

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING:
March 13, 2008**

MEETING MINUTES

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.

FLAG SALUTE

RESOLUTION 2008 – 147 - Appointing Matthew M. Quinn, Full Time Patrol Officer.

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

SWEARING IN OF OFFICER

Mayor Van Pelt swore in Matthew M. Quinn. Chief of Police Kenneth Flatt stated Matthew started with the Police Dept. in July 2007 as a Special Class II Officer. He went through a training period and did a nice job. I am very proud of him.

MEETING MINUTES:

MOTION OF APPROVAL OF THE MEETING MINUTES OF FEBRUARY 28, 2008.

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

ORDINANCES:

ORDINANCE 2008-02 (Second Reading – Public Hearing)

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey Authorizing certain Amendments to the Township's Economic Redevelopment Plan.

Ordinance 2008-02 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

Deputy Mayor Kraft stepped down from the Committee and the Diaz.

Mayor Van Pelt stated this is a Redevelopment Plan on a parcel of property on Route 9 referred to as Ocean Commons. It is South of the church on the Western side of Route 9.

Steve Blaton, Gilmore Monahan, stated he represents the applicant. Mr. Blaton thanked the Township. There was a lot of time, effort and money invested in the application. The applicant has done whatever was suggested. The applicant and I appreciate your assistance and guidance and hope that you will act favorably on the application.

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

A motion of Denial of Ordinance 2008-02 was moved by Committeeman Reilly, seconded by Mayor Van Pelt. Roll Call: Reilly: Aye, Van Pelt: Aye.

A motion to open to the public was moved by Committeeman Reilly, seconded by Mayor Van Pelt. Roll Call: Reilly: Aye, Van Pelt: Aye.

Linda Kraft stated she was here 14 months ago. For 14 months she has seen the developer work with you, Mr. Mayor and Mr. Reilly, listen to your suggestions and he came to you with a blank slate. I heard your suggestions at the first meeting and I believed from your actions, when you voted to approve.

Mayor Van Pelt stated to move to the plan to the Planning Board.

Mrs. Kraft stated you supported the project. Nothing has changed since then. This project does meet our affordable housing. Is that not true?

Mayor Van Pelt stated, "Yet to be determined".

Mrs. Kraft stated "but it can't go any further at this point?"

Mayor Van Pelt stated "correct".

Mrs. Kraft stated there are people in this town who would be happy to have an option to be able to stay in this town. This would be a perfect place for them to live.

Mayor Van Pelt disagreed with that statement.

Mrs. Kraft stated it was fine through all the development meetings up until the last few days.

Mayor Van Pelt stated it was more than the last few days.

Mrs. Kraft asked "Is it well within reason for this Committee to have a developer work for 14 months, follow all your directions, go to your workshops with your professionals, spend money and in the 11th hour? I hope any future developers that comes to this town never has to deal with the incompetence that I see right now.

Mr. Gharibian stated he is dumbfounded. I came to you 14 months ago. I personally visited your office. I had a partner with me. Mr. Gharibian stated that during the meeting he told Mayor Van Pelt that "we have this property we have in mind"

Mayor Van Pelt stated you don't have the property. Let's get that clear. You do not own the property.

Mr. Gharibian repeated "we have this property in mind"

Mayor Van Pelt asked Mr. Gharibian if he owned the property.

Mr. Gharibian stated we have a contract on the property.

Mayor Van Pelt asked Mr. Gharibian if he owned the property.

Mr. Gharibian stated we have a contract.

Mayor Van Pelt asked Mr. Gharibian if he owned the property. Mayor Van Pelt stated it's a simple question.

Mr. Gharibian stated we have contract purchase.

Township Attorney McGuckin stated he is the contract purchaser. Township Attorney McGuckin stated he has a contract to own the property.

Mayor Van Pelt stated, for the record, and asked the Township Attorney "does he own the property?"

Township Attorney McGuckin stated "No".

