

- MEETING MINUTES -

TOWNSHIP OF OCEAN
WORKSHOP/CAUCUS AGENDA
August 13, 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 X
 Committeeman Lachawiec X

Also Present: Mr. Mosca X Mr. McGuckin X

**Introduction of new Superintendent of Schools/Principal:
Christopher Lommerin**

Rita Sweeney introduced Dr. Christopher Lommerin.

Dr. Lommerin stated this is a great opportunity to meet both parents and residents of the town. The Principal of Southern Regional had positive things to say about the kids in Waretown coming from the Ocean Township School District. This is Dr. Lommerin's twentieth year in education and taught five years in Special Education. Dr. Lommerin has a Masters Degree in Special Education and Education Administration and has received a Doctorate Degree in Education and Policy Studies.

The Township Committee welcomed Dr. Christopher Lommerin to the Township of Ocean.

2. Administrator's Report – Ken Mosca

- Telecommunicator's Contract (Ordinance 2009-8)

This is the second reading of the Telecommunicators contract

- Appointing Alternate Prosecutor (Resolution 2009-238)

Mr. Campo is leaving the firm of Citta, Holzapfel as Township Prosecutor. Mr. Paul Granick will be the Alternate Prosecutor.

- Continue Service with Delta Dental for year 2009 – 0% increase (Resolution 2009-243)

The renewal of the Delta Dental contract is on the agenda for tonight. The increase is 0%.

3. Deputy Mayor's Report – Dick Reilly

- Construction and Zoning
 - o Mitchel Humphrey Computer System (Resolution 2009-262)

This contract and services pertain to the Construction office. There were 3 bids. This bid was slightly higher than the lowest bid. This program is the same one used in Lacey and the town has an interlocal agreement with Lacey.

- Gov Deals
 - o Items from Utility Department (Resolution 2009-256)

The amount of money collected from selling the town's surplus probably paid for 75-80% of the cost of one of the new vehicles for the Police Dept.

- Buildings and Ground
 - o Waretown Lake Retaining Wall

The Waretown Lake Dredging project has improved the quality of the water. The run off of water from the roadway caused the sand to run down into the lake. New sand was added to that area. Retaining walls will be built between the roadway and the sand to channel the water away from the sand. The cost is modest, about \$1,500 in materials. The town will do all the work

4. Committeeman's Report – Joseph Lachawiec

- Tax Collection
 - o Discharge of Taxes disabled veteran (Resolution 2009-232)
 - o Third Quarter Taxes grace period has been extended to August 25, 2009 after which the normal interest rate will be charged back until August 1, 2009 (Resolution 2009-233)
 - o Tax Office refund of overpayment of taxes (Resolution 2009-234)
- Revenue & Finance
 - o Release of Escrow money (Resolution 2009-235, 2009-237, 2009-242)
 - o Accepting Corrective Action Plan from Chief Financial Officer regarding the 2008 Audit (2009-236)

In accordance with the NJ Dept. of Community Affairs and a directive by the Division of Local Government Services, the town has to approve a corrective action plan that was prepared by the Chief Financial Officer.

- o Fixed asset accounting system (Resolution 2009-261)

The Finance Officer has started the process of contacting two companies for costs on services and costs associated with establishing a fixed asset inventory. The CFO is also working on a resolution to set guidelines for the accountable inventory. The general ledger did not reflect all the changes made in the tax and utility modules. The finance office will be requesting reports from the tax and utility office. The finance officer will attempt to discover any interfund errors before year-end and make the corrections. The Finance Officer and Township Administrator are currently reviewing the Township's purchasing policies. The new policies, including an updated ordinance should be in place by year end. The Township is responsible for establishing and maintaining internal controls and for compliance with laws, regulations, contracts and agreements. The Administrator is in the process of revising the personnel policy to include an employee practices handbook.

