

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

December 15, 2008

A Combined meeting of the Township Council of the Township of Old Bridge was held on December 15, 2008 in the Municipal Complex. The meeting was called to order by Vice-President Baker who asked all present to participate in a salute to the flag which was followed by a short prayer.

Deputy-Clerk Stella Ward announced that this meeting is being held in conformance with the open public meetings act, notice has been given to the newspaper and notice of the meeting has been posted in public places.

Roll call at 7:35 p.m. by Deputy-Clerk Ward, showed the following members present: Councilmen Baker, Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos. President Testino was late.

Vice-President Baker asked for a moment of silence for the American Troops serving abroad.

APPROVAL OF MINUTES

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

RESOLUTION # 454-09

WHEREAS, the following minutes are hereby approved:

October 6, 2008 – Combined Meeting
October 20, 2008 – Combined Meeting
November 17, 2008 – Combined Meeting

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice President Baker.

NAYS: None.

ABSENT: President Testino.

BILL LIST

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

RESOLUTION # 455-08

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 **December 15, 2008** 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 **December 15, 2008** 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 **\$3,355,111.97 (Accounts Payable)**.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

BILL LIST

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

RESOLUTION # 456-08

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 **December 15, 2008** 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 **December 15, 2008** 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 **\$906,022.78 Payroll November 21, 2008**

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

BILL LIST

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

RESOLUTION # 457-08

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 **December 15, 2008** 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 **December 15, 2008** 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 **\$46,010.73 (Overtime)** November 21, 2008.

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

AYES: Councilmen Butler, Cahill, Gillespie, Greene, Volkert, Vice-President Baker.

NAYS: Councilman Calogera, Councilwoman Panos.

ABSENT: President Testino.

BILL LIST

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

RESOLUTION # 458-08

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 **December 15, 2008** 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 **December 15, 2008** 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 **\$946,912.74 (Payroll) December 5, 2008**.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

BILL LIST

BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of

Middlesex, State of New Jersey that:

RESOLUTION # 459-08

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 **December 15, 2008** 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 **December 15, 2008** 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 **\$23,139.88 (Overtime) December 5, 2008**

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Vice-President Baker.

NAYS: Councilwoman Panos.

ABSENT: President Testino.

CLERK REPORT

**MONTHLY REPORT OF COLLECTIONS
OF ROSE-MARIE SARACINO, TOWNSHIP CLERK**

The following represents the collections made during the months of **October and November 2008:**

DOGS

#2954-2987	353.00
2962&2987 replacements	1.00

CATS

192-195	40.00
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LICENSES

Sale of Gold

US #1 Jewelers	200.00
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Sale of Flowers

Junice	100.00	300.00
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LIQUOR LICENSE

Transfers

1209-33-006-007 CM Partnering (Place to Place & Person to Person)	500.00	500.00
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BINGO/RAFFLE

RA 84-08 St. Thomas	20.00
RA01-09 St. John Vianney	20.00

RA 02-09 St. John Vianney	20.00	
RA 03-09 Grissom School PTA	120.00	
RA 04-09 Madison Park PTA	40.00	
BA 05-09 St. Ambrose Church	1,020.00	
BA 06-09 St. Ambrose Church	1,040.00	
BA 07-09 St. Ambrose Church	1,020.00	
RA 08-09 St. Ambrose Church	n/c	
RA 09-09 St. Ambrose Church	n/c	
RA 10-09 St. Ambrose Church	n/c	
BA 11-09 Old Bridge Moose Lodge	750.00	
BA 12-09 St. Thomas Church	1,040.00	
BA 13-09 St. Thomas Church	1,000.00	
BA 14-09 St. Thomas Church	1,000.00	
BA 15-09 St. Thomas Church	1,000.00	
BA 16-09 St. Thomas Church	1,020.00	
BA 17-09 St. Thomas Church	n/c	
BA 18-09 St. Thomas Church	n/c	
BA 19-09 St. Thomas Church	n/c	
BA 20-09 St. Thomas Church	n/c	
BA 21-09 St. Thomas Church	n/c	
BA 22-09 St. Thomas Church	240.00	
		9,350.00
MAPS		
5 Street Map		25.00
PARKING PERMITS		
2008/2009 Permits		
#1529-2031	12,225.00	
489 permits		
8 transfers @ \$5.00	40.00	
6 voids		
Temporary Permits		
5 permits	25.00	
		12,290.00
MISCELLANEOUS		
Photocopies	211.42	
Late Fee – Dog	5.00	
Late Fee – Cat	5.00	
		221.42
	TOTAL	\$23,080.42

MOTION

A motion was made to approve the Clerk's Report by Councilman Butler, seconded by Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

Legal Report

Attorney Convery stated that there are several resolutions listed on the Agenda that pertain to COAH and the deadline for towns that are requesting subsequent certification is 12/31/08, the documents must be at the Trenton COAH office by then. Mr. Convery stated that if the Council does not enact these items, builders will have the right to come after the township

with what is called “a builders remedy” to seek additional units for the requirement for affordable housing. Mr. Convery advised that it is imperative that the Council act on the Endorsement and Certification. There is \$1,700,000.00 on file with the developer fee ordinance fund, if the Council does not petition for certification the State will seek to take those funds over and use it for their own purposes regarding affordable housing. If action is not taken tonight, there may be a need for a special meeting on the 29th of December.

Councilwoman Panos stated that she is understanding that the deadline for submission may be extended. Councilwoman Panos requested that a special meeting be held on this because this is a comprehensive issue and literature is still being received tonight. Councilwoman Panos stated that she will not be rushed into this.

Mr. Convery stated that there was no indication on the League’s website that this deadline will be extended.

Councilwoman Panos stated that she has information; as of 5 o’clock tonight, that there is hope for this deadline to be extended.

Mr. Convery stated that the Planner Mark Remsa, has done an outstanding job with taking our growth share and showing that we can comply by building two units; a 100% affordable age restricted building for seniors and a 100% age restricted building for disabled veterans and families.

Councilwoman Panos stated that the plan does not specifically “say” veterans.

Mr. Convery stated that he can include the word veterans if Ms. Panos would like because that is the intent of the plan.

Councilwoman Panos again requested a special meeting on December 29th.

Councilman Calogera asked where the 2 1/2% came from for the commercial.

Mr. Convery stated that the State made the fee 2.5% for commercial mandatory.

Councilman Calogera stated that he was initially against the 2.5% commercial fee because of the economic development, but is willing to support the plan because he believes Mr. Remsa prepared a fair plan.

MOTION

A motion was made to approve the Legal Report by Councilman Butler, seconded by Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

Preliminary Public Comments

Mr. Solon Fotis expressed his concern over giving the Board of Education money to rebuild Lombardi Field. Mr. Fotis stated that the BOE has now found a surplus of nine million dollars in their budget and Mr. Fotis requested that the Council ask for the money back.

Mr. Rao addressed the Council regarding the terrorist attack in Mumbai India.

Dr. Anita Greenberg addressed that council about her disappointment in the Council’s decision not to explore some of the public’s suggestions on budget cuts. Dr. Greenberg asks the council to take a more conservative financial approach in this difficult economic environment. Dr. Greenberg stated that she is appalled that the Board of Ed would ask this council for money

when they have such a large surplus in their budget. Dr. Greenberg asked that this money be returned to the Township.

Seeing no further hands, President Testino closed the public portion

HEARING

Adoption of Amendments to the 2008/2009 Municipal Budget

Mr. Shah stated that the budget cannot be adopted tonight because the Local Finance Board has not given their approval. The Governor has proposed changes to the pension financing and the hearing on those changes has been postponed until January 14th and because of that we do not have an approval on the levy cap waiver application. Mr. Shah suggested having the public hearing on the amendments, so that they can be adopted and then once the approval is received from the State, we can finally adopt the budget.

Mr. Convery stated that this hearing will be for the budget amendments only and not the hearing on the adoption of the budget.

Vice President Baker opened the public portion

Mr. Fotis stated that everyone is having to do with less and he understands that this budget includes a significant tax increase. Mr. Fotis stated that he is disappointed that there are not more public involved in the budget process. Mr. Fotis asked the Council to consider cutting this budget further.

Dr. Greenberg asked what the amount of the tax increase is.

Mr. Shah stated that it is a 6.2 cent increase on 100.00 dollar of assessed value. It is about \$93.00 increase per year for the average assessed value of \$150,000.00.

Dr. Greenberg asked how many homes in the township are assessed at \$150,000.00.

Mr. Shah stated that he did not know, the Assessor has that information.

Dr. Greenberg stated that she finds it appalling that the campaigns promise not to increase taxes, yet they are always increasing. Dr. Greenberg stated that you cannot blame only the Board of Education because she believes that township is in partnership with them. Dr. Greenberg asked the Council to consider cutting the budget further, even if it is only \$50,000.00.

Mrs. Inell Springer stated that a 6.2 cent increase is large and asked for the council to cut the tax increase to 3 cents. Mrs. Springer stated that everything is going up and people are losing their jobs, everyone is doing more with less and asked that the Council do the same.

Mr. Rao asked the Council to tighten their belts and reduce the budget. Mr. Rao asked the Mayor and Council to work together to cut the tax rate.

Seeing no hands, Vice-President Baker closed the public portion

BUDGET AMENDMENTS

RESOLUTION # 460-08

WHEREAS, the local municipal budget for SFLY 2009 was introduced the 11th day of August 2008; and

WHEREAS, it is desired to amend said introduced budget.

WHEREAS, the proposed amendments were advertised in the Home New Tribune on Monday, December 8, 2008; and

WHEREAS, the public hearing was held on the proposed amendments on Monday, December 15, 2008; and

WHEREAS, three certified copies of the introduction resolution were filed with the office of the Director of Local Government Services for certification of the 2009 local municipal budget so amended.

NOW, THEREFORE BE IT RESOLVED that the budget amendments introduced at the Council meeting of November 17, 2008 are hereby adopted.

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

AYES: Councilmen Butler, Calogera, Gillespie, Volkert, Vice President Baker.

NAYS: Councilmen Cahill, Calogera, Councilwoman Panos.

ABSENT: President Testino.

Prior to the vote the following discussion took place.

Mr. Convery stated that the hearing for the budget amendments were advertised in the newspaper for a hearing tonight. Mr. Convery stated that the budget will not be voted on until the State approves the budget.

Councilwoman Panos again asked for a special meeting to deal with the COAH issues and also to amend the budget further. Councilwoman Panos stated that she can think of \$471,000.00 in amendments.

Mr. Convery stated that anyone can propose amendments, but he believes it would be appropriate, procedurally to vote on these amendments before any other amendments.

Councilwoman Panos asked the Council members if they would be willing to have a special meeting on December 29th for the budget and COAH.

