

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING May 27, 2010

ROLL CALL: WETTER X TREDY X LACHAWIEC 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 Press of Atlantic City 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.

FLAG SALUTE

Mayor Lachawiec stated in 2008 Congress passed a law, signed by the President, permitting veterans to salute the flag while in civilian clothes.

Meeting Minutes

Approval of the Minutes for the Workshop and Regular Business Meeting April 8, 2010
Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

RESOLUTION NO. 2010-206 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$191,835.73

Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: 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

- 2010-207 Resolution authorizing an increase in the 2010 Temporary Operating Budget in the amount of \$799,000.00
- 2010-208 Resolution authorizing Mary Ann Carricarte as a fill in Court Recorder for the year 2010
- 2010-209 Resolution designating the Township's representatives for mediation purposes with the Council on Affordable Housing

- 2010-210 Resolution authorizing the appointment of Rich Fuchs to the Municipal Alliance for the year 2010**
- 2010-211 Resolution authorizing the discharge of fireworks in the Township of Ocean on May 29, 2010 with a rain date of May 30, 2010**
- 2010-212 Resolution establishing premium only 125 Plan with opt-out for the Township of Ocean**

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2010-207 through Resolution 2010-212

Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

RESOLUTION 2010-213: authorizing the Township Committee to retire into Executive Session for the purpose of discussing: Personnel and contract.

Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Motion of Approval for use of the Community Center:

- 1. Lydia Todd – June 12, 2010**
- 2. Regular Republican Club, Township of Ocean – October 23, 24, 30, 31, 2010**

Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Motion of Approval for use of the Waretown Memorial Recreation Park

- 1. Lord of Lords Bible Community Church – June 13, 2010**

Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Committee Reports:

Committeewoman – Tina Wetter

- Historical Society

A program for the Historical Society, Singing Workers American Occupational Folksong, will be Sunday June 6, 2010 at the Little Red School House Museum.

- Recreation

The Farmer's Market has been moved to Indian Plaza at 304 Route 9. The market will be 12p-5p, June 2, 2010 through October.

- Town Wide Clean Up Day – June 18 & 19, 2010

A list of acceptable items is available in the back of the room tonight and in the Clerk's office. Proof of residency is required. Township employees will be assisting residents unload their vehicles.

- 2010 US Census

Committeewoman Wetter read a Certificate of Recognition for Diane Ambrosio, from the Board of Chosen Freeholders, supporting the Ocean County Complete Count in the 2010 US Census, which has succeeded the participation levels in most state averages.

Deputy Mayor Tredy stated the Board of Chosen Freeholders thanked Diane Ambrosio for a job well done.

Mayor Lachawiec stated Freeholder Joe Vicari requested Ms. Ambrosio. The Township of Ocean, Freeholders and citizens of the United States appreciate Ms. Ambrosio's hard work.

Deputy Mayor – Dennis F. Tredy

- Single-Stream Recycling

The town is initiating single-stream recycling effective June 1, 2010. Previously paper was separated from co-mingled. The new procedure makes it easier for residents and will increase recycling. The more the town recycles, the less the Township has to pay in tipping fees at the landfill.

- Sands Point Park

Sands Point Park bathroom facilities are almost complete. The park is scheduled to be open the weekend of July 4, 2010, including the boat ramp. Matt Ambrosio, Buildings and Grounds Dept., requested a flag pole be installed at the park. Deputy Mayor Tredy requested the Township Committee think of ways to fund the flagpole.

- Discussion of Citizen Advisory Committee regarding the expansion of the Township Committee

A few days ago, Deputy Mayor Tredy requested Township Attorney McGuckin draft a resolution, creating a committee to discuss and examine the potential expansion of the Township of Ocean Committee. The resolution should indicate the criteria of what the Township Committee is asking of the Citizen Advisory Committee and the type of members (no personal or political agendas). The Township Committee will be given copies of the resolution to review for discussion.

Mayor – Joseph Lachawiec

- Solar Landfill Project

There was a newspaper article reporting a stalling of the solar farm project at the landfill. Mayor Lachawiec stated there is not a stalling. The town needs to complete eight items of the Pinelands Commission in order to apply for the permit. The last item is a search for threatened and endangered species, which the town hired various herpetologists and botanists to do the studies. The town is proceeding with this project. Once the issues are completed and presented to the Pinelands Commission, they will examine the project and issue permits. Township Administrator Breeden and Mayor Lachawiec attended a Pinelands Commission meeting on May 17, 2010, where the Commission promised to put together principles regarding solar usage in the Pinelands.

