

# MEETING MINUTES

## TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING September 11, 2014

### Call to Order

ROLL CALL: LACHAWIEC   X   WETTER   X   TREDY   X  

### Flag Salute

**STATEMENT:** Pursuant to the provisions of the New Jersey Open Public Meeting Act, adequate notice of this meeting was properly provided by sending a copy of the Notice of Meeting to two newspapers, The Asbury Park Press and the Press of Atlantic City. The Notice was posted at the office of the Township Clerk

### Committee Reports

Mayor – Dennis F. Tredy

Thirteen (13) years ago on this very day, foreign terrorists used commercial airlines as weapons of mass destruction and as a result killed over 3,000 people. It is important as a nation that we pause to remember and reflect upon the events of September 11, 2001. While a sad day in America's history, it is also a day in which the country united in order to forcefully respond to those who wish to do us harm.

This attack on the homeland fundamentally changed the way the nation viewed terrorism, which included enhancing the ability of law enforcement and public safety agencies to manage terror threats. It became abundantly clear after 9/11 that law enforcement, fire departments and first aid squads had to be properly trained and equipped to handle a wide range of emergencies and disasters.

By far local government is the most responsive and accountable level of government, as it has a direct and major impact on the daily lives of its citizens. As clearly demonstrated by Superstorm Sandy, it is municipal government that must care for and respond to all types of disasters. Days after Sandy, it was the Township taking care of the wellbeing of the community and not the county, state or federal governments. In order to have a successful response, resources must be made available to our first responders and Township employees so they can effectively perform their work.

On the agenda this evening are bond ordinances that provide necessary resources to our public safety agencies along with maintaining a superior quality of life in Waretown. These ordinances strike a delicate balance between fiscal responsibility and furnishing needed resources required to keep Waretown clean, safe, enjoyable and affordable.

As an active member of the Waretown Volunteer Fire Company, I see firsthand how committed our volunteer first responders are and will fully support the adoption of these bond ordinances this evening, as they will enhance the quality of life in Waretown along with improving the ability of our public safety agencies with responding to the needs of the community. Thank you.

**Deputy Mayor – Tina Wetter**

All of us remember where we were and what we were doing when we discovered about the tragic events of September 11, 2001. It is impossible to forget the video of the mighty Twin Towers in New York City collapsing or the commercial airplane flying into the Pentagon. These are images that as a nation we should never forget is proof that evil is willing, able and capable of attacking the United States.

A lesson learned from that fateful day 13 years ago was that our first responders must be fully equipped and have the necessary resources required to properly and safely respond to emergency situations. As stated previously many times, I fully support our hard working volunteer public safety agencies along with the dedicated Township workforce, thus I will be voting with a loud and resounding yes tonight on the bond ordinances that provide much needed equipment for those who protect the wellbeing of Waretown. Thank you.

**Committeeman – Joseph Lachawiec**

Committeeman Lachawiec inquired about Resolution 2014-290 and if the Township will have two K9 handlers.

Mayor Tredy discussed yes the Township will have two K9 handlers.

Committeeman Lachawiec inquired if Resolutions 2014-286, 287 and 288 are restricted revenue and appropriation accounts and cannot be used for anything but what is in these resolutions.

Township Administrator Breeden discussed yes, that is correct.

Committeeman Lachawiec discussed the Montclair Road water/sewer contract amendment for the Township Engineer, increasing the amount. If the increase is due to problems resulting from the contractor, the contractor should pay for it.

Committeeman Lachawiec discussed amending bond Ordinances 2014-06 and 2014-07 to read Township of Ocean. It reads Township of Barnegat in the first paragraph. This is the second reading. The first reading should be amended.

Township Attorney McGuckin discussed the Township will amend the language. The title and body of the ordinance is correct, except one provision where it mentions Barnegat. It is a simple amendment voted on before the public hearing.