Mr. Convery stated that putting both these issues together is inappropriate. They should be handled separately.

Councilman Greene supported the special meeting. Councilman Greene stated that there were several reductions discussed at the last meeting; such as \$50,000.00 for the created position of the Assistant Business Administrator, The Redevelopment Agency which has a monthly stipend for two people, which is outrageous....

Councilman Gillespie asked for a Point of Order. There is a set of amendments that are in front of the Council and a lot of latitude has been allowed for the political rhetoric, all of these were discussed in the past and were rejected, none of this debate is germane to the motion in front of the council and Councilman Gillespie asked for the question to be called.

Councilman Greene objected to Councilman Gillespie comments and Councilman Greene stated that it was his right as an elected official to let the public know where he stands on these issues. Councilman Greene stated that several Council members supported the reduction of several hundred thousand dollars in the budget. Councilman Greene stated that he wants the public in attendance to understand that he feels there should be additional reductions to the budget.

Vice President Baker stated that this will not be the last word on the budget, it will be back before the Council.

Subsequent to the vote the following comments were made.

Mayor Phillips asked Mr. Greene if he really believed that members of the EDC were given stipends.

Councilman Greene stated that there are two staff members of the Redevelopment Agency who receive stipends.

Mayor Phillips stated that there is only one board in town where appointees are given a stipend and that is the Utilities Authority. There are people who serve as accountant and who take minutes who receive a stipend, just like the staff of the Planning Board, or the staff that is here tonight. Mayor Phillips stated that the tax rate in 1993 was 76 cents, now in 2008 the tax rate is 86 cents, so for 15 years the municipal tax rate has risen only 10 cents.

Councilwoman Panos asked if this includes the 6 cents from this year.

Mayor Phillips stated that it did.

Hearing

Release/Reduction Performance Guarantee BJ's Wholesale Club – Traffic Signal at Downing Street and Meleta Way

Vice President Baker stated that this hearing is being postponed until January 2009 – without renoteice.

**Vice-President Baker opened the public portion
Seeing no hands, Vice-President Baker closed the public portion**

Hearing

Release/Reduction Performance Guarantee Double D Deli

Vice President Baker stated that this hearing is being postponed until February 2009 – without renoteice.

**Vice-President Baker opened the public portion
Seeing no hands, Vice-President Baker closed the public portion**

Hearing

Release/Reduction Performance Guarantee Kindercare Facility

Vice President Baker stated that this hearing is being postponed and the Clerk's Office will notify that they have to provide notice.

**Vice-President Baker opened the public portion
Seeing no hands, Vice-President Baker closed the public portion**

Hearing

Release/Reduction Performance Guarantee Matchaponix Hills

Mr. Richard Tilton Esq. representing the applicant addressed the Council with the request to postpone this hearing until the January meeting because there a number of people from the public here and they wish to speak to them first to make sure all the issues have been addressed.

Mr. Winckowski of CME Associates representing the Township stated that he was in agreement with Mr. Tilton.

Councilman Gillespie suggested that the residents be allowed to speak tonight.

Mr. Tilton requested that the hearing be held in January and the public be heard then.

Councilman Volkert asked if the residents will be renoticed.

Mr. Tilton stated that all the residents were noticed for these hearings.

Councilman Volkert asked that they be renoticed.

Vice President Baker asked that the residents be renoticed by regular mail only,

Mr. Convery stated that this hearing will be postponed until January 26, 2009. Mr. Convery stated that residents were already noticed by certified mail and there are no residents

here so re-notice by regular mail is adequate.

Councilwoman Panos asked if the township gets notification of the people who do not sign for the certified mail.

Mr. Tilton stated that he sends all the green cards to the Clerk's office.

Councilman Calogera asked how many residents are involved.

Mr. Tilton stated that it is about 50 residents in each development.

Hearing

Release/Reduction Performance Guarantee Presidential Estates

Vice President Baker stated that this will be postponed until the January 26, 2009 meeting for the same reasons as the Matchaponix Estates hearing. Vice President Baker stated that there are five residents in attendance for this hearing and asked that they accompany Mr. Tilton and Mr. Winckowski to the Mayor's conference room to address their issues on this matter. Vice President Baker stated that if the residents are not satisfied they will have a chance to be heard on January 26, 2009.

Ordinance for Second Reading

ORDINANCE NO. 2008-35

ORDINANCE AMENDING CHAPTER 108 CONSTRUCTION CODES UNIFORM; SECTION 108-4 "FEES".

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

SECTION 1. PURPOSE

The purpose of this ordinance amendment is to reduce the fee for a "Temporary Certificate of Occupancy" from \$400.00 to \$200.00.

SECTION 2. ORDINANCE

Chapter 108, Section 108-4 "Fees" of the Code of the Township of Old Bridge is hereby amended in Subsection A.8g. as follows:

g. Temporary Certificate of Occupancy \$200.00

SECTION 3. INCONSISTENT ORDINANCES

All ordinances or parts of ordinances inconsistent with 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 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 NSA 40:69A4), 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. All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistencies.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice President Baker.

NAYS: None.

ABSENT: President Testino.

Vice-President Baker opened the public portion

Seeing no hands, Vice-President Baker closed the public portion

Ordinance for Second Reading

TOWNSHIP OF OLD BRIDGE **TABLED**
ORDINANCE NO. 2008-36
ORDINANCE TO AMEND CHAPTER 250
LAND DEVELOPMENT ORDINANCE
TO AMEND RESIDENTIAL DEVELOPMENT FEES
SECTION 250-66 “DEVELOPMENT FEES”

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

SECTION 1: PURPOSE

The purpose of this ordinance is to change the definition of “Equalized Assessed Value” to be consistent with State law.

SECTION 2: AMENDMENT OF SECTION 250-66 “DEVELOPMENT FEES”

Section 250-66 B. “Definitions” is hereby amended in part to change the definition of “EQUALIZED ASSESSED VALUE” to read as follows:

“Equalized assessed value” means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with section 1, 5, and 6 of P.L. 1973 c. 123 (C.54:1-35a through C.54:1-35c).

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

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 to TABLE by Vice President Baker, seconded by Councilman Butler and so TABLED on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Vice President Baker.

NAYS: None.

ABSENT PODIUM: Councilwoman Panos.

ABSENT: President Testino.

Prior to the vote the following discussion took place.

Mr. Convery stated that he spoke to Tax Assessor and he was concerned about the definition of equalized assessed value – our ordinance seems to be different than the legislation regarding development fees. Mr. Convery requested tabling this ordinance because this will be part of the comprehensive package that he is putting together with Mark Remsa.

Ordinance for Second Reading

**TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 2008-37**

**ORDINANCE AMENDING CHAPTER 10 TRAFFIC,
SECTION 10-19.7a. DESIGNATED HANDICAPPED PARKING
OF THE 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 Chapter 10 entitled Traffic, Section 10-19.7a. entitled Designated Handicapped Parking is hereby amended as follows:

SECTION 1: PURPOSE

Pursuant to N.J.S.A. 39:4-197, the municipality may designate handicapped parking spaces on streets. This ordinance amends the parking designation section to include two (2) new handicapped parking spaces in Laurence Harbor, NJ.

SECTION 2: 10-19.7a. HANDICAPPED PARKING DESIGNATIONS.

Section 10-19.7a., Handicapped Parking Designations is hereby amended by the addition of two (2) new parking spaces as follows:

Name of Street	Location
Woodbine Avenue at intersection with Laurence Parkway (Two (2) Spaces)	Laurence Harbor, NJ

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Vice President Baker.

NAYS: None.

ABSENT: President Testino.

ABSTAIN: Councilwoman Panos.

Vice-President Baker opened the public portion

Seeing no hands, Vice-President Baker closed the public portion.

Prior to the vote the following discussion took place.

Councilman Volkert requested that the 20 day waiting period be waived.

**RESOLUTION AUTHORIZING WAIVER OF WAITING PERIOD OF ORDINANCE
NO. 2008-37**

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

RESOLUTION # 461-08

WHEREAS, in order for an ordinance to take effect less than twenty (20) days after its final passage by the Township Council and approved by the Mayor, N.J.S.A. 40:69A-181 requires the Township Council to adopt a resolution declaring an emergency and at least two-thirds (2/3) of all the members of the Township Council to vote in favor of the resolution; and

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

1. There is an emergent need to provide two (2) Handicapped Parking at Woodbine Avenue & Laurence Parkway.
2. By a two-thirds (2/3) vote of all the members of the Township Council, Ordinance No. 2008-37 shall take effect immediately.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

Ordinance for Second Reading

**OWNSHIP OF OLD BRIDGE
ORDINANCE NO. 2008-38**

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 29-98 (WHICH PROVIDES FOR IMPROVEMENTS TO TRAFFIC SIGNAL SYSTEMS AND OTHER RELATED EXPENSES) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, ON OCTOBER 13, 1998, TO AMEND THE DESCRIPTION SET FORTH THEREIN

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

SECTION 1. The bond ordinance of the Township of Old Bridge, in the County of Middlesex, State of New Jersey (the "Township"), heretofore finally adopted by the Township Council on October 13, 1998, numbered 29-98 and entitled, "AN ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE, IN THE COUNTY OF MIDDLESEX, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO TRAFFIC SIGNAL SYSTEMS AND OTHER RELATED EXPENSES IN AND FOR THE TOWNSHIP OF OLD BRIDGE AND APPROPRIATING \$650,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$617,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP OF OLD BRIDGE TO FINANCE THE SAME." (the "Original Ordinance"), which Original Ordinance is hereby amended such that Section 3(a) thereof is hereby amended to read as follows:

"SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is improvements to the traffic signal systems,

including but not limited to those on Route 516 at Cottrell Road, Bushnell Road and Gaub and Owens Road, Sherwood Lane and Downing Street and Route 516 at Old Bridge High School, including all work and materials necessary therefor or incidental thereto.”

SECTION 2. The Capital Budget of the Township is hereby amended, as necessary, to conform with the provisions of this amendatory bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the “Director of the Division of Local Government Services”), will be on file in the office of the Clerk and will be available for public inspection.

SECTION 3. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 4. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice President Baker.

NAYS: None.

ABSENT: President Testino.

**Vice-President Baker opened the public portion
Seeing no hands, Vice-President Baker closed the public portion**

Prior to the vote the following discussion took place.

Councilman Greene asked for clarification on this ordinance because this ordinance mentions intersections that have already been approved.

Mr. Convery stated that the sole purpose of this ordinance is to add the intersection of Route 516 at Old Bridge High School so that bond money can be used to make these improvements.

Mr. Shah stated that there is no additional funding to this ordinance, we are only adding an intersection so that we can reallocate money from one location to another. The original ordinance indicated those intersections and that why they are being mentioned again. The Downing Street intersection was funded by another source, so there is a left over balance that we are reallocating the money to.

