

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING
June 11, 2009**

ROLL CALL: LACHAWIEC X REILLY X KRAFT 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 two newspapers, 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.

Ordinance

Ordinance 2009-4 Second Reading – Public Hearing

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey Authorizing the sale of Block 137, Lot 2, Lighthouse Drive, which is Township property not needed for public use

Ordinance No. 2009-4 was read title only and opened to the public on a motion moved by Deputy Mayor Reilly, seconded by Committeeman Lachawiec.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Michele Rosen, 29 Bradley Beach Way, stated the second reading on this ordinance was on May 28, 2009.

Township Clerk Ambrosio stated that should not have been listed on the May 28, 2009 agenda. It was advertised for the public hearing on June 11, 2009.

Spencer Hondros, 404 Castle, Forked River, inquired if the lot is buildable.

Mayor Kraft stated no.

A motion to close to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Committeeman Lachawiec inquired how the town acquired this 50 x 100 lot.

Township Attorney McGuckin stated it was a street end.

Committeeman Lachawiec inquired if the town is paying Hall Realty \$6,000 for the appraisal.

Township Administrator Mosca stated no. He will get the correct amount.

Mayor Kraft stated the \$6,000 was the 90 acres.

Committeeman Lachawiec stated this ordinance is not a sale. It is a request for bids in addition to an authorization of sale.

Mayor Kraft stated it is not a bid. It is an offer to sell. The law states the town offers to the adjoining property owners first.

A motion of approval to adopt Ordinance No. 2009-4 was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Ordinance 2009-5 Second Reading – Public Hearing

An Ordinance Amending Bond Ordinance No. 2009-2, adopted on April 9, 2009, by the Township of Ocean, In the County of Ocean, New Jersey, to amend an amount previously appropriated for a certain capital improvement previously specified therein

Ordinance No. 2009-5 was read title only and opened to the public on a motion moved by Deputy Mayor Reilly, seconded by Committeeman Lachawiec.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Michele Rosen, 29 Bradley Beach Way, inquired if this is for NJEIT.

Township Administrator Mosca stated NJEIT is requiring this ordinance, as they gave the township \$1,870,000 instead of the \$1,720,000. Upon review of the application NJEIT wanted to make sure the township had enough money.

Township Attorney McGuckin stated at either the Caucus Meeting or the Regular Meeting, when the ordinance was read for 1st Reading, Township Administrator Mosca gave the same explanation.

A motion to close to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Committeeman Lachawiec stated the town passed this ordinance, borrowing \$1.72 million, and sent the application in. Why would the state come back and say the town needs to borrow more money.

Township Administrator Mosca stated that is the state's requirement. Many other towns are doing the same thing.

Mayor Kraft stated this money is in place. If the town goes out to bid and the numbers come in less, the town only bonds what is needed. It is for infrastructure upgrades.

Township Administrator Mosca stated 75% is at zero interest. 25% is 1.07% interest. The town does not know if the grant portion will be received.

Committeeman Lachawiec suggested this ordinance be tabled.

Deputy Mayor Reilly stated if this ordinance is not passed tonight the town is in jeopardy of not getting the bond.

Township Administrator Mosca stated these projects have been in line for months.

A motion of approval to adopt Ordinance No. 2009-5 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Ordinance 2009-7 First Reading – Title Only

An Ordinance establishing the Township of Ocean Redevelopment Advisory Council

Township Attorney McGuckin stated the Committee needs to either motion to adopt, table to a particular date, table indefinitely or to abandon.

Motion to abandon Ordinance 2009-7 was moved by Deputy Mayor Reilly, seconded by Committeeman Lachawiec.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: No.

RESOLUTION NO. 2009-194: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$112,369.90

Committeeman Lachawiec requested an assurance or warranty from Township Administrator Mosca that all policies have been followed.

Township Administrator Mosca stated all policies have been followed.

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

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: 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

- 2009-195** Resolution Authorizing the return of Escrow money held in the name of William Crooks, Block 120, Lot 6
- 2009-196** Resolution Authorizing the return of Escrow money held in the name of Richard & Loretta Fuentes, Block 272, Lot 318
- 2009-197** Resolution Authorizing the return of Escrow money held in the name of George Mackres, Block 41, Lots 37, 39.01
- 2009-198** Resolution Authorizing a Utilities Department Credit to Rall – Block 87, Lot 39 due to overpayment