Committeeman Lachawiec inquired why the Township is spending \$925,000, which was borrowed for Volunteer Way, on other projects. The Township needs Volunteer Way. The Planning Board approved 144 apartments next to Shop Rite, 40 units next to Buy Rite Liquor Store and George Mackres proposed 300 units on Volunteer Way. The reason for the Town Center and Volunteer Way was to bring people into the Township. If these units are ever built, and there is an evacuation, the Township will have 500 cars trying to go west at the corner of Route 9 and Wells Mills Road. It will be a mess for the Police Department. The other projects may be good things to use the money for. If the Township is going to borrow money on capital projects, then borrow it for the individual items needed and not for other items. The Township still owes the bonds on Volunteer Way.

Committeeman Lachawiec inquired why the Deputy Fire Chief needs a \$45,000 Fire Command Vehicle.

Mayor Tredy discussed in the past 90 days, Committeeman Lachawiec has been to Town Hall twice. Tonight is one of the times. The last time was also a meeting. If Committeeman Lachawiec had been to Town Hall and read all the paperwork, he would have a better understanding of how the Township operates.

Committeeman Lachawiec discussed he asked Township Administrator Breeden to meet and explain it to him but he never returned the call. This ad hominem attack is saying it is Joe Lachawiec's fault the Township is spending \$925,000 because he wasn't at Town Hall. The Township should have workshop meetings.

Mayor Tredy discussed it is not Committeeman Lachawiec's fault the Township is spending any money, it's Committeeman Lachawiec's fault that he doesn't understand why.

### **Administrator Report**

**Administrator – David Breeden**

Resolutions 2014-286, 287 and 288 are considered to be Chapter 159 revenue insertions into the adopted budget. After the adoption of the budget, the Township has secured various grants. One is for \$190,000, which is a Department of Transportation grant for the paving of a municipal street, \$18,720 for clean communities and \$1,800 for alcohol education rehabilitation enforcement. These monies can only be used for purposes designated and outlined by the grant. When the Township submits the appropriate work to the state, the state reviews it to make sure the Township has complied with the grant requirements. This does not increase the tax rate. The Township is simply inserting grants into the budget as required by the state of New Jersey.

Resolution 2014-290 authorizes the appointment of a K9 handler. This will be the second K9 officer for the Township of Ocean. K9 operations are an essential element of law enforcement. With the well-publicized drug epidemic in Ocean County, the Township feels a second K9 will be beneficial to the Police Department with enforcing drug laws.

Resolution 2014-294 appointing two part-time dispatchers. Part-time employees do not receive benefits, health care or pension and get paid for only actual time worked.

Resolution 2014-295 appointing a full-time administrative secretary to the Utilities Department to replace a vacancy.

Resolution 2014-296 awarding an amendment to the Township Engineer for additional services required for water/sewer improvement work on Montclair Road. The Township experienced considerable difficulty with this particular contractor. As a result, the Township increased the inspection of the contractor by approximately 190 hours. The Township is considering legal action against the contractor for recovery of certain costs associated with extra work, as a result of what the Township considered neglect on the part of the contractor.

Township Attorney McGuckin discussed there is money secured for the debt.

Township Administrator Breeden discussed the Township was faced with a dilemma, where two occurrences within a short period of time, in which the water system in the Pebble Beach area was compromised. The Township had to put out boil water advisory notices. It was in the best interest of the residents of Waretown and Barnegat that the inspection hours were increased to make sure the work was being done properly and to avoid future boil water advisories. There were no further incidents. The Township will be pursuing any and all legal options to recover any costs associated with this extra work.

