EFFECTIVE DATE

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A041 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall also have adopted a resolution declaring an emergency and at least two-thirds (2/3) of all the Council vote in favor of such resolution.

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Greene, Maher, Testino, Volkert, President Gillespie.

NAYS: None.

ABSENT PODIUM: Councilman Calogera, Councilwoman Panos.

Prior to the roll call vote President Gillespie opened the matter to the public. Seeing no hands he closed the public portion.

Prior to the roll call vote the following discussion took place:

Councilman Greene requested an overview of this ordinance.

Attorney Convery stated that was in place a drainage easement affecting the property of Douglas Linke. The Township did not use it for drainage. The township engineer is requesting that there be an area of this property that does provide for a conservation and drainage easement on the other side of the property. These ordinances are being recommended simultaneously one to accept the deed of conservation for the new area and in conjunction we would be vacating the area we do not need.

ORDINANCE NO. 2007-13

ORDINANCE VACATING A DRAINAGE EASEMENT FOR THE DOUGLAS LINKE PROPERTY (BLOCK 26011, LOT 375.11)

WHEREAS, the Township Engineer has evaluated a request for the vacation of a Drainage Easement for the Douglas Linke Property known as Block 26011, Lot 375.11, and has no objection to said vacation:

WHEREAS, this Drainage Easement for the Douglas Linke Property (Block 26011, Lot 375.00) is no longer needed for use as a drainage easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

SECTION 1: **PURPOSE**

The purpose of this Ordinance is to vacate a drainage easement which is no longer needed for use by the Township of Old Bridge.

SECTION 2: **ORDINANCE**

The Township of Old Bridge hereby vacates a Drainage Easement for Lot 375.11 in Block 26011 in accordance with the metes description prepared by Grotto Engineering Associates, LLC dated August 16, 2006 as Schedule "A" on file at the office of the Township Clerk.

Within sixty (60) days of the effective date of this Ordinance a certified copy of this Ordinance together with proof of publication and copies of all exhibits shall be filed with the Clerk of Middlesex County for recording.

SECTION 3: **INCONSISTENT ORDINANCES**

All Ordinances or parts of Ordinances inconsistent with or in conflict with this ordinance are hereby repealed to extent of such inconsistency.

SECTION 4: **PARTIAL INVALIDITY**

If any section, paragraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 5: **EFFECTIVE DATE**

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A041 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall also have adopted a resolution declaring an emergency and at least two-thirds (2/3) of all the Council vote in favor of such resolution.

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Greene, Maher, Testino, Volkert, President Gillespie.

NAYS: None.

ABSENT PODIUM: Councilman Calogera, Councilwoman Panos.

President Gillespie opened this matter to the public. Seeing no hands he closed the public portion.

TOWNSHIP OF OLD BRIDGE

ORDINANCE NO. 2007-14

**ORDINANCE AMENDING CHAPTER 108, CONSTRUCTION CODES, UNIFORM SECTION
108-4 FEES OF THE UNIFORM CODE OF THE TOWNSHIP OF OLD BRIDGE**

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Code of the Township of Old Bridge, Chapter 108, Section 108-4 "Fees" shall be amended and supplemented as herein below set forth:

A. Building Subcode Fees.

1. For new construction and additions the fees shall be calculated (by cubic feet) for the building or structure based on the following Use Groups:

- a. Use Groups R-1, R-2, R-3, R-5, J – five cents (\$0.05).
- b. Use Groups A-1, A-2, A-3, A-4, A-5, I-1, I-2, I-3 – five cents (\$0.05)
- c. Use Groups B, E, F-1, F-2, M, S-1, S-2, U – five cents (\$0.05)
- d. There will be a minimum fee of \$250.00 for new construction permits or for additions.

2. For renovations, alterations and repairs, the fees shall be based on the estimated cost of construction and shall be based on \$20.00 per \$1,000.00.

- \$150.00 minimum for Residential
- \$250.00 minimum for Commercial

Fees shall be rounded to the nearest dollar amounts.

3. For a combination of renovations and additions, the sum of the fees shall be computed separately as renovations and alterations.

4. Establishment of fees for installations of:

- a. Installation of In-Ground Swimming Pools and/or Spas: \$ 150.00
- b. Installation of above ground Pools: \$ 100.00
- c. Installation of a fence for Swimming Pool \$ 50.00
- d. Installation of Wood Burning Stove or Pre-Fabricated Fireplace: \$ 150.00
- e. Installation of a Masonry Fireplace: \$ 250.00
- f. Installation of Windows: \$ 100.00
- g. Installation of Temporary Structures: \$ 100.00
- h. Installation of a Wooden Deck (Use Group R):
 - Under 12 square feet: \$ 100.00
 - Over 12 square feet: \$ 150.00
- i. Satellite (Dish-type) Antennas, over 24": \$ 100.00
- j. Roof Replacement (Use Group R-3 and R-4): \$ 85.00
 - With plywood replacement: \$125.00
 - (in multiple family buildings price is per upper floor unit)
- k. Commercial Roof Replacement: based on renovation and repair schedule. \$20 per \$1,000.00 cost of construction
- l. Installation/replacement of Exterior Siding (Use Group R-3 and R-4): \$ 85.00

- m. Demolition of Structure: R-3
under 2000 sq ft/25 ft height:
 - Height: \$100.00
 - All others \$250.00
 - Interior demolition \$100.00
- n. Installation of a sign: A.)Wall signs \$2.00/square foot surface area.
B.)Free Standing Sign \$150.00
- o. Installation of Elevator: \$20 per \$1,000.00 of cost of construction
- p. Asbestos Removal Permit: \$100.00
- q. Lead abatement: \$100.00
- r. Sheds under 200 sq.ft \$85.00
- s. Three season rooms on existing deck \$20.00 per \$1,000.00/;
on new deck: \$75.00 plus \$25.00 per \$1,000.00

5. The Training Fee shall be collected at the rate in effect at the time of permit issuance as per N.J.A.C. 5:23-4.19(b).

6. Prototype Processing shall receive a 20% Plan Review Credit.

7. Minimum Building Subcode Fee shall be \$100.00

8. Certificate Fees shall be as follows:

- a. Certificate of Occupancy (CO): \$200.00
- b. Certificate of Continued Occupancy (CCO): \$250.00
- c. Certificate of Clearance (Lead) \$100.00
- d. Use Group Change: \$250.00
- e. Annual Permit Fee shall be as specified in N.J.A.C.5:23-4.20(c)5.
- f. Variation Application: \$ 300.00 (Building Codes)
- g. Temporary Certificate of Occupancy \$200.00

9. A Non-Refundable Deposit of \$100.00 shall be submitted with all permit applications for new construction, additions or major renovations as per N.J.A.C. 5:23-4.18(a)(1).

10. Permit update fees: \$50.00 per hour (or portion thereof) per Subcode

B-Plumbing Subcode Fees.

