

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

TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING: November 13, 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 for the Meeting Minutes of October 9, 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 2008-23 – Second Reading – Public Hearing

Ordinance of the Township of Ocean, County of Ocean, State of New Jersey adopting a new zoning map for the Township of Ocean.

Ordinance No. 2008-23 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.

Mayor Van Pelt explained the zoning starting at the bay. It goes from one acre to two acres to ten acres to twenty acres. The further west you go, the larger the tracts are. Everything west of the Parkway is one house per twenty acres. Everything in an environmental conservation zone, basically east of the parkway but surrounds the town center, is one house per twenty acres. The goal is to put all future development inside the town center and discourage development outside the town center.

Joe Lachowicz, 26 Grand Bay Harbor, inquired when the new zoning maps will be available to the public.

Mayor Van Pelt stated the map will be available on our website. Mr. Lachowicz was given a map.

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. 2008-23 was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft.

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

Ordinance 2008-24 – First Reading – Title Only

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, vacating all right, title and interest which the Township of Ocean may have in portion of Bayberry Drive in accordance with a duly adopted Redevelopment Plan for Block 65, Lot 28.01

Ordinance No. 2008-24 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 2008-25 – First Reading – Title Only

An Ordinance of the Township of Ocean, in the County of Ocean, State of New Jersey, providing for the acquisition of land and related expenses in and for the Township of Ocean and appropriating \$1,600,000.00 therefore, and providing for the issuance of \$1,600,000.00 in bonds or notes of the Township of Ocean to finance same

Ordinance No. 2008-25 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. 2008-297: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,434,480.39 as of October 23, 2008

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

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

RESOLUTION NO. 2008-298: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$920,173.95 as of November 13, 2008

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

- 2008-299** Resolution authorizes the purchase of a Combination Jetting and Vacuum Truck Mounted Utility Maintenance Cleaner in conjunction with the New Jersey Environmental Infrastructure Financing Program Project #340112-01 from Eagle Equipment, Inc, dba Pierce Equipment Company, Somerville, NJ in the amount of \$299,345.00
- 2008-300** Resolution approving BCS Barber Consulting for MIS services for the Township of Ocean Road Department/Utility Department for the period starting 12/1/08 and ending 12/31/09 in the amount of \$3,500.00
- 2008-301** Resolution authorizing the return of the letter of credit posted by MSC Enterprises LLC in the amount of \$95,000.00 regarding Block 57, Lot 13

- 2008-302** Resolution approving the insertion of a special item of revenue in the budget in the amount of \$6,500.00 for the year 2008 which is now available as revenue from Ocean County Office of Emergency Management 966 reimbursement
- 2008-303** Resolution due to the Utility Authority has been disbanded that the bank account in the U.S. Bank under the title of renewal and replacement be closed and all funds added to the appropriate asset accounts.
- 2008-304** Resolution authorizing Richard E. Hall, State Certified Appraiser, to perform an appraisal on Blocks 52.01, 53, 54 – Lots 22, 1, 2, 13 in the amount not to exceed \$6,000.00
- 2008-305** Resolution authorizing the appointment of Daniel L. Filak as Electrical Inspector/Electrical Subcode Official at the annual salary of \$54,810 as part of inter-local agreement with Lacey Township
- 2008-306** Resolution authorizing Stan Slachetka of T&M Associates to prepare the Cycle III, Housing Element and Fair Share Plan as required by New Jersey Council on Affordable Housing in an amount not to exceed \$10,000.00
- 2008-307** Resolution authorizing the Tax Collector to discharge from collecting 2008 taxes from Block 57.15, Lot 35 as the resident is a totally disabled Veteran and exempt from all taxes effective January 1, 2008
- 2008-308** Resolution committing to petition with a Third Round Affordable Housing Plan and to expend Affordable Housing Trust Fund Monies on the Development of a Housing Element and Fair Share Plan for the Township of Ocean
- 2008-309** Resolution in support of Barnegat Bay-Little Egg Harbor Estuary in improving water habitat quality and strategies to address the complex issues facing the estuary will require substantial dedicated state and local funding
- 2008-310** Resolution authorizing payment to Down to Earth Landscaping in Accordance with Engineer's Certification No. 2 for work performed at Sands Point Park, Phase 2A in the amount of \$176,672.44
- 2008-311** Resolution authorizing an Interlocal Services Agreement between the Township of Ocean and the County of Ocean for the FY 2009 State 966 Reimbursement Program in the amount not to exceed \$6,500
- 2008-312** Resolution and Proclamation naming November 2008 as National Family Caregivers Month
- 2008-313** Resolution authorizing the Mayor to sign agreement with CGP&H, LLC to provide professional services for affordable housing services in the total amount of \$8,150.00
- 2008-314** Resolution authorizing Hutchins, Farrell, Meyer & Allison, P.A. to file certain annual information with the Nation Recognized Municipal Securities Information Repositories in the amount not to exceed \$4,000.00
- 2008-315** Resolution authorizing release for a certain performance guarantee for Section 1, Phases E – H installation of certain storm sewer line of the Greenbriar Oceanaire project the US Homes/Lennar Corporation conditioned upon a maintenance bond being posted in the amount of \$281,348.19 as well as a lot grading remedial action escrow account in the amount of \$28,000
- 2008-316** Resolution authorizing release for a certain performance guarantee for Section 2, Phase C storm sewer lines of the Greenbriar Oceanaire project for US Homes/Lennar Corporation conditioned upon the posting of a maintenance bond in the amount of \$215,077.08 with a maintenance escrow fee of \$10, 753.88 as well as posting of a lot grading remedial action escrow account in the amount of \$22,000.00
- 2008-317** Resolution authorizing release for a certain performance guarantee for Section 2, Phase D storm sewer lines of the Greenbriar Oceanaire project for

