

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING:
May 8, 2008**

FLAG SALUTE:

MEETING WAS CALLED TO ORDER AT 7:30 PM.

ROLL CALL: KRAFT X REILLY X VAN PELT X

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting was properly provided by sending copies of the Notice of Meeting to three newspapers The Times-Beacon, The Atlantic City Press and the Asbury Park Press. The Notice was posted at the office of the Township Clerk and on the bulletin board in the Administration Building.

MEETING MINUTES:

MOTION OF APPROVAL OF THE MEETING MINUTES OF April 10, 2008

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

MOTION OF APPROVAL OF THE MEETING MINUTES OF April 24, 2008

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ORDINANCES:

ORDINANCE 2008-11 – (Second Reading – Public Hearing)

An Ordinance Amending Chapter 18.46 of the Codified Ordinances of the Township of Ocean with Respect to Assessory Building and Uses

Ordinance No. 2008-11 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

There being no comment from the public, a motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-11. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ORDINANCE 2008-12 – (Second Reading – Public Hearing)

An Ordinance amending Title 18 Entitled “Zoning” Revising the Permitted Uses within the EC Environmental Conservation District and to create New Standards to Regulate Individual On-Site Disposal Systems East of the Garden State Parkway

Ordinance No. 2008-12 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

There being no comment from the public, a motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-12. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ORDINANCE 2008-13 – (Second Reading – Public Hearing)

An Ordinance Amending Chapter 18.02 of the Codified Ordinances of the Township of Ocean with Respect to Zoning and definition of permitted uses and restaurant

Ordinance No. 2008-13 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

There being no comment from the public, a motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-13. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ORDINANCE 2008-14 – (Second Reading – Public Hearing)

An Ordinance to exceed the municipal budget appropriation limits and to establish a CAP Bank (NJSA 40A:4-35.14)

Ordinance No. 2008-14 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

There being no comment from the public, a motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-14. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ORDINANCE 2008-15 – (Second Reading – Public Hearing)

An Ordinance of the Township of Ocean, In the County of Ocean, New Jersey, providing for improvements to various Township water wells and related expenses and appropriating \$600,000 Therefore and Providing for the issuance of \$570,000 in bonds or notes of the Township of Ocean to finance the same

Ordinance No. 2008-15 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Township Administrator Kenneth Mosca updated the public on the upgrades to the systems.

Ann Johnson, Grand Bay Harbor, asked where the wells are.

Township Administrator Kenneth Mosca stated Well 7 is between the two garages at the Utilities/Road Dept. on Wells Mills Road. Well 5 is on 11th Street.

A motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-15. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

RESOLUTION NO. 2008-187: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$639,658.53

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

CONSENT AGENDA

The below listed items are considered to be routine by the Township Committee of the Township of Ocean and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the consent agenda and will be considered separately.

RESOLUTIONS

- 08-188** Resolution authorizing a person-to-person transfer of Liquor License-Plenary Retail Distribution at 580 US Highway 9 North, Waretown, NJ from Southwest Inc., to MegloMix, LLC
- 08-189** Resolution appointing Frank Fontana to the Township of Ocean Board of Health expiring December 31, 2009
- 08-190** Resolution authorizing the release of escrow money and application fee held in the name of Bayfront Marina & Yacht Basin in the amount of \$6,250.00
- 08-191** Resolution appointing Sean Ellis and Sarah Brocklebank new hires, as a part-time lifeguards for Recreation Department at the rate of \$10.00 per hour, reappointing part-time lifeguards for the 2008 season
- 08-192** Resolution accepting the Maintenance Bond from Ocean Holdings, LLC in the amount of \$76,288.24
- 08-193** Resolution accepting the Maintenance Bond from Lennar for Arch Bridge Structure #1 – Greenbriar Oceaniare Section 1 in the amount of \$26,741.00
- 08-194** Resolution accepting the Maintenance Bond from Lennar for Arch Bridge Structure #2 – Greenbriar Oceaniare Section 1 in the amount of \$32,565.62

The Resolutions were read by title.

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2008-188 through Resolution 08-194:

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Mayor Van Pelt asked Township Administrator Mosca to send a letter to Mr. Fontana, thanking him for accepting Board of Health appointment.

RESOLUTION 2008-195 Authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, real estate and litigation - PURPOSE: 2 Matters of Litigation.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Motion of Approval for the Mayor to sign the Township of Ocean Community Forestry Management Plan 2008-2012 and send same to New Jersey Forest Service

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Mayor Van Pelt asks Township Administrator Mosca to make sure the Community Forestry Management Plan is placed on the website.