- Authorizing items of revenue insertion to budget for Grants
 - Clean Communities Grant \$14,640.63 (Resolution 2009-239)
 - NJ Law and Public Safety Division of Alcoholic Beverage \$1,600.00 (Resolution 2009-240)
 - Alcohol Education Rehabilitation Enforcement Fund \$1,431.84 (Resolution 2009-241)
- Utilities
 - Authorizing water/sewer credits due to leak or some other malfunction (Resolutions 2009-247 through Resolution 2009-255 and 2009-258)
- Discussion
 - Feral Cats

Feral cats are killing and eating endangered bird species, rabbits and chipmunks. Committeeman Lachawiec requested the Administrator look into a feral cat ordinance from Pt. Pleasant Borough.

- Parking at Township Boat Ramp – Dock Avenue

There is a parking problem at the boat ramp. The Police Dept. requested the town look into placing "No Parking signs" correctly.

- Encouraging Congressman Adler to vote no on the presidential health care plan

Several hundred people attended the meeting at Stafford town hall. President Obama's health care plan was discussed. Committeeman Lachawiec requested a resolution be prepared urging Congressman Adler to vote no on the plan.

Committeeman Lachawiec stated the bollards on Sheridan Avenue are preventing the public and emergency vehicles to access the road. This matter will be open to the public.

Mayor's Report – Robert Kraft

- Sands Point Park Grant
 - o Grant of revenue from the United States Department of Interior Fish and Wildlife in the amount of \$586,841.00 (Resolution 2009-263)

Mayor Kraft stated Sands Point Park Phase I is playground equipment for toddlers installed four years ago. Phase II is a tennis and basketball court installed last year. The balance of the project has received all permits required and the lease agreement. The facility will include ample parking for cars, trucks, boats and trailers, a boat launch ramp and public dock access to the waterfront for general recreation and fishing. The park will include a nautical theme and dock master's quarter and bathhouse. Bids will be advertised in the early portion of September. Bids are expected to be received for the last meeting in September or the first meeting in October. Construction will commence in November and be completed by May, provided the Federal Fish & Wildlife does not stop the work. The township received a Federal Grant, 3-1 match, at \$586,841 and an I-Boat grant for \$183,000. The township's obligation is \$229,000. It's a \$1.6 million project on a five-acre waterfront park.

- Police Department
 - o Full Time Administrative Secretary (Resolution 2009-244)

Chief Kenneth Flatt has requested his part-time secretary of two years become full time. This secretary is not only the Chief's secretary, but also the Police Dept. secretary.

- o Full Time Patrol Officer – appointing Michael Cicero (Resolution 2009-264)
- o Full Time Special Police Officer Class II – Jeremy J. Samuel (Resolution 2009-265)

In December, the Police Department hired a replacement Special Officer. Another Special Officer needed to be replaced but could not until one came through the academy. A Regular Officer left in March. Two Corporals are out due to illness. The Police Department is short four officers in a 19-man department. The Special Officer will not be out of the academy until next year.

Chief Flatt thanked the Township Committee for the two Dodge Durangos. These vehicles are for patrol. The Dodge Durango is good on gas. It is a combination gasoline and ethanol mix. It is better on repairs. The tires last longer. The Dodge Durangos are \$2,000 less than the sedans. The extra equipment removed from the Durangos will be sold on GovDeals.

- Fire Department

- Authorizing the Township of Ocean to guarantee certain indebtedness of Waretown Volunteer Fire Company #1 (Resolution 2009-259)

It is very difficult to ask Volunteers to spend their weekends and nights fundraising. The Fire Dept. building is under a high-interest loan. The township will help them refinance their building. It will save \$800 a month.

- Open Space
 - Supporting Ocean County Natural Lands Trust Fund to purchase Cold Springs Brook – Block 19, Lot 3 totaling approximately 22.32 acres along Brookville Road in the amount not to exceed \$212,000.00 (Resolution 2009-245)

The township supports the purchase of Cold Springs Brook on Brookville Road.

