

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING December 8, 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 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.

Presentation of Proclamation to SPC Joshua Schreier

Mayor Lachawiec read a proclamation to Specialist Joshua Schreier. The Township Committee and the residents of the Township of Ocean do honor, congratulate and recognize Specialist Joshua Schreier for his dedication. Specialist Schreier exemplifies the motto "Duty, Honor and Country". Deputy Mayor Tredy stated Josh is his grandson and he is very proud of all the men and women who serve overseas to protect us.

RESOLUTION 2011-311: authorizing the Township Committee to retire into Executive Session for the purpose of discussing, Litigation, Contractual, Personnel matters
Motion to approve was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes, Lachawiec: Yes

Committee Reports

Committeewoman – Tina Wetter

Tonight's agenda contains many routine items related to the daily operations of Municipal Government such as updated personnel manuals, orderly credits and authorizing signatures for bank accounts are all part of the normal, necessary business of the Township. Governing and managing the Township of Ocean is far from routine. Blizzards, hurricanes, tough economic conditions all add to the challenge of directing a \$15 million operation responsible for the well being of over 8,000 residents. The Township of Ocean has an effective and capable municipal operation commitment to respond to the needs of the community. The Township works hard every day to make sure the town is clean and safe. Committeewoman Wetter thanked the Township's dedicated work force and fellow Committee Members for their diligent work in making Waretown a great place to live and looks forward to a successful 2012.

Committeewoman Wetter wished everyone a happy holiday season and a healthy and prosperous New Year. No matter which holiday residents recognize, this time of year is for celebration with family and friends. Please remember those less fortunate and contribute to those charities that help families make holidays enjoyable despite hardships.

The Waretown Historical Society's annual Christmas program will be Atticus Readers' Theatre presenting Sir Arthur Conan Doyle's "The Adventure of the Blue Carbuncle" on Sunday, December 11, 2011 at 2:00 pm. The program is free. Please call first (609) 661-1733. Refreshments will be available.

Deputy Mayor – Dennis F. Tredy

Deputy Mayor Tredy wished everyone a happy holiday season. The Town Hall is decorated with a menorah, santa, sleigh and a nativity scene.

The Municipal Alliance was involved with the Thanksgiving food drive. The Greenbriar Men's Club donated 56 full meals. The Rotary Club of Lacey donated an additional 25 meals. An anonymous donor gave the Municipal Alliance \$500 to help fill the food baskets. The baskets were delivered to the appropriate people by members of the Municipal Alliance and volunteers, many of which were from the members of the Greenbriar's Men's Club.

The Recreation Department sponsored the annual Snowman Party and Tree Lighting at the Priff School. Food was served for approximately 168 guests. Entertainment was provided by DJ Mark Houck and the Municipal Alliance Ocean Glee Chorus. The Ocean Glee Chorus is a group of 35 children from the Waretown Elementary School and the Priff School.

The annual toy drive is sponsored by the Municipal Alliance and Recreation Department. Unwrapped, donated toys are to be dropped off at the Township with Jean Broadbent, Recreation Coordinator.

The snowman building contest will be judged through the snow season in March.

The Township received approximately \$13,000 in recycling funds from County profits that are shared with each town according to how much each town contributes over a six-month period.

The Priff School Student Council is holding a craft fair this evening from 6p-9p.

The Public Works Department reported daily duties including pot holes, fallen trees and all plows have been readied for the upcoming winter.

Mayor – Joseph Lachawiec

The Solar Project is moving ahead. The developer, Project Navigator, has a meeting with the PJM Reliability Council, which is the operator of the Pennsylvania, Maryland and New Jersey electric grid. The plan will be presented and hopefully approved. Project Navigator has been submitting monthly checks, as requested in the option agreement. As of January 1, 2012, the Township will have received \$12,000. Beginning in February, the Township will receive \$3,000 per month. After three months, it will become \$4,000 per month and will continue to increase until the project starts or until \$85,000 can be submitted. If the project never occurs, the \$85,000 will offset engineering, attorney and consultant fees. The Township is confident the project will go through.