Ordinance 2014-6 and 2014-7 are both amendments to bond ordinances. The combined value of these two ordinances is \$970,000. The Township is amending an existing ordinance in 2007 for Volunteer Way. The construction cost of Volunteer Way is \$5-6 million. When the Town Center was adopted many years ago, the intent was for a Master Developer to cover the costs of constructing Volunteer Way. At this time, the Township does not have the financial resources to construct Volunteer Way. The Township has submitted two applications over two years for a TIGER Grant, which is a transportation grant from the Federal Government. Unfortunately, the Township has not been successful in securing that grant. The Township did try to persuade Excelon, the nuclear power operator, to fund Volunteer Way. Excelon declined. From an emergency management perspective, Volunteer Way offers no real additional evacuation potential for the Township of Ocean, as Volunteer Way will exit onto Wells Mills Road, which would be another bottleneck at that location.

Ordinance 2014-6 Bond Ordinance amendment for \$925,000. Breakdown is as follows: \$300,000 for recreation improvements consisting of reconstruction and rehabilitation of recreational facilities including tennis courts, basketball courts, athletic fields and playgrounds. \$150,000 for three (3) all-wheel drive SUV police vehicles including any and all equipment needed to place the vehicle into service. \$150,000 for one large dump truck including salting unit and plow. \$150,000 for stormwater management improvement. As a result of the heavy rainfall in August, the Township received 40 complaints regarding drainage in the Skippers Cove and Pebble Beach area. The Township needs to aggressively address those drainage issues. \$50,000 for police communication equipment including a state mandated recorder. \$50,000 for rehabilitation of the municipal fleet, extending the useful life of the fleet beyond five years.

\$50,000 for municipal facility and public building upgrades including interior renovations to the Police Department. \$50,000 for safety equipment. \$25,000 for upgrades to the information technology infrastructure computers, hardware and software.

Ordinance 2014-7 Bond Ordinance for \$45,000 to replace the Deputy Chief Fire Truck.

2012–2013 Annual Debt Statement

In 2012 the net debt was \$12,317,578 for Township operations only, not including water/sewer or school. In 2013 the net debt was \$12,037,276, a decrease of approximately \$280,000. State law provides detailed regulations and guidelines with respect to how much a municipality can borrow. The Township can borrow 3.5% of the net equalized value over a three-year period. The Township is borrowing approximately 25% of its borrowing power.

Water/sewer debt has been increasing. The Township has been using NJ Environmental Infrastructure Trust (NJEIT) financing, which provides principle forgiveness and no interest/low interest loans. This is the most fiscally responsible way to perform work that is long overdue and much needed.

**PUBLIC PORTION:**

**Motion to open Public Comment** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

Eileen Doyle, 243 11<sup>th</sup> Street, inquired if the lake road has been repaired when it was washed out from the last storm and where did the money come from to repair it.

Mayor Tredy discussed the Department of Public Works repaired the road.

Mrs. Doyle inquired if she should contact the County to report the holes at Locheal Creek and 11<sup>th</sup> Street.

Mayor Tredy discussed the County has already started working on the repairs on the east side.

Township Administrator Breeden discussed the Township has been looking at that site since Hurricane Sandy. It is the County's responsibility to repair. The Township has reached out to the County several times to report the needed repairs. The Ocean County Utilities Authority has a station directly adjacent to the site.

Mrs. Doyle discussed she will call the County to push them to complete the repairs.

**Motion to close Public Comment** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Approval of the Meeting Minutes** dated June 12, 2014 and July 10, 2014

Motion to Approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Approval of the Meeting Minutes** dated July 21, 2014

Motion to Approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**RESOLUTION 2014-285 - Payment of Claims** – as presented to the Township Committee for payment thereof in the amount of \$4,047,936.00

Motion to Approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Ordinance 2014- 6 – Second Reading – Public Hearing**

ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES HERETOFORE PROVIDED FOR VARIOUS MUNICIPAL CAPITAL IMPROVEMENT PROJECTS FOR THE TOWNSHIP TOTALING \$925,000, AND REAPPROPRIATING SUCH FUNDED APPROPRIATION BALANCE FOR VARIOUS MUNICIPAL CAPITAL IMPROVEMENTS AND TO REAPPROPRIATE THE SUM OF \$925,000 TO PAY THE COST THEREFORE

**Motion to amend Ordinance 2014-6 in the first portion of the introductory paragraph where it states the Township Committee of the Township of Barnegat and replace with the Township Committee of the Township of Ocean** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

Township Attorney McGuckin discussed that is a minor modification to the ordinance and is not a substantial change. There is no reason not to move forward with the ordinance.

