

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

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING
February 12, 2009**

FLAG SALUTE

ROLL CALL: VAN PELT 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.

MEETING MINUTES:

Approval of the Meeting Minutes for the Workshop and Regular Business Meeting of January 22, 2009
A motion of approval was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.
Roll Call: Van Pelt: Abstain, Reilly: Yes, Kraft: Yes

RESOLUTION NO. 2009-101: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$6, 816,465.37
A motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes

Ordinance

Ordinance 2009-1 First Reading Title Only

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.

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

2009-102 Resolution of the Township of Ocean that the gypsy moth is declared to be a public nuisance and protection of vegetation is deemed to be a subject matter of public welfare and in compliance with the State of New Jersey Department of Agriculture recommendation, is hereby authorized to suppress this forest and shade tree pest

- 2009-103 Resolution authorizing Conner Strong for the coordination of CDL Drug Testing Program for the Township of Ocean for the year 2009**
- 2009-104 Resolution supporting the acquisition of certain properties in the Township of Ocean and the Township of Lacey by the Ocean County Natural Lands Trust Fund regarding Blocks 15, 14, 33, Lots 4, 2, 11.02**
- 2009-105 Resolution appointing Joel M. Fleishman of Fleishman Daniels Law Offices to serve as Bond Counsel to the Township of Ocean on its proposed application to the New Jersey Environmental Infrastructure Trust (NJEIT) for financing under their direct loan program**
- 2009-106 Resolution authorizing the emergency appropriation be made with respect to the 2009 temporary budget for the total amount of \$20,825.00**
- 2009-107 Resolution authorizing release of escrow money held in the name of Daniel Lobue, III in the amount of \$407.50**
- 2009-108 Resolution authorizing the filing of applications for loans from the New Jersey Environmental Infrastructure Financing Program**
- 2009-109 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 wood chipper, Recycling Truck, Trailer, power box, mason dump**
- 2009-110 Resolution supporting the acquisition of certain properties in the Township of Ocean by the Ocean County Natural Lands Trust Fund regarding Blocks 36/37/38, Lots 8/2/15/17**
- 2009-111 Resolution appointing Daniel Lee Filak for four years as Plumbing Sub Code Official as he successfully completed his 90 day probation**

Township Attorney McGuckin inquired if Daniel Filak's appointment of four years is from his date of appointment or from the end of the 90 days.

Township Clerk Ambrosio stated four years from the end of the 90 days.

Township Attorney McGuckin instructed the Township Clerk to have the resolution reflect the date he actually started.

Township Clerk Ambrosio stated she will change the date in the resolution.

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-102 through Resolution 2009-111

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

Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

RESOLUTION 2009-112 authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, real estate and litigation - PURPOSE: Township Attorney McGuckin stated he has two matters for litigation and one contractual. Township Administrator Mosca stated he has one matter for personnel.

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.

Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

Motion of Approval for use of the Community Center:

- 1. Recreation/Senior Advisory – WII Bowling**

- a. Wednesday – 2009 @ 9:00 am
- 2. Ocean Township Democratic Club, January 29, 2009
- 3. Waretown First Aide/Red Cross Blood Drive
 - a. February 7, 2009
- 4. Victoria Grover, February 8, 2009
- 5. Township of Ocean Reg. Republican Club, February 10, 2009
- 6. Stephanie and James Boyd, February 21, 2009
- 7. Diane Visalli, February 22, 2009
- 8. Republican County Committee, February 12th, February 23rd, March 2nd, March 13, 2009
- 9. Lord of Lords Bible Community Church, March 3rd, 10th, 17th, 24th, April 7, 2009

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

Motion of Approval for Membership Application of Bert C. Rypkema, 71 Clearwater Drive, Waretown, NJ 08758 to the New Jersey State Firemen’s Association.