The Township of Ocean will be presenting an engineering services proposal associated with updating the Transportation Study for the Improvement District.

Design documents for the Replacement of the asbestos concrete pipe for water and sewer on Hornblower Drive have been submitted. A sewer letter of commitment and environmental planning documents were submitted to NJEIT on September 30, 2011.

The asbestos concrete pipe replacement on Tuscarora Avenue was advertised for bid on November 26, 2011. There will be a pre-bid meeting on December 16, 2011. Bid opening is January 4, 2012.

An updated Master Water Permit is being prepared, Water Conservation and Drought Management Report is being prepared. Repairs are scheduled on the tank for December 8, 2011.

The Route 532 Garage Expansion is proceeding and the site plan is being prepared.

In 2008 a transportation study was presented to the Township Committee. The Township Committee is looking for authorization to update the study.

Rehabilitation of Well No. 6 is proceeding with construction. Modifications to Water Treatment Plant are scheduled to begin again on December 12, 2011. The project is 95% complete. The Rehabilitation of all five pump stations are complete except for minor punch list items.

Administrator Report

Administrator – David Breeden

Ordinance 2011-24, Second Reading, Public Hearing – Ordinance updating the Township Personnel Manual and Handbook. The Ocean County Joint Insurance Fund requirement is to maintain a current personnel manual and handbook. Some of the topics covered are safety policy, drug and alcohol policy, workplace violence, bulletin board policy and family and medical leave act policy.

Resolution 2011-313 authorizes a lien of \$686.00. The Township often has to go to private property to abate hazards. After certain notice has been given, the Township resources are used to abate the hazard. The property owner is billed. If the bill is not paid in a timely fashion, a lien is placed on the property.

Resolution 2011-314 authorizes the use of the Barnegat Township transportation service, which is a continuing effort between Barnegat and Ocean Townships to share resources to stabilize and reduce operating costs. The Township of Barnegat has three busses and a transportation system. The Township of Ocean utilizes the Barnegat bus for its recreation programs that travel out of town and pays Barnegat for the gas and the driver. Sharing assets reduces capital costs.

Resolution 2011-317 authorizes the insertion of \$30,000 of revenue into the budget. It is often referred to as a Chapter 159. The Township received a grant of \$30,000, which will be inserted into the budget after the budget is adopted. It has no impact on the tax rate. This money is used to fund rehabilitation of single-family homes in the Township of Ocean.

Resolution 2011-318 through 2011-324 are various leak credits to property owners. Before a leak credit is granted, the Utility Department verifies the leak and the Township prepares a resolution accordingly.

Resolution 2011-326 and 2011-327 authorizes shared service agreements with the County of Ocean for various law enforcement programs. One is called the FAST Program, Fatal Accident Support Team. If there is a fatal accident in Ocean County and the local Police Department needs assistance, the Ocean Township Police officers may assist. The County pays \$60 per hour. The other program is Driving

While Intoxicated Check Points. In coordination with Ocean County, if Ocean Township Police Resources are used, the County pays \$60 per hour.

Resolution 2011-328 cancels balances of the Sewer Operating budget in the amount of \$208,000. Towards the end of the year, the Finance Department reviews all account budgets. If there is excess funding that will not be used between now and the end of the year, the funds are cancelled and put back into fund balance to be used for property tax or rate relief in future years. Regarding the Sewer Fund, the Township will estimate how much waste will be sent to the Ocean County Utility Authority. If there is excess money, that will be cancelled and put back into the fund balance of the Sewer Operating Fund.

Resolution 2011-329 cancels \$80,000 in the Water Operating Budget.

Resolution 2011-330 cancels \$278,300 in the Current Fund. Most of that is multiple accounts of \$1,000 to \$2,000. A large portion of it is a result of savings due to the joint bid between Barnegat and Waretown for Trash Collection costs. Shared services offer tangible results that provide costs savings to communities.

