

TOWNSHIP OF OCEAN  
WORKSHOP/CAUCUS AGENDA  
June 11, 2009 – 7:00 pm

NOTICE OF THIS MEETING HAS BEEN PUBLISHED  
IN ACCORDANCE WITH THE REQUIREMENTS OF  
THE OPEN PUBLIC MEETINGS ACT.

Flag Salute

1. Roll Call Mayor Kraft  X  Deputy Mayor Reilly  Absent (Arrived at 7:20pm)   
Committeeman Lachawiec  X

Also Present: Mr. Mosca  X  Mr. McGuckin  X

2. Administrator's Report

- 2010 Transportation Trust Fund

Township Administrator Mosca stated the 2010 Transportation Trust Fund represents Demmy, Dollmore and Ocean Avenues drainage from stimulus monies.

Mayor Kraft stated the three roadway estimates total \$245,000. On the fifth page Ocean Avenue is \$378,00, Dollmore \$293,000 and Demmy \$237,000. Is the first amount the town's contribution?

Township Administrator Mosca stated, "no". The whole application is stimulus funding. The breakdown is further in the report.

Committeeman Lachawiec inquired how Mr. Miller selected this area to be improved.

Township Administrator Mosca stated Mr. Miller chose those areas due to the terrible drainage issues there.

Committeeman Lachawiec inquired what is the total amount of stimulus money the town would receive.

Township Administrator Mosca stated this is an application into stimulus money. There is no specific numbers assigned to Ocean Township. There are a lot of other areas in town that are in need of a resolution to drainage problems. Dollmore, Ocean and Demmy Avenues get most of the complaints.

Mayor Kraft stated in the past, a lot of the drainage issues were done in-house. They were simple repairs, installing 40-60 feet of pipe tied into new catch basins. This project is outside of the scope of what the Road Department normally does. This is permission to fill out the grant application.

Committeeman Lachawiec stated the total comes out to \$1.1 million.

Mayor Kraft stated the descriptions include hot mixed asphalt in each one.

Township Administrator Mosca stated he will get a more concise breakdown from Mr. Miller.

Committeeman Lachawiec stated the area of Sheridan and Dollmore has bollards.

Township Administrator Mosca stated two years ago the residents requested the bollards.

Committeeman Lachawiec inquired if it is a right-of-way.

Township Clerk Ambrosio stated the residents came in with a petition asking for the road to be blocked because of the traffic. An official ordinance was not adopted. It still can be walked on. It is still accessible. It just cannot be driven on. This was discussed and decided by the Township Committee.

Township Administrator Mosca stated it is not an improved road.

Township Attorney McGuckin stated the public right-of-way is owned by the municipality. The municipality can decide how they wish to utilize it.

- (TID) Transportation Improvement District

Township Administrator Mosca stated this report was prepared by Remington & Vernick. Wayne McVicar is looking for feedback from the Committee.

Committeeman Lachawiec stated the Transportation Improvement District is so broad. He would like to table this until Deputy Mayor Reilly is present.

Remington & Vernick will be asked to give a presentation.

- T & M Associates – Cycle III Housing Element & Fair Share Plan Billing

Township Administrator Mosca stated this was given to the Committee in early June for review. Resolution 2008-306 was passed by the Committee to award a contract to T&M Associates for amount not to exceed \$10,000 for the Cycle III Housing Element. An additional bill was received for \$9,582.07 for additional work. The agreement was not to exceed \$10,000.

Committeeman Lachawiec inquired if that was the document to be filed by 12/31/08.

Township Administrator Mosca stated yes. It has been filed. The State has not yet approved.

The Committee discussed the resolution and invoice. The Committee decided the additional \$9,582.07 should not be paid. Mr. Mosca will discuss with T&M.

- Patriots Cove Water Meters

Township Administrator Mosca stated there is an agreement for Patriots Cove to tie into the township water. There are 46 regular size meters and 3 larger meters. Now they want to use meters from another manufacturer and would like a refund. The 3 larger meters were special ordered. The 46 other meters came off the shelf. They are requesting \$250 for each of the 46 meters. They will keep the large meters. The total reimbursement would be \$11,500. The Committee discussed the matter and agreed to the reimbursement.

