

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING
June 25, 2009**

ROLL CALL: LACHAWIEC X REILLY X KRAFT Abs

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.

MEETING MINUTES:

Approval of the Meeting Minutes of:

Workshop and Regular Business Meeting May 28, 2009

A motion to approve the meeting minutes as presented was approved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes.

Closed/Executive Session Meeting Minutes May 28, 2009

Committeeman Lachawiec requested Closed/Executive Session Meeting Minutes of May 28, 2009 to be approved at the next meeting.

Ordinance

Ordinance 2009-6 – Second Reading – Public Hearing

An Ordinance of the Township of Ocean, In the County of Ocean, New Jersey, providing for the acquisition of an emergency medical vehicle for the Township of Ocean and appropriating \$152,000 therefore, and providing for the issuance of \$144,400 in bonds or notes of the Township of Ocean to finance the same.

Deputy Mayor Reilly stated this is to replace an EMS vehicle.

Ordinance No. 2009-6 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.

Michele Rosen, 29 Bradley Beach Way, inquired if the township is going to bond \$144,400 for 30 years.

Township Attorney McGuckin stated the town can bond for less than 30 years. No, the town is not going to bond \$144,400 for thirty years.

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

Roll Call: Lachawiec: Yes, Reilly: Yes.

A motion of approval to adopt Ordinance No. 2009-6 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.
Roll Call: Lachawiec: Yes, Reilly: Yes

RESOLUTION NO. 2009-211: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,960,378.70

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

RESOLUTION NO. 2009-209 Approval to submit a grant application and execute a grant agreement with the New Jersey Department of Transportation for the Demmy Avenue improvement project

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

- 2009-212** Resolution authorizing the Tax Collector to be discharged from collecting Mr. Jonathan Koehler, Block 162, Lot 3 as he is a disabled Veteran
- 2009-213** Resolution authorizing an agreement with certain approved state contract vendors
- 2009-214** Resolution authorizing the appointment William Brown as Seasonal Buildings and Grounds personnel at the rate of \$14.10 starting June 25, 2009 through September 30, 2009
- 2009-215** Resolution authorizing the appointment of Raymond J. Wojcik as an on-call plumbing subcode official as part of the Lacey Interlocal Agreement at the rate of \$31.02
- 2009-216** Resolution authorizing the release of Escrow Money for Block 41, Lots 37, 39.01 in the amount of \$850.00
- 2009-217** Resolution authorizing Carolyn M. Edwards as a part-time probationary dispatcher at the rate of \$12.81
- 2009-218** Resolution authorizing the hiring of seasonal lifeguards for the year 2009, Ariane Phillips, Russell Verdolina, Michael Broadbent, Kurt Denning, Sarah Brocklebank, Sean Ellis, and Richard Doyle
- 2009-219** Resolution authorizing Seasonal Summer Camp for the year 2009 Martha Groh, Kristen Ciccone, Rachael Powell, Faith Caporusso and Samantha Volk

- 2009-220** Resolution authorizing a Utilities Department Credit for Block 196, Lot 9 in the amount of \$57.40
- 2009-221** Resolution authorizing the reimbursement to Patriots Cove in the amount of \$11,500.00, a restocking fee to be paid to the Township for \$500, total reimbursement to Patriots Cove in the amount of \$11,000.00
- 2009-222** Resolution authorizing a contract extension for Compass Construction on the Waretown Lake Water Dredging and Water Quality Improvement Project from June 29, 2009 to July 10, 2009 due to weather

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-212 through Resolution 2009-222

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

RESOLUTION 2009-223: authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, and litigation - PURPOSE: Committeeman Lachawiec stated he has a personnel matter to discuss. Township Attorney McGuckin stated he has a litigation matter to discuss.

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

Motion of Approval for use of the Community Center:

1. Heather Aivaliotis – July 18, 2009
2. Margaret Toye – June 26, 2009
3. Recreation Cheerleading – June 23 & 24, 2009
4. Diane Barboni – June 27, 2009

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

Motion of Approval for use of Waretown Memorial Recreation Park

1. Easter Seals of New Jersey – July 10, 2009

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

Motion of Approval for membership application for Louis D. Pagano member of the Waretown Volunteer Fire Department to the New Jersey State Fireman's Association

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

Committeeman Lachawiec reported on the 4th of July event at the Waretown Cemetery on Main Street at 10:00am. The Barnegat American Legion will provide the colors, color guards and taps. An impersonator of Abraham Lincoln will be there to read the Gettysburg Address. There will be young people reading excerpts from the Declaration of Independence. The event will last 1 hour or 1½ hours. The forefathers and mothers have lived in this town since the 1700's, which was founded by Abraham Waier. The Historical Society is trying to bring public attention to the cemetery and generate funds to keep it up.