- US Homes/Lennar Corporation conditioned upon the posting of a maintenance bond in the amount \$101,952.58 as well as a maintenance escrow fee in the amount of \$5,097.63**
- 2008-318** Resolution authorizing release for a certain performance guarantee for Section 2, Phase B storm sewer lines of the Greenbriar Oceanaire project for US Homes/Lennar Corporation conditioned upon the posting of a maintenance bond in the amount of \$126,424.35 as well as a maintenance escrow fee in the amount of \$6,621.22
- 2008-319** Resolution authorizing bond release for a certain performance guarantee for Section 1, Phase A – D storm sewer line of the Greenbriar Oceanaire project for US Homes/Lennar Corporation conditioned upon posting a new performance bond with remaining work required in Section 1A model area in the amount of \$78,913.68 which shall include a performance bond in the amount of \$71,022.31 and cash bond in the amount \$7,891.37 and inspection escrow in the amount of \$3,945.68 and a maintenance bond in the amount of \$439,978.00
- 2008-320** Resolution of the Township of Ocean, County of Ocean, State of New Jersey in support of the Veteran Rental Assistance Initiative
- 2008-321** Resolution of the Township of Ocean, County of Ocean, State of New Jersey in support of S-87 and A-303 to reduce the number of state employees
- 2008-322** Resolution authorizing the Township Clerk to advertise for request for proposals for professional services for the coming year 2009 as per Ordinance 2006-38
- 2008-323** Resolution in opposition to the new state mandated COAH Housing
- 2008-324** Resolution authorizing change order No. 1 for the installation of Curb and Sidewalk Improvements to Old Main Shore Road with Curb Con, Inc. in the amount of \$5,543.60
- 2008-325** Resolution authorizing that the contractor Curb Con, Inc has completed all required installation to this project and authorizes retainage release final payment in the amount of \$3,475.04 a two-year maintenance bond will be posted in the amount of \$32,131.40.
- 2008-326** Resolution authorizing CMX Engineering to advertise and receive bids for Sands Point Park – Phase IIB
- 2008-327** Resolution acknowledging receipt and review of the Annual Report of Audit for the year ended December 31, 2007.
- 2008-328** Resolution appropriation transfers in the amount of \$100,000.00 as stipulated in N.J.S.A. 40A 4-58

Township Administrator Mosca discussed Resolution 2008-299 and thanked the Township Clerk for 12 months of work in the process to secure this truck. The Mayor spent a lot of time on it as well. It was a team effort. The payback will be somewhere in the neighborhood of 1.07%, which is a good rate. This truck will really help us in our stormwater obligations, as mandated by the state of New Jersey. Some people have had drainage issues on their property. This will help us in addressing short term and long term issues.

Mayor Van Pelt stated it is money the town is borrowing at 1.07%. It's something that is desperately needed, especially east of Route 9. It gives us an opportunity to maintain and manage our sewer system and keep water flowing the way it should in the event of hurricanes, etc.

Mayor Van Pelt discussed Resolutions 2008-315 through 2008-319. These bonds are being released and maintenance bonds are being posted. All inspections have been done and signed off on. There should be zero concerns releasing those bonds.

Township Administrator Mosca spoke to Martin Miller, Alaimo Associates, Township Engineer, regarding these resolutions. The total is a little under \$1.4 million. Mr. Miller worked with the engineer retained by the homeowners association. The engineer on behalf of the association has worked with the engineer on behalf of the Township and they are in agreement with what is being released and what is being retained for future maintenance.

