

# MEETING MINUTES

## TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING July 8, 2010

### Call to Order

ROLL CALL:           WETTER   X             TREDY   X             LACHAWIEC   X  

### Flag Salute

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 Press of Atlantic City 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.

### Committee Reports

#### **Committeewoman – Tina Wetter**

- Town Wide Clean Up Day Report

The Independence Day Celebration was held on July 3, 2010. Sixty residents attended the celebration along with the Ocean County Pipe and Drum, Barnegat Color Guard, Adele Shaw portraying Mrs. Waerir and Brianna Padilla sang the National Anthem.

The Town Wide Clean Up Days were a success. Don Lippincott, Chairman of the Environmental Commission received letters from residents thanking the township for providing this service. Committeewoman Wetter read letters sent to Matt Ambrosio, Buildings and Grounds Foreman and Jennifer McMahon, Community Affairs for Shop Rite and Waste Management. Shop Rite donated food and drinks for the volunteers and township employees that day. A letter was sent to Township Administrator Breeden for use of the Barnegat Township Front Loader equipment and John Haas, Ocean County Solid Waste Management for use of the paint cages.

The Historical Society will have a program Sunday, July 18, 2010 at 2:00 pm – Waretown's Occupations from Colonial Days to the Victorian Era. Adele Shaw will report on occupations specific to Waretown's residents. It will cover Abraham Waerir's grain mill until the year 1910.

The Ghostbusters movie will be shown at the outdoor Town Center public area on July 10, 2010 at 8:30 pm.

#### **Deputy Mayor – Dennis F. Tredy**

- Resolution placing a municipal lien on block 164, Lot 8

The lien is due to property maintenance. The lien amount is \$100.00.

- Item to be placed on Gov Deals – 35 mm camera and film

The town has received quite a bit of money on the Gov Deals auction website, by selling items that the town no longer has use for.

During the terrible heat wave, the Community Center was made available to residents in need of a place to cool off. It was advertised on the TV Channel and a message was sent out to residents on the reverse 911 call list. If anyone knows a resident in jeopardy, please call the Police Department or Town Hall to make arrangements for the cooling center.

**Mayor – Joseph Lachawiec**

○ Resolution regarding Flag Day

This resolution memorializes Flag Day. The week of June 14, 2010 was National Flag Week. On June 14, 2010, the Township of Ocean observed the 233<sup>rd</sup> birthday of the flag of the United States. That special day provides a time for our nation to reflect on our flag's rich history and its meaning to Americans and people around the world. The Continental Congress adopted the stars and stripes as the official flag of our republic. Flag Day was first celebrated throughout our nation in 1877, to mark the centennial of the birth of our national symbol.

○ Resolution supporting Click it or Ticket program

This resolution memorializes the Click It or Ticket Program of May 24, 2010 through June 6, 2010. In 2009 there were 586 motor vehicle fatalities in New Jersey. A large percentage was due to occupants of vehicles not wearing a seatbelt. The use of a seatbelt remains the most effective way to avoid death or serious injury in a motor vehicle crash.

**Administrator – David Breeden**

○ Bonding Resolutions

As a result of a resident's concerns regarding the safety surrounding the leaf collection area, Public Works personnel inspected the area with Township Administrator Breeden. Signs and street markings will be placed to enhance the safety awareness of residents using the area. The town is confident that increased safety will be accomplished there.

The town reached out to Excelon, the owner of the nuclear plant, regarding the water quality pertaining to tritium at the nuclear power plant. The town will be meeting with the plant's technical staff in the next two weeks, who will give the town a full report on tritium and how it impacts or does not impact the water. That initial report will be provided to the township staff. At that point, the town will determine how the information will be distributed to the public.

Resolutions 2010-234 & 235 – Permanent finance of \$4,850,000. Only the Governing Body of a town is authorized to approve debt that is done by bond ordinance. A bond ordinance has a first and second reading. On the second reading, there is public comment. That bond ordinance will authorize debt for a certain amount, for certain projects, for acquisition of certain products, materials or equipment that have a useful life of at least five years. That debt will be financed through short term financing instruments called BAN's (Bond Anticipation Notes). The BAN's must be rolled over every year. It will be beneficial for the town to perform permanent financing, where long term bonds are issued. In this case, the township is proposing long term financing for 15 years, starting principal payment in 2011, including 2025. The town will be financing over the 15 years roughly \$4.85 million in capital improvements. Once the capital improvements or capital acquisitions have already been made, the town has financed through the short term instruments and now the town will go to permanent financing. The market is excellent

right now regarding interest rates. The town anticipates, with the strong financial position of the township, to receive very favorable interest rates, when the town goes out for the bond sale on August 4, 2010. This will not increase the debt of the Township, as this debt has already been recognized.