- Administrative
 - Appointing Diane Ambrosio as municipal representative to work with Ocean County Planning on the 2010 Census (Resolution 2009-246)

Mayor Kraft stated Diane Ambrosio was immediately recruited by the Ocean County Freeholders and Ocean County Planning to help out with the 2010 Census. Diane has been a great asset to the township. It has been quite a transition in the last six months. The prior clerk was here for 47 years. Diane is still finding all the cracks. Diane is doing a great job, thank you. Congratulations on this appointment. The County of Ocean doesn't ask everyone to do this. They asked Diane and that is special.

- Execute agreements for the Township of Ocean for the Ocean County Recycling Center use and Revenue Sharing Agreement for January 1, 2010 – December 31, 2004 (Resolution 2009-257)

This is done every year. The town agrees to bring its recycling to the Ocean County Recycling Center and they agree not to charge the town. The County gives the township back 50% of the money received to cell the recyclebles.

- Authorizing a one-year extension of the Interlocal Agreement with the Atlantic County Utilities Authority to provide certain consulting services at no cost to the municipality (Resolution 2009-260)

The Atlantic County Utilities Authority has been the lead agency on the Solar Initiative at the Southern Ocean Landfill. The ACUA has a gas methane plant, erected wind turbines in Atlantic City and a huge solar facility at the convention center.

5. Mr. McGuckin

Executive Session items.

PUBLIC COMMENT

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

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

Lee Eagles, 193 Brigantine, inquired how the Solar project will benefit the township regarding revenue and when.

Mayor Kraft stated Phase I encompasses 30 acres. There is a lease agreement with Pepco Energy for \$400,000 a year for the next 15 years.

Township Administrator Mosca stated construction will begin prior to the end of the year but will not be completed until early 2010.

Deputy Mayor Reilly stated the town is converting a non-revenue piece of land and reducing taxes. It is also contributing to the environment.

Committeeman Lachawiec stated the photovoltaic system is a worthwhile endeavor and requested a presentation from a company that helps townships get the best prices possible.

Mayor Kraft stated the Township Committee just discussed in tonight's workshop the no-cost consulting services with the ACUA.

Committeeman Lachawiec requested an independent auditor look at the whole project.

Mayor Kraft agreed to listen to an independent auditor.

Ralph Avellino, 10 Central Avenue, inquired why it takes five months to correct utility billing.

Committeeman Lachawiec stated he will get an answer for Mr. Avellino.

Michele Rosen, 29 Bradley Beach Way, there are people in this town who support, oppose and have no opinion on House Resolution 3200. Ms. Rosen requested the Township Committee to encourage Congressman Adler to consider the opinions of all constituents on the health care plan before voting.

Joan Tredy, 131 Englewood Avenue, attended two meetings, where Congressman Adler stated that he is not in support of this bill.

Vince Anepete, Clearwater Drive, stated he is not for or against this bill. The Township Committee should get the feeling of the town before taking a position on a bill.

Committeeman Lachawiec stated that is why it is on the Workshop session.

Harry Dering, 15 Dock Avenue, stated he is pleased with the Sands Point Park project and reported that the Fire Department appreciates all the Township Committee is doing for them. The Township Committee is really working well with everybody in this town. The Township is moving forward and Mr. Dering would like to keep it that way.

Al Delprete, 117 Dollmore Avenue, stated the township put the bollards in at Sheridan due to traffic on the dirt road. Mr. Delprete had nothing to do with it. Mr. Delprete went in front of the Planning Board for a minor subdivision between Dollmore and Demmy and all that was discussed were the bollards and what happens to the restaurant if there was a fire. The whole discussion of the minor subdivision, which fees were paid to be heard, was completely passed over. Mr. Delprete requested the Township Committee listen to the Planning Board meeting tape of August 6, 2009. Mr. Delprete submitted a letter to the Township Committee from the Fire Chief and EMS Captain stating it does not make sense to use that dirt road if there was a fire. The other roads would be used.

Township Attorney McGuckin stated the application was denied. The governing body should not comment on the application.

Deputy Mayor Reilly stated on two separate occasions during the Planning Board meeting he instructed the Planning Board to discuss the bollards at the Township Committee meeting and that the bollards have no bearing on the application.

Ken Bynoe, 6 Strathmere, inquired about Volunteer Way.