Mayor Van Pelt discusses Resolution 2008-309 Barnegat Bay-Little Egg Harbor Estuary. The Barnegat Bay National Estuary Program has asked him to be the spokesperson for the Barnegat Bay.

Resolution 2008-320 and 2008-321 are bills in the Assembly that Mayor Van Pelt supports for Veterans Rental Systems, as well as the resolution that supports decreasing the number of state employees.

Deputy Mayor Kraft discussed Resolution 2008-324. The change order for Curb Con, Inc. is in our favor, with a reduction of \$5,543.00 for the total project.

Committeeman Reilly stated he was working with the township's engineer, the Lennar people and the engineer representing the homeowners association in the initial stages of looking at properties that they want the bonds released on. All three parties had constructive attitudes identifying the issues and putting together a remedial plan.

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2008-299 through Resolution 2008-328:

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

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

RESOLUTION 2008-329 Resolution authorizing the Township Committee to retire into Closed Session (for the purpose of discussing personnel, public safety, contractual, real estate and litigation) - PURPOSE:
Personnel. Action may be taken after closed session.

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 Application for Raffle License for the Pinelands Cultural Historical Preservation Society for the Year 2009 listed all Saturday nights for 50/50 Raffle.

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 Application for Raffle License for the Waretown Volunteer Fire Company for January 24, 2009 – 50/50 and basket raffles.

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. Waretown Democratic Club – October 27, 2008**

2. **Pebble Beach Homeowners/Township of Ocean Police Dept-Dec. 2, 2008**
3. **Mary Newman – January 4, 2009**
4. **Township of Ocean County Committee Republican Mtg – 1st Wed of each month 2009**
5. **Lydia Todd – November 22, 2008**
6. **Our Gang Players – November 14, 2008**
7. **Lacey Limousines – December 12, 2008**
8. **Trista Kane – December 20, 2008**
9. **Jacqueline Fama – November 8, 2008**
10. **United Faith Church – November 23, 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
ACCEPTANCE OF THE UTILITY COLLECTOR'S REPORT
ACCEPTANCE OF THE FINANCE REPORT**

A motion of approval to accept the Tax Collector, Utility Collector and Finance Reports was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft.

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

Items for Discussion :

- **Special Meeting of the Township Committee – December 1, 2008 @ 5:30 pm**

Township Administrator Mosca stated a Township Committee meeting needs to take place that night.

Business needs to be conducted. It is a Monday night. Certain ordinances need to be passed by the end of the year.

- **Meeting schedule until the end of the year – including Reorganization date**

The Township Committee discussed the Reorganization Meeting must take place within the first seven days of the year. The date will be announced at the next meeting.

PUBLIC COMMENT

A 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.

Joseph Lachowicz, 26 Grand Bay Harbor Drive thanks the Committee for being responsive whenever he comes before them. It's always for his constituents out in Bay Haven. Mr. Lachowicz inquired if the \$6,500 of revenue is for the Oyster Creek Nuclear Power Plant emergency services to various towns.

Mayor Van Pelt stated, "yes".

Mr. Lachowicz inquired if the television station could put on a page for Grand Bay Harbor.

Mayor Van Pelt stated, "yes".

Mr. Lachowicz discussed an issue at Stan's Marina, at the intersection of Baltic & Washington. A lot of marinas generate income and taxes for our town. The telephone, cable and electric lines are in such a position that Stan's Marina cannot bring a certain number of boats in the yard to store. Please ask the utility companies to raise the wires on the pole so they can bring bigger boats in. Bigger boats mean bigger revenue. More revenue means more taxes.

Mayor Van Pelt stated he would hate to see public funds involved. The town will reach out to those entities.

Mr. Lachowicz discussed Resolution 2008-329, Closed Session. The Grand Bay Harbor Homeowners Association and the residents of that area have asked him to discuss a real estate issue with the Administrator in closed session to expedite the matter.

Mayor Van Pelt stated there has been some outstanding issues. No one wants it resolved more than the Township Committee.

Alfred Johnson, Trustee of the Grand Bay Harbor Condo Association. Mr. Johnson stated Mr. Lachowicz is having trouble getting his legal paperwork done. Mr. Johnson requested the Township Attorney send a letter to the Grand Bay Harbor, c/o Prime Management, stating Mr. Lachowicz is a beneficial owner, not legal owner, so we can start charging him maintenance fees.

The Township Attorney will look into resolving this situation with Grand Bay Harbor as per the Township Committee.

