

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

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING
February 26, 2009**

FLAG SALUTE

ROLL CALL: VAN PELT Abs 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.

MEETING MINUTES:

Approval of the Meeting Minutes for the Workshop and Regular Business Meeting of February 12, 2009
A motion of approval was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.
Roll Call: Reilly: Yes, Kraft: Yes

RESOLUTION NO. 2009-113: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,009,740.84
A motion of approval was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.
Roll Call: Reilly: Yes, Kraft: Yes

Ordinance

Ordinance 2009-1 Second Reading – Public Hearing

An Ordinance to Create the position of Municipal Housing Liaison for the purpose of Administering the Township of Ocean's Affordable Housing Program Pursuant to the Fair Housing Act.

Ordinance No. 2009-1 was read title only and opened to the public on a motion moved by Deputy Mayor Reilly, seconded by Mayor Kraft. Roll Call: Reilly: Yes, Kraft: Yes.

Dennis Tredy, 131 Englewood Avenue, asked for an explanation of the ordinance.

Township Administrator Mosca stated the township has to meet that requirement. The position had to be created to meet COAH standards.

Mr. Tredy inquired if COAH is telling the town it has to have this position.

Township Administrator Mosca stated yes. It has to be created by ordinance with specific language. COAH provided the language in the ordinance.

Mr. Tredy inquired if this is a situation where another organization tells the town what to do but does not fund it.

Township Attorney McGuckin stated the position is funded through the COAH fees.

Mayor Kraft stated it is another hidden tax to the tax payers.

A motion to close to the public was moved by Deputy Mayor Reilly, seconded by Mayor Kraft. Roll Call: Reilly: Yes, Kraft: Yes.

A motion of approval to adopt Ordinance No. 2009-1 was moved by Deputy Mayor Reilly, seconded by Mayor Kraft. Roll Call: 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

- 2009-114 Resolution authorizing Joanne Gelato be appointed as fill-in Court Recorder for the year 2009.**
- 2009-115 Resolution authorizing the Township Administrator to sign the contract with City Connections to continue providing web page development, storage, maintenance, spam and virus filtering for the year 2009 for a total price of \$4,608.00**
- 2009-116 Resolution authorizing the Township Administrator to sign the proposal with CMX to provide professional services regarding CAFRA Permit application regarding environmental constraints mapping and Roadway Mitigation mapping for Volunteer Way in amount not to exceed \$5,300.00**
- 2009-117 Resolution authorizing disposal of certain surplus property, which is no longer, needed for public use to be sold through GovDeals auction site pursuant to the state contract. Items to be sold Construction and Zoning Modular Office Trailer Unit**
- 2009-118 Resolution appointing Wayne McVicar, RV&V Engineering, to serve as Engineer for the proposed applications to the New Jersey Environmental Infrastructure Trust for 2009**
- 2009-119 Resolution recognizing along with the American Heart Association and the Ocean County Board of Health that February 2009 be American Heart Month**
- 2009-120 Resolution authorizing the Ocean County Energy Cooperative Pricing System Agreement for the purchase of electric generation service for the year 2009**

2009-121 Authorizing updates to signature cards for Township of Ocean Water Capital Account and Township of Ocean Sewer Capital Account

2009-122 Resolution supporting participation the Sustainable Jersey Municipal Certification program

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-114 through Resolution 2009-122

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

Roll Call: Reilly: Yes, Kraft: Yes

Motion of Approval for use of the Community Center:

1. Michael Ward – March 8, 2009
2. Christine Nardi – March 15, 2009
3. Ocean Township Democratic Club – February 24, 2009
4. Michael Kane – March 28, 2009
5. Loretta Schultheis – March 14, 2009

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

Roll Call: Reilly: Yes, Kraft: Yes

Motion of Approval for use of Toumey Park Ball field

1. Ocean Senior Softball League – Monday & Thursday (April – October)
2. Priffer Flooring Softball Team – Sunday 12:00 – 3:00 pm (April 1st – November 15th)
3. Ed Caroll, Bombers – Sunday 8:30 am – 11:30 am (April 1st – Sept. 1, 2009)

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

Roll Call: Reilly: Yes, Kraft: Yes

Motion of Approval for Raffle License for River of Life Family Church, March 28, 2009 50/50 Raffle.

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

Roll Call: Reilly: Yes, Kraft: Yes

Motion of Approval for Membership Application of George C. Gurning III, 200 Sixth Street, Waretown, NJ and Richard V. Widmer, 12 Oneida Avenue, Waretown, NJ to the New Jersey State Firemen's Association.

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

Roll Call: Reilly: Yes, Kraft: Yes

PUBLIC COMMENT:

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

Roll Call: Reilly: Yes, Kraft: Yes

Joseph Lachowiec, 26 Grand Bay Harbor Drive, requested details of the Ocean County Energy Cooperative Pricing System.

Mayor Kraft gave him the Resolution.

Dennis Tredy, 131 Englewood Avenue, corrected the meeting minutes date that was approved tonight. It should be February 12, 2009 instead of January 22, 2009.

Township Clerk Ambrosio apologized for the error and will make the change to the agenda.

Mr. Tredy inquired when the minutes are available.

Township Clerk Ambrosio stated they will be posted on the township website tomorrow by 12:00pm and would be available for viewing at the Clerk's office at the start of business on Friday.