**Motion to open Public Hearing** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

No public comment.

**Motion to close Public Hearing** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Motion to approve Ordinance 2014-06** was moved by Deputy Mayor Wetter, seconded by Mayor Tredy.

Roll Call: Lachawiec: No, Wetter: Yes, Tredy: Yes

**Ordinance 2014- 7 – Second Reading – Public Hearing**

Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, canceling certain funded appropriation balances heretofore provided for various municipal capital improvement projects for the Township totaling \$45,000, and reappropriating such funded appropriation balance for various municipal capital improvements and to reappropriate the sum of \$45,000 to pay the cost therefore

**Motion to amend Ordinance 2014-7 in the first portion of the introductory paragraph where it states the Township Committee of the Township of Barnegat and replace with the Township Committee of the Township of Ocean** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Motion to open Public Hearing** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

No public comment.

**Motion to close Public Hearing** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Motion to approve Ordinance 2014-07** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**ORDINANCE NO. 2014-8 – First Reading – Title Only**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 61 OF THE CODIFIED ORDINANCES OF THE TOWNSHIP OF OCEAN**

**Motion to approve Ordinance 2014-08** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

- 2014-286 Resolution authorizing the insertion of a special item of revenue the New Jersey Department of Transportation Municipal Aid Program in the amount of \$190,000
- 2014-287 Resolution authorizing the insertion of a special item of revenue the Solid Waste Administration Clean Communities in the amount of \$18,720.69
- 2014-288 Resolution authorizing the insertion of a special item of revenue the Alcohol Education Rehabilitation Enforcement Fund in the amount of \$1,831.48
- 2014-289 Resolution authorizing the Mayor and Township Clerk to execute a retirement and separation agreement between the Township of Ocean and Corporal Edward Vanderbilt
- 2014-290 Resolution authorizing the appointment of a Canine Handler/Officer
- 2014-291 Resolution authorizing a change in the budget year 2014 and to revenue the Municipal Alliance in the amount of \$24,036.00
- 2014-292 Resolution authorizing the refund to Mr. James Lloyd who is a totally disabled Veteran in the amount of \$1,061.70
- 2014-293 Resolution authorizing the appointment of Michael DeCicco to the Board of Adjustment
- 2014-294 Resolution authorizing the appointment of two part-time dispatchers
- 2014-295 Resolution authorizing the appointment of Administrative Secretary Utilities Department
- 2014-296 Resolution authorizing contract amendment of Township Engineer, James M. Oris for Montclair Road Water and Sewer Improvements
- 2014-297 Resolution authorizing the release of a lot grading cash bond for Lennar Greenbriar Oceanaire, Section 4, Phase A

**Motion to approve Resolutions 2014-286 through 2014-297** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.  
Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

**Motion to approve: the below listed dates in 2014 for the use of the Community Center and Waretown Memorial Recreation Park:**

1. Cathy Rohowyj – September 27, 2014
2. Sarah Wicks – October 19, 2014
3. Girl Scout Troop 451 – 1<sup>st</sup> & 3<sup>rd</sup> Thursday
4. Anthony Morici - Soccer Shots – Toumey Park
5. Barnegat Bay Assembly of God – August 24, 2014
6. Nancy Matthews – August 31, 2014

**Motion to approve** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.  
Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

***Next Meeting – October 9, 2014 at 6:30 pm***

**Adjournment**

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

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

Signed and Submitted:

\_\_\_\_\_  
Diane B. Ambrosio, RMC  
Municipal Clerk

\_\_\_\_\_  
Date