Mr. Gharibian stated he asked the Mayor at that meeting if he wanted me to develop the property and Mayor Van Pelt stated he would love to. The Mayor stated the conceptual was not going to fly. Mr. Gharibian stated he met with the Mayor again and the Mayor stated that he needed to meet with our professionals. He came to this board four times and met with your professionals seven times at seven different locations. You were offered whatever you wanted. You are the boss, you have the final say.

Mayor Van Pelt stated he is not the boss and he does not have the final say.

Mr. Gharibian stated you run the town Mr. Mayor.

Mayor Van Pelt stated I do not run the town. I am a member of the Township Committee that represents the community.

Mr. Gharibian stated that is my opinion. Mr. Gharibian stated he went through so many motions. When it came to August, he had to slow down. Mr. Gharibian stated he didn't do anything until December until the election was over. Mr. Gharibian stated he came to the board and showed conceptual, architectural. He made a lot of adjustments. A lot of time and effort went into that. You said at one of the meetings that you would give whatever units you want.

Mayor Van Pelt stated those words never would come out of my mouth. Never would I ever say you can give me as many units as I want. That is simply not true.

Mr. Gharibian stated Mayor Van Pelt stated I don't care how many units you go up in the air.

Mayor Van Pelt corrected Mr. Gharibian and stated Mayor Van Pelt stated the height does not bother me.

Mr. Gharibian stated he came up with a conception, put garages under, came up with a semi-four-story and the units, and you approved it. The Redevelopment Agency approved it and gave us guidelines. He spent a lot of money on this project. He used 100% your input and your professionals input. We are at the final stage. We are ready to submit next week to the Planning Board and at the 11th hour you do this. Whatever you have to say, why couldn't you say it six months ago?

Mayor Van Pelt stated the information he has now, he didn't have then.

Motion to close to the public was moved by Committeeman Reilly, seconded by Mayor Van Pelt. Reilly: Aye, Van Pelt: Aye.

Mayor Van Pelt stated what Mr. Gharibian said is accurate, for the most part. There are a few things in there that are not quite accurate. I spoke with Mr. Gharibian on two occasions. Diane Ambrosio was present on both occasions. I was personally busy during election and could not give my full attention to the project. Mr. Gharibian respected that and I appreciated that. Mr. Gharibian did everything the Township requested of them, from the architecture to the landscaping, to the wastewater management, to the basin, etc. It went to the Planning Board for their review and comment. That night Mayor Van Pelt did not sit on the Planning Board. Mayor Van Pelt sat in the back of the audience. The Chairman knows that I was there.

At that time, the Township did not have any information that was required on the Community Impact Statement, an Ordinance that the Township Committee voted for in 2004, that was adopted August 4, 2004 by a unanimous vote. The

Community Impact Statement required the prospective developer to do a population impact, school impact, facilities impact, service impact, traffic impact, financial impact, historic preservation impact, archeological impact and architectural impact. That information was not provided. Some of those questions would have been answered at the Planning Board. The Township has two members that are intimate with the school on the Planning Board. The Township has some other people who understand the municipality and would ask the obvious questions. Those questions were not asked.

Mayor Van Pelt stated he has taken the time and effort to find the answers to those questions. Regardless of whether the Township brought a project to the eighth inning, the Township still have the authority to deny an ordinance – yes or no.

Township Attorney McGuckin stated the Governing Body always has the authority to vote yes or no on an Ordinance.

Mayor Van Pelt stated he failed himself and this community because of the people who were involved with the project. I didn't have the backbone to protect this municipality because I was worried about what it would mean to somebody. I represent 8,500 people. I cannot support a project that puts 25 units an acre in four stories. If you drive from Lakewood to leaving Ocean County on Route 9, there is not one single project in the entire County that has 25 units per acre. That weighs on my mind. I was criticized personally because the project was put in the town center and it hurt the value of the property. Property that went from 3% impervious coverage to 80% impervious coverage got damaged somehow. I let that go. The original intent of what we are doing in this town center has always been commercial up-front, with apartments up top and potential units in the back. This particular person did not want to do that because he said the commercial could not be rented. The original amount of units this parcel was supposed to be was in the neighborhood of 60 units. That was relayed to the property owner. Then the plan comes back with 116 units. Then it ended up at 105 units.