Installations of the following:

- a. Water Closet \$20.00
- b. Urinal/Bidet \$20.00
- c. Bathtub \$20.00
- d. Lavatory \$20.00
- e. Shower \$20.00
- f. Floor Drain \$20.00
- g. Sink \$20.00
- h. Dishwasher \$20.00
- i. Drink Fountain \$20.00
- j. Washing Machine \$20.00
- k. Hose Bib \$20.00
- l. Gas Piping \$30.00/unit
- m. Fuel Oil Piping \$50.00
- n. Steam Boiler \$100.00
- o. Hot Water Boiler \$100.00
- p. Water Heater \$50.00
- q. Residential Single Fixture
Sewer Pump \$75.00

b. Residential above ground pool permit	\$85.00
c. Residential in-ground pool permit	\$165.00
d. Air conditioner over 1 hp	\$60.00
e. Electrical signs	\$75.00

8. Annual permits - fee charged as per current NJAC 5:23-4.20 (c)5, State of New Jersey Uniform Construction Code.

9. The minimum fee for Electrical Subcode shall be	\$ 75.00
10. The fee for minor work for the electrical subcode shall be	\$ 75.00
11. Demolition of a structure to terminate electrical service is	\$ 75.00

D. Fire Protection Subcode Fees

A. Wet and/or Dry Sprinkler Heads	1-20	\$125.00
	21-100	\$250.00
	101-200	\$350.00
	201-400	\$500.00
	401-1000	\$800.00
	over 1000	\$900.00

Hydraulic Calculations review/system \$100.00

B. Smoke and Heat Detectors	1-5	\$50.00
	6-10	\$75.00
	11- 15	\$100.00
	16 -20	\$120.00
	21- 25	\$130.00
	26-30	\$150.00
	Over 30	\$200.00

Manual Pull stations(Each)	\$35.00
Audible devices (Each)	\$35.00
Control panel	\$100.00
Tamper & supervisory switches (Each)	\$35.00
Fire Alarm Device changes (each)	\$35.00

C. Pre-Engineered Systems	
a. Carbon Dioxide (CO2)	\$125.00
b. Foam Suppression	\$175.00
c. Wet Chemical	\$125.00
d. Clean agent	\$125.00

D. Standpipes \$250.00 /riser

E. Kitchen Hood Exhaust Systems \$100.00

F. Incinerators and Crematoriums \$450.00

G. Gas or Oil fired Appliance \$50.00

H. Smoke Control Systems \$300.00

I. Underground Fire Mains \$100.00

J. Fire Pump (Review & Field Accept.) \$300.00

K. Fire Alarm Device changes \$35.00 / device

L. Flammable or Combustible Liquid Tank Installations:	
a. up to 275 gallons	\$100.00 / tank
b. 275 to 1000 gallons	\$125.00 / tank
c. 1000 gallons to 2000 gallon	\$250.00 / tank
d. Over 2000 gallons	\$300.00 / tank

M. Removal or Abandonment of AST or UST
up to 275 gallons \$100.00 / tank

up to 1000 gallons	\$125.00/tank
over 1000 gallons	\$300.00/tank
N. Minimum Fee for Fire Subcode	\$100.00

E) **Mechanical Fees**

- a. For the direct replacement of a hot air furnace in residential structures (R-3,R-4) the fee shall be a flat fee of \$75.00.
- b. Chimney liners \$75.00
- c. Gas fireplaces \$75.00

F.. **Elevator Subcode Fees**

- a. Elevator Registration and Fees shall be as per N.J.A.C.5:23, Subchapter 12.

The Township of Old Bridge shall enforce the requirements of N.J.S.A. 45:5A-1 et seq., otherwise known as the Electrical Contractors Licensing Act of 1962, including any and all amendments as enacted.

SECTION 2: INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3: PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 4: EFFECTIVE DATE

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two-thirds (2/3) of all the members of the Council vote in favor of such resolution.

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, President Gillespie.

NAYS: None.

ABSENT PODIUM: Councilwoman Panos.

ORDINANCE #2007-15 To amend the Land Development Ordinance to impose Zoning Permit Fees. **(Sent to Planning Board - Carry to July 16, 2007 Meeting**

**TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 2007-16**

**ORDINANCE TO AMEND CHAPTER 235, HOUSING, SECTION 235-16 OF THE UNIFORM
CODE OF THE TOWNSHIP OF OLD BRIDGE “CERTIFICATE OF APPROVAL REQUIRED
PRIOR TO TRANSFER”**

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

Section 1. Purpose

The purpose of this Ordinance is to amend the Code of the Township of Old Bridge, Chapter 235 Housing, Section 235-16 Certificate of Approval Required Prior to Transfer.

Section 2. Amendment of Section 235-16 “Certificate of Approval Required Prior to Transfer”

Section 235-16 “Certificate of Approval Required Prior to Transfer” of the Revised General Ordinances of the Township of Old Bridge shall be amended and supplemented as herein below set forth:

A. No owner, agent of owner, real estate agent or broker, firm, company, partnership, corporation or person or persons shall sell, rent, transfer, grant lease, let, mortgage with right of occupancy or otherwise dispose of the ownership or occupancy thereof, whether or not for a consideration and whether such disposal of ownership or occupancy is temporary or permanent, any dwelling, dwelling unit, hotel, motel, rooming house, rooming unit, boardinghouse or premises on which a building is located and is used or intended to be used for human occupancy, until a certificate of approval is obtained from the construction official stating that the building and premises comply with the requirements of this article. Any person occupying such premises or any person contracting with the owner for occupancy of the premises by another shall be bound by the provisions of this section and the penalties imposed for the violation of the same.

B. There shall be a fee of \$125.00 for all single-family dwellings or duplexes and a fee of \$105 per unit for each unit located within a multiple dwelling or apartment house, hotel, motel, rooming house, rooming unit or boardinghouse, or similar type building and structure, to cover the cost of inspection necessary to the issuance of the certificate of approval as required in this section which shall be paid by the person disposing of the ownership or occupancy of the property. In the event the Township construction official is called upon by the owner to make an inspection and having made said inspection, determines that the unit inspected is in such a condition as to require denial of a certificate and must therefore be reinspected, an additional fee, equivalent to the initial inspection fee, shall be charged.

Section 3. Inconsistent Ordinances.

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. Partial Invalidity.

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

Section 5. Effective Date.

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Township Council by delivering it to the Municipal Clerk pursuant to NJSA 40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA 40A:69A-41 applicable when the Mayor has failed to return the Ordinance, whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJSA 40A:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's veto.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two-thirds (2/3) of all the members of the Council vote in favor of such resolution.

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie.

NAYS: None.

Prior to the roll call vote President Gillespie opened this matter to the public. Seeing no hands he closed the public portion.

Prior to the roll call vote the following discussion took place:

Councilman Greene requested an overview of this ordinance.

