

M E E T I N G M I N U T E S

TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING: October 9, 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 September 25, 2008.

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

Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Abstain.

ORDINANCES:

Ordinance 2008-23 – First Reading – Title Only – second reading/public hearing 11-13-08
Ordinance of the Township of Ocean, County of Ocean, State of New Jersey adopting a new zoning map for the Township.

Ordinance No. 2008-23 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.

Ordinance 2008-21 (Second Reading – Public Hearing)

An Ordinance Amending Ordinance No. 2007-16 an 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 Charges

Ordinance No. 2008-21 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.

Michele Rosen, 29 Bradley Beach Way, asked for an explanation.

Mayor Van Pelt stated this is increasing the sewer rate of a total of 4% for residential and commercial.

Ms. Rosen inquired how this increase affects the money that could not be transferred. When the town did away with the water and sewer authority, there were monies that could not be transferred into the township budget. Where is that money?

Mayor Van Pelt stated that per Local Government and Finance, that money was not allowed to be transferred into the budget. It is in the capital improvement line. It was roughly \$3.1 million.

Ms. Rosen stated prior to public comment, there is an executive session. Does the executive session take place after the agenda, before the public can make any comments?

Mayor Van Pelt stated the Township Committee comments first, then opens to the public. The Township Committee goes into executive session after that and then comes out of executive session. The public is notified if there is going to be any business after the executive session.

Ms. Rosen inquired if it is the policy of the town to not allow the public to comment on the regular agenda before you vote on it. Ms. Rosen stated she was told that the town does not allow the public to comment on matters before the Township Committee votes, leaving all comments until the end.

Mayor Van Pelt stated usually that is the procedure, unless there is a public hearing.

Ms. Rosen stated it is the town's policy that the public is not permitted to comment before the Township Committee takes a vote. Is that correct?

Mayor Van Pelt stated correct.

Township Attorney McGuckin stated unless it is a second reading, a rate hearing or ordinance adoption or continuation of an ordinance.

Stan Bystrek, 101 Baltic Avenue, asked for an explanation of the sewer meter mentioned in the proposed ordinance.

Mr. Cliff Keen, Township of Ocean Utilities Authority, stated sewer is metered by the unit on the dwelling.

Township Attorney McGuckin stated the ordinance refers to a water meter installed as set forth below. The sewer charges are calculated based on the water.

Township Administrator Mosca stated when you amend an ordinance, you have the whole ordinance here. The Township Committee is proposing to amend the sewer rates.

Ralph Avellino, 10 Central Avenue, stated this ordinance has been on the agenda for two months and asked the Township Committee to explain why there is a rate increase.

Mayor Van Pelt stated this is not a money-maker for the town. The county has raised their treatment rates. The town is matching that treatment rate. In the past, when the authority was a separate entity, the authority would use surplus to subsidize the county's increases for treatment. That is not a philosophy the town thinks is beneficial to the taxpayer. The town is simply passing down the county increase to our rate payers here.

Township Administrator Mosca stated the average is \$6.60 a year.

Township Administrator Mosca introduced Cliff M. Keen, Utilities Supervisor.

Vincent Anepete, 85 Clearwater Drive, stated this is just the sewer rate that is going up. In the past it was subsidized and now the town is matching the county increase.

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. 2008-21 was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft.
Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

RESOLUTION NO. 2008-293: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$146,565.71

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

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| Resolution 2008-294 | Resolution of the Township of Ocean, County of Ocean, State of New Jersey, supporting the Board of Chosen Freeholders seeking a requirement of interconnectivity of television systems seeking a statewide franchise or serving Ocean County Municipalities |
| Resolution 2008-295 | Resolution of the Township of Ocean authorizing the release of escrow money held for Block 50.01, Lot 14 in the amount of \$205.92 |

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2008-294 through Resolution 2008-295:

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

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| RESOLUTION 2008-296 | Resolution authorizing the Township Committee to retire into Closed Session (for the purpose of discussing personnel, public safety, contractual, real estate and litigation) - PURPOSE:
Litigation and Real Estate matter. Personnel issue. |
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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 Canvassers and/or Solicitor application for New Jersey Environmental Federation (clean water action) to canvas the Township of Ocean.