Councilman Greene stated that this ordinance is very confusing because it looks like work is being done at all the intersections.

Vice President Baker stated that he understands that we are adding the traffic light at the high school.

Mr. Convery stated that the Bond Counsel went back to the original ordinance and added verbiage that we are amending Section 3 as follows....again, the purpose of the ordinance is to add the one intersection to the Bond.

Councilman Greene asked if \$650,000.00 is the amount that is needed to correct that intersection.

Mr. Shah stated no, the reason the \$650,000.00 is mentioned is because that is the amount that was funded in the original ordinance. Mr. Shah believes that he believes the left over money

is roughly \$250,000.00.

Subsequent to the vote the following comments were made.

Mayor Phillips stated that the exact amount of the cost of this intersection is unknown because it has not gone out to bid. The Township entered into an agreement whereby, we pick up 25% of the improvements to the intersection.

Councilman Greene stated that he supports this project.

Ordinance for Second Reading

TOWNSHIP OF OLD BRIDGE

ORDINANCE NO. 2008-39

ORDINANCE CREATING THE POSITION OF PARKING ENFORCEMENT OFFICERS TO ENFORCE STATE, COUNTY AND MUNICIPAL STATUTES, RESOLUTIONS, ORDINANCES OR REGULATIONS RELATED TO THE PARKING OF VEHICLES WITHIN THE TOWNSHIP OF OLD BRIDGE

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

SECTION 1: PURPOSE

The purpose of this ordinance is to create the position of “parking enforcement officer” to enforce state, county and municipal statutes, resolutions, ordinances or regulations related to the parking of vehicles within the Township of Old Bridge pursuant to NJSA 40A:9-154.7 et seq.

SECTION 2: ORDINANCE

1. Authority.

The position of “parking enforcement officer” is hereby created in order to enforce State, County or municipal statutes, resolutions, ordinances or regulations related to the parking of vehicles within the Township of Old Bridge pursuant to NJSA 40A:9-154.7 et seq. A parking enforcement officer shall possess the power and authority to:

- a. Issue a parking ticket for a parking offense, as those two terms are defined in the “Parking Offenses Adjudication Act” (NJSA 39:4-139.2 et seq.)
- b.. Serve and execute all process for any parking offense issuing out of the court in the municipality having jurisdiction over the complaint; and
- c. Cause any vehicle parked, stored or abandoned in the municipality in violation of a statute, resolution, ordinance or regulation to be towed away from the scene of the violation and to collect from the vehicle owner or the owner’s agent, on behalf of the Township, the costs of the towing and subsequent storage of the vehicle before surrendering the vehicle to the owner or agent.

2. Definition.

For purposes of this ordinance, a “parking enforcement officer” is not a special law enforcement officer within the meaning of the “Special Law Enforcement Officers Act” (NJSA 40A:14-146.8 et seq.) and is not a member of the Old Bridge Police Department. No parking enforcement officer may carry or use a firearm while on duty.

A parking enforcement officer is deemed to be on duty while the officer is performing the public safety functions enumerated in this ordinance and for which the officer is receiving compensation, if any, from the municipality.

A “parking enforcement officer” is not eligible for membership in the Police and Firemen’s Retirement System established pursuant to NJSA 43:16A-1 et seq.

3. Qualifications.

No person shall be appointed as a parking enforcement officer unless, at a minimum, the person:

- a. Is a resident of this State during the term of appointment;
- b. Is able to read, write and speak the English language well and intelligently;
- c. Is of sound mind and in good health;
- d. Is of good moral character; and
- e. Has not been convicted of any offense involving dishonesty or which would make the person unfit to perform the duties of his office.

4. Applicant, taking of fingerprints; determination of eligibility and qualifications

- a. An applicant for the position of parking enforcement officer appointed pursuant to this section shall have fingerprints taken, which fingerprints shall be filed with the Division of State Police and the Federal Bureau of Investigation.
- b. Before any parking enforcement officer is appointed pursuant to this act, the chief of police or his designee shall ascertain the eligibility and qualifications of the applicant and report these determinations in writing to the Business Administrator.

5. Completion of training course; waiver

No person appointed after the effective date of this ordinance may commence duties as a parking enforcement officer unless that person has successfully completed a training course conducted or approved by the municipality. The Business Administrator may waive this training requirement for any person otherwise eligible to be appointed as a parking enforcement officer under this ordinance if the person possesses substantially equivalent training and background, as determined by the chief of police.

6. Uniform

- a. Prior to the commencement of duties, every parking enforcement officer shall be furnished with a uniform which shall clearly identify the officer’s function. The uniform shall include, but not limited to, a hat and appropriate badges which shall bear an identification number or name tag and the name of the municipality in which the officer is employed. The uniform shall also include an insignia issued by the Township which clearly indicates the officer’s status as a parking enforcement officer. The uniform shall be distinct in color from the uniform of a regular police officer or special law enforcement officer.
- b. The Township shall issue a permanent insignia not later than 90 days following its first appointment of a parking enforcement officer. The Township may issue a temporary insignia for use prior to the issuance of permanent insignia.
- c. The Township may charge a reasonable fee, for uniforms supplied pursuant to this ordinance, but shall not charge a fee for the costs of required training.

7. Designation of employees currently performing duties.

All persons employed by the Township, other than regular police officers and special law enforcement officers, who are performing the functions enumerated in this ordinance on the effective date of this ordinance, are hereby designated as “parking enforcement officers” and are deemed to be governed by the provisions of this ordinance.

8. Establishment

The position of parking enforcement officer shall be established within the Department of Administration, and shall be subject to the direct supervision of the Business Administrator.

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

AYES: Councilmen Butler, Calogera, Gillespie, Volkert, Vice President Baker.

NAYS: Councilmen Cahill, Greene, Councilwoman Panos.

ABSENT: President Testino.

Vice-President Baker opened the public portion

Dr. Greenberg asked why we are creating this position when we are doing fine without one.

Mr. Convery stated that under this ordinance the Parking Enforcement Officer would be permitted to sign summons for violations in the municipal parking lots, instead of having to pull a police officer off the street.

Dr. Greenberg asked what the process is now.

Mayor Phillips stated that there are now people who inspect the lots and now they will be able to write summons and be able to call for a tow truck. This is streamlining the process.

Dr. Greenberg asked who is doing this now.

Mayor Phillips stated that there are people now who pick up the money.

Dr. Greenberg asked who has this job now.

Mayor Phillips states that it changes from day to day.

Dr. Greenberg asked for the names of the people who do this now.

Vice President Baker stated that they do not have that now and he get a list to Dr. Greenberg at a later meeting.

Mayor Phillips stated that he will provide a list of the people that will be empowered under this ordinance.

Dr. Greenberg asked how these people will be chosen and also would like the names of these employees. Dr. Greenberg stated that a lot of the parking lots now are collecting money with credit cards, which would eliminate the manpower and overtime. Dr. Greenberg stated that is most other municipalities parking is free on the weekends and suggested that this be done in Old Bridge.

Mayor Phillips stated that parking is gratis on the weekends. Mayor Phillips stated that the Parking Utility runs at a profit of over \$100,000.00 a year.

Mr. Philip McGovern stated that there is sign at the Old Bridge Park & Ride that you must pay on the weekends. Mr. McGovern suggested amending the policy and allowing parking to be free on the weekends so you do not have to pay someone to collect on the weekends.

Mayor Phillips stated that we do not collect on the weekends.

Mr. McGovern stated that warnings are given on the weekend, so someone is there.

Vice President Baker stated that he believes this is a valid suggestion and wants it put on the next council meeting.

Ms. Inell Springer stated that Old Bridge's lots are free, the Park & Ride Lot is not free on the weekend.

Seeing no further hands, President Testino closed the public portion

Councilman Greene asked for definitive answer if residents have to pay on the weekends at the Township lots.

Councilman Calogera believes that parking should be free on the weekends. Councilman Calogera believes that this ordinance is a good idea because the police will not be taken off the street.

Councilwoman Panos does not support this ordinance because she believes that a stipend will be added to this position at some point in the future. Councilwoman Panos asked how much is budgeted for the parking utility this year.

Mr. Shah stated that the total amount budgeted was \$270,000.00.

Councilwoman Panos asked how much overtime was given.

Mr. Shah stated that he did not have that figure, he will provide it at a later time.

Vice President Baker asked that the rest of the Council be copied.

Councilwoman Panos stated that she would rather invest in automation of these services.

Ordinance for First Reading

**TOWNSHIP OF OLD BRIDGE
ORDINANCE NO. 2009-01**

**AN ORDINANCE OF THE TOWNSHIP OF OLD BRIDGE
AMENDING SECTION 250-66 OF THE TOWNSHIP CODE
“DEVELOPMENT FEES”**

SECTION I. PURPOSE

- a) In Holmdel Builder's Association v. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- b) Pursuant to P.L. 2008, c. 46 section 8 (C.52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C.40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non residential development.
- c) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L. 2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C 5:97-8.

SECTION 2. BASIC REQUIREMENTS

- a) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- b) The Township of Old Bridge shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *5:96-5.3*.

SECTION 3. DEFINITIONS

- a) The following terms, as used in this ordinance, shall have the following meanings:
 - i. **“Affordable housing development”** means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.
 - ii. **“COAH”** or the **“Council”** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.
 - iii. **“Development fee”** means money paid by a developer for the improvement of property as permitted in *N.J.A.C.5:97-8.3*.
 - iv. **“Developer”** means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
 - v. **“Equalized assessed value”** means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L. 1973, c.123 (C.54:1-35a through C.54:1-35c).
 - vi. **“Green building strategies”** means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing with making optimum use of existing infrastructure and community services.

SECTION 4. RESIDENTIAL DEVELOPMENT FEES

- a) Imposed Fees
 - i. Within the Township of Old Bridge district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and one half percent (1.5%) of the equalized assessed value for residential development provided no increased density is permitted.
 - ii. When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a “d” variance) has been permitted, developers may be required to pay a development fee of six percent (6%) percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one and one half percent (1.5%) of the equalized assessed value on the first two units; and the specified higher percentage up to six percent (6%) of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year

period preceding the filing of such a variance application.

- b) Eligible exactions, ineligible exactions and exemptions for residential development.
 - i. Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
 - ii. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
 - iii. Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.
 - iv. Developers of residential structures demolished and replaced as a result of a natural disaster, shall be exempt from paying a development fee.

SECTION 5. NON-RESIDENTIAL DEVELOPMENT FEES

- a) Imposed Fees
 - i. Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half percent (2.5%) of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
 - ii. Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half percent (2.5%) of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
 - iii. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.
- b) Eligible exactions, ineligible exactions and exemption for non-residential development
 - i. The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half percent (2.5%) development fee, unless otherwise exempted below.