Attorney Convery stated that the Code Department recommended increasing the fees for the Certificate of Approval when a property is transferred. The State supports the higher fees.

Alex Tucciarone stated that they were increasing the fees to cover the cost of the inspections.

Councilwoman Panos inquired if these fees applied to the senior housing apartments.

Alex Tucciarone responded that the landlord was responsible for paying the fee.

**TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 2007-17**

AN ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE APPROVING AND AUTHORIZING THE ENTERING INTO, EXECUTION AND DELIVERY OF A LEASE AND AGREEMENT WITH THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY RELATING TO THE ISSUANCE OF COUNTY-GUARANTEED CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2007 OF THE MIDDLESEX COUNTY IMPROVEMENT AUTHORITY.

WHEREAS, the Middlesex County Improvement Authority (the "Authority") is authorized to issue its bonds pursuant to the provisions of the County Improvement Authorities Law, Chapter 183 of the Laws of New Jersey of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "County Improvement Authorities Law, and other applicable provisions of law; and

WHEREAS, the Authority has determined to issue its revenue bonds for the purpose of financing the acquisition of capital equipment for the purposes of leasing the same to various municipalities located in the County of Middlesex in the State of New Jersey (the "2007 Program"); and

WHEREAS, the Township of Old Bridge, in the County of Middlesex, State of New Jersey (the "Municipality" has determined to participate in the 2007 Program and to lease certain capital equipment from the Authority; and

WHEREAS, there has been prepared and submitted to the Municipality the form of the Lease and Agreement (the "Lease"), to be entered into by and between the Authority and the Municipality, which Lease has been approved by the County of Middlesex, State of New Jersey (the "County") and which is attached hereto as Exhibit A, providing for the acquisition and leasing of certain items of Equipment from the Authority, which Equipment is described in Exhibit B attached hereto and

incorporated by reference herein. All terms used herein and not otherwise defined shall have the same meanings ascribed to such terms under the Lease.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE GOVERNING BODY OF THE TOWNSHIP OF OLD BRIDGE, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. Pursuant to section 78 of the County Improvement Authorities Law, NJSA 40:48-1 et seq., the Municipality is hereby authorized and directed to enter into and perform the Lease, which Lease provides for the leasing of certain items of Equipment acquired with the proceeds of County-Guaranteed Capital Equipment Lease Revenue Bonds, Series 2007 (the "Bonds") to be issued By the Authority entitled, "Resolution of the Middlesex County Improvement Authority Authorizing the Issuance of County-Guaranteed Capital Equipment Lease Revenue Bonds" (the General Bond Resolution") The Lease, in substantially the form submitted herewith in Exhibit A (a copy of which is on file in the office of the Clerk of the Municipality), is hereby approved with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Municipality and bond counsel to the Authority and the County.

Section 2. The full faith and credit of the Municipality are hereby pledged to the punctual payment of the obligations set forth in the Lease authorized by this ordinance, including without limitation, (i) all Basic Rent and Rent obligations of the Municipality under the Lease including Authority Administrative Expenses and Additional Rent, (ii) all amounts due and owing to the County as a result of payments made by the County including County Guarantee costs and (iii) all direct and indirect costs of the Authority and the County related to the enforcement of the Lease and the County guarantee (i), (ii) and (iii) collectively, the "Lease Payment Obligation"). The Lease Payment Obligation under the Lease shall be a direct, unlimited and general obligation of the County Improvement Authorities Law, and unless paid from other sources, the Municipality shall be obligated to levy ad valorem taxes upon all the taxable property within the Municipality for the payment of the Lease Payment Obligation thereunder without limitation as to rate or amount.

The Mayor or other Authorized Municipal Representative (as defined in the Lease) is hereby authorized and directed to execute the Lease on behalf of the Municipality in substantially such form as attached hereto in Exhibit A and the Clerk of the Municipality is hereby authorized and directed to attest to such signature and affix the seal of the Municipality thereto and the Lease is authorized to be delivered to the Authority. All representatives, officials and employees of the Municipality are hereby authorized and directed to enforce and to implement provisions of the Lease.

Section 3. The following additional matters are hereby determined, declared, recited and stated:

(1) The maximum Lease Payment Obligation for which the Municipality shall be obligated hereunder, which inter alia, will be used for the payment of principal of and interest on the Bonds of the Authority shall not exceed the sum necessary to (a) acquire the Municipality's Equipment described in Exhibit B which will be subject to the Lease, (b) pay interest on the Authority's Bonds allocated to the Municipality and used to acquire the Municipality's Equipment, and (c) pay the Municipality's share of the costs of issuance, Authority Administrative Expenses, Additional Rent, County Guarantee Costs and all other amounts required to be paid by the Municipality under the Lease.

(2) The Bonds shall mature within fifteen (15) years from the date of issue.

(3) The Lease Payment Obligation authorized herein shall remain effective until all the Authority's Bonds shall have been paid in full in accordance with their terms and/or when all obligations of the Municipality under the Lease have been satisfied, notwithstanding the occurrence of any other event, including but not limited to termination of the Lease with respect to some or all of the items of equipment leased thereunder.

(4) The Items of Equipment described in Exhibit B are hereby approved to be leased from the Authority in accordance with the terms of the Lease, with such changes, amendments or modifications as may be approved by counsel or bond counsel to the Authority.

Section 4. To the extent the Municipality is an "Obligated Person" (as defined under the Rule (as hereinafter defined)), the Municipality hereby agrees to comply with the requirements of

Rule 15c2-12 (the "Rule") promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended and supplemented, including the secondary market disclosure requirements contained therein, and agrees to covenant to such compliance in the Lease. The Mayor, Clerk, Chief Financial Officer or other Authorized Municipal Representative are each hereby authorized and directed to execute and deliver a Continuing Disclosure Agreement, approve and "deem final" the Official Statement of the Authority and the preliminary form thereof to the extent the information contained therein relates to the Municipality and to execute and deliver all certificates, documents and agreements to the Authority in connection therewith and to file budgetary, financial and operating data of the Municipality on an annual basis and notices of certain enumerated events as required to comply with and in accordance with the provisions of the Rule.

Section 5. The Mayor, Clerk, Chief Financial Officer or Authorized Municipal Representative are each hereby authorized and directed to execute and deliver any and all certificates, documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the execution and delivery of the Lease, the leasing of the Equipment which is to be the subject of the Lease and all related transactions contemplated by this ordinance.

Section 6 Upon the payment of all amounts referenced in Section 3(3) herein, the full faith and credit pledge of the Municipality as to its Lease Payment Obligations authorized herein shall cease to exist.

Section 7. The provision of this ordinance are severable. To the extent any clause, phrase, sentence, paragraph or provision of this ordinance shall be declared invalid, illegal or unconstitutional, the remaining provisions shall continue to be in full force and effect.

