

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING February 10, 2011

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.

RESOLUTION 2011-106: reappointing Diane B. Ambrosio as Municipal Clerk for the Township of Ocean.

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

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

Mayor Lachawiec thanked Diane for all her hard work for the Township on behalf of the residents of Waretown.

OATH OF OFFICE administered to Diane B. Ambrosio for appointment as Municipal Clerk
Township Clerk Ambrosio is sworn in by Committeewoman Wetter.

RESOLUTION 2011-107: authorizing the Township Committee to retire into Executive Session for the purpose of discussing: No Items to discuss

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

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

Committee Reports

Committeewoman – Tina Wetter

Committeewoman Wetter did not have anything to report.

Deputy Mayor – Dennis F. Tredy

Deputy Mayor Tredy will be attending a meeting on Monday, February 14th with the Ocean County Road Department to discuss road paving. The list includes Dollmore Avenue, Ocean Avenue, Michigan Avenue, Baltic Avenue and Acorn Street.

Electronics Recycling Program. The following electronics will be picked up on the 2nd and 4th Thursday of every month: laptops, monitors, DVD players, VCR's, fax machines, desktop printers and televisions. Please call the Clerk's office to schedule a pick up.

Mayor – Joseph Lachawiec

Chris Warren, Alaimo Engineering explained Ordinance 2011-01. This is a redevelopment ordinance that will adopt the redevelopment plan for the Southern Ocean Landfill. The Planning Board heard the matter and recommended the plan and ordinance be adopted. The purpose is to establish a redevelopment strategy for the productive use of the landfill site as a solar energy facility that will provide a source of municipal revenue and help achieve the renewable energy goals of the state of New Jersey. The area is Block 7 Lot 1 as well as the adjacent property owned by the Township – Lot 6.01. The ordinance designates the Township Committee as the redevelopment entity. One feature of the redevelopment statute allows a request-for-proposal process for the developer of the facility.

Mayor Lachawiec inquired about the fact that the town would have a signed lease with the owner of the facility.

Mr. Warren stated the town cannot issue an RFP and expect vendors to invest in preparing the proposal without knowing it is a real project. The definition of a real project is the ability to control the site and make it available to the developer.

Township Attorney McGuckin stated there is a resolution on tonight's agenda authorizing the Mayor to execute the lease agreement with the property owner, which would grant the Township site control for an extended period of time. The redevelopment plan could be adopted in the future and put the town in the right position. Township Attorney McGuckin reviewed the resolution this afternoon with Mr. Gluck via e-mail and is satisfied with the language.

Administrator Report

Administrator – David Breeden

Township Administrator Breeden congratulated Township Clerk Ambrosio on her appointment. Diane is a very hard-working employee and Mr. Breeden is impressed by her work ethic. Diane is committed to her job and dedicated to the Township and is a true asset to Waretown.

Resolution 2011-109 authorized the 2011 Municipal Temporary Operating Budget for open space in the amount of \$170,000. On January 1st at the Reorganization Meeting, the Governing Body approved the temporary budget for both the current fund and water/sewer. Temporary budget is essentially 26.5% of last year's budget exclusive of debt service. The purpose of a temporary budget is to fund ongoing operations until the budget is approved and adopted. \$70,000 is for debt service and \$45,000 is for maintenance upkeep and other expenses associated with Open Space in the Township of Ocean.

Resolution 2011-110 authorizes a Temporary Capital Budget for 2011. The purpose of this resolution is to insert the cost of the clean water projects the Committee is approving this evening, which is replacement of water/sewer in the Pebble Beach section in the amount of \$1,660,000. Whenever there is a capital project, it has to be included into the capital budget, capital plan.

Ordinance 2011-2 First Reading is a bond ordinance authorizing the issuance of up to \$1,660,000 in bonds or notes for the purpose of clean water projects in the Township of Ocean. This represents the cost of replacing 3,700 feet of water/sewer main in the Pebble Beach section of the Township. This work is needed and has been identified by the water/sewer engineer as a high priority. This work will be funded by the NJEIT program (New Jersey Environmental Infrastructure Trust Program).