Motion to Approve Taxi Cab Driver Permit, Holly O'Grady and Linda Titone for WJMM Car Service – dba Cannon Taxi

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Motion to Approve a Social Affairs permit for SOCH Foundation for event to be held at Greenbriar Oceannaire Country Club, June 16, 2008

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Motion to Approve application for raffle license for Waretown first Aid and Auxiliary for their fundraiser drawing, July 3, 2008

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Motion to Approve use of the Community Center:

1. Waretown First Aid Squad – Blood Drive – May 2, 2008
2. Lydia Todd – June 21, 2008
3. Glenn Avellino – July 20, 2008
4. Glen Avellino – October 5, 2008
5. Debbie Williams – Brownie Troop 96 – June 13 & September 13, 2008

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ACCEPTANCE OF THE TAX COLLECTOR'S REPORT

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

ACCEPTANCE OF THE CMFO/TREASURER'S REPORT

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

REPORTS FROM STANDING COMMITTEES:

Robert Kraft - Public Safety – Police Dept., Fire Dept., First Aide, Emergency Management, communications and Welfare

Deputy Mayor Kraft read the monthly Police Report regarding tickets and emergency calls.

Deputy Mayor Kraft spoke with the engineer regarding dredging issues and is trying to get the state to assist the town regarding a dewatering site. Deputy Mayor Kraft stated he met with a representative of DOT Maritime Resource to work out sites for the dewatering process and to use that material for a beneficial use.

Richard Reilly – Planning & Development – Planning Board, Zoning Board, Buildings & Grounds, Bulkheads, Docks and Redevelopment Agency

Committeeman Reilly stated the Interlocal Agreement with Lacey Twp. is in place. It is working quite well.

Committeeman Reilly reported on the Redevelopment Meeting. There were three applications. One applicant proposed an 8,000SF retail building with two stores on Route 9. The applicant will reach out to the neighboring business to combine parking areas. The second applicant proposed 108 units, with 22 units being COAH, and 8,900SF of commercial property. The Redevelopment Committee expressed concern with the density of the application and the location of the COAH units.

Committeeman Reilly reported the town is working closely with the town engineer and a representative from Lennar to look at properties in Greenbriar with drainage issues.

Daniel M. Van Pelt – Administration – Administrator, Office of the Clerk, Revenue & Finance, Utilities, Recreation

Mayor Van Pelt reported that the Shop Rite is scheduled to open on May 21, 2008. The Shop Rite should generate over 400 jobs. That does not include the jobs created during construction or the in outer buildings.

Mayor Van Pelt stated he is going to write a letter to the 9th District Legislators asking them to introduce legislation that will allow counties to keep a percentage of the fees that toll booths generate. The money should stay in the county for infrastructure improvements. Ocean, as well as Monmouth, pays the highest percentage of tolls for the entire state.

Mayor Van Pelt discussed the 24' high pylon sign at the Town Center. There will be a lot of temporary signs directing traffic. The developer has to use the Police Department during certain heavy hours of the day to direct traffic.

PUBLIC COMMENT

Motion to open to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

William Sneddon, Ocean Township PBA, Local 371, spoke about the Mayor's comments in the newspaper regarding the tax rate. The Township Committee talks about saving money, yet they fire Jim Mackie after 16

years of service and then spend \$114,000 to design a pipe. Mr. Sneddon stated the PBA takes offense to the derogatory remarks made in the newspaper.

Committeeman Reilly stated Mr. Mackie was not fired. His position was eliminated because of the dissolution of the MUA. It is very sad to see any employee lose their job. No one enjoyed making that decision. The position was not necessary. It is unfair to the taxpayers for any position to be carried on when there isn't a need for it.

William Sneddon stated in the 10 years the Mayor has been in town, he has lived in a 20x20 bungalow, and now he lives in one of the biggest homes in Waretown. The township purchased property across the street from his house. He got his road paved. He gets three pensions.

Mayor Van Pelt stated the majority of my comments, during the meeting about the budget hearing, complimented the Police Dept. I'm trying to get a message to the taxpayers that the Governor has instituted a 4% cap on all municipalities. The Township of Ocean is growing in the neighborhood of 10%-11% per year. Wait until next year when the tax increase is higher than this year because of contracts across the board. Then if the town wants to exceed the cap levy to pay salaries and day-to-day operations, you have two opportunities to go out to a referendum in March or April to exceed the cap. You have to ask the voters to spend more money. That question has to pass by 60% approval. When it does not get 60% approval, people are going to lose their jobs.

Mayor Van Pelt stated the Police Dept. has gotten everything they've ever asked for in the last 10 years. It might not be on their timeline, but we do it in a responsible matter. We believe in public safety.