Resolution 2011-331 authorizes the hiring of a Deputy Court Administrator due to the Deputy Court Administrator resigning in addition to an extended leave in the court. These positions are necessary in order to comply with state law and maintain adequate certified staff in the court.

Resolution 2011-332 through 2011-334 authorizes signature updates on Township bank accounts.

Resolution 2011-335 and 2011-336 authorizes Remington & Vernick Engineers to proceed with planning documents to replace sewer and water mains on Hornblower Drive and Bluebeard Drive. In 2006, the MUA identified close to \$30 million worth of work that needed to be done. The Township Committee is aggressive in taking steps to replace 50-60 year old water and sewer infrastructure. The Township utilizes the New Jersey Environmental Infrastructure Trust Fund to secure no-interest, low-interest loans and/or principal forgiveness.

Mayor Lachawiec inquired about the junk yard license on tonight's agenda and suggested an on-site inspection.

Deputy Mayor Tredy stated this business has been on Jones Road for years.

Township Clerk Ambrosio stated the license is renewed every year.

Township Attorney McGuckin stated if any type of solid waste was deposited there, it would violate state statutes with respect to the collection of solid waste. If there were any complaints it would be through the Department of Environmental Protection and the town would be notified.

Township Administrator Breeden stated if a resident complained, it goes to the Ocean County Health Department or the Department of Environmental Protection. Both would notify the Township of the inspection.

Township Attorney McGuckin stated it is probably vehicles and parts of vehicles.

Township Attorney McGuckin stated if the license holder complies with the ordinance and submits the application, the Township is not doing anything inappropriate. The Township can have the Zoning Officer inspect the junk yard.

Deputy Mayor Tredy inquired if the paperwork is in order for the junk yard license.

Township Clerk Ambrosio stated 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

Barbara Lathrop, 247 Main Street, West Creek, Associated Humane Society, stated Waretown is the only town that has pet shops. There are animal shelters in Manahawkin, Jackson, Lacey, Toms River and Brick. The shelters are overcrowded. Last year 35,000 dogs and cats were put to death in New Jersey shelters. The pet shops in Waretown sell puppy-mill puppies. There is a concern for animals being sold in pet shops and stores. Mrs. Lathrop showed a sample ordinance to the Committee, prohibiting the sale of cats, dogs, puppies and kittens in stores. Shelter animals are spayed and neutered, have all their shots and are temperament tested. People know what they are buying at a shelter. People do not know what they are buying from a breeder. Ms. Lathrop requested the Township Committee discuss this issue and possibly consider banning the sale of puppies and kittens in stores.

Township Attorney McGuckin stated the town may not have the legal guardian to ban a business from operating. The Township has to have a licensing requirement.

Ms. Lathrop stated the sample ordinance states pet shops can sell pet supplies and other animals other than cats and dogs and restricts the pet shop from selling cats and dogs. The sample ordinance came from Lacey Township, who received language from the County and State Health Departments.

Mayor Lachawiec thanked Ms. Lathrop for commenting. The Township Committee will consider the matter.

John Petrosilli, Vessel Road, inquired how the \$410,000 Open Space payment on Payment of Claims relates to a payment.

Township Administrator Breeden stated it is a transfer from the Open Space Trust Fund to the Township Operating Current Fund to pay off certain expenditures. Every year the Township adopts a budget outlining how the Open Space funds will be utilized. The Township of Ocean's Open Space funds are utilized to pay off various debt service, pay off salaries and wages of employees engaged in the maintenance and upkeep of Open Space and Recreational facilities in addition to buying supplies and equipment required to maintain those Open Space facilities. At the end of the year, the Treasurer will take the Open Space funds out and put them into the Current or Capital Funds in order to pay off the various expenditures the budget indicated at the beginning of the year.