EXHIBIT B

<u>Department</u>	Quantity	Equipment Description	Estimated Cost	Estimated Useful Life
1. Police Department	3	Patrol Vehicles	\$90,000.00	3
2. Police Department	2	SUV's	\$60,000.00	3
3. Car Pool	2	Hybrid Vehicles	\$50,000.00	3
TOTAL			\$200,000.00	

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie.

NAYS: None.

Prior to the roll call vote President Gillespie opened this matter to the public. Seeing no hands he closed the public portion.

Prior to the roll call vote the following discussion took place:

Councilman Calogera inquired about the lease and how many years were we applying for?

Mayor Phillips responded that the County goes around and asks the various municipalities if they want to participate. Each municipality can purchase what they want. The bond expectancy can have a life expectancy up to 15 years, because some of the goods purchased have that expectancy. We are using it for leased vehicles and hybrid vehicles over a three year period.

Councilwoman Panos is it feasible to purchase hybrid SUV's?

Mayor Phillips stated that our fleet will always be mixed. We are looking into hybrids as well as other bio-fuel vehicles.

Councilman Testino stated he will be supporting this and glad that the Mayor is continuing to provide our officers with the equipment that they need.

CONSENT AGENDA

President Gillespie opened the Consent Agenda to the public. Seeing no hands he closed the public portion.

RESOLUTION NO. 268-07

RESOLUTION AWARDING BID #2007-25 CONTRACT FOR TEMPORARY EMPLOYMENT TO ACCOUNTEMPS.

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the Township of Old Bridge solicited bids in connection with Contract #2007-25 for temporary employment services; and

WHEREAS, there was only one bid received and opened on June 20, 2007; and

WHEREAS, the Township Council wishes to award the contract for temporary employment services; and

WHEREAS, our Director of finance and Township Business Administrator have recommended that a contract be awarded to Accountemps as they were the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey, as follows:

1. Accountemps with principal offices at 10 Woodbridge Center Drive, 2nd Floor Woodbridge, New Jersey 07095 is hereby awarded a contract in the following amounts:
 - a. Secretarial Services - \$25.20 per hour
 - b. Bookkeeper - \$32.00 per hour
 - c. Finance/Accountant - \$33.42 per hour
 - d. Receptionist - \$18.48 per hour
 - e. General Clerk - \$17.00 per hour
2. No Certification of Availability of Funds is necessary since this Contract is being Awarded on a "Time & Material Basis" only.
3. The Mayor and Township Clerk are hereby authorized to sign the contract documents Necessary to effectuate the award of this contract. The Township Attorney shall Review any and all contractual documents prepared in furtherance of this award.

This Resolution is conditioned upon the following:

- A. formal execution of a contract approved by the Director of Law which is signed by the Mayor and Township Clerk.
- B. Compliance by the Vendor with signing the mandatory affirmative action language Required by law.
- C. Compliance by the Vendor with filing of Affirmative Action Form AA302 or AA201, or otherwise complying with Affirmative Action employee information reporting.

No Contract shall be considered awarded unless and until the above requirements are executed.

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman

Panos, President Gillespie

NAYS: None.

RESOLUTION NO. 269-07

RESOLUTION FOR SUPPORT OF ENDORSEMENT BY THE TOWNSHIP OF OLD BRIDGE FOR THE INSTALLATION OF SIDEWALKS ON ROUTE 9

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the New Jersey Department of Transportation, Office of Bicycle and Pedestrian Program (OBPP) received a complaint from the Marlboro Township Police Department requesting sidewalks on both sides of Route 9, between the Regal Shopping Center and Texas Road; and

WHEREAS, this portion of Route 9 is the municipal border between Marlboro Township and Old Bridge Township; and

WHEREAS, the OBPP has investigated the field conditions and agrees that sidewalks are warranted at this location; and

WHEREAS, the NJDOT needs to present this project to the Division of Capital Programs for funding approval; and

WHEREAS, in order to facilitate the implementation of this project the NJDOT is requesting a resolution of support and letter of endorsement for this project from the Township of Old Bridge; and

WHEREAS, it is necessary for Old Bridge Township to agree to maintain the sidewalks and be responsible for snow removal as necessary.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the necessity for sidewalks on both sides of Route 9 between Regal Shopping Center and Texas Road is recognized and should be implemented by the NJDOT Division of Capital Programs; and

BE IT FURTHER RESOLVED that the Township of Old Bridge agrees to maintain the sidewalks and be responsible for snow removal as necessary for both sides of Route 9 between the Regal Shopping Center and Texas Road and to provide a letter of endorsement for this project to the NJDOT.

Moved by Councilman Testino, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert,
Councilwoman Panos

NAYS: None.

ABSTAIN: President Gillespie

Prior to the roll call vote the following discussion took place.

Councilman Maher wanted to know if it was the Marlboro Police Department who brought this to our attention?

Administrator Jacobs responded that our Police Department also informed us.

Councilman Maher stated he did not see any benefit to the taxpayers to maintain these sidewalks and according to the resolution we are responsible for the snow removal.

Administrator Jacobs responded that the abutting property owners will maintain the sidewalks and be responsible for the snow removal on both sides.

Mayor Phillips stated that this also relates to the Horizon's property, who have requested that we assist them. It is not all on Marlboro Township property; it also encompasses Old Bridge property.

Administrator Jacobs stated that he addressed the matter of snow removal with the DOT. Our ordinance states that the property owner who abuts the sidewalk will be responsible for the removal.

Mayor Phillips stated we will make sure that the property owner maintains the property.

RESOLUTION NO. 270-07

AUTHORIZING A BUDGET TRANSFER

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, it has become necessary to expend for various purposes which are specified in the budget an amount in excess of the respective sums appropriated therefore; and

WHEREAS, there is an excess in certain other appropriations which are specified in the budget which are legally available for transfer; and

WHEREAS, under the provisions of R.S. 40A:4-58 during the last two months of the fiscal year, the governing body has the authority to transfer the amount of such appropriations as may be deemed to be in excess to such appropriations as may require it.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the following transfer be made between the current SFY 2007 Budget.

Department	General Account	
	From	To
Police Department – Salary & Wages		\$35,000.00
Code Enforcement – Salary & Wages		\$ 4,000.00
Building & Grounds – Salary & Wages		\$ 1,000.00
Elections – Salary & Wages	\$ 2,000.00	
Tax Collection – Salary & Wages	\$ 2,000.00	
Recreation – Salary & Wages	\$34,000.00	
Data Processing – Salary & Wages	\$ 2,000.00	
Recreation - O&E		
Road Department O&E		\$ 4,000.00
Buildings/Grounds O&E		\$ 5000.00
Recreation S&W	\$10,000.00	\$ 1000.00
Total	\$50,000.00	\$50,000.00

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert,
Councilwoman Panos, President Gillespie

NAYS: None.