3. Committeeman's Report – Joseph Lachawiec

- New Jersey Natural Gas Agreement

Committeeman Lachawiec stated New Jersey Natural Gas requested the town renew a franchise. In the past, the municipality has granted NJNG the right to serve customers. A meeting was scheduled with NJNG for June 3, 2009 at 10am. NJNG canceled the meeting on June 1, 2009 and was not interested in answering any questions. A gentleman at the Board of Public Utilities said nothing would happen if the resolution is not passed. There may be a Title 54 taxation issue, where there is a fee. NJNG will provide all the information and Committeeman Lachawiec will report back.

Deputy Mayor Reilly joined the meeting at 7:20 pm.

Township Attorney McGuckin stated he has been in contact with the Board of Public Utilities. They are seeking a 50 year franchise. A memorandum is being prepared outlining the procedure that will be utilized assuming the governing body wants to go forward with that hearing. The hidden tax issue is also being researched. The research indicates it is part of the gross receipt taxes that are paid to Trenton.

Committeeman Lachawiec stated the Historical Society is asking for support from the Township Committee to put together a memorial event on July 4, 2009 at the cemetery on Main Street to honor the soldiers. A bugler and caller would be present, someone reading an excerpt from the Declaration of Independence and the Gettysburg Address.

Township Attorney McGuckin stated there is an impressive gentleman who dresses up as Abraham Lincoln and gives speeches. This is exactly the type of thing he attends. He will have Mr. Mutter call Committeeman Lachawiec.

#### 4. Deputy Mayor's Report – Dick Reilly

- GovDeals – auction to start 6/15/09

The township is auctioning a 1988 Dodge Ram and a 1993 Dodge Ram 350.

Committeeman Lachawiec inquired if these are Police Department vehicles.

Deputy Mayor Reilly stated no. They are from the Utilities Dept.

- Township Wide – Clean Up Day (Environmental Commission)
  - Friday, June 19, 2009 8:00 am – 5:00 pm
  - Saturday, June 20, 2009 8:00 am – 3:00 pm

Deputy Mayor Reilly stated the annual township clean up is this weekend. Please encourage everyone to attend and get rid of old rubbish around the house.

- Resolution – Interlocal Agreement with Lacey Township

The municipality is going to use Lacey Township's machine loader and operator for the town wide clean up. Working with the town's sister communities saves money by keeping the town from purchasing or renting equipment elsewhere.

Committeeman Lachawiec inquired if the Interlocal Agreement allows Township of Ocean residents to drop off recycling items at the Lacey Township recycling facility.

Deputy Mayor Reilly stated no. The Township Clean Up Weekend assists residents once a year to dispose of all items properly. There is no charge for any items brought in this weekend. It has helped ease illegal dumping of items in wooded areas of the town.

#### 5. Mayor's Report – Robert Kraft

- Establishing the Redevelopment Advisory Board

Mayor Kraft asked the Township Committee to not have a first reading for this ordinance, but discuss it first. If adopted, this ordinance would establish a Redevelopment Advisory Board. The Township Committee and the Redevelopment Committee have the same people. The ordinance states the membership of the Township Redevelopment Advisory consists of five members, who should be residents of the municipality and should be appointed by the Township Committee. Mayor Kraft suggested that if you sit on the Redevelopment Advisory, you should

not sit on the Planning Board and also recommends the Mayor not sit on the Redevelopment Advisory Board. The problems in the past have been too much information in the site plans. Some items are missed. Shop Rite is a great example of this problem.

Deputy Mayor Reilly stated it is an interesting concept. The town is currently selecting a master developer. The town needs to get a clear understanding of what the developer's role is going to be and how they are going to function. Once the town gets a clarification of that, then the town can come back and revisit this at a later date. That Board will need professionals, an attorney and a secretary. Budget money has not been allocated for this. Deputy Mayor Reilly suggested this ordinance be set aside until after the details have been worked out with the developer. Secondly, take another look at the roles and responsibilities of this board so efforts are not duplicated with the professionals.