Township Attorney McGuckin stated the Open Space funds are restricted to exactly what the Public Question asked, which was to buy Open Space and maintain recreational facilities in Open Space that was purchased with the money or already owned by the municipality.

Township Administrator Breeden stated the Open Space fund can be used for the following purposes, acquisition, maintenance, payment of debt services associated with the purchase of Open Space or Recreation, maintenance and upkeep of Recreation and purchase and upkeep of farmland or historic properties.

Township Attorney McGuckin stated Green Acres funding can only be used to purchase land or pay debt for purposes of purchasing land. Since the first public question in the year 2000, the Open Space funds have been used for all of these purposes, including Recreation and maintenance.

Sandy Hickman, 4 Avon Lane, Associated Humane Society, stated there are five animal shelters in Ocean County that are packed to the gills with dogs and cats. Not one of those shelters is a no-kill shelter. Ms. Hickman requested the Township Committee pass an ordinance that bans the sale of puppies and kittens in this Township.

Eileen Doyle, 243 11th Street, thanked the Township Committee for sharing transportation services. In addition to Recreation events, the Barnegat bus transports residents to Shop Rite when Oceanride is closed on holidays. Mrs. Doyle thanked Deputy Mayor Tredy for installing children-at-play and speed limit signs near the Community Center after being informed of speeding cards by Mr. Doyle.

Ralph Avellino, 10 Central Avenue, inquired how the East Coast Boat Racing Club can hold races when Oyster Creek is a slow-speed waterway.

Deputy Mayor Tredy stated the Township is not giving permission to hold the race. The Township is giving permission to park the boats at Sands Point Park. The approvals for the race are obtained by the Coast Guard.

Township Administrator Breeden stated the Township is authorizing East Coast to use Sands Point as a launching location for the boats. East Coast also secures permission from the United States Coast Guard with regard to what is being done on the waterway. The Township does not have the legal authority to approve anything on the waterway. The Township will change the resolution to state launching facility instead of racing.

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

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

RESOLUTION NO. 2011-312 **Payment of Claims** – as presented to the Township Committee for payment thereof in the amount of \$1,692,572.54

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

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

ORDINANCE 2011-24 – 2nd Reading

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING PROCEDURES TO ADOPT PERSONNEL PRACTICES AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO IMPLEMENT SAID PRACTICES WITH ALL OFFICIALS, APPOINTEES,

EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS AND INDEPENDENT CONTRACTORS 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

John Petrosilli, Vessel Road, inquired if the ordinance updates the manual.

Township Administrator Breeden stated this updates the Personnel Manual / Township Handbook.

Township Attorney McGuckin stated this ordinance also permits future updates by resolution, so that every time a policy is changed in the future, the Township does not have to pass an ordinance.

Mr. Petrosilli stated it seems the Township Administrator has the power to hire and fire without Committee approval.

Township Administrator Breeden stated the ordinance allows the Township Administrator to implement the terms and conditions of the policy. The policy states the Township Committee authorizes hiring and firing.

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 2011-24 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.

- 2011-313 Resolution authorizing a tax lien be placed on 425 Cheyenne Drive in the amount of \$686.12 for a property maintenance violation
- 2011-314 Resolution authorizing the use of the Township of Barnegat's Transportation Services to the Township of Ocean
- 2011-315 Resolution authorizing the Tax Collector to cancel property tax refunds or delinquencies of less than \$10.00
- 2011-316 Resolution authorizing method of payment for delinquent taxes, water, and sewer
- 2011-317 Resolution authorizing and insertion of an item of revenue in the 2011 budget in the sum of \$30,000 for the Ocean County Community Development Block Grant
- 2011-318 Resolution authorizing a Utilities Department Leak Credit in the amount of \$108.29 to 67 Dock Avenue
- 2011-319 Resolution authorizing a Utilities Department Leak Credit in the amount of \$22.22 to 216 Seneca Boulevard