RESOLUTION NO. 271-07

RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN AMENDED EASEMENT WITH FIRST ENERGY TO PERMIT VERIZON WIRELESS TO LOCATE AN ANTENNA ON THE EXISTING ELECTRICAL TOWER ON BLOCK 11251.3 LOT 15

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the Township of Old Bridge is the owner of certain lands located in the Township of Old Bridge, County of Middlesex, State of New Jersey known and designated Block 11251.3, Lot 15; and

WHEREAS, the Township of Old Bridge has previously conveyed to First Energy a permanent easement on this property; and

WHEREAS, the Township wishes to amend the easement with First Energy to permit the installation of an antenna by Verizon Wireless on the existing electrical tower for a monthly rental fee of \$1,000.00 payable to the Township of Old Bridge.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Mayor and Township Clerk are hereby authorized to sign the amended easement agreement with First Energy.

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert,
Councilwoman Panos, President Gillespie

NAYS: None.

Prior to the roll call vote the following discussion took place:

Councilman Greene inquired as to the location of the tower.

Administrator Jacobs stated it was about east on Rt. 516 by the power lines. It is not a new tower just an antenna added on to the tower.

Councilman Volkert inquired if it was in a residential area.

Administrator Jacobs responded it was not.

Councilman Calogera inquired about the \$1000.00 fee.

Administrator Jacobs responded that they offered \$500.00 and we negotiated with them for the higher fee.

PLENARY RETAIL CONSUMPTION LICENSES

RESOLUTION NO. 272-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-033-007, GEM SET, INC., T/A BROWNTOWN WINE & LIQUOR AND BAR

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

Licensee

State License No.

Gem Set, Inc. 1209-33-033-007
t/a Browntown Wine & Liquor and Bar
Rt. 516, Browntown Shopping Center
Old Bridge, N.J. 08857

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 273-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-032-005, BRIAD RESTAURANT GROUP, T/A T.G.I. FRIDAY'S

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Briad Restaurant Group t/a T.G.I. Friday's 1001 U.S. Highway 9 North Old Bridge, N.J. 08857	1209-33-032-005

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 274-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-019-007, SARTHI CORP., T/A TOWNSQUARE WINE LIQUOR & BAR

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Sarhi Corp. t/a Townsquare Wine Liquor & Bar 345C Matawan Road Townsquare Shopping Center Matawan, N.J. 07747	1209-33-019-007

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 275-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-023-008, BIG ED'S BBQ, INC., t/a BIG ED'S BBQ

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Big Ed's BBQ, Inc. t/a Big Ed's BBQ 305 Highway 34 Matawan, N.J. 07747	1209-33-023-008

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 276-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-007-006, BENSI OF OLD BRIDGE, LLC

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Bensi of Old Bridge, LLC 53-55 Broadway, Suite A Park Ridge, N.J. 07656 (Pocket license 8/22/2005)	1209-33-007-006

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 277-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-008-003, RACE ZONE BAR & GRILL, LLC., T/A RACE ZONE BAR & GRILL

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Race Zone Bar & Grill, LLC t/a Race Zone Bar & Grill 1194 Englishtown Road Old Bridge, N.J. 08857	1209-33-008-003

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 278-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-016-010, FINE DINING GROUP, LLC, T/A BISTRO AMERIGO

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Fine Dining Group, LLC t/a Bistro Amerigo 392 Highway 34 Matawan, N.J. 07747	1209-33-016-010

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 279-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-024-006, H.K.W. CORP., T/A PEAPOD HONG KONG WOK

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
H.K.W. Corp. t/a Peapod Hong Kong Wok 432 Route 34 Matawan, N.J. 07747	1209-33-024-006

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 280-07

RESOLUTION STATING NO OBJECTION TO ISSUANCE OF AN AD INTERIM PERMIT TO PLENARY RETAIL CONSUMPTION LICENSE #1209-33-003-008, THE OBLISQUE CORP., T/A TICETOWN LIQUORS CONDITIONED UPON LICENSEE OBTAINING APPROVAL OF DIVISION OF TAXATION.

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the Oblisque Corp, t/a Ticetown Liquors, Plenary Retail Consumption License #1209-33-003-008, has timely submitted a complete renewal application and required State and Local fees; and

WHEREAS, said licensee has not received a Tax Clearance Certificate and is ineligible for ad interim relief unless said licensee obtains a certificate or an approval for temporary relief from the Division of Taxation;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the Township Clerk is hereby authorized and directed to endorse the ad interim relief application stating the township has no objection to the issuance of an ad interim permit by the N.J. Division of Alcoholic Beverage Control to allow the above named licensee to continue operation of its licensed business pending municipal action contingent upon said licensee obtaining a certificate or an approval for temporary relief from the Division of Taxation.

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 281-07

EXTENDING EFFECTIVE DATE OF PERSON TO PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-012-005 FROM PINE TAVERN INC. TO CLASG, INC.

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the attorney for the seller, Pine Tavern Inc., has requested that the effective date of the person to person transfer of Plenary Retail Consumption License No. 1209-33-012-005 from Pine Tavern, Inc. to CLASG, Inc. be extended from July 1, 2007 to August 1, 2007.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge that the effective date of the person to person transfer of Plenary Retail Consumption License No. 1209-33-012-005 from Pine Tavern, Inc. to CLASG, Inc. be extended from July 1, 2007 to August 1, 2007.

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 282-07

RENEWING PLENARY RETAIL CONSUMPTION LICENSE NO. 1209-33-011-009, NG, YUEN & MARSHALL, LLC, T/A VINTAGE WINE

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Consumption License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred dollars (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Consumption License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Ng, Yuen & Marshall, LLC	1209-33-011-009

t/a Vintage Wine
3885 Route 516
Old Bridge, N.J. 08857

Moved by Councilman Butler, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

ABSTAIN: Councilman Testino

RESOLUTION NO. 283-07

RENEWING PLENARY RETAIL DISTRIBUTION LICENSE, NO. 1209-44-051-001, JITENDRA PATEL

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Distribution License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Distribution License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
Jitendra Patel 131 Redpine Loop Old Bridge, N.J. 08857	1209-44-051-001

Moved by Councilman Volkert, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

PLENARY RETAIL DISTRIBUTION LICENSES

RESOLUTION NO. 284-07

RENEWING PLENARY RETAIL DISTRIBUTION LICENSE, NO. 1209-44-020-006, SP & PJ LIQUORS, INC., T/A HARBOR LIQUORS

BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

WHEREAS, the applicant listed below has applied to the Township of Old Bridge, in the County of Middlesex and State of New Jersey for the renewal of their Plenary Retail Distribution License for the period of 2007-2008; and

WHEREAS, they have complied with the rules governing the renewal of Alcoholic Beverage Consumption Licenses and having paid the fee of Two thousand five hundred (\$2,500.00); and as no objections have been received to the renewal of said license.

NOW, THEREFORE, BE IT RESOLVED that the Clerk of the Township of Old Bridge be and is hereby authorized to issue the applicant a renewal of their Plenary Retail Distribution License for the period 2007-2008, effective July 1, 2007.

