

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING:
September 11, 2008**

FLAG SALUTE:

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.

MEETING MINUTES:

Approval of the Meeting Minutes of August 14, 2008

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

ORDINANCES:

Ordinance 2008-18 (Second Reading – Public Hearing)

Ordinance amending Chapter 2 of the Codified Ordinance section 2.108.330 Work Schedules. The normal workday schedule for full-time employees is 8:30 am to 4:30 pm effective October 1, 2008.

Ordinance No. 2008-18 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Ralph Avellino, 10 Central Avenue inquired if the hours were extended.

Mayor Van Pelt explained that because the hours are stated in an ordinance, the ordinance has to be amended to allow a change in hours of operation.

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

A motion of approval to adopt Ordinance No. 2008-18 was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Ordinance 2008-19 (Second Reading – Public Hearing)

Ordinance of the Township of Ocean, County of Ocean, State of New Jersey for Non-Pinelands Storm water Control Ordinance.

Ordinance No. 2008-19 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

There being no comment, a motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval to adopt Ordinance No. 2008-19 was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Ordinance 2008-20 (Second Reading – Public Hearing)

Ordinance of the Township of Ocean, County of Ocean, State of New Jersey for Pinelands Area Storm water Control Ordinance

Ordinance No. 2008-20 was read title only and opened to the public on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

There being no comment, a motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

A motion of approval to adopt Ordinance No. 2008-20 was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Ordinance 2008-21 (First Reading – Title Only) – Public Hearing Oct. 9, 2008

An Ordinance Amending Ordinance No. 2007-16 and ordinance of The Township of Ocean, county of Ocean, State of new Jersey, Which created and established Chapter 13 of the Code of the Township of Ocean entitled “Water and Sewer Utility Department”, Water and Sewer User Rates

Ordinance No. 2008-21 was read title only and adopted on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Township Administrator Mosca stated the town is keeping pace with the County’s rate increase.

Mayor Van Pelt stated in the past when the County made increases, the town has to keep up, so the town doesn’t have to subsidize.

Ordinance 2008-22 (First Reading – title only)

An Ordinance of the Township of Ocean, County, State of New Jersey establishing additional requirements for proposed Redevelopers presenting plans to the Township Committee acting as the Township’s Redevelopment Entity

Ordinance No. 2008-22 was read title only and adopted on a motion moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

RESOLUTION NO. 2008-258: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,896,925.52.

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

- 2008-259 Resolution accepting two year maintenance bond in the amount \$1,732.05 from MSC Enterprises LLC regarding Block 41, Lot 35.02 regarding Water and Sewer Connections**
- 2008-260 Resolution authorizing release of escrow money held in the name of Mr. Robert Lange, Block 119, Lot 7 in the amount of \$178.31**
- 2008-261 Resolution authorizing method of payment for delinquent water & sewer for Barnegat accounts in the Township of Ocean's Utility Department**
- 2008-262 Resolution authorizing the Mayor to sign the agreement between The State of New Jersey Department of Environmental Protection Natural and Historic Resources regarding the facility located on Dock Road owned by the State of NJ an leased to the Township of Ocean for a grant of \$782,455.00**
- 2008-263 Resolution authorizing the purchase of a truck 2008 Ford Super Duty F450 with snow plow from Warnock Automotive, State Contract #A71029 in the amount of \$52,137.15 as approved with the New Jersey Environmental Infrastructure Financing Program Project #340112-01**
- 2008-264 Resolution opposing senate bill S-1455 requiring certain municipal functions to be assumed by the County**
- 2008-265 Resolution urging New Jersey's congressional representatives to ensure appropriate federal regulatory oversight of electric rates**
- 2008-266 Resolution opposing proposed legislation to enact a state wide beach badge program**
- 2008-267 Resolution urging the New Jersey Legislature to amend the municipal land use law regarding recreation and open space set asides**
- 2008-268 Resolution authorizing the Mayor to sign Community Development Block Grant Funding Approval for project CT-853-08 Main Street Sidewalk in the grant amount of \$55,000**
- 2008-269 Resolution designating the Township's K-9 Patrol Dog and Authorizing the execution of the Updated agreement with Officer Shawn Denning and designate K-9 "Focus" as it's official patrol dog**
- 2008-270 Resolution authorizing the Treasurer to refund an overpayment of taxes due to assessment change to block 34, Lot 10.03 Mark and Cherri Pavuk in the amount of \$1,354.91**
- 2008-271 Resolution appointing West Jersey Air Conditioning and Heating Company for HVAC Preventive Maintenance Agreement for the Community Center in the amount of \$1,648.00 for the contract year October 1, 2008 – September 30, 2009.**
- 2008-272 Resolution authorizing continued services with Delta Dental of New Jersey for the year effective September 1, 2008 through August 31, 2009.**
- 2008-273 Resolution authorizing signature cards for TD Bank, NA (Commerce Bank) for the Township of Ocean Fire Violations**
- 2008-274 Resolution Authorizing the Mayor to sign agreement with Ocean County to erect an Intersection Control Beacon (Flashing Signal) at County Road #10 (Barnegat Beach Drive) and County Road #101 (Seventh Street) electric to be provided by Township.**