Mr. Tredy inquired if he can get copies of the minutes instead of online.

Township Clerk Ambrosio stated he can fill out an OPRA request to purchase the minutes at any time.

Ralph Avellino, 10 Central Avenue, inquired if the town was leasing the trailer.

Township Administrator Mosca stated the trailer was purchased four years ago for \$84,400. It was not a lease purchase.

Mr. Avellino stated the township's TV Channel 22 has had the same format for the last 7 years. It is time to change the format and the music that is played on that channel.

Mayor Kraft stated the music is rotated, sometimes it is country, sometimes it is soft rock.

Mr. Avellino stated there is a beautiful basketball court on Dock Avenue and he has yet to see one person play basketball on that court. There are two basketball backboards on Dock Avenue, placed by the residents. Mr. Avellino doesn't see spending money on a park and having two basketball hoops within 30 feet.

Township Administrator Mosca stated as soon as the weather gets nicer people will use the courts.

Mr. Avellino stated the personal courts on the side of the road have nothing to do with the weather.

Deputy Mayor Kraft stated the park has been locked for a substantial amount of time because of vandalism and work being done within the park.

Township Administrator Mosca stated the park has been opened, however, there are more police patrols there.

Deputy Mayor Kraft asked Township Administrator Mosca to have the township go out and review the placement of the personal basketball hoop.

Jacquelyn Petrosilli, 11 Vessel Road, requested an update on the solar landfill project.

Township Administrator Mosca stated the Requests for Proposal are due Monday, March 9, 2009.

Mayor Kraft stated the town held a mandatory pre-submission site visit about four weeks ago. A lot of companies showed up. Township Administrator Mosca spent a lot of time fielding questions between Atlantic County Utilities Authority.

Township Administrator Mosca stated the town has had a lot of response. It is a large project. Only the biggest of companies can do this project. It would be great if the town received 5-7 proposals.

Mrs. Petrosilli stated she saw a lot of solar panels going up at Maguire Airforce Base. She also discussed a church on Long Beach Island.

Deputy Mayor Reilly stated there are a lot of solar panels on individual buildings or small and confined spaces. As Mr. Mosca pointed out, this is a very large project. The town does not want companies that do not have the financial resources to start and finish this project.

Mrs. Petrosilli inquired how big an area is the township looking at.

Mayor Kraft stated the landfill is approximately 30-50 acres.

Township Administrator Mosca stated there are seven solar energy initiatives in the new stimulus package.

Albert Johnson, Grand Bay Harbor, stated he is a member of the board but he is not speaking for the board. He would like to spend a few minutes in closed session regarding boat slip #63 and what was owed in maintenance fees.

Mr. McGuckin stated you cannot speak for the board. It would not be appropriate to speak with you about it in executive session. Mr. McGuckin received the request and forwarded a letter outlining a proposed resolution to the matter. They indicated they would vote on it at the March meeting. If you are officially authorized to discuss the matter you can do so at the March 12, 2009 Township Committee meeting.

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

Roll Call: Reilly: Yes, Kraft: Yes

ADJOURNMENT

Motion to adjourn meeting was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Reilly: Yes, Kraft: Yes

OPEN MEETING

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

Roll Call: Reilly: Yes, Kraft: Yes

Township Attorney McGuckin stated just after adjournment of the regular meeting it came to his attention that a portion of the minutes, on which the two members of the committee who were present voted on, included a portion in which Mr. Kraft had a conflict and was not present for.

The minutes refer to when the Committee came out of executive session and completed the open portion of the meeting on February 12, 2009. As a result of that, it would be appropriate for a motion to rescind the vote on the minutes and a new motion will be made with respect to those minutes and advise Mr. Kraft he should have stayed on that portion of the meeting where he was not present, which is when the Committee came out of executive session.

A motion to withdraw the previous motion to approve the minutes of February 12, 2009 was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Reilly: Yes, Kraft: Yes

A motion to approve the minutes of February 12, 2009 was moved by Deputy Mayor Reilly, seconded with abstaining on the second open meeting session, after the Committee came out of executive session, by Mayor Kraft, as he was not present.

Roll Call: Reilly: Yes, Kraft: Yes

Township Attorney McGuckin stated that second portion of the minutes where Mayor Kraft was not present and has not voted on, there is only one eligible member of the Committee here tonight who can vote on those minutes.

Normally, Township Attorney McGuckin would have extended the vote on these minutes to the next meeting. It has been advised that Committeeman Van Pelt, who is not here tonight, has submitted his letter of resignation effective Saturday, February 28, 2009. The Committee does not have another meeting before Saturday and would not have time to schedule one.

As a result, there is only one member of the governing body who can vote on those minutes. That is Mr. Reilly. Even a new member, once appointed, cannot vote on those minutes, as he/she was not present on February 12, 2009. Only Mr. Reilly can approve the minutes of the portion of the meeting, which came after the executive session.

Township Attorney McGuckin asked Mr. Reilly if he approves the portion of the minutes after the Committee came out of executive session on February 12, 2009.

Deputy Mayor Reilly stated "Yes, he approves the minutes."

Township Attorney McGuckin stated the vote would be one (1) in favor, zero (0) abstention, one (1) absence.

ADJOURN MEETING

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

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date