

MEETING MINUTES

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING
September 10, 2009**

ROLL CALL: LACHAWIEC X REILLY X KRAFT 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 two newspapers, 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:

Approval of the Meeting Minutes of:

Deputy Mayor Reilly will be moving out of Waretown in the next several weeks and stepping down from the Township Committee sometime in the near future. Deputy Mayor Reilly feels very uncomfortable leaving the town without discussing comments made in the minutes of August 13, 2009.

Deputy Mayor Reilly stated he served on the Redevelopment Agency and Township Committee for the past 2+ years and is not going to leave this town with minutes inferring that Deputy Mayor Reilly had participated in things that were illegal, dishonest or corrupt. A representative of the township was always in attendance at those meetings for the express purpose of making sure that nothing inappropriate transpired. Deputy Mayor Reilly only attended meetings on township property and never coached, advised or assisted a developer in prepping for meetings. Deputy Mayor Reilly is confident in his performance as a member of the Redevelopment Agency.

Committeeman Lachawiec thanked Deputy Mayor Reilly for the clarification and appreciates his comments.

Workshop and Regular Business Meeting August 13, 2009

Motion of approval moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

Ordinance

Ordinance 2009-10 – First Reading – Title Only

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, amending and supplementing Chapters 2.96, Public Records and Chapter 2-19.2 Charges for Freon Certification of the General Ordinances

A motion of approval for first reading Ordinance No. 2009-10 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

RESOLUTION NO. 2009-270: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$481,511.68

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

- 2009-271** Resolution authorizing the release of performance bond for Section 6 and replacing same with performance bond for Section 6, A, B, & C for Greenbriar Oceanaire
- 2009-272** Resolution authorizing the Township Clerk to go out to bid for one Emergency Medical Vehicle as per detailed specifications that will be available through the Township Website and Township Clerk's office
- 2009-273** Resolution authorizing refund of overpayment of taxes in the amount of \$1,769.89 for block 239, Lot 39.06
- 2009-274** Resolution appointing Eleanor Dehler and Elaine Mulcahy to the Senior Advisory Commission for the year 2009
- 2009-275** Resolution authorizing the Director of the Division of Local Government Services to approve the insertion of a special item of revenue in the budget for the 2009 budget in the sum of \$2,088.43 from the alcohol Education Rehabilitation Enforcement Fund
- 2009-276** Resolution authorizing the Township of Ocean to have a procurement card at Walmart for the year 2009
- 2009-277** Resolution authorizing house vendor account as not to disrupt the day to day working of the municipality with a limit of \$100.00 per approved purchase order
- 2009-279** Resolution recognizing August as National Immunization Awareness Month
- 2009-280** Resolution recognizing that the Department of Homeland Security, in connection with the Ready Campaign and Citizen Corps, has designated September as National Preparedness Month across America
- 2009-281** Resolution supporting Ocean County in their license application with the FCC for a set of new frequencies for the Ocean County Public Safety Radio System utilized by emergency responders that has been plagued by ongoing interference from digital television
- 2009-282** Resolution authorizing the receipt of bids for the Sands Point Park, Phase IIB Project
- 2009-283** Resolution appointing Elena Bruno as a regular member of the Township of Ocean's Recreation Commission term expiring 12/31/2013

Resolution 2009-278 was pulled agenda.

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-271 through Resolution 2009-277 and Resolution 2009-279 through Resolution 2009-283:

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

RESOLUTION 2009-284: authorizing the Township Committee to retire into Executive Session for the purpose of discussing personnel, public safety, contractual, and litigation - PURPOSE: Township Attorney McGuckin stated he has a litigation matter, personnel matter and contractual matter.

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

Motion to approve for Membership Application of Ken Koziol, 70 Adriatic, Waretown, NJ 08758 to the New Jersey State Firemen's Association.

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

Motion of Approval for use of the Community Center:

1. Pebble Beach Homeowner Assoc – October 14, 2009
2. Girl Scouts/Brownies – Thurs. – Sept, 2009 – June 2010
3. Jolene Fonseca – September 26, 2009 & October 10, 2009
4. Recreation Cheerleading – August 18 & 20, 2009
5. Lord of Lords Bible Comm. Church – Sun. Sept 2009 – June 2010
6. Republican Club Sub Group – September 29, 2009

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

Motion to Approve Tax Collector's Report

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

Motion to Approve Utility Collector's Report

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

Motion to Approve Finance Report

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

PUBLIC COMMENT:

Motion to open to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

Michele Rosen, 29 Bradley Beach Way, requested resolutions be posted before they are voted on.

Mayor Kraft requested the Township Clerk post the resolutions on the website a few days before the meeting, if it is not costly to do so.

Ms. Rosen stated most people leave at the Executive Session. Two resolutions were passed following the last Executive Session. One resolution was appointing Mr. Corronado as Special Counsel representing the Township Committee, Redevelopment Committee and Land Use Board in the matter involving Ocean Properties North.

Township Attorney McGuckin stated Mr. Corronado is representing the Township, Governing Body, and Redevelopment Agency.

Ms. Rosen stated the Land Use Board is a defendant. Ms. Rosen inquired if Township Attorney McGuckin officially recused himself in writing from the matter.

Township Attorney McGuckin has not recused himself. The Governing Body requested Mr. Corronado take over the case. As a result, the files are being transferred to Mr. Corronado to handle the matter.

