

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING November 10, 2011

Call to Order

ROLL CALL: WETTER X TREDY X LACHAWIEC X

Flag Salute

Mayor Lachawiec led a moment of silence in honor of Veteran's Day

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting was properly provided by transmitting a copy 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.

Committee Reports

Committeewoman – Tina Wetter

Committeewoman Wetter thanked all who supported her in the past election. With the support of fellow Committee Members, Joseph Lachawiec and Dennis Tredy, the Township Committee will move this town forward and make sure Waretown remains a safe, clean and affordable community.

Consolidation would not benefit the Township of Ocean. The goal of consolidation is cost-savings. If that can be accomplished through shared services, that is the path Waretown will take. The Township has a strong working relationship with Barnegat and will focus on improving and expanding upon that relationship. This Committee will continue to work closely with Barnegat and any other town that is willing to work with the Township of Ocean.

Committeewoman Wetter wished everyone a good Veteran's Day and sends a special and grateful thank you to all the Veterans of Waretown.

Deputy Mayor – Dennis F. Tredy

Deputy Mayor Tredy congratulated Committeewoman Wetter and Township Attorney McGuckin on their elections.

Deputy Mayor Tredy will be attending a Veteran's Day honoring event and stated Veteran's Day is very close to him. Many of Deputy Mayor Tredy's family members are Veterans.

Since the restructuring of the Public Works Department, there has been a new energy among the employees. The employees have been working very hard to fill the expectations of the Township Committee and the residents of the community.

The Road Department has been installing new pipes and catch basins along Baltic Avenue, repaired seven catch basins around town, repaired Grand Bay Harbor curbing, patched blacktop for the Utilities Department, removed stumps and brush from fallen trees due to Hurricane Irene, repaired a large sink

hole on James Drive, repaired eroding pipe within the sink hole, graded 90% of the dirt roads in Waretown and pipe work along Marine and Lagoon View.

The Buildings and Grounds Department has also been very busy replacing the front door at Town Hall, cutting grass along the roadsides, preparing for the Haunted Hayride, general park maintenance and emptying garbage receptacles. A new picnic bench was delivered to the Crystal Point Park from Southern Regional High School. The students supplied the labor and the Township pays for the materials.

The Road Department, Buildings and Grounds Department and Utilities Department are preparing for winter. There were horrific storms last year. Waretown was one of the first towns that had clear roads during last year's snowstorms.

The Recreation Department has submitted several applications for 2012 to use the Community Center. Programs include various types of Exercise Classes on Mondays, Tuesdays, Wednesdays and Thursdays, Line Dancing on Fridays, Knitting on Wednesdays, Card Playing on Wednesdays, Senior Advisory Meetings every 3rd Monday, Men's Card Playing on Tuesdays, Mahjong on Tuesdays, and Zumba on Mondays and Wednesdays during June, July and August.

The Recreation Department sponsors a snowman building contest through February. Participants send a picture of a snowman with an individual in the photo to determine size. The Christmas Holiday House Decorating Contest is December 1st through 31st.

Mayor – Joseph Lachawiec

On behalf of the Township Committee and residents of Waretown, Mayor Lachawiec thanked Deputy Mayor Tredy and his family members for their service.

Deputy Mayor Tredy stated Mayor Lachawiec is also a veteran and thanked him for his service.

The Township Committee thanked Committeewoman Wetter's father for serving as an Army Medic, her son for serving in Dessert Storm and Mrs. Wetter for serving on the Township of Ocean Committee and winning the election.

Mayor Lachawiec congratulated Township Attorney McGuckin on the election. Township Attorney McGuckin will be a State Assemblyman in January and has assured the Township of Ocean will have continued service that he has given for many years in the past.

First Lieutenant of the US Army, John W. Leary, was a resident of Waretown for many years. Lt. Leary's family had a chicken farm at 23 Bryant Road and sold eggs and chickens. Lt. Leary's son, John W. Leary III and his sister Carolyn would visit on the weekends and for summer vacations. Lt. Leary joined the Army in 1940. In February of 1945, Lt. Leary took patrol from Luxenbourg into Germany. The eleven-man squad fired upon a bunker and Lt. Leary was shot to death. His body was recovered in 1949. Lt. Leary's Waretown home is next to a street that has no name. The Township of Ocean is going to unofficially name that street in Lt. Leary's honor on Saturday, November 12, 2011 at 11:00 am at 23 Bryant Road. A Proclamation will be presented. In attendance will be the Waretown Volunteer Fire Company, The Barnegat American Legion Color Guard and a bagpiper for a gun salute and taps. All are invited back to the Township meeting room for coffee and cake.

