

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING January 22, 2009

FLAG SALUTE:

ROLL CALL: VAN PELT Absent 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 January 2, 2009 and January 8, 2009

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

Roll Call: 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

- 2009-92 Resolution Authorizing the advertisement for request for proposal for the Waretown, Town Center, Redevelopment Plan
- 2009-93 Resolution appointing Berry, Sahradnick, Kotzas, Riordan & Benson as Utility Attorney for the year 2009 as solicited through a Fair and Open Process
- 2009-94 Resolution authorizing the Mayor to execute Amendatory Agreements for the County of Ocean Schedule C in the amount of \$50,000.00 for the year 2009.
- 2009-95 Resolution authorizing the return of escrow money to Sora Holdings, LLC in the amount of \$7,500
- 2009-96 Resolution authorizing a payment to support the New Jersey State League of Municipalities' challenge to COAH's revised third round rules and requesting that the Governor direct the Attorney General to cease its defense on behalf of the State of New Jersey of the various challenges to COAH's revised third round rules presently pending before the Appellate Division of the New Jersey Superior Court

- 2009-97** Resolution approving the renewal application to BE Waretown, LLC for the year July 1, 2008 – June 30, 2009.
- 2009-98** A Resolution authorizing disposal of surplus property of the Township of Ocean, County of Ocean, State of New Jersey shall be conducted through GovDeals pursuant to their State Contract
- 2009-99** A Resolution authorizing appraisals to be done by Rick Hall MAI, CRE and Henry Mancini, MAI, SCGREA for the Shoreline Management Development and Realty property
- 2009-100** A Resolution authorizing the Township Tax Assessor or the Township Attorney as agent in filing Petitions of Appeal/Complaints to the Ocean County Tax Board

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-92 through Resolution 2009-100

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

Motion of Approval for Raffle License for Lanoka Harbor School PTA on March 7, 2009 at Wells Mills Park.

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

Motion of Approval for Raffle License for Waretown Volunteer Fire Company #1 for May 17, 2009, Founder's Day Night of Cash at Lighthouse Tavern.

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

Motion of Approval for Raffle License for Ocean Township PTA on March 7, 2009 Chinese Auction at Waretown Elementary School.

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

Motion of Approval for Canvassers Permit for Reta L. Dib, Touchdown Tommy's Ice Cream truck for the year 2009.

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

Motion of Approval for use of the Community Center:

- 1. Maureen Barte, March 1, 2009**
- 2. John & Lori Pawlowski, February 1, 2009**
- 3. Joan Finn/Tony Wilcenski, January 23, 2009**

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

ACCEPTANCE OF THE TAX COLLECTOR'S REPORT

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

ACCEPTANCE OF THE UTILITY COLLECTOR'S REPORT

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

Roll Call: Reilly: Yes, Kraft: Yes.

Mayor Kraft stated the town received a notification for the Division of Traffic Operations of the DOT. At the town center, where the police are directing traffic, the town had a 28-day notice that construction was going to start on the traffic light. The proposed start date of the new traffic pattern should be Tuesday, February 10, 2009.

PUBLIC COMMENT:

A motion to open to the public was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Reilly: Yes, Kraft: Yes.

Al Dockerty, Lakeside Square Barber Shop. Mr. Dockerty stated Laurie Clune, Zoning Officer, told him his open/close and another neon sign have to come down. The problem with Lakeside Square is they are 120 feet off of Route 9. Mrs. Clune told him if it is not removed by February 6th, he will get a ticket and a fine. Mr. Dockerty stated he did not think it was fair. He has been there 12 years. The neon signs help the businesses on Route 9. Mr. & Mrs. Dockerty counted 50 neon signs from the beginning to the end of Waretown on Route 9.

Mayor Kraft stated the town needs to find common ground with the business owners. The signs have gotten out of control. Sometimes the ordinances are tough to interpret exactly what the intent of the ordinance is. The ordinance provides for a certain amount of that type of signage. There are instances where the whole window is outlined with neon.

Mr. Dockerty inquired if he was going to still have to pay a fine if he does not take it down by February 6th.

Township Attorney McGuckin stated the Zoning Officer would have to issue the summons for the fine to be issued. The Mayor will try to set up a meeting with some of the business owners before February 6th.

Township Administrator Mosca stated business owners should contact Mrs. Clune and let her know you understand what the township is trying to do. Over the years, business owners want to do well, and it is difficult to interpret what these sign ordinances mean. Sometimes, businesses will open, then later change their signage to something that is not consistent with the ordinance. The town wants to work with the business owner. Tell the town what you would like to do. You have to respond. In some cases, business owners threw Mrs. Clune out of their business. That is not a good thing. Business owners can be somewhat surprised that the town was there, but the town is here to work with you.