Ordinance 2011-3 - Repeals current sections of the Township Code and replaces them with a new section. The town is repealing the need for a CCO (Continuing Certificate of Occupancy) for residential units only. This does not apply to commercial.

Resolution 2011-111 – A governmental body in the state of NJ is allowed to transfer funds between accounts in the last two months of the fiscal year and the first three months of the preceding year. The town is transferring \$19,000 out of certain accounts into the gasoline account. The price of gas was greater in November and December than anticipated.

Resolution 2011-112 – The rehabilitation of Well #6 has been discussed for a number of months. This resolution allows the Township to go out for public bid. This work is needed to meet current and future water demands of the Township.

Resolution 2011-116 urges appeal of the United States Department of Transportation regulations requiring state and local governments that the Township refit and reface street signs to meet new letter and reflectivity standards. The new signs must have a new material that is much more reflective when car lights hit it and must be placed on roads that have a speed limit of greater than 25mph. As the signs are replaced, the new material will be used. To replace all signs would be very costly. The Department of Transportation is allowing municipalities to submit resolutions and public comment stating the financial hardship.

Resolution 2011-117 authorizes filing of an application for a supplemental project construction loan for the NJEIT. It is roughly a \$300,00 bridge loan needed to complete water/sewer improvement work, rehabilitation of the Water Treatment Plant on Wells Mills Road.

Resolution 2011-118 application to the Local Finance Board to use NJEIT program as a funding mechanism to finance water/sewer projects.

Resolution 2011-119 awarding contract to lowest bidder in the amount of \$86,650 for the purchase or acquisition of a ten-foot diameter horizontal pressure filter used as part of the rehabilitation of the water treatment plant on Wells Mills Road.

Resolution 2011-120 authorizes Township Committee to execute permit application for water/sewer improvements. The work in Pebble Beach requires DEP permits.

PUBLIC PORTION:

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

Ralph Avellino, 10 Central Avenue, stated the bus stop at Route 9 and Bay Parkway was demolished by a vehicle and never replaced. It would be nice if it could be replaced.

Township Clerk Ambrosio will contact the bus stop company and find out the what the delay is.

Township Attorney McGuckin stated the bus stop company is most likely pursuing claim through the insurance company.

Mr. Avellino inquired about Ordinance 2011-4.

Township Attorney McGuckin stated the town had discussion with the Planning Board Attorney, Mr. Yost, who inquired if the Township would consider adopting an off-tract improvement ordinance, which allows the Township to require developers to pay pro-rata costs of improvements that are necessitated by the development but are offsite from the development.

Mayor Lachawiec stated the time-of-decision rules will begin on May 5, 2011. Due to the circumstances of a certain application, this is the best way to handle that matter.

Mr. Avellino inquired if the landfill is still owned by the same corporation.

Township Attorney McGuckin stated yes.

Mayor Lachawiec stated the lease is \$1.00 per year for 25 years, maximum 45 years. The lease does not give any rights to back taxes.

Township Administrator Breeden stated the town has been discussing the landfill project for a number of years. It is a promising project with great potential that will give the Township financial security for a number of years. The first major challenge was to get control of the land. This ground lease accomplishes that milestone. The town will have adequate control of the land, which allows the town to send out an RFP that will solicit competition.

Township Attorney McGuckin stated the town does not want to own it. The town wants to lease it.

Ron Negra, 8 Manasquan Road, congratulated Township Clerk Ambrosio on her reappointment. Diane has always been very efficient every time Mr. Negra asked for anything. Mr. Negra supported the town's open space tax a few years ago. Is this tax continuous?

Mayor Lachawiec stated the open space tax was passed by a referendum.

Township Attorney McGuckin stated there was a sunset rule in the original ordinance. It was a ten year plan. The referendum was to increase the tax. Township Attorney McGuckin will look into if the ordinance addresses the sunset issue. Even if open space tax was eliminated, the Township would have to make the land payments out of the general funds.

Mr. Negra inquired what the town owes. Is this open space tax going to go on forever and can the money be used for general funds.

Township Administrator Breeden will find out what is owed.

Township Attorney McGuckin stated the initial question allowed it to be utilized for open space, recreation, historical preservation.

Mayor Lachawiec stated the money is used to buy properties that may be used for mitigation for other projects.