Montclair Road South in Barnegat recently had a water main break. Forty-six homes were affected, including homes in the Pebble Beach section of Waretown. The Water/Sewer Department repaired the water main in 1½ days, as the tide kept coming into the storm sewer where the break was. When low tide arrived, the break was repaired, which was 4:00 am on November 5th. This entire job was handled in-house by the Township Water/Sewer Department. An outside company would have charge \$20,000. The Township's cost was about \$6,000.

Boy Scout Troop 26 is having a Thanksgiving Camp Out and Family Feast at the Waretown Lake November 18-20, 2011. Daniel J. Cort requested the Township Committee's presence at his Eagle Scout Court of Honor at the Community Center on November 27, 2011.

Administrator Report

Administrator – David Breeden

Resolution 2011-302 Payment of Claims is approximately \$4,000,000. The Tax Collector collects taxes for the Township, School and County. Seventy percent of this resolution is payments being sent to the School or County for taxes. That is why the bill list is so large tonight.

Ordinance 2011-19 Second Reading - Public Hearing amends the Off Track Improvement Requirements code. The Township Committee passed this ordinance in January or February of this year without Planning Board approval. The Planning Board approved this ordinance at their last meeting and the Township Committee will have its second reading tonight.

Ordinance 2011-21 Second Reading - Public Hearing regarding amendments to the Pinelands Comprehensive Management Plan, which deals with cluster developments, wetlands management and forestry. A considerable amount of the Township is in the Pinelands. This ordinance amends the Township's planning and zoning to reflect what Pinelands desires.

Ordinance 2011-22 Second Reading - Public Hearing deals with emergency and temporary parking. This ordinance strengthens the existing ordinance to allow the Police Department to declare emergency or temporary parking provisions based on natural disasters or certain events that draw large crowds.

Ordinance 2011-23 Second Reading - Public Hearing clarifies the definitions of planning and zoning ordinances regarding where decks can be placed in the rear yard. Minor changes were made between first and second reading. The minor changes do not change the intent of the ordinance.

Resolution 2011-303 opposes and calls for an amendment of State Law regarding the hiring of Court Administrators and Deputy Court Administrators. Prior to this law, the hiring was at the discretion of the Township. The Township pays for and manages all the operations of the court. The recent passing of this law takes away much of the hiring decision from the Township and gives it to the state.

Resolution 2011-304 authorizes the discharge of 2011 taxes for a disabled veteran. The state of New Jersey discharges property taxes for disabled veterans that served during certain conflicts.

Resolution 2011-305 cancels outstanding checks in various accounts. After one year the Township is authorized to cancel out any outstanding checks. The checks amount to \$9,100 and will be put into fund balance or surplus.

Resolution 2011-306 appointing a part-time dispatcher and full-time dispatcher, as a result of resignations and vacancies.

Resolution 2011-307 appointing a part-time Code Enforcement Officer. Code enforcement was a full-time position. Based upon an analysis of the function, it was determined part-time is sufficient. The part-time person will work between 20-30 hours a week. Part-time employees are not eligible for benefits, pension or health care.

Resolution 2011-308 hiring a seasonal, temporary employee in Public Works to replace a seasonal employee that left. Seasonal, temporary employees are not eligible for benefits.

Resolution 2011-309 authorizing Municipal Clerk to advertise for Request for Proposals for 2012. Local Public Contract Law recognizes and designates certain professional functions mainly legal, engineering and consulting. These contracts can be awarded based on a competitive process.

Resolution 2011-310 appointing an individual as a Violations Clerk in the Municipal Court. The Municipal Court will experience some personnel changes in the next couple months.

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

Patrick Martin, 309 6th Street, stated his wife, Patricia Martin, would like to put up Christmas, Menorah and Kwanzaa decorations at Town Hall. The Township Committee stated they would consider it. Mr. Martin offered to pay for the decorations and install them.

Deputy Mayor Tredy stated the Township Committee is in favor of the decorations. There is an appropriate area for the decorations at Town Hall. The Township will purchase and install the decorations. The residents will be satisfied.

Township Administrator Breeden stated the Township has to exercise due-diligence and caution with regard to holiday displays. Anything the Township displays will comply with current law. As municipal officials, the primary concern is not exposing the Township to expensive and protracted litigation.