2008-275 Resolution authorizing the Mayor to execute the Inter-local Agreement with the Ocean County Prosecutor's office for driving while intoxicated checkpoints the officers will be paid by money secured through a grant from the Ocean County Board of Freeholders and for Police Services – Prosecutor's Program is a traffic safety program

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2008-259 through Resolution 2008-275:

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

Mayor Van Pelt suggested that Resolution 2008-274, flashing signals, be solar powered. The county installed solar power flashing signs at the intersection of Route 72 and Wells Mills Road. Township Administrator Mosca will suggest to the County.

RESOLUTION 2008-276: authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, real estate and litigation - PURPOSE: Township Engineer regarding Greenbriar possible litigation.

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

Motion of approval for Waretown Volunteer Fire Company to hold TV Raffle on November 19, 2008 at 7:30 pm.

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

Motion of approval for Evergreen/Ocean (Girl Scouts) to hold a 50/50 raffle on October 2, 2008 at Camp Amity Acres.

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

Motion of approval for St. Stephen's Episcopal Church to hold a 50/50 raffle at their Autumn Affair on September 20, 2008.

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

Motion of approval for Taxicab license for Joseph T. Titone and Jennifer Zdaniecki.

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

Motion to Approve use of the Community Center:

1. Kellyanne & Ray Stefanelli, October 4, 2008
2. Lorraine Green, October 12, 2008
3. Duck Pond Meeting, December 24, 2008
4. Duck Pond Meeting, Weekly Meetings 2009
5. Waretown First Aid, American Red Cross Blood Drive, September 12, 2008
6. Christine Nardi, December 6, 2008
7. Senior Advisory Committee, Mahjong Club, Tuesday 2009
8. Senior Advisory Committee, Card Club Tuesday 2009
9. Recreation Department, Self Defense, 1st & 3rd Monday 2009
10. Recreation Department, Tap Dance, Friday 2009

11. Recreation Department, Line Dancing, Friday 2009
12. Recreation Department, Exercise, Tuesday 2009
13. Senior Advisory Committee Meetings, 3rd Monday 2009
14. Senior Advisory Committee, Senior Exercise Monday & Thursday 2009
15. AARP, 4th Monday 2009
16. Township of Ocean Regular Republican Organization, 4th Tuesday 2009
17. Brownie Troop #96, September 26 & October 3, 2008
18. Jolene Fonseca, October 25, 2008
19. Julie Roessner, December 7, 2008

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

Motion to Approve use of the Waretown Memorial Recreation Park:

1. Stephen Von Spreckelsen, October 12, 2008

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

ACCEPTANCE OF THE TAX COLLECTOR'S REPORT, THE UTILITY COLLECTOR'S REPORT and THE FINANCE OFFICER'S REPORT

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

Items for Discussion:

- **First Aid submitted letter to meet with Committee re: purchase of new ambulance**

Township Administrator Mosca stated he met with Christy Dunn, Waretown First Aid Squad and discussed third party billing. Christy will meeting with the Board of Trustees in one week and will let the town know.

Mayor Van Pelt stated there was a 2007 grant for an ambulance. It could not be used because the 2005 grant was not closed out.

Township Administrator Mosca reported that Christy Dunn stated she will provide paperwork showing the grant was closed out in 2004.

- **TDR Committee – establishing and members**

Mayor Van Pelt stated the town is being pressed to establish a TDR (Transfer Development Rights) Committee. A public hearing will be in September. It will be a five-member committee. Mayor or Mayor's designee, Helen Henderson-Littoral Society, Stan Slachetka, Don Lippincott-Environmental Commission, Vincent Anepete, Planning Board.

Deputy Mayor Kraft agreed with the member suggestions.

- **Appointing a Deputy Clerk**

Township Administrator Mosca stated it is an interim appointment in the absence of the Township Clerk.