Resolution 2010-201 – Second Reading and Public Hearing of 2010 Municipal and Water/Sewer Budgets. On May 13, 2010, the Township introduced a Municipal Budget of \$9,695,321.89. That introduced budget did not increase the tax rate in Ocean Township at all. It remains the same at .423 cents. There is a three-cent open space tax. An average house in Ocean Township of \$292,800 will pay \$1,300 in taxes. The Water Budget was introduced at \$1,950,745.21 and the Sewer Budget was introduced at \$2,428,741. There are no water/sewer increases for 2010, and the town is still able to deliver a quality product to the community.

Ocean Township is in a very strong financial position. Even though we are in very difficult economic times, the town has been able to maintain an excellent collection rate of over 98%. The rate has been maintained between 98% and 98.7% for the past five years. The township has been able to replenish its surplus. The fund balance in water/sewer accounts have increased over the years. Once the bonding agencies look at Ocean Township's financial condition, it will increase the bond rating and decrease the interest the town pays in long term financing, thus taxpayer dollars.

The Township has witnessed a steady growth in development over the years between 2009 and 2010. The Township has increased its ratables by over \$39 million – 3% growth. The budget introduced on May 13, 2010 offers no increase in the tax rate, maintains quality municipal services being delivered to the community, offers no increase in water/sewer rate and provides a strong financial foundation for next year also.

Mayor Lachawiec read a quote from the Asbury Park Press of June 13, 2010: Patrick Murray, Director at Monmouth University stated no other tax in New Jersey comes close to raising the public as much as the property tax. Property taxes are the number one reason people give for wanting to move out of New Jersey.

**RESOLUTION 2010-232: authorizing the Township Committee to retire into Executive Session for the purpose of discussing: Contractual Real Estate, Personnel. Township Attorney McGuckin stated he has a litigation matter and Personnel issue to discuss. Mayor Lachawiec stated he has a couple Contractual and Litigation matters to discuss and a Personnel matter.**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**PUBLIC PORTION:**

Motion to Open Public Comment was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Mayor Lachawiec stated there is a five-minute-per-person rule for public comment. Please, no bullying or calling out is allowed. Please step up to the podium and state your name and address for the record.

Eileen Doyle, 243 11<sup>th</sup> Street, attended the Oceanride Public Hearing. The day of service is changing from Wednesday to Tuesday. Election Day is a holiday for Oceanride. Please call for an alternate date.

Friday service was taken away completely and six Ocean County Mall trips were added. Ocean County Mall trip pick up will be at a central location. Please find out when the mall trips will be and where the central location is.

Michele Rosen, 29 Bradley Beach Way, requested the Township Committee waive the five-minute rule for Ms. Rosen to read a statement during the budget public hearing.

Mayor Lachawiec waived the rule.

Ms. Rosen inquired if the Township is amending the budget at all.

Township Administrator Breeden stated no.

Ms. Rosen stated the accumulated compensated time page of the budget was completely incorrect. The budget needs to be amended to change that.

Township Administrator Breeden stated the accumulated leave sheet in the budget is purely informational. It does not impact revenues, expenditures or appropriations of any of the three budgets contained in the budget document. The tax rate, tax levy, expenditures are exactly the same as introduced. There is no amendment to the budget, simply to an informational sheet contained in the budget.

Ms. Rosen suggested the Township Committee call the Division of Local Government Services to be safe. The budget will be adopted with the wrong information on it.

Mayor Lachawiec stated the Township Committee will take it under advisement.

Stan Anderson, 208 Maplewood Road, thanked the town for keeping the taxes stable.