William Rott, 179 Wells Mills Road, requested a light on the side of the Town Meeting Room building. There are sections of the walkway that are a tripping hazard.

Deputy Mayor Tredy stated the Public Works Department will investigate the matter.

Mr. Rott inquired if there will be feedback from the town with regard to the reassessment of his home.

Township Administrator Breeden stated during January 2012, residents will receive a letter from the Township stating the new assessed value. Residents can discuss the new assessed value with the Tax Assessor. If a resident is not happy with the new assessed value, residents can appeal the new assessed value through the formal tax appeal process at the County.

Mr. Rott stated the tax relief process requirement is 100% disability. There are bills pending in the legislature about this.

Township Attorney McGuckin stated when a bill is pending it is the majority party that controls what bills get voted on.

Mr. Rott stated the bills would help a lot of disabled veterans that may be on fixed incomes.

Mayor Lachawiec stated the Department of Veterans Affairs is now in a position to revisit the percentages for Veterans who are less than 100% disabled and are encouraging Veterans who are less than 100% to get reexamined.

Mr. Rott thanked all veterans for their services.

Frances Toto, 15 Jones Road, wrote a letter requesting to purchase property, adjacent to his property, from the Township. The Pinelands Commission raised the requirement for a single-family house to 18 acres. Mr. Toto would like the property for access, in the event of a storm.

Mayor Lachawiec stated the letter was referred to the Township Attorney, who will examine it and investigate the matter.

Township Attorney McGuckin received the letter tonight. What other property owners are adjacent to the Township property?

Mr. Toto stated there is a two-acre lot next to his that has partial abutment to that lot.

Township Attorney McGuckin stated under the statute, in order for the Township to sell the lot, the town would have to offer to the other adjoining property owners, if it is under the size for development. There would also have to be a bid auction process. If the Township did sell the property, there would be a restriction that no additional building could be built.

Mr. Toto stated he does not want to build another house. There are a lot of dead trees. If there is a storm and a tree blocks his access, the property could be an alternate route out of there.

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

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

Motion to approve the meeting minutes of August 31, 2011, October 13, 2011 and November 1, 2011 and executive session meeting minutes of August 31, 2011, October 13, 2011 and November 1, 2011:

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

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

Mayor Lachawiec requested minutes of September 8, 2011 be changed to reflect NJ Monthly Magazine's best places to live – the Township of Ocean is ranked 127 out of 566. Last year the Township of Ocean was ranked 388 out of 566.

RESOLUTION NO. 2011-302 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$3,995,152.97

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

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

ORDINANCE 2011-19– 2nd Reading – Public Hearing

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 to open Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Pat Martin, inquired if this ordinance changes the zoning code on cluster homes.

Mayor Lachawiec stated, no. This is regarding Off-Tract Improvement Requirements.

Township Attorney McGuckin stated applications for subdivisions might require a road to be paved off-site. This allows the Planning Board to charge the developer a share of those costs.

Township Administrator Breeden stated the cluster ordinance is different and is being voted on to be consistent with the Pinelands Commission regulation.

Mayor Lachawiec discussed the Master Plan is available at Town Hall. There are always plans for development in the Township’s future. In the Master Plan, the town’s build-out is around 12,000 people.

Township Administrator Breeden stated Mr. Martin is referring to a different ordinance. The Township Committee can answer questions during that ordinance’s public hearing.

Motion to close Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Motion to approve Ordinance 2011-19 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

ORDINANCE 2011-21 – 2nd Reading – Public Hearing

AN ORDINANCE AMENDING CHAPTER 18, ZONING, OF THE CODE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN AND STATE OF NEW JERSEY

Motion to open Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Township Attorney McGuckin stated part of the Township, west of the Parkway, is governed by the Pinelands Commission in addition to the Township Zoning Code. Any ordinances west of the Parkway must be approved by the Pinelands Commission. The Pinelands Commission notifies towns located in the Pinelands that these particular ordinances must be adopted. The Pinelands Commission has notified the Township that this ordinance needs to be adopted. The Township does not have a choice, if the Township would like to continue with its entire Zoning Code. This ordinance only addresses properties west of the Garden State Parkway governed by the Pinelands Commission. The ordinances on tonight's agenda are very technical. Development west of the Parkway is extremely limited and getting harder every day. Right now it is a twenty-acre minimum zone. The Pinelands Commission is coming up with transfer development provisions, where 2 or 3 houses can be put on 20 acres, provided land is bought somewhere else to be preserved. Growth west of the Parkway is extremely limited.