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

Motion of Approval for Junk Yard/Salvage Yard License for the year 2009 to David Beier, Block 6, Lot 10 & 11

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

ACCEPTANCE OF THE FINANCE REPORT

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

ACCEPTANCE OF THE TAX COLLECTOR’S REPORT

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

ACCEPTANCE OF THE UTILITY COLLECTOR’S REPORT

Motion of approval was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

PUBLIC COMMENT:

Motion to open to the public was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
 Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

Charles McGroarty, 15 Rumson Court, thanked Committeeman Van Pelt for everything he has done for Waretown and wished good luck to Mayor Kraft and Deputy Mayor Reilly.

Dennis Tredy, 131 Englewood Avenue, thanked Committeeman Van Pelt for the years of service that he provided to this township. Mr. Tredy could not even begin to list all the accomplishments but wanted to thank Committeeman Van Pelt for all he has done and wish him good luck in the future.

Committeeman Van Pelt thanked Mr. Tredy.

Ralph Avellino, 10 Central Avenue, thanked Committeeman Van Pelt very much and wished him luck.

Joseph Lachowiec, 26 Grand Bay Harbor Drive, thanked Committeeman Van Pelt for all his years of service. The town appreciates it. Mayor Robert Kraft and Deputy Mayor Dick Reilly will do a good job. Mr. Lachowiec stated a lot of senior citizens have been asking about the Senior Tax Freeze.

Committeeman Van Pelt stated he would ask Mayor Kraft and Committeeman Reilly to put the information on the website. There is a new program out. The state changed the income requirements.

Mr. Lachowiec inquired about the traffic light at Volunteer Way.

Mayor Kraft stated the initial work has begun.

Mr. Lachowiec stated on the agenda, under the Fair Housing Act, there is an appointment of the liaison. Mr. Lachowiec stated there is a bank in New York called the Federal Home Loan Bank of New York. The bank has a history of giving grants for affordable rental units. The town should contact them to see if there is any chance of helping the town out.

There is a lot of people in trouble with mortgages, especially senior citizens. In Stanford, Connecticut, they had a community meeting with some of the banks to see what they could do to establish a program to stall foreclosures. Mr. Lachowiec thinks the town should look into that as well.

Joe Randazzo, 23 Spring Lake Blvd., thanked Committeeman Van Pelt for his services. He did a great job. Mr. Randazzo inquired when the 2009 budget would be approved and can he look at it and get a presentation before it is approved.

Mayor Kraft stated sure, absolutely.

Township Administrator Mosca stated the town just closed out the books and are waiting for numbers from the state. The town continues to work on its budget. The department heads have put in their requests. Township Administrator Mosca has made cuts to the budget. The Township Committee will have an opportunity to make further cuts to the budget. There will be a presentation.

Mr. Randazzo inquired if that presentation could be made here in the meeting room.

Mayor Kraft stated yes.

Mr. Randazzo inquired how the Town Center is doing.

Mayor Kraft stated getting the permit to build Volunteer Way is the most critical element of the Town Center. Once that is in place, the center will be moving along. The pre-bid conference is February 18, 2009 for all contractors who will participate in the Town Center RFP. There are six interested developers for the town center. Bids are due April 2, 2009.

Township Administrator Mosca stated it is an open public bid. It has been advertised.

Mr. Randazzo stated Mayor Kraft had mentioned previously that he is willing to extend the Redevelopment Committee to include residents on that committee.

Mayor Kraft stated in this past campaign season he had received criticism that three people have a lot of power in the town. Mayor Kraft is considering opening up the Redevelopment Committee to have a better cross-section of the municipality. Mayor Kraft has asked Township Attorney McGuckin to look into what it takes to do that. The town will have an answer within the next few weeks.

Mr. Randazzo inquired if Mayor Kraft thinks it is possible to have four residents, with the three Township Committee members.

Township Attorney McGuckin stated the question is if you create a separate Redevelopment Committee under the statute, when members of the public sit on the Redevelopment Committee, there are state laws they have to meet. There are cost expenses and a budget would be required.

Mr. Randazzo inquired about the Township Committee replacement.