Mayor Van Pelt stated he does not get a pension from the State of New Jersey. The law was changed last year. It's a defined contribution retirement program. It is not part of the pension system. I don't know what my pension is going to be for the \$5,600 a year I get from the Township of Ocean. Lumberton is my job. It is what I do to pay the bills and put food on my table. Where I build my home is personal. The property that was preserved across the street from my home was purchased before I bought the lot there. That lot was owned by the Archdiocese of Trenton and was scheduled to be 65 homes. How did the road get paved? A developer came in and built four houses. Part of the agreement was the developer would pay to get the road paved.

Mayor Van Pelt stated it's a fine Police Department. I'm just warning you that in 2009, because of the 4% cap, there's going to be an issue. All across the state of New Jersey, municipalities are letting employees and police officers go and privatizing the other half of the services in the township.

Chief of Police, Kenneth Flatt, stated the PBA is concerned about a newspaper article referencing dispatchers losing their jobs and combining services. The PBA is here to tell you the service they get from their dispatchers is A-#1. If the town combined services, the people of this town will be short-changed. Our services are better than any other in this County.

Mayor Van Pelt stated that the town has a responsibility to the taxpayers to explore possibilities. Chief Flatt agreed.

Chief Flatt stated that he realizes the newspapers can misquote people. Chief Flatt feels the PBA has a good contract. They've been handled fairly but they do not appreciate seeing in the newspaper that their contract is out of wack.

Alfred Johnson, Grand Bay Harbor, stated the Foresythe Refuge volunteers have been cleaning up the garbage that's accumulated by the condos. Mr. Johnson is requesting the town to pick up the collected trash. Mayor Van Pelt stated he would have the town pick up the collected trash.

Mr. Johnson also reported that Mr. Lachowicz bought a slip and has not received the title.

Township Attorney McGuckin stated there is a legal issue with respect to a lien claim of the condo association. The Township Attorney and Mr. Johnson discussed the legal issues.

Joe Randazzo, Greenbriar Oceanaire, asked for an explanation of the structure of the budget. Mr. Randazzo also asked the Committee for a composite from 2002-2008, showing the variance and major contributing factors. Greenbriar grows 11-12% per year and has minimal infrastructure needs.

Mayor Van Pelt stated he will present the budget information at Greenbriar Oceanaire Men's meeting on May 15th and at the next township meeting.

Adam Mogul, State Delegate Local 371, discussed the comments in the newspaper about the Police pensions, health insurance and cutting dispatchers. Police and fire have contributed 8.5% towards pensions. Police Officers are not the problem. The police department came up with the savings of \$100K for the health insurance, not the township. We have worked with the township and are underpaid. An arbitrator ruled in favor of the police department and gave us a 4% increase each year plus \$1,000. The dispatchers do an outstanding job. You did not support the police department or the dispatchers in the newspaper.

Mayor Van Pelt stated he made several supportive statements that supported the police department. They were not printed. The pension issue is not the police department's fault. The town has to look at costs. Recurring expenses have to match recurring revenues. The municipalities' expenses will not match the revenues. When it comes down to putting that number out to the voters, and it doesn't pass, there's going to be a problem.

Adam Mogul stated the Mayor should give the police department an apology.

Ann Johnson, Grand Bay Harbor, stated if the paper didn't report the Mayor correctly, the Mayor should correct them.

Shawn Denning, 145 Morey Place Road, stated people read the paper and it instantly plugs into their minds that the cops are wrong. Waretown is considered a gauntlet. People coming from Atlantic City get off at Waretown and take Route 9 so they don't crash on the parkway. They always get stopped in Waretown. We write a lot of tickets. Then residents read in the paper that people are losing their jobs, the economy is inside out and it's the cops' fault. If you read the newspapers or watch the news, the state police say they aren't going to any towns and the towns they go to, they're not going there for free anymore. You know the numbers for County Dispatch and that's why we still have in-house dispatch. How does that still get in the newspaper on how the township will save money?

Mayor Van Pelt stated he cannot change people's mindsets. The town has a responsibility to look under every single rock to try and streamline government. I would not be doing my job if I did not do that. I don't know what the numbers are going to be.

Mayor Van Pelt stated I will not discuss the police department anymore in terms of dollars and cents unless I get a question from the general public.

Motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

OPEN SESSION

Deputy Mayor Kraft left during Closed Session due to a discussion regarding a litigation matter where he had a conflict of interest.

Motion to open meeting was moved by Committeeman Reilly, seconded by Mayor Van Pelt. Roll Call: Reilly: Yes, Van Pelt: Yes.

ADJOURNMENT:

Motion to adjourn meeting was moved by Committeeman Reilly, seconded by Mayor Van Pelt. Roll Call: Reilly: Yes, Van Pelt: Yes.

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date