Mayor Kraft stated as in any situation, the developers post escrows. The town would not be paying the professionals. The developers would pay for the escrows that would pay for the professionals to be at the meetings. The secretary issue does need to be addressed. This board should only be responsible for anything new coming into the town.

Committeeman Lachawiec stated he enjoys having the developers make presentations and tries to see their viewpoint and the public's viewpoint. Committeeman Lachawiec suggested eliminating the Redevelopment Advisory Board and have the developers make presentations to just the Committee.

Mayor Kraft stated members of any advisory board make recommendations, that are non-binding, to the Township Committee.

Committeeman Lachawiec inquired if he would be banned from the Redevelopment Advisory Board meetings, as he enjoys doing it.

Township Attorney McGuckin stated he could attend a couple of meetings.

Committeeman Lachawiec suggested one member from each of the five electoral districts be appointed and inquired if this board would be for one year or an ongoing appointment.

Township Attorney McGuckin stated at the end of the one year, the Governing Body has the right not to appointment anyone or the town could pass an ordinance to repeal it.

Committeeman Lachawiec requested an explanation of Section 5.

Township Attorney McGuckin stated under Redevelopment Law the Governing Body has to make a determination whether the Planning Board should conduct an investigation under the statutes. The procedure of the Planning Board would then follow. The Advisory Committee would advise the Governing Body to look at certain portions of the town for redevelopment. The Governing Body would make the decision whether you want to ask the Planning Board to perform that function.

Committeeman Lachawiec would like a list of inconsistent ordinances that are repealed, as mentioned in Section 8.

Township Attorney McGuckin stated it is a standard provision put in every ordinance adopted by the Governing Body to ensure that this is the last and official action by the Governing Body. This is the direction the Governing Body is giving. While it is rare that it happens, there are times when an ordinance could be inconsistent with a new ordinance adopted by the Governing Body. The same language is in every ordinance in every municipality for the past 50 years.

Deputy Mayor Reilly stated the town needs to go through the Master Developer's responsibilities, review this potential board and come back in several months.

Mayor Kraft stated he is going to continue to work on it and provide changes and recommendations.

- (TID) Transportation Improvement District

Township Administrator Mosca discussed the draft ordinance from Remington & Vernick regarding the Transportation Improvement District. Remington & Vernick has been asking to speak to the Committee about it.

Deputy Mayor Reilly suggested Remington & Vernick come in and make a presentation.

Committeeman Lachawiec stated Section 18.85.040, Paragraph 12, Low and Moderate Income Housing, provides exemptions for low and moderate income users. However, it is listed under Developers Agreement when it should be under Exemptions. Committeeman Lachawiec stated he sees the taxpayers bearing the burden for the developer and does not support this item.

Administrator Ken Mosca will contact RV&V to make a presentation at a Township meeting.

**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, inquired if the Redevelopment Advisory Board ordinance has been tabled or eliminated.

Township Attorney McGuckin stated the Governing Body will decide when that portion of the meeting is heard. Their options will be to table indefinitely, table until a certain date or ask for recommendations or changes.

Ms. Rosen stated the Township Committee appointed themselves as the Municipal Redevelopment Authority.

Township Attorney McGuckin stated the Governing Body did not appoint themselves to any position. By statute, the Governing Body can designate itself as the Redevelopment Agency.

Ms. Rosen inquired if the Governing Body is retaining itself and proposing a separate Redevelopment Advisory Board.

Township Attorney McGuckin stated no. The statute provides that the governing body can create an advisory body for the redevelopment projects. The Governing Body remains the redevelopment entity. They are not aggregating any of their power or getting rid of any of that power.

Ms. Rosen stated this sets up another layer of government.

Mayor Kraft stated he would not say that.

Ms. Rosen inquired if the interlocal agreement with Lacey is a one time thing.

Deputy Mayor Reilly stated yes.

Ms. Rosen inquired if the township has filed all the papers with the state for the online auction.

Township Clerk Ambrosio stated yes.