Township Attorney McGuckin stated a vacancy within the governing body is filled under the judicial vacancy statute. By law, the person who is elected, if they were elected on a political partisan action by the Republican party, Dan was nominated by the Republican party, the municipal county committee for that party, presents the names to the township governing body. The County Committee has 15 days, from the 28th, to come up with three names. The governing body then has 15 days to select one of those three individuals to serve the remainder until November.

Mr. Randazzo stated let's assume they pick somebody. Is that person there for the remainder of the year?

Township Attorney McGuckin stated yes, until December 31, 2009.

Mr. Randazzo inquired if there is a primary, where other candidates can get involved and when is that?

Mayor Kraft stated yes. It is in June.

Mr. Randazzo inquired if the person in the primary has to be the same as selected by the county committee.

Mayor Kraft stated no. The club would complete petitions for the election.

Mr. Randazzo inquired what happens if there are two different people.

Township Attorney McGuckin stated if the two members of the governing body select a person for the rest of the year. That person serves no matter what happens in the June primary. That person will serve the balance of 2009 as a Committee member. The nomination process for the November election is still done through the municipal parties, Democrats and Republicans, and if there is not a consensus on that choice, than there is a Republican primary or Democratic primary. That primary ballot will be decided in June and that person would then run in November. If that person is different than who was selected by the governing body, they don't serve any sooner.

Mr. Randazzo inquired if there are two people, does that mean they run in different columns.

Township Attorney McGuckin stated yes. In the Republican primary, when you go to the primary election ballot, you have a Republican machine and a Democratic machine. In the Republican machine will be a list of candidates that filed the appropriate petitions and obtained enough signatures. They will be listed on that ballot. The nominee of the political party, who is part of the Republican county organization, that person would be on the county line. That county line would have the county

Freeholders, Legislators and the local elected official. If you are not part of that ballot, you would be on a different line, but on the same ballot. It could be two, three or ten, whoever filed the petition.

Mr. Randazzo inquired if there was a minimum to how many people could run.

Township Attorney McGuckin stated no.

Mr. Randazzo explained a problem that Bob and Dick have. The town lost Tony Fonseca, who knew a lot about budgets and money. The town is losing Dan, who is an innovator, communicator and a strategic thinker. With times being bad and the way the state is tightening up, everybody is out of money.

Mr. Randazzo is concerned that the town really needs to pick a qualified candidate. He does not want to see a go-along to get-along person in the seat. He wants to see someone qualified. He met with someone who has been a successful mayor for years and asked them what are the qualifications for someone to be on the Township Committee. Mr. Randazzo offered those qualifications to the Township Committee and the County Committee. They can do what they want with the information.

Ron Bruno, 12 Rumson Court, stated to Committeeman Van Pelt that it has been nice knowing him for 17 years. It has been an honor. The town did a nice job taking down some of the signs in the shopping centers. He read in the paper that the town is going to change the ordinance. It's a shame. Shop Rite had to spend so much money for a light post. The town has to carry that over. These businesses are covering their whole window with paper.

Mayor Kraft stated the town understands what the businesses are going through and how difficult it is making a living. The town also does not want to lose sight of the town's vision, goals and architectural and design standards. There is only a handful that were violating the ordinance. They are the ones the town intended to reel in. It is a double-edged sword. These businesses have to survive but not by having 45 little yard signs on Route 9. The town had a very productive meeting with the business owners. The language in the ordinance is not strong. It needs to be cleaned up a little bit.

Mr. Bruno stated he's seen the gutters with hoses on the back of buildings at the town center.

Township Administrator Mosca stated the town is waiting for the ground to thaw to have the proper recharge at the end of the gutter spouts. It goes into the ground like a French drain.

Mayor Kraft stated they poured the concrete wrong because the construction was wrong. They will have to cut it up and dig in the trenches and put in new concrete. The error happened in between pouring the concrete and the inspection.