<u>Licensee</u>	<u>State License No.</u>
SP & PJ LIQUORS INC. t/a Harbor Liquors 904 S. Route 35 Laurence Harbor, N.J. 08879	1209-44-020-006

Moved by Councilman Volkert, seconded by Councilman Butler and so ordered on the following roll call vote:

AES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert,
Councilwoman Panos, President Gillespie

NAYS: None.

APPOINTMENT

RESOLUTION NO. 285-07

HOUSING AUTHORITY - TERM ENDING 05/31/2012

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

Joseph F. Azzarello to the Housing Authority for a term ending 05/31/2012

Moved by President Gillespie, seconded by Councilman Calogera and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie.

NAYS: None.

RESOLUTION NO. 286-07

HOUSING AUTHORITY - TERM ENDING 05/31/09

BE IT RESOLOVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that:

Mary Spina appointed to the Housing Authority, replacing Bryan Hoffman for a term ending 05/31/09.

Moved by Councilman Testino, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie.

NAYS: None.

Mayor Phillips stated that there was one appointment not on the list because it does not require Council consent, it is the Mayor's appointment and I would like everyone to know that he reappointed Mary Sohor to the Housing Authority.

DISCUSSION ORDINANCE

ORDINANCE NO. 07-18

ORDINANCE AMENDING SECTION 10-8.9 RESIDENTIAL PERMIT PARTING

BE IT ORDAINED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to provide parking by permit only in certain residential areas designed herein after.

SECTION 2: ORDINANCE

Residential Permit Parting, Section 10-8.9 of Chapter X of the Code of the Township of Old Bridge is hereby amended by adding the following streets:

<u>NAME OF STREET</u>	<u>SIDE</u>	<u>LOCATION</u>	<u>HOURS</u>	<u>DAYS</u>
Briarwood Drive	Both	Entire Length	6:00AM to 7:00 PM	Monday - Friday
Tara Drive	Both	Entire Length	6:00AM to 7:00 PM	Monday- Friday
Porsche Drive	Both	Entire Length	6:00AM to 7:00PM	Monday- Friday
Jason Court	Both	Entire Length	6:00AM to 7:00PM	Monday- Friday
Emma Court	Both	Entire Cul-de-Sac	6:00AM to 7:00PM	Monday Friday

SECTION 3: INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: PARTIAL INVALIDITY

If any section, paragraph, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder shall be deemed valid and effective.

SECTION 5: EFFECTIVE DATE

A. Except as set forth at subparagraphs B and C hereof, this Ordinance shall take effect on the earlier of the following dates: (1) on the date the Mayor affixes his/her signature thereto and returns same to the Municipal Council by delivering it to the Municipal Clerk pursuant to NJSA40A:69A-41 or (2) on the tenth day following presentment to the Mayor of the Ordinance pursuant to NJSA40:69A-41 applicable when the Mayor has failed to return the Ordinance; whichever occurs first.

B. If the Mayor vetoes the Ordinance (in the manner set forth at NJS 40:69A-41), this Ordinance shall become effective upon the Township Council's vote to override the Mayor's vet.

C. Notwithstanding any other provision hereof, this Ordinance shall not take effect less than twenty (20) days after its final passage by the Council and approval by the Mayor, where such approval is required, unless the Council shall have also adopted a resolution declaring an emergency and at least two thirds (2/3) of all the members of the Council vote in favor of such resolution

Moved by Councilman Volkert, seconded by Councilman Baker and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

Prior to the roll call vote the following discussion took place:

Administrator Jacobs stated that they had received requests from the residents of these streets to consider the "parking by permit only" status. Administration did a survey and the result was 2-1 in favor of the permit parking. Councilman Volkert requested it be sent to the Police Department for their comments and they were in agreement that out-of-town cars were parking on these streets.

Councilman Volkert stated there were about 15 cars parking there, close to Morristown Road that do not belong there. They are parking there and walking to the bus stop.

Councilman Baker stated that with the cars parked there, the residents are unable to get their mail and it blocks the garbage trucks from their rounds.

Mayor Phillips stated that this same type of ordinance was instituted for High Pointe last year and it has made a remarkable difference and is very well appreciated. I would think that anyone who is against it now, once they see the benefits of the restriction, they will be satisfied.

Councilwoman Panos stated that it worked out in her ward also.

DISCUSSION

D-1 Skateboarders - (Alternate Location)

President Gillespie stated that everyone received the report regarding the vandalism at the current skateboard facility. Repairs have already been made and the area was again vandalized. To replace it with an all concrete is significantly higher.

Tom Badcock stated that an all concrete facility would run about one half million dollars.

Councilwoman Panos inquired if placing a new facility at Mannino Park would be feasible?

Mayor Phillips stated that anything is possible because there over 160 acres. Mayor Phillips stated he was interested in the way Sayreville has addressed this problem with the organization of volunteer adult supervision in conjunction with the operation of the facility which is out in the open and not in a remote area, where when unoccupied falls victim to vandals. Mayor Phillips stated he is open to another skateboard park in Old Bridge, but he would like to do some more investigation and research before a commitment is made.

Councilwoman Panos inquired whether or not we could reach out to some skateboard companies to see if there were any type of corporate sponsorship or grant available..

Mayor Phillips responded that Karen Longo does an excellent job of finding grant money and Administration will advise her of the interest in this, and if there is money available, she will find it.

Councilman Calogera stated he thought that the idea of putting this type of facility at Mannino Park was a bad location due to transportation there and the seclusion of the area. We put a lot of money

into this previous facility and we need to do a lot of homework before we consider putting up another skateboard park. We have to look at usage vs the expenses.

Mayor Phillips stated that time will have to play this out because this facility will be growing over the next few years and will offer many different recreation and amusement areas.

D-2 Poor Farm Road Affordable Housing Project from Bergen Capital Partners

President Gillespie stated that this matter has been heard previously, but Councilman Butler requested that they come back before the Council for additional questions.

Councilman Butler stated that original paperwork had been submitted about three years ago and an update was provided about four months ago. This development is different from the Chuck Costello property, which is independent living and this facility would have staff on site to assist the residents.

Mr. Piscatelli stated that the staffing would vary throughout the day.

Councilman Butler stated that the representatives from Bergen Capital Partners have made several presentations to the various entities who will be involved in this project and he had not heard any negative response to the presentations.

Councilman Calogera stated that one of his concerns was the fact that this organization has a "pilot" and what is the assessment.

Mr. Piscatelli responded that they would be doing about 6.28% of the net rents that come in.

Councilman Calogera asked what was the ratables coming into the Township of Old Bridge?

Mr. Piscatelli responded roughly about \$48,000.00.

Councilman Calogera inquired how many units were to be available and were they all supervised care?

Mr. Piscatelli responded 94 units will be supervised with varying levels of supervision or assistance.