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. Yvonne Zaun – Holly Auxiliary of the SOCH Foundation**
- 2. Jane Krychiw – American Sewing Guild**

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

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 UTILITY COLLECTOR'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.

ACCEPTANCE OF THE FINANCE REPORT

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

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 reported on a letter of accommodation for Patrolman Shawn Denning and Matthew Quinn by their superior officer, Sergeant George Thompson. Both of the gentlemen were cited for saving a resident's life, performing CPR and reviving the resident.

October 24th and 25th is the Fire Dept. and Founders Day Committee Haunted Hayride. It's a great event with a lot of participation from youth in our community and from the Founders Day Committee.

On October 26th at 12:45p is the Waretown Volunteer Fire Co. Halloween parade. The lineup is at the Waretown Branch of the Ocean County Library. They march to the firehouse.

Deputy Mayor Kraft reported on the meeting with the Atlantic County Utilities Authority (ACUA). It was a site visit at the landfill. It is a great opportunity for a cost savings on electric bills for every resident in the municipality. There is a potential to have 60-85 acres of solar panels. For every 5 acres, you could generate a megawatt of electricity. A megawatt carries \$575,000 worth of REC's (renewable energy credits).

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

Committeeman Reilly reported that on Tuesday, October 14th, seven candidates will be interviewed to replace Oscar Ridgeway, who retired from the Buildings and Grounds Dept.

The reports and responses for the RFP town center are due at 4:00pm on October 17, 2008. The town is looking forward to seeing what their proposals are for the town center.

A Redevelopment Committee meeting was scheduled for this month. That has been tentatively rescheduled for November 13th at 5:30pm. The project is called Waretown Village Associates. 8 retail stores and three apartments above it.

Sands Point Park - The basketball courts have been striped and fencing is in for the basketball and tennis courts. Most of the grounds work has been done. A final walk-through has been scheduled for October 14th. The town will be ordering a swing set. It will be installed in the next several months. The town received federal funding for the boat ramp. That is all the funding we have anticipated for Phase III, which is the boat ramp and restroom facilities.

The planning board has sent a memo regarding trash pick up and storage regulations as well as parking of commercial vehicles on public and private property. Township Administrator Mosca will start looking into both of those.

There will be mums planted around the Township of Ocean signs.

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

Mayor Van Pelt discussed the grants the town has received, regarding Sands Point Park. The federal grant is a 3 to 1 match, which brings the grant total to over \$900,000. There will probably be more grant money than the cost of the project.

The town might have a charity fundraiser at the new tennis court. Participants would pay an entry fee and if you win, the Mayor will match your fee for charity.

The Township Committee is very sensitive to the economy. The Township Administrator has already laid a foundation for the 2009 budget. The town needs to pay attention to our revenues and expenses.

The deadline for the RFP Town Center is October 17, 2008. The town will see if anyone applies. If not, the town will extend the deadline.

Announcements:

- Redevelopment Meeting Canceled October 23rd – will be rescheduled

PUBLIC COMMENT

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

Ann Delmont, Dock Avenue, discussed the sewer rate increase signs placed at the Wawa.

Michele Rosen, 29 Bradley Beach Way, inquired about the Town Center project. Ms. Rosen inquired if the town received requests for qualifications first. Ms. Rosen inquired if there was a list of the respondents for the request for qualifications.

Mayor Van Pelt stated, yes. The RFP and the RFQ are combined.

Ms. Rosen inquired if the town is going to request for a bid.

Committeeman Reilly stated the town is going to review the responses and from that, select the most qualified.

Ms. Rosen stated the RFP & RFQ's the town picks from may not be the best for the township. Is the town simply using the RFQ to make its decision on who will be able to put together this project?

Committeeman Reilly stated the town will make its decision based upon the proposals that are received.

Ms. Rosen discussed the 1.8 cent increase to the open space tax referendum. Does the town have property that has been considered in terms of applying whatever revenues the town gets?

Mayor Van Pelt stated absolutely. There is a map (Recreation Open Space Inventory map) on the wall that shows all the properties.

A discussion took place regarding the open space tax.

Ms. Rosen inquired the amount received by the Township and where it is allocated to be spent.