Motion to Close Public Comment was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

### **Meeting Minutes**

Approval of the Minutes for the Joint Meeting of the Township Committee and School Board on April 29, 2010

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

### **RESOLUTION NO. 2010-201 - Second Reading Public Hearing**

Authorizing the Municipal Budget of the Township of Ocean, County of Ocean for the fiscal year 2010. The Budget Summary will be published in The Beacon, Press of Atlantic City and Asbury Park Press Newspapers in the issues of May 20, 2010. The Public Hearing on the Budget Resolution will be held at the Municipal Building, 50 Railroad Avenue, Waretown, NJ 08758 Meeting Room on July 8, 2010 at 7:00 pm for Final Passage

Township Administrator Breeden stated the State of New Jersey has not completed their review of the budget. Until such time that review is completed, the Township Committee cannot vote on adopting the budget but can still have the public hearing.

Motion to open public hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Michele Rosen, 29 Bradley Beach Way, stated every budget is amended during the year with County, Federal and State funds that municipalities receive for specific projects. This budget with salaries and expenses alone, is almost a half million dollars more than the amount of money spent last year. This budget has increased the tax levy. From 2006 to 2010 the Township Committee has increased the levy almost 40% - \$1.5 million. The school board increased the tax levy by 6% - \$600,000 total, over those five years. Mr. Breeden was quoted in the paper as stating "there were no new taxes because there was an increase of almost \$200 million in commercial ratables". There has been a \$200,000 tax base increase. It came from residential construction, mostly in Greenbriar. Commercial ratables went down last year. Every year the town has padded proposed expenses far above what is intended to spend and builds the township's surplus on the backs of every citizen in Waretown. In 2008 and 2009 the Township did not spend the proposed budget between \$1 million and \$1.2 million. That converts to ten cents on the tax rate and about \$200 a year in taxes per household. In 2008 and 2009 the Township did not spend the water/sewer budgets by more than \$1.1 million. That converts to about \$200 a year per household in excess of water/sewer fees.

Ms. Rosen inquired how Committeewoman Wetter will explain to Greenbriar residents, who voted down the school budget, why Mrs. Wetter sat silently while they were overtaxed \$400 over the last two years and overbilled the same amount in water/sewer fees? The same question is posed to Mayor Lachawiec regarding Grand Bay Harbor residents.

Ms. Rosen inquired how the Township can defend the increase in salaries in this year's general operating budget by more than 10% over what was spent last year. The water/sewer employees were increased 18%-19% respectively.

Ms. Rosen discusses the two revenue items that were the subject of the Asbury Park Press articles. The first is the reimbursement from the Open Space account for prior owed payments for the purchase of property. Christine Thorne sent three ordinances to the Division of Local Government Services. Two of them show the money came from the Open Space trust fund. The second item is Coastal Redevelopment was to make three pilot payments – a pledge payment, an unpledged payment in lieu of taxes on improvement and payment of taxes for the land. \$61,000 of taxes was credited to Coastal's land taxes. Section 408 states land taxes shall be separately assessed for the property and shall be assessed only on the land portion of the property without regard to any improvements. Section 409 separates the pilot payments from taxes and water/sewer fees. How did the town conclude that tax payments can be credited to the unpledged pilot? Coastal Redevelopment owes taxpayers \$333,000 from 2008, 2009 and the first quarter of 2010. What is the basis for the town's calculation? Does the town have the Annual Audit or the Statement of Net Profit? Why hasn't interest been assessed at the highest rate by law? Why hasn't the town assessed penalties? Why isn't the town asking the Local Finance Board to permit the town to use the whole amount and reduce the tax rate by 1.5 cents? Why did the town fail to tax the improvements as well as the land?

Mayor Lachawiec thanked Mrs. Rosen for commenting.

Stan Jakubek, 136 Spring Lake Blvd., inquired what the cost would be to revise the budget, when there is a discrepancy in the accumulative leave.

Township Administrator Breeden stated that page has no impact on the revenue and appropriations section of the budget.

Mr. Jakubek stated there is no cost involved. Lennar is a commercial organization. If Ms. Rosen wants to talk about teachers' salaries, take it up with Chris Christie.

Sharon Lautner, 123 Marine Road, stated if the township is owed money, that money could have saved school positions in the school. The children are starting off the year without music teachers.