Ms. Rosen inquired why the township requested Mr. Corronado take over the case.

Township Attorney McGuckin stated it is an attorney-client privilege discussion between the Governing Body and their attorney.

Ms. Rosen stated the second resolution was a settlement agreement with Jack Layton and inquired what the amount and terms of the settlement was.

Township Attorney McGuckin stated the resolution indicates Mr. Layton will receive health benefits through September 30, 2009.

Ms. Rosen stated she has an e-mail from the township stating Mr. Layton's termination date was May 27, 2009 and the reason for termination was resignation. The next step is to offer the employee COBRA. The town does not have the authority to extend health benefits under the town's code.

Township Attorney McGuckin stated that is why the town passed a resolution authorizing it. If a resolution was not passed, the town would not have done it.

Ms. Rosen inquired if Mr. Layton received any more in payment beyond the accumulated sick time up to 85 days and his current year's vacation time plus five days from last year.

Township Attorney McGuckin stated Ms. Rosen has been given the information as to exactly what he received, from the CFO's office, through Mrs. Ambrosio.

Ms. Rosen stated she has not gotten that information.

Township Attorney McGuckin stated Ms. Rosen is entitled to know the amount of checks paid to Mr. Layton and what they were for. That information was compiled in the beginning of June and is available. There was no additional payment.

Ms. Rosen requested Mr. Lachawiec explain how an energy audit would be performed on a solar project, as he mentioned in last month's meeting.

Mr. Lachawiec stated he was looking to see if the solar project would meet the town's requirements in terms of income and revenue. Mr. Mosca reported at that meeting that there would be an audit.

Ms. Rosen inquired if there is a contract.

Township Attorney McGuckin stated there is no contract.

Ms. Rosen stated the township does not own the landfill.

Township Attorney McGuckin stated there are substantial portions of land, which some people classify as the landfill, that are owned by the Township of Ocean. There are other portions owned by the County. A substantial portion of the lined section will eventually be owned by the State of New Jersey in accordance with the court settlement and agreement that was executed. The landfill is a larger piece than just the piece the township holds a tax lien on.

Ms. Rosen discussed contamination of the water in Toms River from an unlined landfill. Ms. Rosen discussed and inferred the Archdiocese property may be contaminated due to a report that she had. Ms. Rosen inquired if the town soil test the unlined portion and area surrounding the landfill to determine whether there was leachate in the soil?

Mayor Kraft stated leachate is the byproduct of rain that washes through and catches in a pond which gets pumped out. How can leachate, which is a wet, liquid product, make its way seven miles airborne and land on the Archdiocese of Trenton property. That would be pretty amazing. There is a post closure plan that includes money to monitor the wells that give indication if there are plumes or not. There has been no indication of any plumes.

Harry Dering, 15 Dock Avenue, discussed he is tired of listening to Ms. Rosen. Ms. Rosen does not speak for Mr. Dering. Mr. Dering is a taxpayer and will speak for himself. Ms. Rosen is here for a political reason and that is it. Ms. Rosen does not talk for Mr. Dering as a taxpayer. Mr. Dering has lived in Waretown for 16 years and has come to township meetings for many years. It's time for the newspapers to listen to the taxpayers in this town and not Ms. Rosen. Ms. Rosen is not a taxpayer in this town.

Motion to close to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

Mayor Kraft stated 20 years ago he served 10 years on the Rotary Board of Directors, which lead him to the Township Committee. Michele Rosen has no problem throwing half-truths out there and then back tracks and says, "I'm not an expert". The newspapers report Ms. Rosen's accusations and everyone looks at the Mayor as doing something wrong. Michele Rosen is a gadfly. Michele Rosen has cost the town \$50,000 to \$75,000 in employee salaries, employee benefits with the processing of OPRA requests.

Michele Rosen shouted out from her seat to the Mayor.

Mayor Kraft requested that Ms. Rosen be removed from the meeting room.

Deputy Mayor Reilly stated this is a fine town, run by fine people. The Township Committee appreciates all comments and continued support. Thank you.

RECESS/CLOSED SESSION:

Motion to recess and move into closed session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

OPEN SESSION:

Motion to move from closed session into open session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

RESOLUTION NO. 2009-285: Authorizing appointment of Kyle Flatt as part-time Special Class II Police Officer of the Township of Ocean.

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

RESOLUTION NO. 2009-286: Authorizing the Mayor and Township Clerk to execute a Separation Agreement between the Township of Ocean and Ken Mosca, Township Administrator.

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

RESOLUTION NO. 2009-287: Authorizing the sale of property known as Lot 10.163, Block 220 by the Township of Ocean to the highest bidder in accordance with the provisions of N.J.S.A. 40A:12-13.

A motion of approval was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Lachawiec: Abstain, Reilly: Yes, Kraft: Yes

MOTION OF AUTHORIZATION for the Governing Body to advertise for public auction of they property.

A motion of approval was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

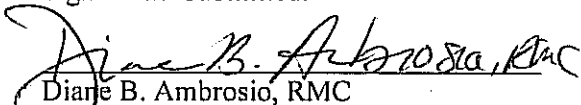
Roll Call: Lachawiec: Abstain, Reilly: Yes, Kraft: Yes

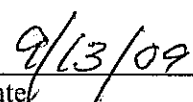
ADJOURNMENT:

Motion to adjourn meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Signed and Submitted:


Diane B. Ambrosio, RMC
Township Clerk


Date