- ii. The two and a half percent (2.5%) fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- iii. Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L. 2008, c.46, as specified in the Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” Form. Any exemption claimed by a developer shall be substantiated by that developer.
- iv. A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L. 2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
- v. If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Township of Old Bridge as a lien against the real property of the owner.

SECTION 6. COLLECTION PROCEDURES

- a) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- b) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF “State of New Jersey Non-Residential Development Certification/Exemption” to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.
- c) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- d) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- e) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- f) Within 10 business days of a request for the scheduling of a final

inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.

g) Should the Township of Old Bridge fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L. 2008, c. 46(C.40:55D-8.6).

h) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

i) Appeal of development fees

1) A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Township of Old Bridge. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

2) A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Township of Old Bridge. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq. within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

SECTION 7. AFFORDABLE HOUSING TRUST FUND

a) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the Chief Financial Officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.

b) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:

1. payments in lieu of on-site construction of affordable units;
2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multi-story attached development accessible;
3. rental income from municipally operated units;
4. repayments from affordable housing program loans;
5. recapture funds;
6. proceeds from the sale of affordable units; and

7. any other funds collected in connection with the Township of Old Bridge's affordable housing program.
 - c) Within seven days from the opening of the trust fund account, the Township of Old Bridge shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, Amboy National Bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
 - d) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

SECTION 8. USE OF FUNDS

- a) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Township of Old Bridge's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- b) Funds shall not be expended to reimburse the Township of Old Bridge for past housing activities.
- c) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning thirty percent (30%) or less of median income by region.
 - i. Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - ii. Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning thirty percent (30%) or less of median income.
 - iii. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirements.

d) The Township of Old Bridge may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.

e) No more than twenty percent (20%) of all revenues collected from development fees, may be expended on administration, including, but not limited to , salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than twenty percent (20%) of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

SECTION 9. MONITORING

a) The Township of Old Bridge shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Township of Old Bridge's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

SECTION 10. ONGOING COLLECTION OF FEES

a) The ability for the Township of Old Bridge to impose, collect and expend development fees shall expire with its substantive certification unless the Township of Old Bridge has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Township of Old Bridge fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L. 1985, c.222(C.52:27D-320). The Township of Old Bridge shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Township of Old Bridge retroactively impose a development fee on such a development. The Township of Old Bridge shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

SECTION 11. 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 12. 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 13. 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.
- C. 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.
- D. 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 Gillespie, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Butler, Calogera, Gillespie, Volkert, Vice President Baker.

NAYS: Councilmen Cahill, Greene, Councilwoman Panos.

ABSENT: President Testino.

Ordinance for First Reading

TOWNSHIP OF OLD BRIDGE

ORDINANCE NO. 2009-02

**ORDINANCE AMENDING CHAPTER 10 TRAFFIC,
SECTION 10-19.7b. DESIGNATED HANDICAPPED PARKING
OF THE 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 Chapter 10 entitled Traffic, Section 10-19.7b. entitled Designated Handicapped Parking is hereby amended as follows:

SECTION 1: PURPOSE

Pursuant to N.J.S.A. 39:4-197.6, any municipality may, by ordinance, establish a restricted parking zone in front of a residence occupied by a handicapped person, if a windshield placard or wheelchair symbol license plates have been issued for a vehicle owned by the handicapped person, or by another occupant of the residence who is a member of the immediate family of the handicapped person, by the Division of Motor Vehicle pursuant to the provisions of NJSA 39: 4-204 *et seq.*. This ordinance amends the residential parking designation section to include one new residential handicapped parking space in Parlin, New Jersey.

SECTION 2: 10-19.7b. HANDICAPPED PARKING DESIGNATIONS.

Section 10-19.7b, Handicapped Parking Designations is hereby amended by the addition of one new residential parking space as follows:

Name of Street
3 Amherst Court

Location
Parlin, New Jersey

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice President Baker.

NAYS: None.

ABSENT: President Testino.

Consent Agenda

Vice-President Baker opened the public portion on the Consent Agenda.

Seeing no hands, Vice-President Baker closed the public portion

RESOLUTION AUTHORIZING AMENDMENT OF PROFESSIONAL SERVICE CONTRACT #2006-16 WITH KINSEY ASSOCIATION FOR CONSTRUCTION SUPERVISION OF CONTRACTS #1, #2 & #3 AT MANNINO PARK, PHASE I

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

RESOLUTION # 462-08

WHEREAS, the Township of Old Bridge requires the services of a professional engineering firm to provide construction supervision of Contracts #1, #2 and #3 at Mannino Park, Phase I; and

WHEREAS, Kinsey Associates is a licensed New Jersey engineering firm which is recognized as capable and available to undertake such work; and

WHEREAS, Kinsey Associates had received the recommendation of the Fair and Open Process Review Committee pursuant to the Fair and Open Process in accordance with Municipal Regulation 004-2006.

WHEREAS, the Township Council wishes to authorize an amendment to Contract #2006-16 with Kinsey Associates for purposes of providing the aforesaid professional engineering service.

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. An amended contract for professional services is authorized to be entered into with Kinsey Associates located at Hastings Commons, Building 2A, 486 Schooley's Mountain Road, Suite 207, Hackettstown, New Jersey 07840-4000 in the amount not to exceed \$30,581.70.
2. The award of the contract is contingent upon the issuance of a Certification of Funds # 1691 certifying the existence of sufficient appropriation to fund the said contract.
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. Issuance of a Certificate of Availability of Funds as aforesaid.
- C. Compliance by the vendor with signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION APPROVING CHANGE ORDERS #4 AND #5 CONTRACT #2008-11 FOR MANNINO PARK RESTROOM/CONCESSION BUILDING CONTRACT WITH JWT EXCAVATING CO.

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

RESOLUTION # 463-08

WHEREAS, the Township Council of the Township of Old Bridge previously authorized Contract #2008-11 with the firm of JWT Excavating Co. for the Restroom/Concession Building at Mannino Park; and

WHEREAS, the Township Council previously authorized Change Orders #1, #2 and #3 to increase the amount of the Contract; and

WHEREAS, JWT Excavating Co. has requested Change Orders #4 & #5 to increase the amount of the Contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that Change Orders #4 & #5 are hereby authorized as set forth on the attached Change Order.

BE IT FURTHER RESOLVED that the modified cost of services after these Change Orders is as follows:

ORIGINAL CONTRACT	\$ 528,636.00
CHANGE ORDER #1.....	+ <u>12,407.80</u>
	\$541,043.80
CHANGE ORDER #2.....	+ <u>7,239.04</u>
	\$548,282.84
CHANGE ORDER #3.....	+ <u>10,951.45</u>
	\$559,234.29
CHANGE ORDER #4.....	+ <u>6,900.00</u>
	\$566,134.29
CHANGE ORDER #5.....	+ <u>7,534.97</u>
NEW TOTAL AUTHORIZED	\$.573,669.26

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

CANCEL TAXES 100% DISABLED VETERAN

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

RESOLUTION # 464-08

WHEREAS, N.J.S.A. 54:4-3.30 et seq. authorizes an exemption from local property taxation the property of any veteran who has been declared by the United States Veterans Administration to be 100% disabled as of the date of same; and

WHEREAS, the following veterans have filed for the above mentioned exemptions with the Tax Assessor; and

WHEREAS, a copy of said declarations are filed with the Tax Assessor.

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Tax Collector is hereby authorized to cancel & refund taxes as detailed below:

Block Lot	Date of Disability	Billing to be Cancelled	Refund Amount
14262.10 -14.13 Michael D'Amico 106 Higgins Rd DOS 1/23/84	December 24, 2006	2006 - \$106.72 2007 -\$6,696.86 2008 - \$6,791.44	\$ 106.72 \$6,696.86 \$6,791.44
44-52 Michael Murphy 52 Shadyside Ave DOS 5/2/06	July 7, 2008	2008 - \$1,748.47	\$1,748.47

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AUTHORIZING CONTRACT FOR REPRESENTATION OF THE TOWNSHIP OF OLD BRIDGE BY MARC DEMBLING, ESQ. OF THE LAW FIRM OF METHFESSEL & WERBEL IN REGARD TO THE GLOBAL LANDFILL NATURAL RESOURCE DAMAGES CLAIM

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

RESOLUTION # 465-08

WHEREAS, the Township of Old Bridge requires the legal services of special counsel for the representation of the Township of Old Bridge in regard to the Global Landfill Natural Resource Damages Claim; and

WHEREAS, Marc Dembling, Esq., of the firm of Methfessel & Werbel, located at 3 Ethel Road, Suite 300, P.O. Box 3012, Edison, New Jersey 08818, is a licensed New Jersey attorney, is recognized as capable and available to undertake such work; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge as follows:

1. The contract for professional services for representation of the Township of Old Bridge is authorized to be entered into with Marc Dembling, Esq. of the firm of Methfessel & Werbel in the usual form.
2. The scope of the work to be performed by Marc Dembling, Esq. shall be to provide representation of the Township of Old Bridge in the Global Landfill Natural Resource Damages Claim.
3. This contract is awarded for a term not exceeding the current budget year. A Certification of Availability of Funds # 1693 has been received for this contract assuring that there are sufficient funds in the appropriation(s) to fund the purchases anticipated in the current budget year.

BUDGET YEAR	<u>FY2008/2009</u>
CERT. NO.	<u>1693</u>
AMOUNT	<u>\$5,000.00</u>

The availability of a sufficient appropriation to fund the purchases authorized in this resolution is an express and mandatory condition of the award of this contract. To the extent this contract

contemplates expenditures in future budget year, such amounts are not certified and any expenditure pursuant to this contract is wholly contingent upon the municipal governing body establishing an appropriation from which such future purchases will be paid.

4. This is a contract for professional services and according to New Jersey Public Contract Law. The Township Clerk shall publish a statement of reasons for awarding of the contract, to wit: legal representation of the Township of Old Bridge in regard to the Global Landfill Natural Resource Damages Claim.

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. Issuance of a Certificate of Availability of Funds as aforesaid.
- C. Compliance by the Vendor with signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH FRENCH AND PARRELLO ASSOCIATES, P.A. FOR PREPARATION OF THE CROSS TRAILS PLAN AND REPORT

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

RESOLUTION # 466-08

WHEREAS, the Township of Old Bridge requires the services of a professional engineering firm for preparation of a Cross Trails Plan and Report; and

WHEREAS, French & Parrello Associates, P.A. located at 1800 Route 34, Suite 101, Wall, NJ 07719 is a licensed New Jersey engineering firm which is recognized as capable and available to undertake such work; and

WHEREAS, the Fair and Open Process Review Committee met to discuss this professional service contract for engineering services for preparation of the Cross Trails Plan and Report; and

WHEREAS, the Committee recommends French & Parrello Associates, P.A. in an amount not to exceed \$20,000.00; and

WHEREAS, the Township Council wishes to authorize a contract with French & Parrello Associates, P.A. for the preparation of the Cross Trails Plan and Report.