The Mayor explained the Township receives approximately 143,000 per year. This money is used for purchasing property and paying down debt on the bonds used to purchase property.

Discussions took place regarding the ballot referendum and the total amount for the open space tax would be three cents.

Lee Eagles, Oceanaire, complimented the committee members and the Township Administrator for their initiative with the ACUA. I would consider this the most exciting thing that could happen here to our community, going forward, with solar energy. I encourage everyone to support this. This could be tremendous savings and it will put Waretown on the map.

John Petrosilli, Vessel Road, inquired if this came to fruition, would the town be disconnected from JCP&L and go with Atlantic City Electric?

Deputy Mayor Kraft stated that is one of the details that would have to be worked out. It is right on the edge of both areas. It will be a combination of transmission with Atlantic County and JCP&L.

Mr. Petrosilli is concerned if this goes through and it doesn't work out, the town will not be able to get electricity from JCP&L.

Vincent Anepete, 85 Clearwater, stated the people giving proposals for the town center are going to have a different vision of how they expect to develop the town center area. Each proposal may be very different.

Mayor Van Pelt stated it is not a bidding process. There is no bidding going on. The town has developers that the town requested their vision for the town center. The developers are going to come to us with a proposal of commercial, housing, the recreation component, etc. The RFP/RFQ is very thorough. The town also asked for financials to protect and make sure that they can get it done. The town will pick a company that shares the vision of the community. There will be site visits on some of the projects they did around the state of New Jersey and even outside the state of New Jersey. The town made it clear to them that the town is looking for renewable energy sources when they present their proposal. The town will have a master developer – one developer that will oversee the entire town center project. That developer can sub-out to other entities.

Mr. Anepete thanked the Township Committee and Township Administrator, Ken Mosca, for bringing the solar energy project to the township.

A discussion took place regarding the landfill solar energy project, who owns the landfill, how many acres are usable and would the taxpayer save money?

Mayor Van Pelt stated the entire site is roughly 230 acres. It is divided into three parcels. 200 acres has already been donated to the state of New Jersey or is in the process of closing from the owner. The landfill encompasses 12 acres and owes roughly \$400,000 in back taxes. The town does not own it. It is still owned by that entity. If the town wants to own it, the town has a position because the town has liens. The town can foreclose on the property at any time. The town has to research the solar project. Then the town will work out the scenario of starting foreclosure proceedings. The town will speak to the NJDEP and make sure everyone understands what we are doing.

Deputy Mayor Kraft stated the experts are going to have to answer some of the questions. There are a couple roadways on the site, some drainage swails, a little pond, etc. The units will be stacked so they get more of the hill slopes. That is the potential of the greatest amount – 12 to 20. There is about 230 total acres. 100 acres is what was deed-restricted and still forested. 130 acres is inside the fence area. There's two big mounds – one landfill that was 12 acres and the big one that was recently capped, which is about 60 acres. Every five acres of panels will generate a megawatt, which generates \$575,000 in REC's (renewable energy credits). There is also the potential to offset resident's electric bills.

Township Administrator Mosca stated that Rick Dovey, President of ACUA has informed them. The township will be able to buy its energy at a much reduced rate and so will the residents. The town does not have to own the property to participate in this project. The ACUA is acting as the township's consultant. There are three entities: The Township of Ocean, the County and the State will all participate.

Deputy Mayor Kraft stated the big picture is it lessens the dependency on foreign oil, pollution.

John Petrosilli, Vessel Road, inquired how the town will notify people regarding the open space.

Mayor Van Pelt stated he is drafting a letter that will go out the 3rd or 4th week in October. Attached to that will be the editorial in the Beacon supporting the ballot question, as well as the one in Barnegat Light. The second will be a copy of the Recreation and Open Space Inventory (ROSI) color map that will show taxpayers the parcels that the town would like to protect.

Michele Rosen, 29 Bradley Beach Way, discussed the Special Regular Caucus Agenda on the Township Calendar including work sessions.

Mayor Van Pelt stated on the Caucus Agenda, the committee discusses the items that are going to take place at the next regular meeting. A work session could be discussed.

Ms. Rosen inquired if the dates are published in the newspaper for the Township Committee meetings in the beginning of the year.

Township Clerk Ambrosio stated yes.

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.

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