Township Administrator Breeden stated it is obvious the Pinelands Commission is working diligently to incorporate solar fields, wind turbines and other sources of renewable energy within the Pinelands without compromising the integrity of the natural resources. The town feels confident the Pinelands Commission is heading in the right direction.

Mayor Lachawiec stated the town does not have an ordinance for solar energy and wind systems. Mayor Lachawiec visited the wind turbine in Ocean Gate. It generates 50,000 watts. The town cannot put wind turbines where people live as they are very noisy. A sample ordinance from Hillsborough was presented to the Township Committee. Township Attorney James Gluck will be preparing the paperwork to establish a wind turbine.

- Discussion of Dredging

Last year, Mayor Lachawiec and Tom Leaming, Leaming's Marina, took soundings of the seven or eight inlets throughout the town's shoreline. The entrances to Barnegat Beach inlet and Beacon Drive inlet were the most clogged. The town will assist homeowners and homeowner associations with obtaining permits to accomplish the drainage. The town does not pay for the dredging. The homeowners will contract to remove the sand and place it at the town's dewatering point at the end of Crystal Point. The sand and vegetation is put through a machine that separates the vegetation from the pure clean sand. The sand is put around the lake and the vegetation goes to a farmer who uses it for fertilizer.

- Founder's Days Events

Saturday, May 29, 2010 is Founder's Day. Activities will start at 9:00am. Mayor Lachawiec will lead the pet parade starting at Albert Music Hall, with the Civil War Calvary Unit marching in front of the pet parade. There will be a variety of animals in the pet parade. There will be a chili cook-off with five participants. After Founder's Day at 2:00pm, the Shop Rite Dixieland band will be at the northwest corner of Memorial Drive and Route 9. At approximately 9:00pm at the end of Bryant Road will be fireworks. The fireworks rain date will be Sunday at approximately 9:00pm.

- NJ Natural Gas

Mayor Lachawiec stated in the state of New Jersey there are four gas companies. NJ Natural Gas services Waretown. Each town is permitted to grant a franchise to allow the gas companies to lay pipes, bring service to the houses and install mains down the streets to transport natural gas from one town to another. Past administrations have approved fifty-year franchises. Last year the town requested a meeting with NJNG to discuss renewing the fifty-year franchise and a franchise fee. NJNG declined to meet with the town. In September 2009, the Township of Ocean approved a one-year franchise rather than a fifty-year franchise. The gas company filed an order with the Board of Public Utilities. The rate council accused the Township of Ocean of holding NJ Natural Gas hostage. NJ Natural Gas has requested a twenty year franchise. The state of New Jersey held back \$160,000 of energy relief funds for the town and suspended the law that requires all taxes for utilities to be returned to each town. By suspending that law, the town has the right to ask NJ Natural Gas to make up the difference.

- 2.5% CAP on Annual Property Tax Increases

Mayor Lachawiec stated the Township Committee received a sample resolution from the Governor, supporting the Governor's proposal to place a 2.5% CAP on annual property tax increases. The Township Committee will be discussing this issue before the next meeting.

- Grants

Mayor Lachawiec stated on March 28, 2010, the town will be applying for a grant from the Federal Emergency Management Association for assistance to Firefighters. The town is applying for a new pumper truck that will replace two old trucks and a tanker trailer.

Mayor Lachawiec is seeking support on the Energy Efficient Block Grant Rebate Program before August 1, 2010. The grant is awarded up to \$20,000 from the NJ BPU Clean Energy Program.

The town will be applying for the COPS grant, which will fund 50% of total cost of implementing placement of metal detectors, locks, lighting and other deterrent measures.

The town received information from the DEP regarding the lake and stream restoration loan program. The Waretown Lake was dredged last year. The fish were transported to Lacey Lakes. Mayor Lachawiec would like the Waretown Lake to have NJ native fish, which can include blue-spotted sunfish, banded sunfish, mud sunfish, shiners.

PUBLIC COMMENT:

Motion to open to the public was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy. Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Vince Anepete, 85 Clearwater Drive, inquired why public waterways are not maintained by the town like roadways.

Township Attorney McGuckin stated about 5-8 years ago there were discussions between the residents and the Township on how to improve waterways. At that time, the Governing Body determined to assist but not incur the entire cost. The Township pursued permitting and provided the land for dewatering. Individual communities were responsible for the cost of the dredging. That is the way it has been done for a number of years. Before this arrangement the Township did not take any roll in the dredging.