Rocco Orlando, 180 Brigantine Blvd. Mr. Orlando referred to the Township's recent audit report in the newspaper. There is an inordinate amount of recommendations. The Town reviewed the audit report. Mr. Orlando inquired if the Township Committee has discussed it at all.

Mayor Van Pelt stated the Township Committee has not discussed it. There was a very difficult challenge when the town dissolved the MUA and absorbed that entity. There seemed to be confusion on entities on how they should be done, how funds should be transferred and who is responsible for what. The majority of the comment reports in the audit deal with that. Those are things that need to be corrected.

Mr. Orlando stated there are a total of ten recommendations with regard to the Finance Officer. That seems to be an inordinate amount. Mr. Orlando inquired if the town usually receives that many.

Mayor Van Pelt stated the town does not. Some are repetitive. Since Mayor Van Pelt's been in office the town has had the fixed asset in inventory one. Some of the things had to do with who is responsible for handling the transition from water/sewer into municipal government. Next year there is a very good chance that you will see one auditing firm handling the entire entity rather than two. That is 75% of the problem.

Ralph Avellino, 10 Central Avenue, stated he is concerned about a portion of Bayberry Drive in accordance with the Redevelopment Plan. There is supposed to be a k-turn put in there.

Mayor Van Pelt stated they were supposed to "T" the intersection, which they did. You could perform a k-turn in the "T".

Mr. Avellino inquired if a fire truck can do a k-turn in there.

Mayor Van Pelt stated the engineer and the Fire Department signed off on it. In the event of a fire, you can get to the homes back there. You can certainly get to Sonic. If there is vacant land back there, that is tricky to get to. There is no doubt that the white vinyl fence will not sustain a fire truck going through it.

Mr. Avellino discussed the piece of property from Sonic to the liquor store being developed.

Mayor Van Pelt stated that parcel should never be developed. There is zero depth to it. From the liquor store to the donut shop is an accident waiting to happen. The entire strip should become a linear park. That would be in the best interest of this town.

Mayor Van Pelt discussed Ordinance No. 2008-25, appropriating \$1,600,000 and providing for the issuance of \$1,600,000 in bonds or notes for the town to finance the same. That is for the cell tower property, 24.26 acres. The purchase price is \$1.8 or \$1.9 million. Given the amount of votes the Open Space Tax received a few weeks ago, it is an important piece to own. The town is subdividing out the cell tower. The town will own the cell tower. The town gets revenue from the cell tower that will help offset the principal interest payment. The Town Administrator has already reached out to the Trust for Public Lands as well as other organizations to partner with the town. The town did

a resolution tonight, authorizing the appraisal on the 30 acres across the street, which the town will be purchasing and Trust for Public Lands will be kicking in 25% on that. It is very important that the municipality acquire those two parcels in order to maintain the character of the municipality.

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.

Deputy Mayor Kraft thanked the voters for giving him another three-year term. It's been a fun run. There have been some bumps in the road. That is to be expected. When you get 67.3% of the vote, it's a mandate. It means something. This is community service. I do not look at it as a job. It is something I enjoy doing. I look at it as giving back to the community that I love so much. I will continue to be here and work with the people. It is a pleasure to sit up here. It is not a right. It's earned. I'll continue to make the pledge to maintain a level of commitment for the next three years. Thank you again for your confidence.

Committeeman Reilly stated he is very pleased to be sharing the podium with Deputy Mayor Kraft and Mayor Van Pelt and is looking forward to many more years of working as a team. It is going to be a challenging 2009.

Committeeman Reilly had the pleasure of working with Mr. Avellino and Mrs. Sweeney on the Haunted Hayride. In 2 ½ hours 1,880 people paid and several hundred under the age of five attended the hayride. It is a reflection of the hard work of all the people that put the hayride together. People came from many towns outside of the municipality. It is a reflection of the experience people had in preceding years by telling others. It is a tremendous reflection on the young men and women and students, who gave their time and effort into preparing and working for those two nights. They conducted themselves very well. Many friends of mine thought the hayride was wonderful and are looking forward to it next year.

Mayor Van Pelt stated the foundation of this community is the volunteer effort in the Hayride, Founders Day, etc.

Mayor Van Pelt stated he is pleased with the election results, even more so with the Open Space question. The parcels we acquire for preservation are going to make a difference 50 years from now. It will never change. It will always be there. On January 1, 2009 Mayor Van Pelt will announce when his resignation date will be.

Motion to close meeting 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 2008-330 Return of the execution of a full release of Barbara Brown to the Township of Ocean as being a good servant and moral employee. The Township of Ocean shall provide a settlement in the amount \$4,494.36.

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