Deputy Mayor Reilly stated the reason for the hoses is so the rain didn't go down and freeze on the sidewalks.

Mayor Kraft stated the town put the developer on notice that there are no more C.O.'s until those roof liters are buried in the ground where they are supposed to be.

Vincente Anepete, Clearwater Drive, stated the town center is an extension of Volunteer Way, which will bring everyone into town. Mayor Kraft stated previously that permits are required. Who is responsible for the permits. Where is the town going to get these permits approved?

Mayor Kraft stated it has been a long process.

Committeeman Van Pelt stated it is a DEP permit. The town has a commitment from the Commissioner, Mark Moriello, that the town is going to get a permit. He needs to relay that message to his staff. Right now, the town's engineer is trying to set up a meeting with Mr. Welsh, who is being difficult. Once that meeting is complete, the town has some minor information to submit, which will start the clock ticking for the review time period to get the permit. Committeeman Van Pelt stated he is extremely confident the town is getting a permit to build Volunteer Way. It's just a question of getting Mr. Welsh on board with what the Commissioner wants.

Township Administrator Mosca stated the issue now is the town is being asked to resubmit the entire application, with no changes. The township engineer, who submitted the application, has notified the township that they will be submitting a proposal to the town and charging us to resubmit this application, with no changes.

Committeeman Van Pelt stated there are a lot of people looking at that project. The Commissioner wants to make sure that it is done and done well. If the town has to resubmit the application with no changes, it is really simple. The town resubmits the application with no changes and it starts the 90 day review period. The state has 90 days to approve or deny the application. Once the application is approved, then the town is in line to get a permit.

Mr. Anepete inquired if the town can do anything to enhance the case, perhaps letters to the DEP.

Committeeman Van Pelt stated the DEP is well aware of it. The town testified before the State Planning Commission. That experience was positive. Before the testimony, there was a lot of speculation that they were not going to treat it as a separate application and that was not the case. The fact that they are treating Volunteer Way as a separate application is huge. That saves years on that road. The state wanted an environmental on the entire center. The state had a change of mind.

Mr. Anepete inquired if the roundabout is still in the works. That is a DOT permit requirement.

Committeeman Van Pelt stated the roundabout is DOT's idea. Any project coming before the township has a requirement to maintain a distance, as if the roundabout is there. It may or may not happen.

Mr. Anepete stated the DOT just approved one in Glassboro.

Committeeman Van Pelt stated the stimulus package is going to help. Volunteer Way is engineered already. It just needs a permit.

Mr. Anepete stated he recalls when Dan Van Pelt was running for office a long time ago. Bob Kraft, Dan Van Pelt and Tony Fonseca made a good team. They got the town moving forward in the right direction. Mr. Anepete appreciates everything Dan Van Pelt has done for the town.

Committeeman Van Pelt stated he enjoyed it very much. It has been a pleasure.

Ron Negra, 8 Manasquan, discussed the sign ordinance. Mr. Negra is not or never will be a businessman in town. Mr. Negra inquired if the rally of 100 people in the meeting room generated the idea of having a Chamber of Commerce in this town, which would be supported by the governing body. Perhaps inviting those businesses that attended the meeting would help the town in many ways. A Chamber of Commerce would help new businesses encourage patrons and provide services to the town.

Mayor Kraft stated the idea was brought up and is being discussed. It is a good idea and it will help the businesses.

Committeeman Van Pelt stated a Chamber of Commerce in Waretown has come and gone twice. Business owners need to step up and take charge. After the last one failed, the business owners joined the Lacey Chamber of Commerce or Southern Ocean Chamber of Commerce in Manahawkin.

Mayor Kraft stated there was not enough businesses in town to support a Chamber of Commerce in the past. Now there is.

Ed Covitz, Brookville, thanked Committeeman Van Pelt for his service. It's been great while you were here. Mr. Covitz hopes it remains the same.

Committeeman Van Pelt stated you're welcome.