Township Administrator Mosca stated the DEP application has been resubmitted. The State requested rewrites, redrawings, etc. from the Township. The town is waiting for approvals.

Mayor Kraft stated the CAFRA permit will be submitted by the end of the month. The CAFRA review period for approval will be November or December 2009. After CAFRA approval the town will go for approvals from the Ocean County Planning or Soil Conservation. That process will go through February of 2010. The funding options will then be reviewed and it will be decided when and if Volunteer Way will be built. If everything falls into place, construction will start Summer 2010.

Ken Logan, 88 Sheridan, is in support of the bollards on Sheridan. Before the bollards there were cars speeding, loitering, vagrancy. It provides safety to the children, walkers and bike riders.

Ron Bruno, 12 Rumson Court, inquired about the house in the Shop Rite parking lot.

Mayor Kraft stated the developer of the Shop Rite site owns the house. A foundation is currently being constructed for the house and it will be permanently located within the next 30-45 days. A little parking lot will be developed for the building's professional use.

Ken Varge, 110 Dollmore Avenue, is opposed to the bollards on Sheridan. Mr. Varge inquired how it benefits the town to vacate a section of road and a rare piece of property to the needs of somebody that wants it for themselves. It is one of the few pieces of property where you can drive up to and see the view.

Township Attorney McGuckin stated the township has taken no steps to vacate the property. The township chose not to improve the property. The bollards were to encourage bicycle and pedestrian traffic as opposed to motor vehicle.

Committeeman Lachawiec stated the bollards give an impression of "do not enter". Now residents of other paper streets want bollards.

Cliff Colluca, 115 Dollmore, if people want to walk through the bollards, they can. Before the bollards, there were speeding cars. People are always using that gravel area.

Deputy Mayor Reilly stated numerous residents came to many meetings requesting some protection from the speeding cars. The bollards were a simple solution to correct the problem.

Al Delprete, 117 Dollmore, the beach property is a separate lot, which Mr. Delprete pays taxes on. There was never a discussion of vacating the dirt road. At the August 6, 2009 meeting, Mr. Delprete suggested signs be put up showing bike and walk pathway.

Maria Vanderbilt, Laurelwyck Drive, stated the Township Committee should consider the creation of an Ethics Commission or Committee. Ms. Vanderbilt inquired if Mayor Kraft voted on a resolution between 2000 and 2003, to dismiss a municipal lien against the Dock Avenue property for the purpose of a fellow committee member.

Mayor Kraft stated he will research that and report back.

Ms. Vanderbilt inquired if any committee members received any gifts from Bob Calabro or been on golf outings at Oceanaire.

Mayor Kraft stated no. Committeeman Lachawiec stated he has never been invited to Oceanaire to golf. Deputy Mayor Reilly stated he lives in Oceanaire.

Ms. Vanderbilt inquired if any contractors of the Oceanaire project been used by any members of the committee for their own personal property or businesses.

Mayor Kraft stated no. Committeeman Lachawiec stated no. Deputy Mayor Reilly stated no.

Ms. Vanderbuilt inquired if any committee members or past committee members ever entered into business partnerships with another committee member.

Mayor Kraft stated no. Deputy Mayor Reilly stated no. Committeeman Lachawiec stated no.

Ms. Vanderbilt inquired if the Township Attorney has ever acted as Mayor Kraft's personal attorney for real estate transaction in the Town Center.

Mayor Kraft stated no.

John Hind, 109 Demmy Avenue, stated he has a special needs son who tends to walk in the street and not watch where he is going. The town was responsive to the needs of the town with the bollards and the town is responsive now to the storm drain needs of this town. Mr. Hind encourages the town to continue to be responsive and keep the bollards the way they are.

Ron Negra, 8 Manasquan, complimented the Mayor for sending out a copy of a letter, in the tax bills, inviting the US Attorney to investigate the town's projects.

Michele Rosen, 29 Bradley Beach Way, discussed a letter that was sent out from the Office of the Mayor. She is not the President of the Democratic Club, nor has she ever been. The referendum held in 2002, which Mayor Kraft referred to in that letter, was not on the Town Center at all.