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. A contract for professional services is authorized to be entered into with French & Parrello Associates, P.A. located at 1800 Route 34, Suite 101, Wall NJ 07719 in an amount not to exceed \$20,000.00.
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds # 1694 certifying the existence of sufficient appropriation to fund the said contract.
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.
4. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-5(1)(A)(I) since the contract is for services performed by a person authorized by law to practice a recognized profession.
5. Notice of a contract for Professional Services shall be published in the official newspaper of the Township.
6. The contract shall be kept on record and on file in the office of the Township Clerk for public inspection.

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. Issuance of a Certificate of Availability of Funds as aforesaid.
- C. Compliance by the vendor with signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AUTHORIZING PROFESSIONAL SERVICES CONTRACT WITH REMINGTON & VERNICK ENGINEERS FOR PREPARATION OF A PRELIMINARY ASSESSMENT STUDY FOR LANDS TO BE DEDICATED BY THE NORTHWOOD MANOR AT OLD BRIDGE, LLC

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

RESOLUTION # 467-08

WHEREAS, the Township of Old Bridge requires the services of a professional engineering firm for preparation of a preliminary assessment study for lands to be dedicated by the Northwood Manor at Old Bridge, LLC; and

WHEREAS, Remington & Vernick located at 3 Jocama Boulevard, Old Bridge, New Jersey 08857 is a licensed New Jersey engineering firm which is recognized as capable and available to undertake such work; and

WHEREAS, the Fair and Open Process Review Committee met to discuss this professional service contract for engineering services for preparation of a preliminary assessment study for lands to be dedicated by the Northwood Manor at Old Bridge, LLC; and

WHEREAS, the Committee recommends Remington & Vernick as the engineering firm for preparation of a preliminary assessment study for lands to be dedicated by the Northwood Manor at Old Bridge, LLC in an amount not to exceed \$4,900.00; and

WHEREAS, the Township Council wishes to authorize a contract with Remington and Vernick for purposes of inspection services for preparation of a preliminary assessment study for lands to be dedicated by the Northwood Manor at Old Bridge, LLC.

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. A contract for professional services is authorized to be entered into with Remington & Vernick located at 3 Jocama Boulevard, Old Bridge, New Jersey 08857 in the amount not to exceed \$4,900.00.
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds # 1695 certifying the existence of sufficient appropriation to fund the said contract.
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.
4. This contract is awarded without competitive bidding as a Professional Service under the provisions of the Local Public Contract Law (N.J.S.A. 40A:11-5(1)(A)(I) since the contract is for services performed by a person authorized by law to practice a recognized profession.
5. Notice of a contract for Professional Services shall be published in the official newspaper of the Township.
6. The contract shall be kept on record and on file in the office of the Township Clerk for public inspection.

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. Issuance of a Certificate of Availability of Funds as aforesaid.
- C. Compliance by the vendor with signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AWARDING CONTRACT 2008-61 TO VARIOUS VENDORS FOR SNOW REMOVAL SERVICES TIME AND MATERIAL

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

RESOLUTION # 468-08

WHEREAS, the Township of Old Bridge solicited bids in connection with Contract 2008-61 for snow removal; and

WHEREAS, bids were received and opened on August 12, 2008 and September 30, 2008; and

WHEREAS, there was only one bid on August 12, 2008 and same was deficient; and, there were no bidders on September 30, 2008; and

WHEREAS, the Township was authorized to negotiate with vendors for snow removal; and

WHEREAS, the Township Council desires to award the contract for snow removal services to various vendors, time and material only; and

WHEREAS, after consultation between our Business Administrator and Director of Finance it has been recommended that a contract be awarded to various vendors for snow removal that appear on the list of vendors on file at the Office of the Township Clerk.

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. The list of vendors on file at the office of the Township Clerk are hereby awarded a contract for snow removal time and material only.
2. The 2008/2009 Snow Removal Contract specifying the type of vehicle and price per hour is on file at the Office of the Township Clerk and is hereby incorporated by reference.
3. No Certification of Availability of funds is necessary since this Contract is being awarded on a Time & Material Basis only.
4. The Mayor and Township Clerk are hereby authorized to sign the contract documents necessary to effectuate the award of these contracts with the various vendors. 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 by each eligible vendor 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AWARDED CONTRACT #2008-64 TO HEEREMA COMPANY FOR ARENA COMPRESSOR STARTUP/SHUTDOWN/ MAINTENANCE – TIME & MATERIAL

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

RESOLUTION # 469-08

WHEREAS, the Township of Old Bridge solicited bids in connection with Contract #2008-64 for Arena compressor startup/shutdown/maintenance time and material; and

WHEREAS, the Township bid the project twice and both times the bids were rejected; and

WHEREAS, the Township Council desires to award the contract for arena compressor startup/shutdown/maintenance, time & material; and

WHEREAS, after consultation between our Business Administrator and Finance Director, it has been recommended that a contract be awarded to Heerema Company for arena compressor startup/shutdown/maintenance – time & material.

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. Heerema Company with principal offices at 200 6th Avenue, PO Box 568, Hawthorne, New Jersey 07506 is hereby awarded a contract for the arena compressor startup/shutdown/maintenance time and material as follows:
 1. \$2,965.00 Price of Start Up
 2. \$784.99 Price of Shut Down
 3. \$98.00 Price Per Hour on Maintenance
 4. \$98.00 Price Per Hour on Inspection
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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AWARDING CONTRACT #2008-66 TO SUBURBAN SURGICAL CO. INC. FOR ANIMAL CAGES FOR KENNEL RENOVATION

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

RESOLUTION #470-08

WHEREAS, the Township of Old Bridge solicited bids for the purchase of animal cages for the Old Bridge Kennel Renovation; and

WHEREAS, bids were received and opened on September 30, 2008; and

WHEREAS, the Township Council wishes to award the contract for animal cages for the Old Bridge Kennel Renovation to Suburban Surgical Co. Inc. as they were the lowest responsible bidder; and

WHEREAS, our Township Business Administrator and Director of Finance have recommended that the contract be awarded to Suburban Surgical Co. Inc. for animal cages for the Old Bridge Kennel Renovation.

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

1. Suburban Surgical Co., Inc. with principal offices located at 275 12th Street, Wheeling, IL 60090 is hereby awarded a contract in the amount of \$56,372.00.
2. The award of the contract is contingent upon the issuance of a Certification of Funds #1688 certifying the existence of sufficient appropriation to fund the said contract.
3. 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. No work shall be performed by any vendor without a signed P.O. for the project on hand indicating approval and certification of funds by the Chief Financial Officer.
- C. Compliance by the vendor with signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION AWARDING CONTRACT #2008-69 TO WHIRL CONSTRUCTION FOR THE INSTALLATION OF PLAYGROUND EQUIPMENT AT MANNINO PARK

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

RESOLUTION # 471-08

WHEREAS, the Township of Old Bridge advertised and received bids for Contract #2008-69 for the installation of playground equipment at Mannino Park; and

WHEREAS, bids were received and opened on November 19, 2008; and

WHEREAS, the Township Council wishes to award the contract for the installation of playground equipment at Mannino Park; and

WHEREAS, our Business Administrator and Township Parks and Recreation Director has recommended that a contract be awarded to Whirl Construction Co. as they submitted the lowest responsible bid.

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. Whirl Construction Co. with principal office located at 187 Main Street, PO Box 110, Port Monmouth, New Jersey 07758 is hereby awarded a contract in the amount of \$24,000.00 for the installation of new playground equipment at Mannino Park.
2. The award of the contract is contingent upon the issuance of a Certification of Availability of Funds #1686 certifying the existence of a sufficient appropriation to fund the said contract.
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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION APPROVING CHANGE ORDER #1 FOR CONTRACT #2008-50 FOR IMPROVEMENTS TO CINDY STREET (PHASE 2)

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

RESOLUTION # 472-08

WHEREAS, the Township Council of the Township of Old Bridge previously authorized Contract #2008-50 with the firm of Tilcon New York, Inc. for improvements to Cindy Street (Phase 2); and

WHEREAS, Tilcon New York, Inc. has requested Change Order #1 to increase the amount of the Contract by \$5,152.00 (1.5%).

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that Change Order #1 for Contract 2008-50 Tilcon New York, Inc. is hereby authorized.

BE IT FURTHER RESOLVED that the modified cost of services after this Change Order is as follows:

ORIGINAL CONTRACT	\$ 343,304.21
CHANGE ORDER #1	+ <u>5,152.08</u>
TOTAL AMOUNT	\$ 348,456.29
TOTAL AMOUNT OF CHANGE ORDER	+ 5,152.08

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Township of Old Bridge are hereby authorized to execute such written contract documents as may be approved in form by the Township Attorney.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

TEMPORARY BUDGET APPROPRIATION

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

RESOLUTION # 473-08

WHEREAS, there will be a delay in the adoption of the 2009 Township of Old Bridge, County of Middlesex, New Jersey Local Municipal Budget; and

WHEREAS, if additional funds are not budgeted for the following, the public welfare will be adversely affected

NOW, THEREFORE BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that in accordance with N.J.S.A. 40A:4-20, an emergency temporary appropriation be and same is hereby made for in the amount of \$3,119,500.00 and that said emergency temporary appropriation shall be provided in full in the 2009 budget.