- 2011-320 Resolution authorizing a Utilities Department Leak Credit in the amount of \$75.03 to 316 Tuscarora Avenue
- 2011-321 Resolution authorizing a Utilities Department Leak Credit in the amount of \$58.59 to 2 Sands Point Road
- 2011-322 Resolution authorizing a Utilities Department Leak Credit in the amount of \$20.55 to 18 Poplar Street
- 2011-323 Resolution authorizing a Utilities Department Leak Credit in the amount of \$113.20 to 90 Barnegat Beach Drive
- 2011-324 Resolution authorizing a Utilities Department Leak Credit in the amount of \$406.12 to 128 Beverly Drive
- 2011-325 Resolution authorizing the submission of the Recycling Tonnage Grant Application
- 2011-326 Resolution authorizing the execution of a Shared Service Agreement with the Ocean County Prosecutor's office for the Prosecutor's Program is a traffic safety program (formally known as the Fatal Accident Support Team)
- 2011-327 Resolution authorizing the execution of Shared Service Agreement with the County of Ocean for Driving While intoxicated Enforcement Program (D.W.I.E.P)
- 2011-328 Resolution authorizing the canceling of balances in the Sewer Operating Budget in the amount of \$208,000.00
- 2011-329 Resolution authorizing the canceling of balances in the Water Operating Budget in the amount of \$80,000.00
- 2011-330 Resolution authorizing the canceling of balances in the Current Fund Operating Budget in the amount of \$278,300.00
- 2011-331 Resolution authorizing the hiring of Steven Millette, Deputy Court Administrator and Donna Bussanich per diem Deputy Court Administrator
- 2011-332 Resolution authorizing signatures for Court Accounts at TD Bank
- 2011-333 Resolution authorizing signatures for Township Accounts at TD Bank
- 2011-334 Resolution authorizing signatures for Tax Accounts at TD Bank
- 2011-335 Resolution authorizing RV&V to proceed with preparation of the planning documents for the 2013 New Jersey Environmental Infrastructure trust for the replacement of the asbestos cement sewer main on Hornblower and Bluebeard Drive in the amount of
- 2011-336 Resolution authorizing RV&V to proceed with preparation of the planning documents for the 2013 New Jersey Environmental Infrastructure trust for the replacement of the asbestos cement water main on Hornblower and Bluebeard Drive

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2011-313 through Resolution 2011-336:

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

Motion to approve annual Junk Yard or Salvage Yard owned by David Beier located Block 6, Lot 10 and 11, Jones Road.

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

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

1. **Waretown Thunder – Second Thursday each month - 2012**
2. **Kathleen Toumey – November 20, 2011**
3. **Girl Scout Troop 394 – December 10, 2011**
4. **Republican County Committee – Last Tuesday each month - 2012**
5. **Township of Ocean Regular Republican Meeting – Last Tuesday each month – 2012**
6. **Catherine Rohowyj – January 21, 2012**

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

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

Motion to approve East Coast Boat Racing Club of New Jersey to use Sands Point Park for a launching facility on Oyster Creek on Sunday, July 29, 2012 and Sunday, August 19, 2012.

*East Coast Boat Racing Club will notify residents on Dock Avenue 1 week prior to race.

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

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

Motion to approve Jersey Outlaw Racing Association for use of Crystal Bay Peninsula on July 8th and August 26th, 2012.

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

RECESS

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 NO. 2011-337 Appointing Timothy Duff as a part time Telecommunicator for a 90 day trial period starting December 9, 2011

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

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

RESOLUTION NO. 2011-338 Authorizing RV&V to update the Transportation Improvement District and prepare the related ordinances

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

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

RESOLUTION NO. 2011-339 Affirm the Township of Ocean Civil Rights with respect to all official, appointees, employees, perspective employees, volunteers, independent contractors and members of the public that come into contact with municipal employees, officials and volunteers

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

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

RESOLUTION NO. 2011-340 Adopting Employee Handbook for Township Employees

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

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

Next Scheduled Meeting – January 1, 2012 at 12:00 Noon

ADJOURN

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