Ms. Rosen inquired if a notice was put in the newspaper.

Township Clerk Ambrosio stated yes.

Ms. Rosen discussed items that are listed on the formal agenda and not on the workshop agenda. Items regarding purchasing and hiring personnel should be discussed at the workshop meeting. Ms. Rosen suggested scheduling work sessions a week before the regular meeting.

Ms. Rosen stated the work sessions never have Committee reports. In the last three meetings, there were twelve resolutions on the agenda to correct the inefficiencies in this government. Mayor Kraft had made a promise to talk to Mr. Mosca about administration and how it will be made better.

Ms. Rosen inquired with Mr. Lachawiec if he was in charge of the Utilities.

Mr. Lachawiec explained he is the liason to the Utility Department.

Ms. Rosen stated there is a resolution changing the signatures on the Water/Sewer capital account. Also, Mr. Layton no longer works for the township. What happened to Mr. Layton?

Township Attorney McGuckin stated it is a personnel matter. Committeeman Lachawiec is not at liberty to discuss in open session with out Mr. Layton permission.

Ms. Rosen inquired who is in charge of the Utilities Dept.

Township Attorney McGuckin stated the Governing Body has always been in charge of the Utilities Dept.

Ms. Rosen inquired who is the acting Director of the utilities and what was Mr. Layton's title.

Township Administrator Mosca stated there is no acting Director the Utilities Supervisory is Clifford M. Keen. Mr. Layton's position was Senior Accountant.

Ms. Rosen inquired if Mr. Layton's exit was done by the Township Committee in a meeting.

Township Attorney McGuckin stated no.

Ms. Rosen inquired why.

Township Attorney McGuckin stated there was no action to be taken by the governing body.

Ms. Rosen inquired if she could bring in an authorization from Mr. Layton to release the information as to how he was dismissed.

Township Attorney McGuckin stated that is ridiculous. You are making allegations.

Ms. Rosen discussed at past meetings she had brought up some purchases and free items that were signed for by Mr. Layton and other issues in the Finance Department. There are other departments that signed for item Recreation Director did the same thing and a Police Lieutenant signed a contract.

Ms. Rosen discussed several items and expects the Township Committee to use an even hand. Mr. Mosca is being paid an additional \$19,750 to run the day operations of the utility. In Codebook it states that the vouchers should be reviewed by the Administrator. Is Mr. Layton being made a scapegoat for the failure of this Committee and the failure of Mr. Mosca to meet his responsibilities?

Ralph Avellino, 10 Central Avenue, stated he thought the Planning Board was an advisory part of the Redevelopment Authority.

Township Attorney McGuckin stated the Planning Board has a statutory obligation and statutory function under the redevelopment law. The first step is the Governing Body will ask the Planning Board to conduct an investigation. If there is going to be a redevelopment plan, the Planning Board has to approve that plan and they have site plan approval.

Bob Cusick, 12 Bayberry Drive, stated he would like to be considered for the Redevelopment Advisory Board position. Mr. Cusick has three years Planning Board experience in South Plainfield, two years experience on the Environmental Commission and six years of council experience.

Eileen Doyle, 243 11<sup>th</sup> Street, requested the Committee consider a John Q. Public type of person, as a member of the Redevelopment Advisory Board.

Shawn Denning Jr., 145 Morey Place Road, suggested the Redevelopment Advisory Board meet together with the Township Committee.

Dennis Tredy, 131 Englewood Avenue, stated no member of the Redevelopment entity should be on the Redevelopment Advisory Board. There should be staggered member appointments. There should be one member from each voting district.

Larry Doane, 146 Bonita Road, the decision makers should have as much information as possible. Some of the proposals are very detailed. An advisory board can review the proposals in a professional way and advise the Committee.

Spencer Hondros, 404 Castle, Forked River, requested someone look into why a lot of debris is coming into the lagoons.

Mayor Kraft stated he will send the engineer out tomorrow morning to investigate.

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

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

## **ADJOURNMENT**

Motion to close Workshop/Caucus Agenda Meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

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

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Township Clerk

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Date