PUBLIC COMMENT:

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

Roll Call: Lachawiec: Yes, Reilly: Yes.

Michele Rosen, 29 Bradley Beach Way, inquired why Committeeman Lachawiec did not vote on the Closed/Executive Session minutes.

Committeeman Lachawiec stated he wanted to look into the minutes a little more. It was a personal matter to move them to the next meeting.

Ms. Rosen stated Committeeman Lachawiec motioned to approve Resolution 2009-211 subject to audit, and inquired if Committeeman Lachawiec intends to have the Township Auditor audit all the bills.

Committeeman Lachawiec stated the last time he approved the Payment of Claims Resolution he asked the Township Administrator to warrant that the laws, regulations, procedures and policies have been followed in developing that list. Mr. Mosca is not here tonight so that is why "subject to audit" was stated.

Ms. Rosen inquired if Committeeman Lachawiec ascertained if any items on the Payment of Claims were not appropriate.

Committeeman Lachawiec stated he did not.

Ms. Rosen discussed Resolutions 2009-218 and 219 and inquired if the town had a nepotism ordinance. Ms. Rosen stated family members of Township employees should not be hired.

Township Clerk Ambrosio stated there is not a nepotism ordinance.

Deputy Mayor Reilly stated these individuals have been lifeguards before and have done an outstanding job.

Township Clerk Ambrosio stated the positions were advertised. Applications were taken.

Ms. Rosen inquired if the Plumbing Subcode Official was advertised.

Deputy Mayor Reilly stated no. He is used when a current plumbing inspector is not available.

Ms. Rosen stated the Open Public Meetings Act requires a specific explanation of the Executive Session to the public and when the information will be available to the public.

Township Attorney McGuckin stated regarding Committeeman Lachawiec's personnel matter, if it is employee and there is a question about the employment or terms and conditions of the employment, then it would be appropriate to specify. There is also one litigation matter for Executive Session.

Ms. Rosen discussed Executive Session minutes. The person requesting copies should be given a reason as to why information was redacted. The town is required to report back with complete reports of what was discussed in Executive Sessions. The Township Committee is not allowed to talk about anything else than what was stated as the purpose for Executive Session. When the Regular Meeting is closed and the Closed Session begins, the Township Committee has been adjourning the meeting. Adjournment is the end of the meeting. It cannot be reopened. A motion to Recess should be moved, not a motion to Adjourn. Ms. Rosen requested the Township Clerk get a microphone on her computer so the meeting can be recorded and printed out with the exact language.

Township Attorney McGuckin inquired if Ms. Rosen is implying that the Township Clerk is not recording the meetings properly.

Ms. Rosen stated yes, in her opinion.

Ms. Rosen discussed the boat slip foreclosure and stated Committeeman Lachawiec has purchased another boat slip near the Township owned boat slip.

Committeeman Lachawiec stated he owns two boat slips and the foreclosed boat slip is pending. A discussion took place about the misspelling of Mr. Lachawiec's name on the deed to his condo.

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

Roll Call: Lachawiec: Yes, Reilly: Yes.

RECESS

Motion to Recess into Closed/Executive Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Kraft.

Roll Call: Lachawiec: Yes, Reilly: Yes.

Township Attorney McGuckin stated at this point there will be no further business. Items referred to in the Executive Session will be available at the completion of the litigation, personnel issues, when it is no longer confidential. The items that were discussed in Executive Session will be available for inspection in the minutes. It includes litigation and the personnel item will be available for public inspection and the need for confidentiality no longer exists.

A motion to close Executive Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Kraft.

Roll Call: Lachawiec: Yes, Reilly: Yes.

ADJOURNMENT:

A motion to adjourn the meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Kraft.

Roll Call: Lachawiec: Yes, Reilly: Yes.

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date