Township Attorney McGuckin stated a Deputy Clerk should be appointed. It is usually another employee. They do not have to be certified. It's just in case the clerk is sick or on vacation and something has to be signed.

Mayor Van Pelt stated he is Deputy Clerk in Lumberton Twp. The administrator can be appointed Deputy Clerk.

Township Administrator Mosca stated the issue is the town needs someone for the 10:00 am meeting tomorrow. This is a temporary appointment until the end of the year and for this meeting.

Mayor Van Pelt inquired if there would be compensation for the title.

Administrator Mosca explained there will be no additional compensation for the title and appointment until the end of the year.

RESOLUTION NO. 2008-277 Appointing Michele Giardino as Deputy Clerk for the Township of Ocean to serve in the absence of the Township Clerk from the date September 11, 2008 to December 31, 2008.

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

- **Inspection Escrows as per Greg McGuckin ltr.**

Executive Session.

- **RFP Meeting – 9/12/08**

Mayor Van Pelt stated there will be a meeting in the town hall meeting room Friday, September 12, 2008 at 10:00 am to discuss the RFP for the Town Center. Six developers have responded and will be in attendance. It's more of an informational session.

REPORTS FROM STANDING COMMITTEES:

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

Deputy Mayor Kraft read the monthly police report and invited Chief Flatt to introduce the new K9, Focus.

Chief Kenneth Flatt stated the K9 is actually a member of the police department and is to be recognized as a police officer. The K9 unit has been with the Township of Ocean for 14 years. Patrolman Denning took over the K9 about 9 years ago. K9 Boy served 5 years, K9 Nitro served after that and now the town has K9 Focus. Chief Flatt places the badge around K9 Focus' neck.

Richard Reilly – Planning & Development – Planning Board, Zoning Board, Buildings & Grounds,

Bulkheads, Docks and Redevelopment Agency

Committeeman Reilly reported a new Plumbing Inspector will be appointed. Mark Ritacco has accepted that appointment. The position is an interlocal agreement with Lacey Township. Both the plumbing and electrical inspectors are being shared with Lacey Township.

The Redevelopment Committee had a preliminary meeting with the applicant called Tradewinds. Tradewinds is looking to build 144 units on the property between the Thirsty Mallard and Birdsall Street. The units will be purchased, they are not rentals or apartments.

Bayfront Marina (Galley Grill) postponed and will be coming in the next meeting or two. Waretown Village Associates has submitted their application. It is retail on Route 532, outside of Greenbriar. A meeting has been set up for later this month.

Six companies responded for the RFP Town Center and will be attending the mandatory pre-submission meeting tomorrow, September 18, 2008 at 10:00am.

The Sands Point project still has a way to go. They may not hit their September 15th completion date.

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

Mayor Van Pelt discussed putting a flashing speed limit sign that snaps pictures of violators on 7th Street. There have been issues with people speeding on 7th Street for the last 10 years.

Township Administrator stated there is a new product that is being put on poles that are solar powered. It doesn't have the flashing lights.

Mayor Van Pelt stated today is 9/11 and recalls on that day the town had a meeting scheduled for the town Center, which was obviously cancelled. Mayor Van Pelt pays his respects to the people who lost their lives on that day. Some of the town's EMS, Fire Volunteers and Police Dept. went there to help.

PUBLIC COMMENT

John Petrosilli, Vessel Road, inquired if there is a township department that inspects the beaches for medical waste or anything that washes up.

Mayor Van Pelt stated historically the homeowners call it in. There is a special county hazardous waste unit that has to be called for that specific type of waste. The police, fire or EMS departments cannot be called to do it. Most of it is private property. If a resident sees something bad in the water, call the police department or township administrator and they will make the call.

Ralph Avellino, 10 Central Avenue, stated the Bayfront Marina should not be called the Galley Grill anymore. They have it all over their building. It's a sore spot. What is the town going to do with this business?

Committeeman Reilly stated he just used that name for identification.

Township Attorney McGuckin stated as the town's investigation continues, there is nothing wrong with the owner putting that sign on the building. They can call themselves whatever they want. It's what their

operations are is what we have to catch. They were prohibited from operating until they received all their proper permits and they did. At that time, they were allowed to reopen. The judge said if you do not get all your permits, you can not reopen. They received their permits. They are allowed to operate indefinitely as a restaurant.

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

RECESS

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

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

RESOLUTION NO. 2008-278 Appointing Mark A. Ritacco as plumbing subcode official for the Township of Ocean. Appointment shall be September 11, 2008 until December 31, 2008 at a salary of \$45,000.

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

ADJOURNMENT:

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

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date