CURRENT BUDGET

Salary & Wages	\$1,993,000.00
Other Expenses	\$1,046,500.00

ARENA BUDGET

Salary & Wages	\$ 30,000.00
Other Expenses	\$ 30,000.00

PARKING UTILITY

Salary & Wages	\$ 10,000.00
Other Expenses	\$ 10,000.00

\$3,119,500.00

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION OF THE TOWNSHIP COUNCIL EXPRESSING SYMPATHY AND SUPPORT TO THE VICTIMS OF THE NOVEMBER 26, 2008 TERRORIST ATTACKS IN MUMBAI, INDIA

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

RESOLUTION # 474-08

WHEREAS, on November 26, 2008 coordinated terrorist attacks, over a three day period at nine different locations, struck the heart of Mumbai, India's commercial capital; and

WHEREAS, these terrorists killed dozens in machine gun and grenade assaults on at least two 5-star hotels, the City's largest train station, a movie theatre and a hospital; and

WHEREAS, the terrorists involved in this well planned attack had been working on the assault plan for months, which specifically aimed at targeting spots frequented by foreigners; and

WHEREAS, these attacks deliberately targeted innocent men, women and children, including two former residents of the New York metropolitan area who were killed at the

Mumbai Chabad House; and

WHEREAS, the attacks in Mumbai were an assault on every American who believes in life, humanity and decency;

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Old Bridge, Middlesex County, State of New Jersey that our sympathies and condolences be extended to the people of India and especially the families of the 174 victims and 300 wounded in this senseless attack; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to provide a certified copy of this resolution to our New Jersey representatives and the Indian Consul of New York and Washington D.C.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

RESOLUTION MEMORIALIZING RELEASE OF PERFORMANCE GUARANTEE FOR ANTHONY MARTINELLI – SOUTH OLD BRIDGE PLAZA BLOCK 25000, LOTS 40.11, 40.12 AND 40.13

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

RESOLUTION # 475-08

WHEREAS, Anthony Martinelli – South Old Bridge Plaza, Block 25000, Lots 40.11, 40.12 and 40.13 is now seeking a release of the performance guarantee; and

WHEREAS, a bond hearing was held on November 17, 2008, at which time the Township Engineer and the Township Council were heard regarding said request; and

WHEREAS, the Township Engineer, by memorandum dated November 3, 2008, recommends that the release requested for Anthony Martinelli - South Old Bridge Plaza, Block 25000, Lots 40.11, 40.12 & 40.13 be granted as follows:

Performance Bond	\$ 401,806.44
Original Cash Deposit	+ \$ 44,645.16
Total	\$ 446,451.60

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the performance guarantee for Anthony Martinelli – South Old Bridge Plaza, Block 25000, Lots 40.11, 40.12 and 40.13 as indicated above be released subject to the following condition:

1. Submission of a 2-year Maintenance Guarantee, in an amount no less than \$66,967.74 (15% of Performance Guarantee) subject to the approval of the Township Attorney.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

**RESOLUTION AUTHORIZING THE REJECTION OF BID WITH REGARD TO
CONTRACT #2008-70 TRI-ANNUAL UNINTERRUPTABLE POWER SUPPLY**

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

RESOLUTION # 476-08

WHEREAS, the Township of Old Bridge solicited bids in connection with Contract #2008-70 for tri-annual uninterruptable power system; and

WHEREAS, two bids were received and opened on December 3, 2008; and

WHEREAS, both the bids submitted were deficient of mandatory items in the bid plans and specifications.

NOW, THEREFORE, **BE IT RESOLVED** by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey, that the bids received with respect to Contract #2008-70 for tri-annual uninterruptable power system are hereby rejected.

BE IT FURTHER RESOLVED, that the Purchasing Department of the Township of Old Bridge is hereby authorized to rebid.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

**RESOLUTION AUTHORIZING FINANCIAL ALLOCATION TO THE RARITAN BAY
COUGARS PEE WEE FOOTBALL TEAM FOR THE NATIONAL POP WARNER
FOOTBALL CHAMPIONSHIPS**

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

RESOLUTION # 477-08

WHEREAS, various groups from time to time request that the Township Council provide funding to allow them to participate in national competitions they could otherwise not afford; and

WHEREAS, the Township has provided these funds when participation in these competitions by these groups has had a positive effect on the community; and

WHEREAS, the Raritan Bay Cougars Pee Wee Football Team has won the Eastern Regional Championship and has advanced to play in the National Football Championship Games in Walt Disney World Florida; and

WHEREAS, after review of the January 27, 1997 Township Council resolution for stipulated criteria for youth competition funding, our Township Director of Parks and Recreation finds that the Raritan Bay Cougars Pee Wee Football Team meets the criteria for funding eligibility.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey that the Raritan Bay Cougars be awarded the maximum amount allowable of \$3,000.00 pursuant to the January 27, 1997 resolution.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

Prior to the vote the following discussion took place.

Vice President Baker acknowledged that the Cougars won the Championship in Florida this weekend and stated that they will be recognized at a later meeting.

RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES WITH LAWRENCE SACHS, ESQ. FOR REPRESENTATION OF THE TOWNSHIP OF OLD BRIDGE IN THE MATTER KNOWN AS AFTER DARK V. THE TOWNSHIP OF OLD BRIDGE

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

RESOLUTION # 478-08

WHEREAS, the Township of Old Bridge requires the services of an attorney to provide legal services to the Township of Old Bridge in the matter known as; and

WHEREAS, Lawrence Sachs, Esq., a licensed New Jersey Attorney, is recognized as capable and available to undertake such work; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.), requires that a Resolution authorizing the award of contracts for “Professional Services” without competitive bids must be publicly advertised; and

WHEREAS, Lawrence Sachs, Esq., has received the recommendation of the Fair and Open Process Review Committee pursuant to the Fair and Open Process in accordance with Municipal Regulation 004-2006.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge as follows:

1. The contract for professional services is authorized to be entered into with Lawrence Sachs, Esq. in the usual form.
2. The scope of the work to be performed by Lawrence Sachs, Esq. shall be: Representation the Township of Old Bridge.
3. This contract is awarded for a term not exceeding the current budget year. A Certification of Availability of Funds # 1701 has been received for this contract assuring that there are sufficient funds in the appropriation(s) to fund the purchases anticipated in the current budget year.

BUDGET YEAR	<u>2009</u>
CERT. NO.	<u># 1701</u>
AMOUNT (NOT TO EXCEED)	<u>\$5,000.00</u>

The availability of a sufficient appropriation to fund the purchases authorized in this resolution is an express and mandatory condition of the award of this contract. To the extent this contract contemplates expenditures in future budget year, such amounts are not certified and any expenditure pursuant to this contract is wholly contingent upon the municipal governing body establishing an appropriation from which such future purchases will be paid.

4. This is a contract for professional services in accordance with the New Jersey Public Contract Law. The Township Clerk shall publish a statement of reasons for awarding of the contract, to wit: legal representation of the Zoning Board of Adjustment in the matter known as After Dark v. the Township of Old Bridge.

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. Issuance of a Certificate of Availability of Funds as aforesaid.
- C. Compliance by the Vendor with signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker.

NAYS: None.

ABSENT: President Testino.

Prior to the vote the following discussion took place.

Councilman Greene asked what this issue is with this matter.

Mr. Convery stated that After Dark Lounge changed owners and is in the process of eliminating alcoholic beverages from being served but still keeping exotic dancing. A summons was issued by the Police and two summons were issued by Code Enforcement for violating the Township Code. After Dark has filed suit against the Township and since Mr. Sachs is the Zoning Board Attorney, Mr. Convery is recommending that he handle this matter.

RESOLUTION AUTHORIZING EXECUTION OF A QUALIFIED PRIVATE COMMUNITY SERVICE AGREEMENT WITH DEEP RUN HOMEOWNERS ASSOCIATION

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

RESOLUTION # 479-08

WHEREAS, the Township of Old Bridge wishes to enter into a Qualified Private Community Service Agreement with Deep Run Homeowners Association; and

WHEREAS, the Township Council wishes to approve same.

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. That the Qualified Private Community Service Agreement with the Deep Run Homeowners Association on file in the office of the Township Clerk shall be entered into by the Township of Old Bridge forthwith.
2. The Mayor and Township Clerk are hereby authorized to execute any and all documents necessary to implement this agreement. The Township Attorney shall review and approve any and all contractual documents prepared in the furtherance of this agreement.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker, President Testino.

NAYS: None.

Prior to the vote the following discussion took place.

Mr. Convery stated that this development was being reimbursed for certain services and Mr. Shah discovered that they had not filed the proper paperwork. This resolution is for reimbursement from 2000 to 2007. The development will then file the proper paperwork to be reimbursed.

Mr. Shah stated that when the board members changed this matter fell through the cracks and this now put them back on track.

RESOLUTION AUTHORIZING MAYOR AND CLERK TO SIGN COAH ESCROW AGREEMENT ON BEHALF OF THE TOWNSHIP OF OLD BRIDGE

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

RESOLUTION # 480-08

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Township of Old Bridge's affordable housing program in accordance with P.L. 2008, c.46 (C.52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, COAH approved the Township of Old Bridge Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L. 2008, c.46 (C.52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of The Township of Old Bridge's COAH-certified Fair Share Plan; and

WHEREAS, the Township Council of the Township of Old Bridge has adopted the Development Fee Ordinance of the Township of Old Bridge, known as Section 250-66 of the Land Development Ordinance; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires the

Township of Old Bridge, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; and

WHEREAS, the proposed Escrow Agreement for Housing Trust Fund between COAH, the Township of Old Bridge, and Amboy National Bank is on file in the Office of the Township Clerk, for public inspection; and

WHEREAS, the Township of Old Bridge has reviewed the terms and conditions of the Escrow Agreement and approves same.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey that the Mayor and the Township Clerk are hereby authorized to sign the Escrow Agreement between COAH, the Township of Old Bridge, and Amboy National Bank; and

BE IT FURTHER RESOLVED that a copy of this Resolution be provided forthwith to Amboy National Bank and COAH.

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

AYES: Councilmen Butler, Calogera, Volkert, Vice-President Baker, President Testino.

NAYS: Councilmen Cahill, Greene, Councilwoman Panos.

ABSTAIN: Councilman Gillespie.

Prior to the vote the following discussion took place.

Councilwoman Panos stated that she cannot vote for anything on COAH tonight because this is such a comprehensive plan and believes that we should have a special meeting on December 29, 2008.

RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO SIGN CONTINUING DISCLOSURE CERTIFICATE AMENDMENT #3 FOR THE OLD BRIDGE MUNICIPAL UTILITIES AUTHORITY

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

RESOLUTION # 481-08

WHEREAS, the Township of Old Bridge, in the County of Middlesex State of New Jersey and the Old Bridge Municipal Utilities Authority have previously entered into Continuing Disclosure Certificate on March 31, 1999 in connection with the issuance of the Authority's Revenue Bonds (1999 Series) (the "Series 1999 Bonds"); and

WHEREAS, the Township had previously authorized Amendment No. 1 on August 6, 2002 and Amendment No. 2 on February 26, 2004; and

WHEREAS, in order to ensure compliance with Rule 15c2-12 promulgated by the Securities and Exchange Commission in connection with the issuance of the Authority's Revenue Bonds. (2008C Series) (the "Series 2008C Bonds"), the Township now desires to amend the Continuing Disclosure Certificate by authorizing Amendment #3.

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 Continuing Disclosure Certificate Amendment #3 for the Old Bridge Municipal Utilities Authority.

Moved by Councilman Butler, seconded by Vice President Baker and so ordered on the

following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker, President Testino

NAYS: None.

Prior to the vote the following discussion took place.

Councilman Calogera asked what this is about.