The Township cannot do it. Regardless of what it costs professional, personally, the seat I sit in now, or the seat I sit in Trenton. I have to do what I feel is right for the municipality. If I hurt people along the way, then so be it. At the end of the day, the only thing that matters to me is how an 11 year old girl looks at me and an 8 year old boy looks at me. That's all that matters to me. All this other stuff means absolutely nothing to me. They're the only things that mean something to me. I still have the authority to make the decision on whether or not I want to support the Ordinance. If you can get 100 people to come in here and tell me that a town of our size is going to support 25 units an acre, then I will change my mind and vote whatever the community feels is best. The problem is it's not just this project. People have tunnel vision and do not look at the whole picture. I meet every day with somebody else that wants to come into this municipality to do a housing project. We need the units. Mrs. Kraft is correct.

We have an obligation by the State to meet COAH requirements. This project is 105 units that generate 21 units of affordable housing. The other 80 would be rental. The only thing we get is it meets the obligation it created. It does nothing to meet the pre-existing 254-unit need. I will not expose this municipality to 25 units an acre because now we've opened the door and every single person that comes in is going to point to that particular project and is going to say, how come that individual got it? When they find out who the players are on that property, I'm done. My reputation is done. It's gone. I've worked too hard to get to where I want to be to let that happen. I've spent the last 10 years coming to this building at 6:00am every day. I have not seen any other Committeemen come into this building for the last 10 years at 6:00 am. I've earned the right to change my mind. I am sorry who it hurts. 8,500 people come first – not 2.

Committeeman Reilly stated he has been on this Committee for a short period of time. I've been involved in this project. There are some admirable and positive things about the project. Of those who have been involved with me, they know that early on one of the concerns I've had and one of the concerns I questioned was the density. The density of the number of people and the number of children that were going to be confined in a relatively small area, with limited access to recreational facilities. The number of units in the property and the amount of space that was left over was rather small. I was concerned about where that would lead several years down the road. I was concerned about where things, such as bicycles and other apparatus were going to be store and how they were going to be stored for the potential upwards of almost 200 young children. I had concerns as to the impact of the school system in a relatively short period of time. Mayor Van Pelt stated the community impact statement is 100 kids. We have 200 kids left that the Waretown schools can support. So one project takes up 50% of that.

Committeeman Reilly stated I had concerns about this project. It is really built around the number of individuals that were going to be in a small area as well as the impact with the number of children as far as recreation is concerned and the impact of the school system. I did express those comments at various times. When it came down to the 11th hour, I really had trouble facing and approving the project really built around the density and really built around the proposal that was before us. For that particular reason, plus other reasons, but that one in particular weighed very heavily on me.

Committeeman Reilly stated that I felt in fairness to the community and in fairness to what that impact would have, the message it might send to future prospective developers who might be looking at something comparable, the fact that this is really the first apartment-type complex that was being built in Waretown of that size and the statement that would send out to future developers. For those reasons, I chose not to support the application.

Committeeman Reilly stated that I feel that the application, under a different configuration under a smaller scope certainly could very well fit into what I perceive the objective of what we are trying to accomplish and the creation of the Town Center, which is really allowing for space and breathing and the ability to set a high standard. The standard I didn't feel was being primarily on the density basis.