Township Attorney McGuckin stated the money can be used for anything to preserve open space.

Dan Collamer, 24 Bay Parkway, congratulated Township Clerk Ambrosio. Mr. Collamer inquired if a similar ordinance to 2011-2 was done in the fall.

Township Administrator Breeden stated an ordinance was passed in the fall pertaining to the rehabilitation of the water treatment plant, Well No. 6 on Wells Mills Road.

Mr. Collamer is in support of the solar project. Is the town in a position to foreclose on the property?

Township Attorney McGuckin does not think it is in the town's best interest to own a landfill that was unlined for 30 years. The town has a release with the Department of Environmental Protection as a result of the agreement when the landfill was originally closed. The town is relieved from any prior pollution in that case. The town would not be relieved as a future owner of that site.

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

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

Approval of the Meeting Minutes of May 13, 2010, June 10, 2010, November 10, 2010, November 22, 2010, December 9, 2010, and December 21, 2010

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

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

RESOLUTION NO. 2010-108 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$108,923.92

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

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

RESOLUTION NO. 2011-109

Authorizing the 2011 Municipal Temporary Operating Budget - Open Space in the amount of \$170,000.00

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

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

RESOLUTION NO. 2011-110

Authorizing a Temporary Capital Budget for 2011

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

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

Ordinance 2011-1 – Second Reading - Public Hearing

ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING A REDEVELOPMENT PLAN AND AUTHORIZING ACTION TO PROMOTE REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT HOUSING LAW N.J.S.A. 40A12A-1 ET.SEC.

Motion to open public hearing on Ordinance 2011-1 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Theresa Lettman, Pineland Preservation Alliance, 17 Pepperton Road, South Hampton Township, does not believe a closed landfill is an area in need of redevelopment. 155 acres is delineated in the town's plan. 29 acres is owned by the Township of Ocean. Only 55 acres were landfill acres. An additional 6 acres is being used for support of the landfill. 155 acres minus 29 acres owned by the Township leaves 126 acres, less the 61 acres leaves 49 acres restricted to open space and low-intensity recreational uses. There are 49 acres of protected land being now marked for redevelopment, as well as the 29 forested acre site. A habitat evaluation was not done on the Township lot and Ms. Lettman has personally seen northern pine snakes on that site. There also may be grassline birds of the grasshopper sparrow. Surveys should be conducted of grassline birds at the appropriate time. The Redevelopment Plan states a survey, but it is a habitat evaluation. The Pinelands Preservation Alliance feels this may be incorrect and will lobby that a two-season survey is conducted. A solar facility in the Pinelands is not a permitted use right now. The rules will go out and the public will have the opportunity to comment until mid-June.

Ralph Avellino, 10 Central Avenue, thinks the Township Committee should honor the five-minute time limit for speaking. The Township of Ocean has done very well in protecting the environment and open space. The town has given thousands of acres to open space and protected acres on the waterfront.

Mayor Lachawiec stated Waretown and Lacey recently preserved 101 acres in the Forked River mountains. The town received nothing for it. It was free land that was given away.

Vince Anepete, 85 Clearwater Drive, inquired if the Pinelands Commission approved the use of solar.

Township Attorney McGuckin stated the Pinelands Commission introduced changing the regulations to permit the use. The Pinelands Commission introduced proposed rules permitting it but has not adopted it. After the public comment period the Pinelands Commission will make a decision.

Chris Warren, Alaimo Engineering stated the town was given advanced notice of the proposed regulations and provided comments but it has not been officially advertised. The Township adjusted the property line for the purpose of defining a development site that was supposed to be dedicated to the state of New Jersey and will be conveyed to the state of New Jersey. 169 acres will be conveyed to the state of New Jersey at no cost. The town did not do a habitat evaluation on the Township property because it will be an expansion area of the base proposal. The developer has to take certain responsibilities for developing that portion of the site. The town has prepared a Redevelopment Plan with a comprehensive management plan.

Ralph Avellino, 10 Central Avenue, stated the town capped the landfill at no cost to the Township.

Township Attorney McGuckin stated the town also got a release from a potential million dollar liability.