Township Attorney McGuckin stated Ms. Rosen's facts and figures are incorrect. Ms. Rosen's interpretation of the agreement is incorrect. The township has pledged what it believes is appropriate to be paid under the terms of the agreement. That is why it is included in the budget. I guess Mrs. Lautner is asking the town to take that item of revenue and transfer it to the Board of Education.

Mayor Lachawiec stated the town will not do that.

Mrs. Lautner stated she represents the educational employees of this district and is concerned about the salary increases.

Mayor Lachawiec stated the Township Committee's weekly pay is \$72.00, after taxes. The Mayor gets \$82 per week.

Township Attorney McGuckin has worked for the town since January 1, 1999 and the Township Committee has never had a raise.

Mayor Lachawiec stated Ms. Rosen's facts are fictional.

Township Administrator Breeden stated the Township fulfilled its obligation with regard to labor agreements without increasing the tax rate. Nonunion personnel did not receive any raises.

Mrs. Lautner stated Ms. Rosen brought up very interesting information and the town needs to do some homework.

Aaron Shapiro, 17 Sea Girt Lane, thanked the Township for not increasing the taxes and water/sewer rates. Mr. Shapiro has never lived in a town where the tax rate has stayed the same and is very happy to be here.

Motion to close to the public was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Township Attorney McGuckin stated there will be no motion on the Municipal Budget resolution tonight.

Township Administrator Breeden stated adoption of the Municipal Budget depends on certification from the state. Mr. Breeden urged the Township Committee to schedule a special meeting, once certification is received from the state, to adopt the budget in order to get the tax bills out.

**RESOLUTION NO. 2010-233 Payment of Claims** – as presented to the Township Committee for payment thereof in the amount of \$102,878.10

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**RESOLUTION 2010-234 providing for the combination of certain issues of general improvement bonds and water utility bonds of the Township of Ocean, New Jersey into a single issue of general obligation bonds aggregating \$4,850,000.00**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**RESOLUTION 2010-235 determining the form and other details of \$4,850,000.00 general obligation bonds of the Township of Ocean, New Jersey and providing for their sale**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: 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**

- 2010-236** Resolution of the Township of Ocean, County of Ocean, State of New Jersey authorizing a lien be place on Block 164, Lot 8 in the Township of Ocean
- 2010-237** Resolution supporting the Click It or Ticket mobilization of May 24 – June 6, 2010
- 2010-238** Resolution authorizing disposal of Surplus Property of the Township of Ocean, County of Ocean, State of New Jersey property to be sold 35 millimeter Samsung Maxima Zoom Ti Camera and four rolls of film
- 2010-239** Resolution authorizing the Tax Collector is hereby discharged from collecting 2010 taxes from Block 57.03, Lot 29 effective January 1, 2010 canceling the monies already distributed and providing a refund of \$2,744.14
- 2010-240** Resolution calling on the observance of Flag Day and declaring the week of June 14, 2010 National Flag Week

**MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2010-236 through Resolution 2010-240**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**Motion of approval of a on premise merchandise and 50/50 raffle for the Make a Wish Foundation at South Harbor Marine on August 14, 2010**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**Motion of approval for a block party application for 116 Oregon Avenue on August 14, 2010**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**Motion of Approval for use of the Community Center and Waretown Memorial Recreation Park:**

1. Victor and Maggie More – August 7, 2010
2. WAA Basketball – 3<sup>rd</sup> Monday June through December
3. WAA Baseball – 4<sup>th</sup> Monday June through December
4. Recreation – Chess Club – Thursdays July 8 – August 12, 2010
5. Susan Avellino – July 24, 2010
6. Nancy Mezzina – July 31, 2010
7. Diana Hall – August 14, 2010
8. Girl Scout Meetings – Mondays, September, 2010 – June, 2011

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**RECESS/EXECUTIVE SESSION:**

Motion to Recess and move into Executive Session was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**OPEN MEETING**

Motion to open meeting was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**Resolution 2010-241 – Resolution authorizing Change Order #2 for Crossroads Construction in the amount of \$26,110.50 which is a 3.15% increase based on the total contract.**

Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

**Next Scheduled Meeting – August 12, 2010 at 7:00 pm**

**ADJOURNMENT:**

Motion to adjourn was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.  
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Signed and Submitted:

\_\_\_\_\_  
Diane B. Ambrosio, RMC  
Township Clerk

\_\_\_\_\_  
Date