Michele Rosen, 29 Bradley Beach Way, corrected Mayor Lachawiec's pronunciation of Freeholder Vicari's name. Ms. Rosen inquired if Resolution 2010-131, Driving While Intoxicated Program, was amended. The Resolution authorized the Mayor to enter into and execute the Sherriff's Agreement for the 9-11 program, which was prior. Technically the Mayor is not authorized to sign it. An amendment has to be done to correct it.

Township Attorney McGuckin stated he is not sure it has to be amended. The body of the resolution is the most important part. The intention of the resolution is the Township will be participating in the project.

Ms. Rosen stated Mayor Lachawiec stated earlier that several items will be discussed over the next week. Ms. Rosen inquired what the items were.

Mayor Lachawiec gives proposed items to the Township Clerk, who sends copies to the Township Committee. The items are discussed at the next meeting.

Ms. Rosen inquired if workshop sessions are going to be terminated.

Mayor Lachawiec stated the Township Committee is experimenting with that.

Township Administrator Breeden stated there is no question that workshops have merit and value. However, tonight's resolutions are routine, therefore, there was no need for a workshop. In the future if there is a topic that has considerable history, is complex in nature or warrants a workshop, there will be a workshop. The Township Committee is looking at different meeting formats to deliver an effective message in a timely fashion.

Ms. Rosen corrected Mayor Lachawiec's list of Chili Cook Off entrants by stating the fifth entrant is the Barnegat Nursing Home.

Ms. Rosen inquired why the ordinance, introduced two weeks ago on the CAP extension, is not on the agenda tonight for second reading.

Township Administrator Breeden stated the second reading was June 10, 2010.

Ms. Rosen requested a copy of tonight's revised agenda with the two added resolutions.

Township Clerk Ambrosio stated there are printed agendas in the back of the meeting room.

Louis Grom, 580 Route 9, McKay's Buy Rite Liquors, stated in order to start Buy Rite's liquor-license transfer to the River of Life Church across the street, Mr. Grom needs to start advertising now. Mr. Grom inquired if he may start advertising immediately.

Township Attorney McGuckin suggested Mr. Grom and he meet tomorrow, May 28, 2010 at 2:00pm.

Mayor Lachawiec stated the Planning Board received an application from Mr. Baba, who purchased the River of Life Church. Mr. Baba and Mr. Grom are in a partnership to move the Buy Rite Liquors to the Church. The resolution is scheduled to be approved by the Planning Board June 3, 2010.

Jacqueline Petrosilli, 11 Vessel Road, inquired why there are discussions to increase the number of Township Committee members.

Township Administrator Breeden stated no decision has been made yet. There has been talk about increasing the size of the Township Committee. Deputy Mayor Tredy is initiating a formal discussion to determine if that is what the community wants.

Martin Mygrant, 12 Stevenson Street, thanked the Township Committee for working with the School Board to reduce the school budget.

Mayor Lachawiec stated the school board made their own cuts prior to placing the budget on the ballot.

Township Administrator Breeden stated when the budget was defeated the Township Committee and the School Board worked together. A determination was made to decrease the budget by a \$132,000. As a result of that reduction, the tax rate stayed the same. There was no tax increase.

Mr. Mygrant inquired what the Township is doing to reduce the budget of the Township. The Building Department is bringing in less than half of the \$800,000 in revenues they used to bring in but yet the staff has increased instead of decreased.

Township Administrator Breeden stated the 2010 Budget was introduced with no tax increase and is \$368,000 less than the 2009 Budget. The Township Committee was successful in reducing the overall budget. More people move into the town every day. The town has been able to maintain the quality of service being delivered to the community. The Township Committee took a hard look at the budget. The directive from the Township Committee was no tax increase but maintain level of service the residents expect from the town.

Mr. Mygrant inquired if the Township is using any of the MUA surplus.

Township Administrator Breeden stated when the MUA was dissolved in 2007, surplus came from the MUA to the Township. That surplus was placed in various capital funds in the budget. The Township is utilizing operating surplus from the Water & Sewer Department, not from the MUA.

Mr. Mygrant stated as part of the abolition of the MUA, the surplus that was in the MUA was not to be used for Township purposes. It was only to be used for MUA.

Township Administrator Breeden stated it was to be used for water and sewer infrastructure improvements. That is what it is being used for.

Mr. Mygrant inquired if the Township is using any of the MUA surplus in its general fund.