Mayor Kraft stated the property he owns was not supposed to be in the Town Center. It was put in the Town Center when the NJ Dept. of Environmental Protection put it in. It was supposed to be a Golf Course, Hotel and Conference Center. That was the original plan.

Ms. Rosen stated if Mayor Kraft recused himself from the meetings after being elected, not missed, was late, left early for these meetings, and then sold the property in 2007, nobody could have said anything about it.

Ms. Rosen stated Mr. Van Pelt, as well as anyone else, is innocent until the governing court of law proves him guilty. In the criminal complaint it states the meeting with Mr. Van Pelt and David Esenbech occurred on March 30th. At that meeting Mr. Van Pelt stated the Township Administrator told him he was leaning toward another developer.

Township Administrator Mosca stated he did not say what he was quoted as saying in the newspaper. Mr. Mosca did not make that comment to Mr. Van Pelt.

Ms. Rosen inquired if Mr. Mosca said what he was quoted as saying in the July 24, 2009 Press of Atlantic City, that Mr. Mosca met with Mr. Van Pelt and the witness and said that Mr. Mosca was impressed with another developer's recent presentation and the work they did in Gloucester County.

Mr. Mosca stated that is accurate.

Ms. Rosen stated the complaint stated that Mr. Van Pelt told Mr. Dwek on March 30th that you had said that.

Township Attorney McGuckin stated that is not what it said. It stated that Mr. Van Pelt said Mr. Mosca said he was leaning in that direction.

Ms. Rosen stated under the Housing Redevelopment Law, the town has no requirements to go out for an RFP. The town can pick whoever they want for redevelopment projects. The town went back out for a 2nd RFP in January or February, after the town said SORA didn't meet the requirements. Those proposals were not due until April 2nd. Mr. Van Pelt spoke to Mr. Dwek on March 30th about Mr. Mosca leaning toward a particular developer.

Township Administrator Mosca stated he never made that comment to Mr. Van Pelt.

Ms. Rosen stated the problem is no one made a presentation until May 28th. May 28th is the day of SORA's presentation. Ms. Rosen will send a letter and copy the Mayor and Mr. McGuckin asking for an explanation.

Craig James, 10 Stevenson Street, stated the Township Committee should have time limits on residents' public comment. Mr. James inquired if the Van Pelt charge was State or Municipal.

Township Attorney McGuckin stated it was a Federal charge.

Mr. James thanked the Mayor for sending out the letter to the residents, which made him feel safe and secure as a resident of Waretown. The Township Committee is doing a great job.

Ron Negra, 8 Manasquan, criminal complaints should not be discussed at Township Committee meetings.

Township Attorney McGuckin stated anyone has the right to ask any such questions. If Mr. Mosca feels he does not want to answer the question, he does not have to. The public cannot be prevented from asking questions or discussing the matter.

Joan Tredy, 131 Englewood Ave., has been a volunteer in this town for 35 of the last 42 years. The Board of Health meets three times a year in this meeting room. For the last two meetings, the Board of Health was moved to another office to meet. Please refrain from having meetings in the town meeting room the same time as the Board of Health.

Vincent Anepete, Clearwater Drive, stated the bayfront views are very limited, due to traffic making a u-turn at the end of Clearwater. At the end of Sheridan, the foot traffic is limited to the people who live in that area. Paving the road will give everyone in town access.

Joan Adelung, 41 Capstan Road, commended the Township Committee for all the good things accomplished. It is appreciated.

Dennis Tredy, 131 Englewood, the residents of this town pay an open space tax each year towards the town purchasing property. Mr. Tredy suggested the town purchase the beach owned by Al Delprete and make it open to the town.

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

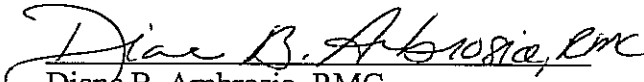
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

ADJOURNMENT

Motion to adourn 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:


Diane B. Ambrosio, RMC
Township Clerk

9/8/09
Date