Mr. Convery stated that this is a form that is required by the Securities and Exchange Commission in regard to the MUA's bonding, because the Township has a service agreement with them, the township is asked to sign this certificate. This is the third time we've done this.

Councilman Calogera asked what the amount of the bonding is.

Mr. Shah stated that this is bonding for the MUA and he believes that amount is \$5,000,000.00.

Councilman Calogera asked if this put us on the hook for their bonding.

Mr. Shah stated that theoretically no.

RESOLUTION AUTHORIZING THE MAYOR AND THE TOWNSHIP CLERK TO SIGN THE AGREEMENT TO SELL PROPERTY TO THE OLD BRIDGE HOUSING AUTHORITY (BLOCK 20000, LOT 79.11)

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

RESOLUTION # 482-08

WHEREAS, the Township of Old Bridge, is the owner of certain real property located in the Township of Old Bridge, County of Middlesex, State of New Jersey designated at Block 20000, Lot 79.11; and

WHEREAS, the Old Bridge Housing Authority desires to purchase a portion of said property in connection with the construction of new housing facilities in the Township of Old Bridge.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey that the Mayor and the Township Clerk are hereby authorized to execute the Agreement for Sale of Property to the Old Bridge Housing Authority. (Block 20000, Lot 79.11)

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

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

NAYS: Councilman Greene, Councilwoman Panos.

ABSTAIN: Councilman Cahill.

Prior to the vote the following discussion took place.

Councilwoman Panos asked what the actual price is because in the budget we put \$1,200,000.00 and the paperwork in the backup states the price as \$1,500,000.00. Councilwoman Panos asked that the \$300,000.00 be given back to the residents as a tax cut.

Mr. Convery stated that the idea was that you need at least 12 acres of uplands to put these projects on the site. The original contract stated that we were going to provide at least 15 acres to the Housing Authority, the idea is that they would pay \$100,000.00 per upland acre and it is Mr. Convery's assumption after looking at maps that they will be able to get at least 15 acres, if for some reason they cannot get 12 acres of uplands, the deal would fall through. The actual amount at closing will be determined by the amount of uplands.

Councilwoman Panos stated that the contract before the Council is for \$1,500,000.00 and yet the amount in the budget is \$1,200,000.00.

Mr. Convery stated that the amount in the budget has nothing to do with his contract preparations. Mr. Convery stated that this should not be taken into consideration when voting on the resolution, the vote should be only on the documents that provide for the sale of the property to the Housing Authority.

Councilman Butler stated that the Housing Authority is in the process of putting together a plan to build affordable senior housing on East Greystone and Marlboro Roads and also a handicapped veteran's facility in the same area. Depending on the report on buildable land, the sale amount is either one million two or one million five.

**RESOLUTION AUTHORIZING THE TOWNSHIP OF OLD BRIDGE
TO PARTICIPATE IN THE NJMFA HOME MORTGAGE FINANCE AGENCY
“LIVE WHERE YOU WORK” PROGRAM**

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

RESOLUTION # 483-08

TABLED

WHEREAS, the NJ Home Mortgage Finance Agency has instituted a “Live Where You Work Program” for financing for purchases of homes; and

WHEREAS, a municipality must agree to participate in said program and be approved by the Agency to participate in the program; and

WHEREAS, it is in the best interest of the Township of Old Bridge to afford its residents accessibility to financing for the purchase of residential housing; and

WHEREAS, the Old Bridge Economic Development Council has unanimously recommended that the Township Council authorize participation in the “Live Where You Work Program”.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that the Township of Old Bridge take any and all necessary steps to participate in the NJ Home Mortgage Finance Agency “Live Where You Work Program”, including but not limited to filing documents seeking approval by HMFA for Old Bridge Township.

Moved by Vice President Baker, seconded by Councilman Calogera and so TABLED on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker, President Testino.

NAYS: None.

Prior to the vote the following discussion took place.

Councilwoman Panos asked what this resolution is all about. Councilwoman Panos stated that this was put on because of the EDC and asked Mr. Gillespie for an explanation.

Councilman Gillespie stated that this program does not obligate the township financially to anything, but would provide enhanced closing costs for people who work in the township and are seeking to buy a home in the township.

President Testino stated that he believes that this is something that we should support to encourage people to buy homes in the towns where they work as a green initiative.

Mr. Convery stated that people will not be able to participate in this program unless the township passes a resolution endorsing the program.

Councilman Cahill asked who would be eligible for the program.

Mr. Convery stated that you would have to work in the township in the private or public sector.

Mr. Shah stated that this was put on the agenda by the Business Administration.

Councilman Cahill stated that he is not comfortable voting on this because there is no backup and he has many questions that he would like to have answered.

Vice President Baker requested tabling this resolution for further information.

**RESOLUTION AWARDING BID #2008-68 TO TRI-FORM CONSTRUCTION, INC.
FOR GENERAL CONTRACTING TIME AND MATERIAL**

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

RESOLUTION # 484-08

WHEREAS, the Township of Old Bridge solicited bids in connection with Contract 2006-60 for general contracting time and material; and

WHEREAS, bids were received and opened on November 19, 2008; and

WHEREAS, the Township Council wishes to award the contract for general contracting; and

WHEREAS, our Township Assistant Business Administrator has recommended that a contract be awarded to Tri-Form as they submitted the lowest responsible bid.

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. Tri-Form Construction, Inc. with principal offices located at 119 Liberty Street, Metuchen, New Jersey 08840 is hereby awarded a contract for time and material: \$69.57 per hour
2. No Certification of Availability of Funds is required since this Contract is based on Time and Material 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 signing the mandatory affirmative action language required by law.
- D. 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 Vice President Baker, seconded by Councilman Butler and so ordered on the following roll call vote:

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker, President Testino.

NAYS: None.

Prior to the vote the following discussion took place.

Councilman Calogera stated that this contractor has had many over runs.

Mr. Shah stated that we are satisfied with their work and the over runs were because of changes made by Code Enforcement.

RESOLUTION ENDORSING THE THIRD ROUND (1987-2018) HOUSING PLAN ELEMENT AND FAIR SHARE PLAN

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

RESOLUTION # 485-08

WHEREAS, the Township Council of the Township of Old Bridge retained Mark A. Remsa, P.P. as Consultant Planner to prepare the Third Round (1987-2018) Housing Plan Element and Fair Share Plan for the Township of Old Bridge; and

WHEREAS, the Council on Affordable Housing (“COAH”) has advised the Township of Old Bridge that its Third Round Plan must be filed by December 31, 2008 in order to continue to insulate the Township from any builder’s remedy lawsuit and remain under the jurisdiction of COAH; and

WHEREAS, the Planning Board of Old Bridge, County of Middlesex, State of New Jersey, adopted its current Master Plan pursuant to N.J.S.A. 40:55D-28; and

WHEREAS, the Master Plan includes a Housing Element pursuant to N.J.S.A. 40:55d-28b(3); and

WHEREAS, N.J.A.C. 5:97-2.1(a) requires the adoption of the Housing Element by the Planning Board and endorsement by the Governing Body; and

WHEREAS, N.J.A.C. 5:97-3.1(a) requires the preparation of a Fair Share Plan to address the total 1987-2018 fair share obligation of the Township of Old Bridge; and

WHEREAS, N.J.A.C. 5:97-3.1(b) requires the adoption of the Fair Share Plan by the Planning Board and endorsement by the Governing Body; and

WHEREAS, the Old Bridge Planning Board has scheduled a public hearing for the Third Round Housing Element(1987-2018) and Fair Share Plan for December 23, 2008 at 7:30 P.M.; and

WHEREAS the Planning Board has advertised said public hearing and placed the Housing Element and Fair Share Plan on file for public inspection, and provided a true copy to the Old Bridge Township Clerk and Township Council; and

WHEREAS, the Township Council has reviewed the Housing Element and Fair Share Plan, and endorses said plan for submission to COAH; and

WHEREAS, the Township Council believes that it is in the best interest of the Township to seek and obtain Substantive Certification from COAH in order to provide its fair share of affordable housing, and to continue to insulate the Township from any builder's remedy lawsuit.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey that it hereby endorses the Third Round (1987-2018) Housing Element and Fair Share Plan prepared by Mark A. Remsa, P.P., dated December, 2008; and

BE IT FURTHER RESOLVED that the Township Council of the Township of Old Bridge pursuant to the provisions of N.J.S.A. 52:27D-301 et seq. and N.J.A.C. 5:96-3.2(a) submits this petition for substantive certification of the Housing Element and Fair Share Plan to the Council on Affordable Housing for review and certification; and

BE IT FURTHER RESOLVED that a list of names and addresses for all owners of sites in the Housing Element and Fair Share Plan has been included with the petition; and

BE IT FURTHER RESOLVED that notice of this petition for substantive certification shall be published in a newspaper of countywide circulation pursuant to N.J.A.C. 5:96-3.5 within seven days of issuance of the notification letter from the Council on Affordable Housing's Executive Director indicating that the submission is complete and that a copy of this resolution, the adopted Housing Element and Fair Share Plan and all supporting documentation shall be made available for public inspection at the Township of Old Bridge municipal clerk's office located at One Old Bridge Plaza, Old Bridge, New Jersey, during the hours of 8:30A.M. to 4:30 P.M. Monday through Friday for a period of 45 days following the date of publication of the legal notice pursuant to N.J.A.C. 5:96-3.5.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded forthwith to the Old Bridge Planning Board, Mark A. Remsa, P.P. and the Council on Affordable Housing.

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

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

NAYS: Councilmen Cahill, Greene, Councilwoman Panos.

Prior to the vote the following discussion took place.

Councilman Calogera stated that he believes that this is a really good plan and he likes the mix of what we as a township has to have. Councilman Calogera stated that he would support this same plan whether or not if the State extends the deadline. Councilman Calogera stated that he is in favor of the type of units that we have selected because he believes that will give the township more control over developers.

Councilman Gillespie stated that we were able to reduce the amount of units required to 428 and comply with the regulations. Other townships are not as fortunate as us in having to meet their third round obligations. Councilman Gillespie stated that in the past, the township decided not to have a commercial fee but because of a change in the law, the discretion is not ours and we have to charge the 2 ½ fee and if we do not have a COAH plan certified, we could not spend the money in Old Bridge. Councilman Gillespie stated that he believes that this is a good plan and will be supporting this plan.