Mr. Covitz stated there was an article in the Asbury Park Press on February 5th regarding school district spending. Out of the 29 districts in Ocean County, there are only 6 districts that pay more per pupil than Waretown residents. Of the 6 districts, 5 of them are on the island. Why is Waretown paying so much money? It is not because of Southern Regional. The residents are paying the same amount for kindergarten up to 6th grade.

Mayor Kraft stated five years ago 130 kids graduated from that school. Last year 68 graduated.

Mr. Covitz stated he wanted to bring it to their attention. According to the article in the paper \$14,727 was processed for Township of Ocean. If the costs for the Southern, WES and Priff Schools are checked, there is only a couple hundred dollars difference.

Mayor Kraft stated there is a school board election this April. When does the application have to be in?

Township Clerk Ambrosio stated on March 2nd petitions are brought to the Board of Education office.

Deputy Mayor Reilly stated at the Board of Education meetings, that is where they discuss how they spend the money they are asking for.

Mr. Covitz stated only one or two people attend those meetings. When there is difficulty, then the meeting is jammed with parents and school teachers.

Deputy Mayor Reilly stated the local people can give their input by speaking at the meetings, standing up to be on the school board, and voting on the budget. Those are the ways voices can be heard.

Mr. Covitz stated the superintendent of all Boards of Education, are like CEO's at banks. The people on the board are controlled by the superintendent.

Joseph Lachowiec, 26 Grand Bay Harbor Drive, stated as everyone knows, Mr. Lachowiec was on the school board in Pennsylvania for four years. It is the 14th largest school district in Bucks County. The budget at that time was over \$100 million. One of the superintendents there stated the tax payers put all the money in and other people come and take money out. When it is empty, there is only one thing the tax payer can do and that is put more money in. There are so many costs for bonding, insurance and contracts in the budget that the amount of money that the school board is able to work with is very slim – 5% or 10%. In budgets, there is a lot of "fat". If you go to any school board budget meeting there are budget transfers. These transfer take the "fat" from one part of the budget and put into another part. The superintendent is going to retire this year. Between him and his ancillary staff, \$100,000 or more could be saved. The reason why the cost is \$14,000 per kid is the population of children is way down. Take the

amount, divide it by the number of kids now versus the number of kids two years ago, and the costs keep going up. Whoever gets on that school board will have to make a lot of decisions. There will be some huge changes and people might not like it.

Ralph Avellino, 10 Central Avenue, stated the township has done a very good job with the sign situation. It took almost a year to get a sign torn down and there is an ordinance that says they have to take the sign down in 30 days. The Code Enforcement Dept. checked up with that and ended up in court. If the sign meeting had taken place before the clamp-down, the average merchant would have been willing to go along. The four merchants at the southern end of town should be allowed to put signs on the outside of the balcony. The Code Enforcement Officer has done a good job.

Motion to close to the public was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

RECESS

Motion for a two-minute recess was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.

Roll Call: Van Pelt: Yes, Reilly: Yes, Kraft: Yes.

OPEN MEETING

Mayor Kraft left the meeting prior to Executive Session.

Motion to open meeting was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.
Roll Call: Van Pelt: Yes, Reilly: Yes.

Township Attorney McGuckin stated a matter of litigation was discussed in the Executive Session. That item was not formalized, which is the proposed payout on Utilities. The Township Administrator submitted a spreadsheet of a five, seven and ten-year proposal. Township Attorney McGuckin recommended a five-year proposal.

Deputy Mayor Reilly stated the proposal should not be longer than five years regarding water.

Township Attorney McGuckin stated a five-year is the Committee's recommendation.

Motion of approval authorizing the Township Attorney's office to finalize the settlement in the existing litigation between the municipality and Ocean Properties North in accordance with the general terms of The Attorney's February 12, 2009 correspondence.

Motion was moved by Deputy Mayor Reilly, seconded by Committeeman Van Pelt.

Roll Call: Van Pelt: Yes, Reilly: Yes.

ADJOURNMENT

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

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date