Mr. Martin stated he does not want the encroachment that is going on in other areas to move into the Pinelands.

Motion to close Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Motion to approve Ordinance 2011-21 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

ORDINANCE 2011-22 – 2nd Reading – Public Hearing

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 10.08.020 Entitled "Parking Prohibitions" of the Township Code of the Township of Ocean.

Motion to open Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

No comment from the public.

Motion to close Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Motion to Approve Ordinance 2011-22 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

ORDINANCE 2011-23 – 2nd Reading – Public Hearing
**An Ordinance of the Township Committee of the Township of Ocean,
County of Ocean, State of New Jersey, Amending Chapter 18.02.080
Entitled “Definitions” of the Township Code of the Township of Ocean.**

Motion to open Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Township Attorney McGuckin stated the Planning Board recommended minor changes to the language of this ordinance. Township Attorney McGuckin offered an amendment to this ordinance, which has been previously introduced at First Reading, that would include in Paragraph A, Section 1 the word “anywhere” after the word “permitted” and deleting the work “setback” in that same sentence. Paragraph A would read, “The purpose of this ordinance is to clarify that on-grade decks may be permitted anywhere in the rear yard area in all residential zones of the municipality.” Section 2 reads, “The following three examples are specifically exempted from complying with this definition. Section 2 should read, “The following two examples are specifically exempted from complying with this definition”. If these changes are acceptable to the Governing Body, a motion to amend the ordinance is requested to include the minor changes. Please be advised the minor changes do not change the substance of the ordinance and the ordinance could be passed on Second Reading.

Motion to amend Ordinance 2011-23 was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

Motion to open Public Hearing was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

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

No comment from the public.

Motion to close 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

Motion to Approve Ordinance 2011-23 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.

- 2011-303 Resolution opposing and calling for an amendment of the Rule of Court R 1:34-3 regarding the hiring process of municipal court administrators and deputy court administrators**
- 2011-304 Resolution authorizing the discharged from collecting 2011 taxes from Block 54.02, Lot as he is a disabled Veteran**
- 2011-305 Resolution canceling outstanding checks in various accounts**
- 2011-306 Resolution appointing George Grunning as a part-time dispatcher and Philip Calanni as a Full-time dispatcher**
- 2011-307 Resolution appointing Edward J. Czekalski as the part-time Code Enforcement Officer**
- 2011-308 Resolution appointing Andrew T. Miller as a seasonal/temporary public work employee Andrew Miller**
- 2011-309 Resolution to approve the Municipal Clerk to advertise for Request for proposals for the year 2012**
- 2011-310 Resolution appointing Christine Centellas as full time Violations Clerk**

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2011-303 through Resolution 2011-310:

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

Motion to approve the Community Center, Township Ball Fields and Waretown Memorial Recreation Park:

- 1. Laura Allotter, November 19, 2011**
- 2. Boy Scouts of America Troop 23, November 27, 2011**
- 3. Janine Popovich, December 11, 2011**
- 4. Waretown Democratic Club, 2012 3rd Tuesday**
- 5. Putting America First, 2012 2nd Tuesday**
- 6. Duck Pond Group, 12-24-11 until 12-25-11**
- 7. Duck Pond Group, 2012 Wed & Thurs**
- 8. Lord of Lords Bible Community Church – 2012 Sunday**
- 9. Lord of Lords Bible Community Church – 2012 Wednesday**
- 10. Holly Auxiliary of the SOCH Foundation – 2012 4th Wednesday**
- 11. Recreation – Exercise – 2012 Tuesday**
- 12. Recreation – Line Dancing – 2012 Fridays**
- 13. Recreation – knitting – 2012 Wednesday**
- 14. Recreation – Exercise Class – 2012 Monday and Thursday**
- 15. Recreation – Exercise/Bowling/Cards – 2012 Wednesday**
- 16. Senior Advisory Meetings – 2012 3rd Monday**
- 17. Recreation – Men’s Cards – 2012 Tuesday**
- 18. Recreation – Mahjong – 2012 Tuesday**
- 19. Recreation – Exercise – 2012 Monday**
- 20. Recreation – Exercise – 2012 Thursday**
- 21. Recreation – Zumba – 2012 June, July, August Monday & Wednesday**

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

Motion to accept Tax and Utility Collector's Report

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

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

Next Scheduled Meeting – December 8, 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