Mayor Van Pelt stated that most people, who know me, don't see me get too upset or passionate to often. For the record, some of the things that I've heard over the last few days are Dan Van Pelt is only out for himself. Dan Van Pelt only cares about his legacy. You are 100% right when you say that. I care about my legacy of 10 years of my life that I've poured into this municipality. The notion that an individual would tell people that I owe them. I owe nobody anything. The only thing I owe is to 8,500 people. That's my job. That's what I was elected to do. Anyone out there who thinks that I owe them something because they did something or because I work with them, you're wrong. Mayor Van Pelt stated this parcel is still a vital element in our Town Center. It still has a great deal of value to the Town Center. Whether Mr. Gharibian or anyone else who wants to purchase it, apparently there's some people in this audience who have supported me over the 10 years that might have lost confidence in my ability to lead. That's fine. Then don't deal with me. Deal with Committeeman Reilly. Clearly my judgment is not right on this particular issue. I trust him. He understands what we are trying to achieve here. The bottom line is concerns about public health and safety in a four-story building on Route 9 bothered me. The impact on the school and the infrastructure bothered me. The density bothers me. There is not a single development in any municipality in Ocean County on Route 9 that has this density. Ocean Township has always prided itself on being first in several occasions, but not this kind. Not this time. If the developer wants to sit down with somebody else than me, that's fine. I don't want to sit down with Mr. Gharibian. The project can still be an important piece of the Town Center. It can still provide the community housing opportunities and hopefully, job opportunities. On this particular parcel, my judgment is clouded. I want nothing to do with it. I should have stayed true to myself when it first came up, but I didn't. No one is more disappointed in Dan Van Pelt than Dan Van Pelt. I have to carry that around.

Deputy Mayor Kraft rejoined the Committee at the Diaz.

ORDINANCE 2008-04 – (Second Reading – Public Hearing)

An Ordinance Amending Chapter 18.02 of the Codified Ordinances of the Township of Ocean with Respect to Zoning.

Ordinance No. 2008-04 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye. 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: Aye, Reilly: Aye, Van Pelt: Aye.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-04. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

ORDINANCE 2008-05 – (Second Reading – Public Hearing)

An Ordinance Amending Title 15 Chapter 15.28 entitled “Construction Administration and Enforcement – Fees For Permits”.

Ordinance No. 2008-05 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye. 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: Aye, Reilly: Aye, Van Pelt: Aye.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-05. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

ORDINANCE 2008-06 – (Second Reading – Public Hearing)

An Ordinance Amending an Ordinance amending Chapter 2.96 and Establishing Section 2.96.060 of the codified Ordinances of the Township of Ocean with respect to Fees for copies in the Tax Collectors Office.

Ordinance No. 2008-06 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye. 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: Aye, Reilly: Aye, Van Pelt: Aye.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-06. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

New Ordinances:

ORDINANCE 2008-09 – (First Reading – Title Only)

An Ordinance Amending Ordinance 2005-03 of the Township of Ocean, County of Ocean, State of New Jersey, Amending Section 3, Fees increasing non-resident fee \$20.00.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-09. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

ORDINANCE 2008-10 – (First Reading – Title Only)

An Ordinance of the township Committee of the Township of Ocean establishing a Shade Tree Committee.

A motion of approval was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft to adopt Ordinance No. 2008-10. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

RESOLUTION NO. 2008-135: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,061,586.45.

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

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

Proclamation for Brandon Joseph DaCruz for achieving the rank of Eagle Scout

- 08-136 Authorizing the Chief Financial Officer to utilize banking institutions under the Government Unit Deposit Protection Act.**
- 08-137 Authorizing CMX Engineering to provide engineering services for redesign of existing Dam Structure as required by NJDEP Dam File No.33-26 fees not to exceed \$34,500.**
- 08-138 Authorizing CMX Engineer are hereby authorized to provide engineering services for Volunteer Way Road Widening includes engineering, design and permitting fees not to exceed \$102,000.**
- 08-139 Authorizing CMX Engineering to provide engineering services for Volunteer Way Extension as per NJ DEP request and conduct the Knierskern's Beaked-Rush Study fees not to exceed \$28,900.**