Mr. Dockerty stated he has been there 12 years. He can just put a paper sign up there.

Township Administrator Mosca stated you can't put a paper sign up. It's not just certain signs. It's the coverage of your windows. You were given a copy of the ordinance. A lot of it is for your safety. The Police Dept. drives up and down Route 9 at night – you might be closed, you might not be closed. Maybe they can see something going on in there. It is not just the open/close signs. It's about the paper put up in the windows.

Mr. Dockerty stated those little tiny signs mean a lot to him.

Township Administrator Mosca stated that's part of the town wanting to work with you. The town wants the businesses to be successful. The town employees patronize the businesses in town.

Monster Subs Owner stated the outline of his window has been there for years. It was there when he bought the business. Now all of a sudden, the law has come out.

Deputy Mayor Reilly stated the law has been in existence, just not enforced.

Mr. McGuckin stated more and more people have complained.

Monster Subs Owner stated when he first opened he bought a \$150 banner – “Coming Soon”. He got a permit to keep it up for a week. Wawa has banners constantly, for their specials. They don't get permits and the town does nothing about it. When election time comes, there's signs all over the place and there is no permit for them. There are also real estate signs.

Township Administrator Mosca stated elections signs are governed differently. The real estate signs are being pulled up. The town doesn't want them. The town does not want to kill any business. You are going about things in the right way. You got a permit for your banner. That's great.

Monster Subs owner stated the town should have told him a year ago about the neon restrictions. He would have thought twice about opening a shop in Waretown. The Shop Rite letters are big lighted letters. The Monster Subs sign is a little, gray, sandblasted sign that cost \$1,800.

Township Administrator Mosca stated Shop Rite is in the town center.

Deputy Mayor Reilly stated the signs in the town center are carefully planned.

Monster Subs owner stated Dunkin Donuts has a lighted sign. It is not fair. Half the small businesses will be out in a year.

Township Administrator Mosca stated the Township Committee has made it clear that the town is going to work with everybody. It happened over a period of time. More and more people are noticing it. The town is getting more and more complaints.

Mayor Kraft stated the town is here to stand with you, not in front of you.

Township Administrator Mosca stated we will address the neon. You have to look at the whole picture. Look at the other things in the windows (ie. pictures, menus, etc.) Call Mrs. Clune to let her know you are interested in talking about this.

Susan Wakner, Black Eyed Susan Florist in Lakeside Square. Ms. Wakner stated February 7th is when Mrs. Clune indicated the businesses will be getting summonses. That is one week before Valentine's Day. Black Eyed Susans has a neon florist sign 36" x 10".

Township Administrator Mosca suggested they call Mrs. Clune and let her know you are interested on the issues as a whole. Don't get stuck on a particular sign.

Township Attorney McGuckin stated when the Zoning Officer goes out on issues like this, the policy of the town is for her to write the summons. The town doesn't have to give a warning or notice. This is to get business owners in to discuss their needs and see what can be done for the business to comply. If it does not get resolved on the 6th or the 7th, and it gets resolved on the 13th or 14th, that is not going to be a

problem. The Zoning Officer has held off on issues like this, in the past, to achieve a compromise on both sides. If no one contacts her, she may very well issue a summons.

Mayor Kraft inquired if the town could poll each business and get a couple of dates available.

Township Administrator Mosca stated it is being done now. The Township Committee is speaking to them this evening. The town wants to work with you. Work with the ordinance.

Mr. McGuckin stated the fine is \$50. The purpose is to try to comply. The town will try to recognize the needs of the businesses - in your case, the location of where the stores are. Without the dialogue, the town cannot proceed with that.

Ralph Avellino, 10 Central Avenue. Mr. Avellino stated the sign at the town center is governed by Redevelopment, not by the township's signage laws. Everyone has to distinguish between the town center signs and the other signs. None of the signs in town center conform to the township sign ordinances.

Mayor Kraft stated that is why it is important to maintain consistency. Mayor Kraft regrets approving some of the backlit signs in town center. This has to do with complaints. A lot of it had to do with new businesses opening in town and aggressive signage. All of those signs were taken down. The town has to find common ground with the business owners.

Rocco Orlando, 180 Brigantine Blvd., inquired the status of the 2008 audit report. Is it completed and can he review it?

Township Administrator Mosca stated the 2008 audit report will not be done for months. 2007 is complete and can be reviewed. The town is in the process of closing the books now. The auditors come in after a certain period of time. The town is working on the budget document now. The 2008 budget should be completed in May.

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

RECESS/ADJOURNMENT:

Motion to adjourn meeting was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.
Roll Call: Reilly: Yes, Kraft: Yes.

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date