Councilman Calogera stated that problem he had last time was that this project was originally a senior development building and was switched to a senior assisted living facility with care and that you are nothing like the Costello facility as you had older residents. Councilman Calogera stated that he had a problem with the \$48,000 in ratables based on the pilot in-lieu of taxes and that the township will exceed in services more than what we would be receiving in the pilot. In previous meetings you stated that you did not have your own ambulance service and the township would have to supply this service as well as emergency medical service, fire, et cetera. This project is so different from what was originally put forth, this pilot has to be revisited.

Mr. Brent Andrews stated that the pilot was restructured to keep the rent rates down. If the pilot goes up the rents follow suit.

Councilman Volkert inquired whether or not this was approved as a senior facility, but the copy of the minutes from the Zoning Board state it was an assisted living facility with 100 units and the average age of the residents would be 78 years. Also, originally it provided for an ambulance service and this is no longer there so this is another major concern. The tax revenue to Old Bridge was originally was \$256,562.00 now your pilot offers \$48,000. The entire project has changed dramatically as previously presented and approved by the Zoning Board. Therefore, he could not vote for this project.

Mr. Piscatelli stated that it really has not changed and they are going to have a private ambulance service for the daily transportation of their residents, but any emergency call would have to be handled by the township. Mr. Piscatelli stated that they have removed the institutional feel from the building to make it more resident friendly and giving more personalized services and more labor intensive. Where you got the \$256,000 figure I do not know.

Councilman Volkert stated the number was in the report submitted to the engineer and presented to the Council. It was supposed to be a 9 million dollar building and that would be the tax rate. Mr. Volkert inquired if the age requirement will be lower? If so, there will be more vehicles, more traffic and this was one of the concerns of the residents in the area. Also, when it was originally approved each unit was approximately 300 sq. ft., now they are 750 sq. ft. average with one or two bedrooms, kitchen, etc..

Mr. Piscatelli stated that common areas still exist, however, they have tried to reduce the feeling of an institution from the structure. It will be hard to put a number of what the age will be of the residents. Based on the experience of their other facilities the age is well over 75.

Mr. Brent Andrews stated that their obligation based on the U.S. Tax Code and all of their documents list the age restriction as 62 and older. Regarding the size of the units, the State's minimum requirement for a one bedroom is 600 sq. ft.. which is quite small, so they opted to increase the space to 750 sq. ft.

President Gillespie inquired if this 750 sq. ft. was based on your original approval or did you go back for an amended approval?

Mr. Piscatelli responded that they did not change the footprint, but rather by eliminating the cafeteria and the kitchen it allowed them to grow to establish the size of the units.

Mr. Volkert stated that he feels this project is very different from the original project submitted and approved by the Zoning Board.

Councilman Greene inquired if the No. 94 referred to the units or the number of residents?

Mr. Andrews stated it was 94 units and one was reserved for a superintendent on site.

Councilman Greene inquired if the units were all one bedroom?

Mr. Andrews stated that the majority are one bedroom 80 one bedroom and 14 two bedroom.

Councilman Greene inquired about daily transportation of the residents to shopping centers, physicians, etc.?

Mr. Andrews responded that they would handle the daily transportation matters. The only time they would look to the Township would be for an emergency call. Many of the medical services required by the residents will be done on-site and if they cannot provide it, then they will be transported to their physicians.

Councilman Greene stated he was not familiar with this organization and the type of services that you provide. Going from a project geared to seniors and then switching to a different type of population, with different types of services. It is a senior facility, but going from persons who can take care of themselves to persons who require substantial care is quite a change.

Mr. Piscatelli responded that it was their intention from day one to have medical care on site. There are also a large amount of recreational space and they will have a great amount of flexibility within the facility.

Councilman Baker inquired if there was a facility in the State that he could visit?

Mr. Piscatelli stated there was one in Cumberland County that was similar to what is being proposed.

Councilman Baker inquired if there were a similar tax set-up for this facility?

Mr. Piscatelli responded that they had a different type of financing vehicle for this facility. It is a former hospital that they converted and is over 200,000 sq. ft.

President Gillespie stated that in addition to the pilot agreement there are a whole list of official actions that have to be taken which we are not prepared to do this evening.

Councilman Testino inquired as to what type of financing they were seeking?

Mr. Piscatelli responded HFMA. Also, they would require a "Letter of Need" from the Township.

Councilman Testino stated that they would need a letter from the Mayor first in order to begin.

Attorney Convery stated that it was his understanding that through negotiations with Mike Jacobs, to nail down exactly what you were looking to do. The last time you made a presentation, it was for 94 units, minimum of 81 one bedroom units and a maximum of 13 two bedroom units, which has changed tonight.

Mr. Andrews responded that they did not have a unit designated for the superintendent.

Also, in any resolution of Need from Old Bridge Township, you would be agreeing that every person occupying a unit would qualify as a low or moderate income under COAH regulations in the State of New Jersey.

Mr. Andrews responded they would have to meet the 47 1/2% of the area medium income and those with special needs would have to meet the 30% of the area medium income.

Attorney Convery asked are you now saying that not everyone would meet the COAH requirements?

Mr. Andrews responded that these regulations are set forth by the HFMA and he would have to believe they are consistent with COHA.

Attorney Convery stated this would have to be confirmed so that the Township of Old Bridge would get COAH credit. Also, there was some discussion regarding if any number of units would be set aside for developmentally disabled persons. You originally had a set number, which you retracted because they would not meet the age requirements.

Mr. Andrews responded that they have been having discussions with various agencies on this matter.

Attorney Convery stated that the Township of Old Bridge would have to know what you are proposing so that it could be stated in the Resolution of Need.

Mr. Andrews responded that at meeting with the State this morning, they stated they would approve 15 persons with developmentally disabilities and they agreed to 5 one bedroom units and 5 two bedroom units.

Attorney Convery stated that there have been quite a few discussions with Mike Jacobs and we would need you to nail down what you would be willing to provide so the Township of Old Bridge can decide whether or not there should be a Resolution of Need. Final point, is that a while ago he looked at the Resolution from the Zoning Board and his point of view was what you are proposing now is substantially different than what had gotten approved. Mr. Convery stated he was not referring to the footprint, but rather the use of the building.. You received a use variance based upon what the building would be used for. You should go over this with your attorney to determine whether the approval you received from the Zoning Board is valid or if you have to go back for an amended approval.

Administrator Jacobs stated that he did not negotiate the terms of this agreement, what we tried to do is pin down what they want to do in writing so that we can incorporate it into the Resolution.. Mr. Jacobs stated that he has never done anything that was so difficult, it seems like the "ball" kept moving, every time we tried to do something it changed. He came in here this evening thinking that there were two limitations that you were looking for this evening, income and age. Now, you are saying that age may be coming out of this.