- 08-140** Authorizing Schedule C appropriations for the Ocean County Engineering Department in the amount of \$25,000.
- 08-141** Resolution Authorizing a contract for the installation of Curb and Sidewalk improvements to Old Main Shore Road to Curbcon, Inc. in the amount of \$37,675.00.
- 08-142** Opposing the failure of the Governor's proposed state budget for the 2008-2009 Fiscal Year to Treat.
- 08-143** Resolution as emergent condition has arisen with respect to the 2008 Temporary Operating Budget of the Township of Ocean and no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose, and NJS 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned in the amount of \$471,450.00.
- 08-144** Resolution as an emergent condition has arisen with respect to the 2008 Temporary Sewer Operating Budget and no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose and NJS 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned in the total amount of \$288,000.00.
- 08-145** Resolution as an emergent condition has arisen with respect to the 2008 Temporary Sewer Operating Budget and no adequate provision has been made in the 2008 temporary appropriations for the aforesaid purpose and NJS 40A: 4-20 provides for the creation of an emergency temporary appropriation for the purpose mentioned in the total amount of \$288,000.00.
- 08-146** Authorizing CMX Engineer are hereby authorized to provide engineering services for additional dredging at Hudson Lagoon and disposal of dredge spoils at Crystal Point Peninsula fees based on time and materials not to exceed \$15,400.00.

Township Administrator Mosca reported that **Resolution 2008-137** should be corrected. The correct amount is \$34,500.

Deputy Mayor Kraft asked for the definition of **Resolution 2008-139**, the Beaked-Rush study.

Mayor Van Pelt stated the Dept. of Environmental Protection is requesting additional information. They had been contacted by Federal Fish & Wildlife. This is not a bird. It is a plant. It's on the Federal endangered plant species list. In order to satisfy DEP requirement for Volunteer Way, we unfortunately have to spend \$28,900 to see whether or not the plant exists there.

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2008-135 THROUGH 2008-146:

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

RESOLUTION 2008-148 Authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, real estate and litigation.

Township Attorney McGuckin stated the items for Closed Session are two current matters of litigation and one pending.

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

**MOTION TO APPROVE raffle licenses 04-08 & 05-08, Ocean County YMCA, June 9, 2008
6:00 – 8:00 pm.**

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

MOTION TO APPROVE for annual renewal of licenses for Cannon Taxi – WJMM Transportation Service, LLC

- Taxi Cab License – Joseph Titone
- Taxi Cab Driver's Permit – Jennifer E. Zdaniecki
- Taxi Cab Driver's Permit – Joseph T. Titone
- Taxi Cab Driver's Permit – Frank M. O'Grady
- Taxi Cab Driver's Permit – Rebecca Titone
- Taxi Cab Driver's Permit – Sean Devlin

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

Motion to Approve use of the Community Center:

1. Bonnie E. Fine – April 12, 2008
2. Bill Christie – March 13, 2008
3. Mom's Club of Waretown – 4th Friday of each month – cooking club
4. Mom's Club of Waretown – 1st Monday of each month - meetings
5. Jacob A. Schon – April 6, 2008

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

ACCEPTANCE OF THE TAX COLLECTOR'S REPORT.

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

ACCEPTANCE OF THE CMFO/TREASURER'S REPORT.

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

REPORTS FROM STANDING COMMITTEES:

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

Committeeman Reilly reported on the Town Center. Committeeman Reilly is very pleased with the progress inside the Shop Rite. The sheetrock is up. The freezer units are standing in place. They are moving ahead at a hefty pace. Half the floor is down. Outside most of the sidewalks are done. The trees are in. The lighting is sitting on the ground and should be going up soon. Ocean First Bank's pad is done, the plumbing is in and the lumber is there. The smaller side unit pads will be going up shortly. There's a sign up at Ocean Point for a gourmet Italian delicatessen. There are two or three early-stage applicant's that may be coming to the Redevelopment Commission shortly. There's some restaurants that already exist that will be coming into fruition. The Galley Grill with a change. Once Shop Rite is up and running, I'm sure we will see a lot more activity.

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

Deputy Mayor Kraft read the monthly Police Report. Deputy Mayor Kraft updated the public on recent break-ins. Deputy Mayor Kraft stated that Special Class II Officer Matthew Quinn is a fine young man that comes from a nice family in Lacey Township. He has been in the area his whole life. Hopefully he'll have a good career here. Deputy

Mayor Kraft reported on the new system of recycling paper and junk mail. Deputy Mayor Kraft stated it is not often that we have heated debates here. Obviously, I am the owner of the property that was talked about. I am certainly limited in what I can say. I am not going to talk a lot about it. I still respect the Mayor's opinion. We have a difference of opinion. At the end of the day, someone else is going to decide what is right and wrong.