Councilman Greene stated the he thinks COAH should be disbanded. Councilman Greene does not believe that the State should be telling any municipal what to do regarding building. Councilman Greene supports the township in their efforts to provide affordable housing but believes that the township should have their own guidelines and not have an agency come up with bureaucratic formula which mandates how many units a township has to build. The plan that we are voting on tonight, intends to build rental units in a rural area, there is nothing there, no food stores, no services and these people will be stranded and are at the mercy of the township or County to take them shopping. Councilman Greene stated that he believes that Mr. Remsa did an excellent job in preparing the plan, but Councilman Greene still does not believe the State should dictate the number of units to be built. Councilman Greene stated that when he first heard the plan from Mr. Remsa the amount of units required was over 700 and now it is 428 and he would like to know the reason why this was allowed to be lowered. Councilman Greene objected to the State dictating the amount of units and the nature of the units because the State is dictating that a certain amount have to be rental units and he believes that requirement will change the suburban atmosphere of the Township of Old Bridge and Councilman Greene will not be supporting this plan.

Councilwoman Panos stated that of course we want to take care of the seniors and veterans, and she is concerned because the plan does not specifically mention veterans. Councilwoman Panos stated that the plans calls for “Municipally sponsored, 100% affordable housing for families and/or disabled.” Councilwoman Panos stated that the plan does not say anything about veterans, which would probably sway her vote. Councilwoman Panos stated that the wording in the plan sounds like a “New York City Housing Project” and unless she can have clarification on the veteran’s issue she cannot vote for this plan. Councilwoman Panos stated that she appreciates that Mr. Remsa was able to reduce that amount of units to be built and stated that she had questioned at the earlier meetings about a surplus in the units from the last round and she is glad that her questions were followed up on. Councilwoman Panos stated that there is a high possibility that this will change at the State level and does not want to rush this approval through. Councilwoman Panos asked for a special meeting on December 29th because by then we will know what the State will do and if the deadline will be extended.

Mr. Convery stated that the number of units were reduced because of the prior round surpluses of 147 units. Mr. Convery stated that on page 46 of the plan states “The other municipally sponsored 100% affordable project will be for 87 rental units for families and/or the disabled (The Township wants to honor disabled war veterans by providing affordable housing for these men and women)” There is a special footnote on the bottom *Special needs rental units for disabled veterans may replace some or all family rental units”.

Councilwoman Panos objected to using the word “may” in the footnote.

Mr. Convery stated that the intent is to make it 100% for disabled or veterans. If a war veteran has a wife and family, they are not disabled war veterans, but they would get the benefit of the rental unit. The intent of the town is to seek 100% disabled war veteran units. Mr. Convery stated the under this plan, it is under the Township’s control, we do not have to go out and get builders to get increased density, all of our requirements will be met on a municipally sponsored piece of land and we will control our own destiny. Mr. Convery stated that there has been no indication that the legislature is going to extend the deadline and if it does we have an excellent plan and Mr. Convery believes it should be endorsed.

RESOLUTION REQUESTING REVIEW AND APPROVAL OF A MUNICIPAL AFFORDABLE HOUSING TRUST FUND SPENDING PLAN

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

RESOLUTION # 486-08

WHEREAS, the Township of Old Bridge, County of Middlesex was granted substantive certification by the Council on Affordable Housing (COAH) on January 8, 1997; and

WHEREAS, the Township of Old Bridge has received approval from COAH of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units; and

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8 and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues for development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Township of Old Bridge has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Old Bridge, County of Middlesex, State of New Jersey requests that COAH review and approve the Township of Old Bridge's spending plan.

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

AYES: Councilmen Butler, Calogera, Volkert, Vice-President Baker, President Testino.

NAYS: Councilmen Cahill, Greene, Councilwoman Panos.

ABSTAIN: Councilman Gillespie.

RESOLUTION REQUESTING REVIEW AND APPROVAL OF AMENDED DEVELOPMENT FEE ORDINANCE

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

RESOLUTION # 487-08

WHEREAS, the Township of Old Bridge, County of Middlesex was granted substantive certification by the Council on Affordable Housing (COAH) on January 8, 1997; and

WHEREAS, P.L. 2008, c. 46 section 8 (C.52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C.40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L. 2008, c.46 section 8 (C.52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C.40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3 (c) and (d);
2. A description of the types of developments that are exempted per N.J.A.C.5:97-8.3 (e);
3. A description of the amount and nature of the fees imposed per N.J.A.C.5:97-8.3(c) and (d);
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, the Township of Old Bridge has prepared a draft amended development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L. 2008, c.46, Sections 8 (C.52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Old Bridge, County of Middlesex and State of New Jersey requests that COAH review and approve the Township of Old Bridge's amended development fee ordinance.

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

AYES: Councilmen Butler, Calogera, Volkert, Vice-President Baker, President Testino.

NAYS: Councilmen Cahill, Greene, Councilwoman Panos.

ABSTAIN: Councilman Gillespie.

PERSON TO PERSON TRANSFER 1209-33-005-011 OLD NEW YORK

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

RESOLUTION # 488-08

WHEREAS, application has been filed for a person to person transfer of Plenary Retail Consumption License #1209-33-005-011; heretofore issued to Michael and Michelle Viera, Executors for Old New York, Inc., for premises located at 2658 Route 516, Old Bridge, New Jersey to THE NEW OLD NEW YORK, INC., for premises located at 2658 Route 516, Old Bridge Township, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations, promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the township authorities have reviewed the source of all funds used in the purchase of the license and the licensed business, and all additional financing obtained in connection with the licensed business; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Old Bridge does hereby approve the person-to-person transfer of the aforesaid plenary retail consumption license effective December 15, 2008 and does hereby direct the Township Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all of its terms and conditions, is hereby transferred to *THE NEW OLD NEW YORK, INC.* effective December 15, 2008.

BE IT FURTHER RESOLVED that said transfer is hereby conditioned that:

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.
2. No go-go dancing be allowed.

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker, President Testino.

NAYS: None.

Prior to the vote the following discussion took place.

Vice President Baker stated that all the paperwork is in order.

Vice- President Baker opened the public portion

Mr. Larry Blough; owner of Old New York stated that the food will be improved and the violations that were outstanding on the license and property were taken care of and asked for the Council to stop in an see the new establishment.

Seeing no hands, Vice- President Baker closed the public portion

RENEWING PLENARY RETAIL CONSUMPTION LICENSE #1209-33-024-007, D.T. CORPORATION, t/a PEAPOD RESTAURANT

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

RESOLUTION # 489-08

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 2008-2009; 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 2008-2009, effective July 1, 2008 effective December 15, 2008.

<u>Licensee</u>	<u>State License No.</u>
D.T. Corporation t/a Peapod Restaurant 432 Route 34 Matawan, N.J. 07747 (Inactive 8/01/07)	1209-33-024-007

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

AYES: Councilmen Butler, Cahill, Calogera, Gillespie, Greene, Volkert, Councilwoman Panos, Vice-President Baker, President Testino.

NAYS: None.

ABSTAIN: President Testino.

Vice-President Baker opened the public portion

Seeing no hands, Vice-President Baker closed the public portion

Discussion

Repealing the Contents of Chapter 366: Property Maintenance, by Adopting the “International Property Maintenance Code” 2006 Edition, in its place.

Mr. Convery stated that Mr. Tucciarone of the Code Enforcement Department is here to answer any questions.

Councilman Greene stated that the ordinance would establish a department of property maintenance inspection and asked if this position already exists and would it require additional staff.

Mr. Tucciarone stated that the Township already has that department and this ordinance will just give the Code Department more consistency between commercial and residential property maintenance.

Councilman Volkert asked what the difference is between the two properties.

Mr. Tucciarone stated that there will be no difference, everyone will be held to the same standard. The International Code is just a State recognized code.

Councilman Volkert asked what is the difference of what we have now.

Mr. Tucciarone stated that we do reference both codes now, this would just make it more effective.

Public Comments

Ms. Miller wished everyone a Happy Holiday.

Mr. Kiran Desai thanked the Council for their resolution expressing sympathy for the victims of the terrorist attacks in Mumbai India.

Mr. Solon Fotis stated that the taxes have increase 6 cents in this one year when for the last 14 years the taxes increased 4 cents. Mr. Fotis asked what the tax increase was last year.

Mr. Shah stated that it was about 1 cent.

Mr. Fotis stated then that the majority of the tax increases in the last 14 years has been under this current administration.

Mr. Shah stated that there is a statistical history of the budget and tax increases and decreases on the township website. Mr. Shah stated that there were fluctuations in the tax rate and the comments are also included on the website. Mr. Shah stated that there was a 20 cent increase in 1993. Mr. Shah stated that there were also tax decreases because of one time revenues and that should also be taken into consideration.

Mr. Fotis asked why the increase is so drastic this year. Mr. Fotis asked the Council to consider cutting the budget before adopting this 6 cent increase.

Dr. Greenberg expressed her disappointment in the Council not having the backup in a timely matter such as a survey for the land that is being sold.

Vice President Baker stated that the Council may table any matter that they are not comfortable voting on.

Mr. McDonough asked if the employee's pensions are fully funded by the Township.

Mr. Shah stated that the township and the employee contribute to the state pension system.

Mr. McDonough asked if the deferred plan that the State is talking about is in effect.

Mayor Phillips stated that nothing has been voted on.

Seeing no hands, President Testino closed the public portion

Council Comments

Councilwoman Panos stated that the increase in this year's budget is the largest in the township over the last twenty five years. Councilwoman Panos stated that in the last 4 years the taxes have increased 13.2 cents and Councilwoman Panos suggested that the Council work on cutting this tax increase.

Councilman Greene thanked the OBTEM because he has an accident at his home this past week and they were wonderful.

Vice President Baker wished all a Happy Holiday.

Councilman Gillespie wished all a Happy Holiday. Councilman Gillespie stated that the

budget in 1993 was an fairly ugly process, the township was on the verge of bankruptcy and there were at least 40 layoffs. Councilman Gillespie stated that the township has been very conservative in their budgets over the last four years. Councilman Gillespie stated that COAH standards are not enforced by the State...if these COAH standards are not met the builders come in build whatever they want, under a builder's remedy. Councilman Gillespie stated that the Township is currently in litigation with four developers.

Councilman Calogera stated that he believes that the State Legislature adjourned today and there would not be action that they could regarding COAH.

President Testino wished all a Happy Holiday.

Councilman Volkert wished all a Happy Holiday.

Mayor Phillips stated that he believes that the adoption of the COAH resolutions and plan is the right thing to do because it will provide another 100 units for seniors. Mayor Phillips stated that there are men and women fighting over seas who are being physically damaged and they should not be denied the right to affordable housing. Mayor Phillips thanked the Council and Attorney Convery and wished all a Happy Holiday.

Vice President Baker thanked the Clerk and her staff and wished all a Happy Holiday.

MOTION

to adjourn at 9:50 p.m. by Vice President Baker, seconded by Councilman Butler and so ordered on an all aye vote

Edward Testino, Council President

Rose-Marie Saracino, Township Clerk

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distributed: