

## MEETING MINUTES

### TOWNSHIP OF OCEAN WORKSHOP/CAUCUS AGENDA

January 14, 2010

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

Flag Salute

Roll Call                    Mayor Lachawiec   X        Deputy Mayor Tredy   X    
                                  Committeeman Kraft   X  

Also Present:            Mr. McGuckin   X  

Mayor Lachawiec announced a memorial service for Joseph Horner, husband of former Township Clerk, Dorothy Horner. Mr. Horner passed away Saturday, January 9, 2010. The memorial service will be 4:00 pm on Saturday, January 16, 2010 at the Waretown Methodist Church. The Township Committee lead a moment of silence for Joseph Horner.

### PRESENTATION: Jim Nagle - Eneractive Solutions

Mr. Nagle gave an overview of the Eneractive Solutions' capabilities and professional expertise in helping the township reduce energy costs. Eneractive Solutions is an independent, energy consulting, project-development firm. Eneractive Solutions provides analysis, design, development and implementation of all types of energy projects, including renewable energy projects. Eneractive Solutions is headquartered in Asbury Park, with regional offices in Baltimore, Maryland. The company was founded by Dan Wheaton. Eneractive Solutions look at facilities with high-energy costs and help find ways to tune-up the facility as opposed to buying new equipment. Typical projects are solar, wind, HVAC technologies, geothermal and turbines. Eneractive Solutions is a member of the Association of Energy Engineers, Building & Commissioning Council, a Certified Partner with the NJ Office of Clean Energy and member of the Greenville Council. Mr. Nagle would like to provide a request for proposal review of the township's energy projects and design review. The services include analysis revenue projections. Mr. Nagle gives a slideshow presentation of projects by Eneractive Solutions. Solar is a clean renewable resource. When the solar program began in New Jersey, a 60% rebate was offered to schools and municipalities. In order to bring electricity into this state, a certain portion must come from clean, renewable resources. It cannot keep coming from dirty, fossil-burning generators. It has to be wind and solar.

Committeeman Kraft inquired what the market is yielding?

Mr. Nagle stated the market right now is about \$0.55 to the \$0.08 per kilowatt hour. There is a 30% investment tax credit or grant. The owner of the solar project gets a 30% investment grant or tax credit.

Harry Dering, Dock Avenue, inquired what controls the kilowatts.

Mr. Nagle stated all solar systems go through an inverter, then a kiosk and then gets recorded. It will be published and documented every month. There is an incentive coming out for customers of \$0.25 per watt, as long as the system is made in New Jersey. Eneractive Solutions can represent the township completely and extract value out of these projects.

Committeeman Kraft inquired if Eneractive Solutions ever had a solar panel application over a retention basin. Mr. Nagle showed a floating solar pad slide. The project would be about 17 ½ megawatts.

Mr. Nagle stated Eneractive Solutions understands energy and are certified energy managers. The Eneractive Solutions designer knows mechanical systems and how to lay it out.

After year 15, the town can buy the system or remove it. Some companies charge \$2.00 per kilowatt for removal.

The photovoltaic systems that will be installed on the landfill work parallel to the existing electrical system. It produces DC power that's converted to AC power to an inverter. The utility company would buy that for a fee that is negotiated. The utility company has a transfer line outside the landfill.

Eneractive Solutions is a certified partner with the Paper Performance Program through the NJ Office of Clean Energy.

Deputy Mayor Tredy inquired what Desecance means?

Mr. Nagle stated it is moisture in a building. A desecance system is a way of controlling the humidity in a building, without the air conditioner doing it.

Deputy Mayor Tredy inquired where the 30% Federal Grant program is in the legislature.

Mr. Nagle stated in 2009 there was a federal investment tax credit that was due to expire on December 31, 2010. That has been renewed and is now available.

The solar system does not penetrate the lining of the landfill and is self-balancing.

Every agreement is structured differently and is always negotiated.

A resident from the audience inquired if the system is made domestically or overseas.

Mr. Nagle stated they are a combination of both.

1. Committeeman – Robert Kraft

- Resolutions setting Temporary Budgets for the Township of Ocean, Water and Sewer (Resolutions 2010-82, 2010-83, 2010-84)

The town will allocate 26% of the 2009 adopted budget toward the first few months of 2010. The budget will be adopted in June or July.

- Resolution accepting properties as donations during the year 2001/2002 (Res. 2010-85)

A few small properties have been donated to the township. This is the resolution accepting the properties.

- Resolution authorizing method of payment for Barnegat account that are delinquent water and sewer (Res. 2010-86)

The township has a water and sewer line that runs into Barnegat down Bayshore Drive.

- Resolution authorizing the method of payment for delinquent taxes, water & sewer (Res. 2010-87)
- Resolution authorizing In Lieu mailing charges to be added to tax sale cost (Res. 2010-88)

If the town sends out a certified mailing, the charges will be added to the tax sale costs.

- Resolution authorizing the Tax Collector to process, any cancellation of property tax refunds or delinquencies of less than \$10.00 (Res. 2010-89)

A few years ago it was changed to \$5.00. Now it is being changed to \$10.00.

- Resolution authorizing the discharge from collecting 2009 taxes from Gary K. Parker as he is a disabled veteran (Res. 2010-90)

There is a state statute that support this resolution.

2. Deputy Mayor's Report – Dennis Tredy

- Resolution authorizing 2010 Schedule "C" Agreement in the amount of \$60,000 (Res. 2010-92)

The County has equipment that the Township does not have. The County will complete projects under Schedule "C".

- Resolution authorizing Change Order No. 1 for Sands Point Park – Phase 2 B in the amount of \$1,016.21, 0.11% increase in the contract

This covers an abandoned septic tank found on the property. The Sands Point Park construction foreman indicated the bulkhead will be completed in 2 weeks. A short extension was given, due to the flounder-mating season.

Mayor Lachawiec discussed Resolution 2010-92 Schedule “C” Agreement and thought these funds could be used for maintenance work on the Roadways. These funds might be used on the Country Lane project.

Deputy Mayor Tredy stated that CMFO Thorne indicated there is an option to wait and pass another resolution at a later date.

3. Mayor – Joseph Lachawiec

- Resolution authorizing the members to the Emergency Management Council for the Township of Ocean (Res. 2010-91)
- Discussion - Alternative Energy
  - i. Appointing Jim Nagle, Energy Expert, Eneractive Solutions
    - 1. Price not to exceed \$5, 000

Mayor Lachawiec inquired if further discussion should be done in closed session.

Township Attorney McGuckin stated it could be discussed in public.

Mayor Lachawiec suggested hiring Eneractive Solutions for a price not to exceed \$5,000. Mr. Nagle could look at the town’s solar project and find a savings in excess of the \$5,000.

Mayor Kraft stated this project is imbedded in bureaucratic red lights in Trenton. The Pinelands Commission does not have a provision to allow solar panels to be put in the pinelands and are looking to change the rules and regulations to allow it.

Mayor Lachawiec stated the Pinelands Commission staff agreed to put together the principles and should have them available in 60 days.

If the solar project is approved by the Pinelands Commission, Eneractive Solutions could act as an expert to make sure the project is right for the public.

- ii. Appointing Crowell & Moring as Special Project Counsel – Energy Issues

Crowell & Moring is located in Washington D.C. and is an energy advocacy firm, experienced in energy litigation, commercial transactions, federal and state regulatory issues and electric

practice. Mayor Lachawiec asked for support in appointing Crowell & Moring as the Township of Ocean Special Projects Energy Attorney. The D.E.P. has ordered the Oyster Creek generating station to install cooling towers. The Township of Ocean should be involved whenever negotiations start with cooling towers or the nuclear plant. From 1974-2010, the town has received less than \$700,000. One year the town received 50 yellow cones, in case of an emergency. Mayor Lachawiec believes the funds are going to Mercer, Bergen and Cape May counties. Those funds are designed for emergency services for the communities directly alongside the plant. This firm could get the Township of Ocean as much funds as possible.

Deputy Mayor Tredy stated he would like to know more about the category of funds.

Mayor Lachawiec will review Chief Flatt's report of funds with Deputy Mayor Tredy.

Committeeman Kraft suggested the Township Committee receive a fee schedule for Crowell & Moring.

- Discussing appointments to the Economic Development Committee

The Economic Development Committee has been dormant for a number of years. Potential members have to be submitted to the Township Committee for consent. All vacant land would be inventoried and the uses would be determined to bring in revenue-producing businesses.

The Township of Ocean applied for grants last year for the water treatment plant, Well #6 upgrade and the pump lift station. On December 24, 2009, the D.E.P. said no to the application. Township professionals recommended the town reapply. It will probably cost a few thousand dollars. A resolution is being prepared.

#### 4. Mr. McGuckin

Township Attorney McGuckin stated he has a few items for closed session.

DISCUSSION: Items to be placed on Agenda – January 28, 2010

No items at this time.

#### **PUBLIC COMMENT**

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

Roll Call: Kraft: Yes, Tredy: Yes, Lachawiec: Yes

Michele Rosen, 29 Bradley Beach Way, stated the town is required to tell the public what executive sessions are about. Does this executive session have anything to do with the contract with Pepco. Eneractive Solutions should have come before the Township Committee a year and a half before. What happens to the contract with Pepco?

Township Attorney McGuckin stated the town agreed to enter into an agreement with Pepco, assuming and if it made economic sense, approved by DCA. ACUA does it for free. It has not cost the township one dollar.

Ms. Rosen stated where is this going? What if Eneractive Solutions suggests to end the contract with Pepco. The town has already paid for attorney's fees, etc.

Mayor Lachawiec stated that is why the town is doing due diligence to get the best economic benefit from the whole project. The contract with Pepco is not signed. There is no obligation on the town's part. If Pepco is the best supplier for this project, an outside energy expert like Eneractive Solutions could look at the whole project and determine whether or not the town is getting the best deal.

Ms. Rosen stated there is a resolution on the reorganization minutes that was passed twice with different numbers. It is incidental but ought to be corrected. Also, there is still no amendment to the July 9, 2009 minutes.

Mayor Lachawiec stated the July 9, 2009 minutes do not need to be corrected. The discussion is in the current minutes.

Township Attorney McGuckin stated once minutes are approved, they are approved. Minutes are not changed. A subsequent meeting can explain the past minutes.

Mayor Kraft inquired if the letter was attached to the minutes.

Township Clerk Ambrosio stated yes.

Tom Marquet, 95 Spring Lake Blvd., inquired if there is a contract with any ESCO at this point?

Mayor Lachawiec and Committeeman Kraft stated no.

Mr. Marquet inquired if the Pinelands Commission allows this type of project at this time.

Mayor Lachawiec stated the Pinelands Commission stated it was an industrial use and an electric generating station. Such use is forbidden in the Pinelands. Within 60 days, the Pinelands Commission will put forth a memorandum of principles the town will look into.

Mr. Marquet stated it is best to not retain the lawyers until the Pinelands Commission makes a decision.

Mayor Lachawiec stated it is best to spend the \$5,000 on Mr. Nagle, whose utilization could certify as an independent expert, in terms of protecting the town's water and air.

Harry Dering, 15 Dock Avenue, inquired if Sands Point Park will be completed by Summer.

Mayor Kraft stated the contractor is supposed to be done by July 4, 2010.

Ed Covitz, Brookville, stated the Pinelands would not be decimated. It is a big money making organization. A quarter pineland credit charge is \$25,000. Everything that is done in the pinelands has to pay a fee. The Pinelands Municipal Council is made up of Mayors or designees and can supply a list of towns with landfills.

Deputy Mayor Tredy was asked to sign a check for Greg McGuckin's office. The paperwork was a special file for Michele Rosen. From December 1, 2009 to December 25, 2009, the firm of Dasti, Murphy, McGuckin invoiced the town \$1,426.00 for review of OPRA requests that were presented to the Township Clerk from Michele Rosen. Any individual may ask for public documents. In the Clerk's office, 24 hours were dedicated for OPRA requests by the Township Clerk at a cost of \$840. There was another 10 hours by the Deputy Clerk for \$160. This does not include the cost of shipping the files from the off-site storage site, shipping them back and filing them. It is an abuse of the legislation, provided by the state, in order to help people understand government.

Motion to close to the public and move into Regular Business Meeting was moved by Committeeman Kraft, seconded by Deputy Mayor Tredy.

Roll Call: Kraft: Yes, Tredy: Yes, Lachawiec: Yes