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

Mayor Van Pelt reported on the Town Center. Committeeman Reilly talked about the physical things you see. I usually talk about the things behind the scenes you don't see. Sometime last week when Mr. McVicar was there, we had an opportunity to sit down with DEP Commissioner Jackson on the Town Center project. I thought the meeting was extremely helpful. I thought the Commissioner was quite surprised and proud of what the Township of Ocean is doing. Clearly her staff wasn't aware of the entire picture. As a result of that, she has assigned a combination of people in various departments to specifically oversee the Township of Ocean's Town Center. That includes road, infrastructure, buildings, and architecture. Mayor Van Pelt stated there is no doubt in his mind that we are going to get consideration in our tree save. You will be able to clear more trees inside the Town Center as well as come up with a series of one or two basins that will handle the storm water run-off. One storm water basin might be four acres. It's going to be a wet basin that will serve as an athletic training course or scenic overview. The Commissioner had a meeting again this week on the Town Center. I have been asked by the Commissioner to meet with her privately. There are some discussions on changing the boundary of the Town Center – to remove parcels from it, which I am going to take a serious look at. Commissioner Jackson has asked that I serve on a special task force for the entire State of New Jersey on Smart Growth and Planning. I would be honored to do that for the State of New Jersey.

PUBLIC COMMENT

A motion to open to the Public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

Mayor Van Pelt stated Wayne McVicar is one of our engineers with the firm of Remington & Vernick. I had some questions over the last few weeks with the dissolution of the MUA and streamlining the administration of the Utilities Department. I've notice the Lacey - Waretown Interconnect, which involves water and sewer. I do not know too much about the project. I do know that it comes with a heavy price tag. I've asked Mr. McVicar to come tonight to present what the project is and what the benefits are.

Wayne McVicar, Remington Vernick stated the project we are talking about is the Water System Interconnect that goes from Waretown to Lacey. It's a twelve-inch pipe water main. It starts on Bay Parkway. Mr. McVicar explained the water pipeline and the interconnection between the towns. He brought picture boards which he used during the presentation. The water main will start on Bay Parkway and will go out to Route 9 on the Eastern shoulder out of the right-of-way through easement and will go across up to the South Branch Marina project (located in Lacey Township) and then back to the existing water main in Lacey at Biscayne Drive. At the two bridges, a proposal to attach the water main to the side of the structure. The length is about 4,850 feet. The cost, at design right now, is \$528,000. If we had to do a directional, which is two waterways that price tag would be \$773,000. The soft costs for engineering is \$43,000, the design is \$20,000, \$38,200 for the contract administration. The design and permitting costs were authorized under the MUA. We anticipate the payment will be shared between Lacey and Waretown – a 50/50 deal for engineering, design, permitting and construction costs. One of the things Mr. Mackie was working on was to get the inter local agreement in place. That agreement is not in place yet.

Mr. McVicar explained that they have started working on their end of the project. Lacey is getting the owner of the South Branch Marina to submit their site plan to the Planning Board to enlarge the water main to the larger size that they require and to bring that water main all the way to the end of his property. He is doing that in exchange for fees. The estimated cost for that property owner doing that is about \$70,000. Mr. McVicar stated that is the cost of the line. He needs an eight-inch line. The utility would require him to put in a twelve-inch. Mr. McVicar stated the Lacey MUA already authorized a water system analysis for \$120,000 in design and investigation fees for this project and other projects as well. The connection fee will be worked out through the inter local agreement.

Deputy Mayor Kraft asked Mr. McVicar what if the developers project never gets off the ground.

Mr. McVicar stated it is his understanding that he has agreed to install the main. He is not going to develop this project at this time, but he will put the main in.

Deputy Mayor Kraft stated “regardless of whether he is going to build or not?”

Mr. McVicar stated that is my understanding.

Committeeman Reilly asked Mr. McVicar what the necessity of doing this.