Mr. Piscatelli responded that they are doing nothing different than the initial intention of this project. We are providing assistance to those type of senior citizens that need a helping hand. How we get to those levels is a moving target, we will have a mix of affordable units and people will come in

under various categories whether they qualify under the 47 % affordability or 30% affordability. In addition, regarding the developmentally disabled persons, we can impose an age restriction on them if we so chose. That again, will be up to the Council and management to decide what is a good mix of our population,. We do not run into any problems like at the Costello Home where you have a very different mix of residents. Again, nothing is changing from their initial proposal.

Administrator Jacobs responded that he has no pre-conceived idea , he just wants to nail it down in writing so when the Council has to identify a need we know what we are identifying and frankly, he is not sure that we have gotten there because of what he heard this evening. You say that this will be for persons with disabilities, but this is not a requirement. Anyone that is of a certain age and you may be withdrawing that, and meets the income requirements can live there. You do not have to have a disability.

Mr. Piscatelli stated if you meet the income requirements and you have a desire to have a supervised living scenario where certain services will be provided to you , we are your product.

Administrator Jacobs stated that when we wanted to reserve a minimum of 15 units for people with special needs, you said you could not do that.

Mr. Piscatelli responded , "yes" we can.

Administrator Jacobs responded that is not what you said in our meetings.

Mr. Andrews stated that they always intended to have senior citizen project, both age and income restricted, that has not changed. We have entered into discussion with the Department of Human Services to set aside a certain number of units, and at their meeting this morning with the Assistant Director of the Developmentally Disabled they told us that there could be no more than ten units because they did not want too many people in one project. Those clients will not be age restricted because they have to adhere to the circumstances under which the Department of Human Services will provide these folks.

Mr. Piscatelli responded that they can if they want to age restrict them.

Administrator Jacobs disagreed. When he asked if they could have 15 units in there, Mr. Piscatelli told him that they could not make it mandatory to have 15 units, it depends on who comes in. You specifically asked us to remove that.

Mr. Piscatelli responded "no".

Mr. Andrews stated that they can put age restrictions, and it will not impact on their project or prevent them from getting low income financing.

Administrator Jacobs responded that with all due respect he did not have any desire to impose age restrictions, all he was looking to do was nail down what you want to build in writing and he has not been able to do that.

Mr. Andrews stated the only change is from 15 units to 10 units.

President Gillespie stated that they are not in a position to take any type of action this evening. He wanted a written report outlining all the information. President Gillespie asked when they expected to have a decision from Human Services?

Mr. Piscatelli stated based on his discussion this morning, we can go back and revisit the feasibility of the reduction of the 15 units to the 10 units for the developmentally disabled. It will have no financial impact on them and the project can still go forward. Within the next day or two they will present their proforma . It may impact some of the income.

Councilman Testino stated that we have to get to the point where our Administrator is comfortable to make a recommendation. This is premature and no one can start guessing at the figure because we do not know what we are getting. We have to justify this tax break to the taxpayers and that is all there is to it. Mr. Testino stated he promotes facilities that meet the COAH standards and he will do that if it does not bring any harsh impact. The Administrator has to make the recommendation to the

Mayor and Council and if he does not get there, no vote can be taken. You need to work with our Administrator and give him what he needs or this is not coming back up here. Also, Mr. Testino stated that you should take heed to Mr. Convery's concerns stated here this evening as they are real. You have the benefit of a lot of comments and you should consider them.

Councilman Calogera inquired if Bergen Capital Partners was a non-profit organization?

Mr. Andrews responded that they were an investment banking firm and they provide consulting services to developers who wish to do housing.

Mr. Piscatelli stated he was the sole proprietor of the property on Poor Farm Road for 70-80 years and they now wish to develop this property.

Councilman Calogera inquired if a profit making LLC can be issued a pilot?

President Gillespie responded they could but their profits would have to be limited.

Councilman Volkert inquired if the residents would have to make application for any supplements?

Mr. Piscatelli answered yes.

PUBLIC COMMENTS

Solan Foltis commented on Veterans Park Skate Park and that it had problems because of a lack of maintenance. Also, we should look into sponsorship by sporting companies for a new facility.

COUNCIL COMMENTS

Councilwoman Panos requested looking into traffic calming devices. We had looked into this previously, but it now time to revisit the matter. The need has gotten worse with regard to the speeders and we need to do something about it soon.

Councilman Butler announced that the traffic light at Springhill Road has been approved and work will commence soon due to the perseverance of Administration and the Council.

Councilman Baker stated that he is very proud of our complex, it needed to be renovated and Mike Jacobs has done a great job and he proud to be part of the team.

Councilman Greene inquired about the \$500,000 grant from the County, is that going to the YMCA?

Mayor Phillips stated that he hoped Council would see fit to allocate this \$500,000 grant to the YMCA infrastructure.

Councilman Greene inquired when you refer to ancillary structure, that could refer to the physical construction of the YMCA, correct?

Mayor Phillips responded that it could refer to the YMCA, but it could be the physical construction of the parking lot or it could go to the \$91,000 fee that the water company is putting through, it could go to a lot of things. It could be used for a lot of ancillary services.

Councilman Greene inquired if the Council would be given a breakdown of exactly how much there is in funding and how it is going to be disbursed?

Mayor Phillips stated that it would be provided. Mayor Phillips stated that this job will be done under the prevailing wage structure with that in mind, the bid estimate that came in at \$6.2 million, the closest bid was \$7.7 million, this has forced the YMCA to review and reconsider some of the things it will bid on and it has forced us to go out and find more monies. He was grateful to the County Board of Freeholders for granting additional monies toward the infrastructure. It is our hope that when the YMCA gets a firm bid that any funding differences will be made up by donations, pledges or funding by the YMCA. We hope to have a shovel in the ground by September.

Councilman Greene inquired if prevailing wage referred to union wage?

Mayor Phillips responded that it simply means that because government funding is involved in this project, any contractor who is awarded the bid, must pay the scale that is required. They do not have to be union workers, but the workers must be paid at the rate prescribed. Mayor Phillips stated that he has met with the YMCA Board of Directors and they have assured him that they want to move forward on this project. We will not know what the target number is until we are finished with this latest round of construction proposals, but he hopes that once the project is underway, people will be more responsive with contributions and other charitable organizations will come forward.

EXECUTIVE SESSION

RESOLUTION NO.287

BE IT RESOLVED by the Township Council of the Township of Old Bridge that the public shall be excluded from this meeting pursuant to N.J.S.A. 10:4-13 for the discussion of the following matter or matters:

Negotiations - Interlocal Agreement between South River & Old Bridge
Negotiations - Sale of Township Property to Adjacent Property Owner
(Block 1, Lots 49 & 53)
Litigations - Hamptons @ Farmview Acres Inc. vs. Township Council

Moved by President Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilman Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

MOTION

Motion to go out of Executive Session at 10:45 p.m., made by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Baker, Butler, Calogera, Greene, Maher, Testino, Volkert, Councilwoman Panos, President Gillespie

NAYS: None.

Council President Patrick Gillespie

Rose-Marie Saracino, Township Clerk

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dist.