Township Administrator Breeden stated when the MUA was dissolved, that surplus was placed in various capital improvement funds. As the Water & Sewer Department operates on an annual basis, surplus has been generated. That is operating surplus. Operating surplus is being used in the current fund of the Township to offset any tax.

Mr. Mygrant inquired if the original surplus, not used for operating, is being used for the Township.

Township Administrator Breeden stated it is being used for infrastructure improvement.

Ralph Avellino, 10 Central Avenue, recommends the Township Committee reappoint Township Administrator Breeden. Mr. Breeden seems to know the town and looks like a winner.

Eileen Doyle, 243 11th Street, stated Ocean County Transportation implied that the trip from Waretown to the Ocean County Mall was greater than 20 miles and could not be offered to the residents. Ms. Doyle submitted a Mapquest printout showing it is 16.48 miles. From Town Hall to K-Mart is 9.68 miles. That is a difference of 6.8 miles.

The Township Committee will submit the information to Ocean County Transportation.

Ms. Doyle will try to petition and submit it to the Freeholders, to add more trips to the Ocean County Mall.

Michele Rosen, 29 Bradley Beach Way, requested Township Administrator Breeden repeat the dollar amount difference, previously stated, between the 2009 and 2010 adopted budget.

Township Administrator Breeden stated the overall municipal budget for 2010 is \$368,000 less than the final 2009 municipal budget.

Ms. Rosen stated the final budget includes the \$540,000 added in for Sands Point and \$16,000 for a grant. Ms. Rosen discussed the budget that was adopted, not the final budget. This year's tax levy is up \$200,000. There is no tax increase this year due to the town using almost \$600,000 from the utilities. The town should think about reducing the water and sewer charge.

Robert Kraft, 28 Bay Parkway, stated the town had a dredge permit for five years and inquired why the town would not reapply to dredge five or six lagoons instead of two lagoons.

Mayor Lachawiec stated the two lagoons were in the worst condition. The other lagoons seemed to be okay. At Grand Bay Harbor, the boats come in and out with ease. Mayor Lachawiec requested the Township Engineers look into a blanket dredging permit.

Mr. Kraft suggested the town dredge five or six lagoons. It is probably not a lot more money than dredging two lagoons. Beacon lagoon was never on the list. Beacon lagoon is on the list now and should be as it is in bad shape. The town has only provided land for movement of the material. The residents of the Homeowners Associations take care of the actual dredge.

Township Administrator Breeden stated the permitting process for dredging is quite extensive and expensive. Many towns are challenged in finding a spoil site. A lot of communities cannot dredge due to no spoil site. The Township of Ocean has a spoil site. That saves a lot of money. The Township is doing a tremendous job facilitating the dredging process and covering a considerable amount of costs.

Mr. Kraft stated the town does not own the lagoons or the land under the lagoons. There is a lot of risk in dredging. If too much is dredged it may cause a bulkhead to collapse.

Spencer Hondros, 65 Pennsylvania Avenue, inquired if the Waterways Committee is going to continue.

Township Attorney McGuckin stated the town had an informal Waterways Committee that met periodically over the years.

Mr. Hondros inquired if the Waterways Committee will be setting up meetings.

Mayor Lachawiec stated yes.

Deputy Mayor Tredy stated the different Homeowners Associations are trying to form a conglomerate so they can communicate with each other. Many of the Homeowners Associations are on the waterfront and should engage the marinas.

Mayor Lachawiec stated Deputy Mayor Tredy is the liaison for the Homeowners Associations and Mayor Lachawiec is the liaison for the marinas.

Deputy Mayor Tredy will communicate with the different organizations.'

Motion to close to the public was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

RECESS/EXECUTIVE SESSION

Motion to recess and move into Executive Session was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Open to Public Meeting

Motion to open meeting was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Township Attorney McGuckin stated based on Executive Session discussions there are two items for action.

Resolution 2010-214 authorizing Township Clerk to re-advertise public sale of boat slip at Block 220, Lot 10 awarded to the highest bidder with a minimum bid of \$14,000 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Abstain

Resolution 2010-215 approving release of Executive Session meeting minutes for public review, including years 2000, 2001, 2002, 2003, 2004, 2005 and the following months for 2006: 1/12/2006, 2/7/2006, 3/9/2006, 5/11/2006. The minutes have not been approved by the current Governing Body as they were not members of the Governing Body during the years listed above.

Motion to approve moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes.

Township Attorney McGuckin has provided redacted copies to the Township Clerk for public release.

ADJOURNMENT:

Motion to adjourn was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date