Mr. McVicar stated to create a regional path work of a water system. We wanted to connect with Barnegat at the Greenbriar tank and there are plans to create a second one at the Route 9 level and at the Patriots Cove project through the rails trail project and make another connection there. That’s the design. With this connection you are networking the water systems from Barnegat through Berkeley. We have two water treatment plants. If one plant goes down then half your capacity is down. This interconnect add more stability to the system as well. By continuing to make improvements to your water system, there are plans for expansions, there’s been discussion of new wells in Pebble Beach.

Mayor Van Pelt asked Mr. McVicar what is the benefit to the Town Center?

Mr. McVicar stated a second source of supply and more. You have four networks and right now there is no protection in the center. With this interconnect you will have all four systems interconnected. You will be able to send water from Berkeley to Barnegat.

Deputy Mayor Kraft asked Mr. McVicar if there is any grant funding available?

Mayor Van Pelt stated there is a low-interest loan through NJEIT, and there is a grant specifically designed for water systems this by the DEP. I can’t remember the name of it. I will find out for you.

Mayor Van Pelt discussed with the Administrator this project. The Administrator will be involved in the inter local agreement discussions for the Township.

Administrator Mosca explained the NJEIT is a low interest loan and not a grant – it is approximately 1.07% interest rate. A prioritization of projects that are being done and the Township Committee and the administrator need to meet as a group and prioritize these items moving forward.

A discussion took place regarding bonds that were prepared for tonight’s meeting that are at an estimated seven million dollars with a down payment of \$310,000. The money would come from the capitol improvement fund. The Administrator will review all of the bonds and information and report back to the Township Committee. There is work that does need to be completed such as updates, upgrades and improvements. The Committee has recommended that the Administrator discuss with Wayne these outstanding projects.

Ken Mosca expressed that a list of project should encompass the entire township including the Utilities Department.

Joseph Titone, Cannon Taxi, discussed running a taxi business out of his home. Mayor Van Pelt suggested that he speak with the Township Administrator about keeping one vehicle at his home at night.

Stan Bystrek, Baltic Avenue, asked what newspaper ordinances are advertised. Township Clerk Ambrosio stated the Asbury Park Press. Mr. Bystrek asked what is 2008-04.

Township Attorney McGuckin stated it is amending the definition of a restaurant.

Mr. Bystrek stated the interconnect puts out drinking water 1,000 feet away from a 40 year old nuclear power plant.

Mayor Van Pelt stated that is the reason why Mr. McVicar is here town. We will sit down with the administrator.

Ralph Avellino, 10 Central Avenue, discussed the Town Center's lighting.

Mayor Van Pelt stated they had to change their lighting because the acorn lighting did not meet the lighting standards.

Mr. Avellino asked about the delay of Sands Point Park by the DEP.

Mayor Van Pelt stated the lease agreement that we signed had to be reviewed by the Feds. Also, Federal Fish & Wildlife wanted the boat ramp constructed first, not second.

Mr. Avellino discussed recycling with the Township Committee. Mr. Avellino discussed the budget with the Township Committee. Mr. Avellino discussed Ordinance No. 2008-02 and the Planning Board. Ralph mentioned at the Planning Board Meeting there were many, many questions asked that night. None of which could be answered and if they had been answered it there may have been a different decision. It is the only chance that the Planning Board would have to question those would be at the site plan. By that time it is too late to close the barn door the horses are out. Thank you.

Joseph Lackowicz, 26 Grand Bay Harbor, the Fish & Wildlife Commission should be responsible for cleaning up the property they purchased in my neighborhood. There's a washing machine, water heater, mattresses and a 40 ft. boom from a crane on that property. Township Administrator Mosca will call Steven Atzert from Fish & Wildlife to have that cleaned up.

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

RECESS

Motion for a two-minute recess was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Aye, Reilly: Aye, Van Pelt: Aye.

CLOSED SESSION

PUBLIC COMMENT

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

No comment from the public.

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

ADJOURNMENT:

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

Signed and Submitted:

Diane B. Ambrosio, RMC

Date