- 2009-199** Resolution authorizing the renewal period of July 1, 2009 – June 30, 2010 for Meglo Mix LLC (Makay's Buy Rite Liquors), Greenbriar Oceanaire Community Association Inc.
- 2009-200** Resolution hiring a Part-Time Technical Assistant in Construction Office, Camille Angeli at the rate of \$13.74 to work up to 21 hours per week effective June 1, 2009
- 2009-201** Authorizing signatures for the Township of Ocean Water Capital Account and Sewer Capital Account
- 2009-202** Resolution authorizing the appointment of Alicia Ashton to full-time Police Dispatcher at the hourly rate of \$13.65 effective June 11, 2009
- 2009-203** Resolution authorizing municipal services reimbursement agreement between Township of Ocean and Greenbriar Oceanaire Community Association Inc for the Year 2008 in the amount of \$124,762.07
- 2009-204** Resolution of the Township of Ocean, County of Ocean, State of New Jersey authorizing the execution of an interlocal services agreement with the Township of Lacey for the use of Public Works Equipment and Labor
- 2009-205** Resolution authorizing the establishment of house vendor accounts that the Road, Building and Grounds and Utilities Departments are authorized to utilize
- 2009-206** Resolution authorizing the purchase of parts and accessories for vehicles pursuant to bids received by the County of Ocean – County Contract #B2009-129
- 2009-207** Resolution authorizing electronic procurements in accordance with N.J.A.C. 5:30-9A
- 2009-208** Resolution authorizing electronic transfer of funds to State of New Jersey Division of Pensions and Automatic Data Processing
- 2009-209** Resolution submitting grant application and execute a grant agreement with the New Jersey Department of Transportation for the Demmy Avenue Improvements project

Mayor Kraft requested an explanation of Resolution 2009-200.

Township Administrator Mosca stated the number of hours per week is determined by the retirement calculation. Twenty-one hours per week does not qualify for benefits.

Committeeman Lachawiec stated he would like to table Resolution 2009-209, due to lack of information.

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009- 195 through Resolution 2009-208

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

A motion to table Resolution 2009-209 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

RESOLUTION 2009-210: authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, real estate and litigation - PURPOSE: Litigation, Personnel, Contractual Real Estate matter.

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

Motion of Approval for Block Party Application for Atco Court for July 4, 2009

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

Motion of Approval for Block Party Application for Corliss Street for June 28, 2009

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

Motion of Approval for use of the Community Center:

1. Recreation – Rutgers Coaches Certification – Sept. 23, 2009
2. Municipal Alliance Meeting – October 1, 2009
3. Recreation Children’s Tap – Tuesdays May – Sept. 2009
4. Municipal Alliance WISE program – June 24, 2009
5. Recreation – Chess Summer Program – Wed July/Aug 2009

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

Motion to Approve Tax Collector’s Report

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

Motion to Approve Utility Collector’s Report

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

Motion to Approve Finance Officer’s Report

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

PUBLIC COMMENT:

Motion to open to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

Michele Rosen, 29 Bradley Beach Way, stated to pass a resolution for executive session, the law states it can only deal with one of three things, contracts, litigation or personnel. Real estate is not one of them. The town is required to advise the public with as much specificity as possible and when the town will let the public know exactly what was discussed in executive session.

Ms. Rosen requested the Township Committee direct the Clerk's office to listen to the May 14, 2009 meeting tape again and revise the minutes to reflect her interchange with Mayor Kraft.

Ms. Rosen discussed the executive session minutes posted on the website. In the February 12, 2009 meeting minutes, four items were to be discussed in executive session. In the executive session meeting minutes only three were discussed.

Ms. Rosen stated on March 12, 2009 minutes are dated March 16, 2009 after the first page, there are executive session items on the March 12, 2009 meeting minutes but no executive session minutes for March 12, 2009 and there are March 26, 2009 executive session minutes but no items on the meeting minutes for March 26, 2009. April 23, 2009 meeting minutes have one item for executive session to discuss negotiations involving the teamsters union and there were three items in the executive session minutes.

Ms. Rosen stated in the Code Book it states that members of the Founder's Day Committee are not allowed to spend anything. The money raised for Founder's Day deserves to stay in the Founder's Day account. \$500 interest was taken out of the Founder's Day account and put into the township's general fund.

Ralph Avellino, 10 Central Avenue, inquired about the status of Sands Point Park.

Township Administrator Mosca stated the town is waiting for the DEP.

Mayor Kraft stated the Division of Fish and Wildlife has a review process for any building on state property. The state had issues with the design of the building. The design was kicked back to the town's architect and engineer for modification. The modifications were sent back to the state. The town's engineer anticipates a permit will be issued in July.

Mayor Kraft stated maybe some of the town's T's are not crossed and I's are not dotted. In spite of what people think, this town is doing well. The tax rate is very good. This town has come a long way. New people in town think there are a lot of issues. There are not. The overall consensus of the public is the Township Committee is doing a fine job. The elected officials do things as they best see fit. The town is not perfect. Some problems have been identified and the town is working to correct them.

Deputy Mayor Reilly stated the town will never shy away from anyone who identifies something the town is not doing properly. The town has been more than forthright in addressing issues as they come forward and putting corrective action in place so the issues do not occur again. The Township Committee has never made a decision that was not in the best interest of this town.

Motion to close to the public and move into Executive Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

Motion to open meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

ADJOURNMENT:

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

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date