Mayor Lachawiec stated the town can anticipate an amount of revenue that may range from several hundred thousand dollars a year to six or seven hundred thousand a year, depending on the market. Production can last for approximately 30 years, if the project goes through. The Township is responsible for the health and welfare of its residents. This is a perfect example of how the town can prevent the raising of taxes.

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

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

Motion to approve Ordinance 2011-1 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Ordinance 2011-2 – First Reading - Title Only

BOND ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO ONE MILLION SIX HUNDRED SIXTY THOUSAND DOLLARS (\$1,660,000.00), AGGREGATE PRINCIPAL AMOUNT, GENERAL OBLIGATION BONDS OR NOTES OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, NEW JERSEY FOR THE CONSTRUCTION OF CERTAIN CLEAN WATER AND DRINKING WATER PROJECTS WITHIN THE TOWNSHIP OF OCEAN, OCEAN COUNTY, NEW JERSEY

Motion authorizing 1st Reading Ordinance 2011-2 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Ordinance 2011-3 – First Reading - Title Only

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Repealing Current Section 15.32.080 of the Township Code and Replacing Same with a New Chapter 15.32.080.

Motion authorizing 1st Reading Ordinance 2011-3 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Ordinance 2011-4 – First Reading - Title Only

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Establishing Chapter 16.21 of the Codified Ordinances of the Township of Ocean to be entitled “Off-Tract Improvement Requirements” for Subdivision and/or Site Plans.

Motion authorizing 1st Reading Ordinance 2011-4 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

- 2011-111 Authorizing appropriation transfer in the amount of \$19,000
- 2011-112 Authorizing Remington and Vernick to advertise for bids for the Rehabilitation of Well # 6
- 2011-113 Authorizing the release of performance bond for Section 3 Arch Structure, Greenbriar Oceanaire and posting a two year maintenance bond
- 2011-114 Authorizing a refund of overpayment for water and sewer in the amount of \$1,110.62 for 8 Deal Lane

- 2011-115 Authorizing the Tax Collector be hereby discharged from collecting 2011 taxed from Block 54, Lot 16.02 as he is a Disabled Veteran
- 2011-116 Opposing and urging repeal of United States Department of Transportation Regulations requiring State and Local Governments to re-fit and re-face street signs to meet new lettering and reflectivity Standards
- 2011-117 Authorizing the filing of an application for a supplemental project construction loan from the New Jersey Environmental Infrastructure Trust under the 2011 Financing Program
- 2011-118 Authorizing the making of an application to the Local Finance Board
- 2011-119 Awarding the contract to the lowest bidder of TIGG corporation for the provision for 10' diameter horizontal pressure filter in the amount of \$86,650.00
- 2011-120 Resolution authorizing the Mayor and Township Officials to execute permit applications for water and sewer mains on Tuscarora Avenue

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2011-111 through Resolution 2011-120 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

RESOLUTION NO. 2011-121

AUTHORIZING THE EXECUTION OF A GROUND LEASE WITH SOUTHERN OCEAN LANDFILL, INC. FOR THE PURPOSES OF DEVELOPING A SOLAR PHOTOVOLTAIC GENERATION SYSTEM INCLUDING ASSOCIATED SUPPORT FACILITIES AND OTHER RENEWABLE ENERGY FACILITIES IN ACCORDANCE WITH THE REDEVELOPMENT PLAN

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

Mayor Lachawiec stated the state legislature approved legislation allowing solar voltaic fields on closed landfills as a permitted use.

Motion of Approval for Timothy S. Korndoerfer into the New Jersey State Firemen's Association was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Motion to approve the Community Center and Township Ball Fields

1. South Jersey Baseball League May 27 – 30, 2011, July 1 – 4, 2011, September 2 – 5, 2011 and October 7 – 10, 2011
2. WAA Baseball – 1st Monday of each month 2011
3. Glenn Avellino – February 4, 2011
4. Ron & Debbie Hommel – March 26, 2011
5. Catherine Rohowyj – March 5, 2011
6. Christina Wilburn – February 27, 2011
7. Mary-Louise Fiorillo – March 12, 2011
8. Board of Health – April 13, 2011, July 13, 2011 and October 19, 2011

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

Next Scheduled Meeting – March 10, 2011, 7:00 PM

Adjourn

Motion to adjourn meeting 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