

# MEETING MINUTES

## TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING January 12, 2012

### Call to Order

ROLL CALL: LACHAWIEC     X     WETTER     X     TREDY     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 Eagle Scout - Daniel Cort***

Mayor Tredy stated Eagle Scout is the highest rank in scouting. The Township of Ocean Committee would like to recognize Daniel Cort's Eagle Scout Award and his outstanding service to this community by reading and presenting a Proclamation. The Township Committee and the residents of Waretown are very proud of Mr. Cort's achievement.

### **Committee Reports**

#### Committeeman – Joseph Lachawiec

The Solar Landfill project remains on schedule with a few changes. The study process has commenced. The Project Navigator representatives will soon be meeting with the PJM representatives. A full report will be presented at the next Township Committee meeting. Many investors are in the queue to have a position in line. Only 25% are viable. PJM will have the feasibility study available on or about January 31, 2012. At that point, the Township Committee will determine if this is a feasible project. Project Navigator has been fulfilling their option agreement and has given the Township approximately \$12,000 to date. Each month the payments will increase.

During Hurricane Irene in August 2011, the Township provided certain expenses for a safe and stable atmosphere for the Township properties and residents. The Township will be submitting about \$150,000 to FEMA for reimbursement. Realistically only about 75% of that will be returned. The storm damage at the end of Tuscarora Drive is approximately \$100,000 and may not be eligible for reimbursement.

The Township is utilizing the New Jersey Environmental Infrastructure Trust (NJEIT) to finance the water/sewer improvement projects. In 2007 the Township dissolved the local MUA and assumed responsibility of the utility operation and aging water/sewer infrastructure that is in desperate need of repair, improvement and replacement. Committeeman Lachawiec thanked the Township Attorney, Administrator, Engineers and Utility Staff in working diligently so the financial assistance from NJEIT can be secured in order to minimize this economic impact.

**Deputy Mayor – Tina Wetter**

The Township of Ocean Floodplain Committee will hold a public hearing on the Floodplain Management Plan on January 18, 2012 at 1:00 pm in the Township Meeting Room. The public and interested parties are invited to attend and provide input on the natural hazards, problems and possible solutions. This meeting represents a critical step in maintaining the Township's status in the community rating system of the National Flood Insurance Program, which offers discounts for flood insurance policy holders in Waretown.

**Mayor – Dennis F. Tredy**

Mayor Tredy met with the FEMA representative today and the Deputy Emergency Management officer. Photographs of the damage at the end of Tuscarora were presented to the FEMA representative, who stated he would get back to the Township Committee. It is unknown if the Township will be reimbursed for the Tuscarora damages.

The consent agenda indicates that contracts will be awarded for water/sewer main replacement along Tuscarora Avenue.

The agenda also includes a resolution requesting the New Jersey Department of Environmental Protection (DEP) waive permit fees for Municipalities. The Township has to pay fees for projects involving the DEP. It's one government agency paying fees to another. The fees are huge.

Resolution 2012-97 recognizes January as School Board Recognition Month.

**Administrator Report**

**Administrator – David Breeden**

Sometimes dealing with a storm is easier than the FEMA reimbursement process. It is a very tedious process that takes a considerable amount of time and effort. It is necessary in order for the Township to recover a substantial amount of the costs associated with preparing for, responding to and recovering from Hurricane Irene. The Township will work closely with FEMA to maximize the reimbursement.

Ordinance 2012-01 First Reading amends the Route 9 Phase I Redevelopment plan for Tradewinds. This ordinance allows for a mixed-use development. The Planning Board approved this project in April 2011. Key elements of the ordinance are as follows: The Redevelopment Plan includes 144 dwelling units, a 1,300 square foot recreation area, over 26,000 square feet of mixed commercial use, 115 for-sale condo units, within the 144 dwelling units are 29 affordable rental units, the eight buildings range from one to three and a half stories. The mixed use commercial will be close to Route 9, residential will be towards the rear. There will be sufficient off-street parking consistent with the amount of units and commercial space. At least 20% of the area must be preserved or restored as open space. After First Reading approval this ordinance will go to the Planning Board for their review and comments and then back to Township Committee for Second Reading Public Hearing.

Ordinance 2012-02 First Reading amends the 2007 Economic Redevelopment Plan for Waretown Center and establishes a sub barrier Redevelopment Plan for Ocean Commons LLC. The site is identified for multifamily residential development. This amendment will reduce the number of residential dwellings from 85 to 55. Of the 55, 43 are to be market-rate townhomes, 12 are to be affordable housing. The Redevelopment Plan includes a conceptual plan that guides the general building placement and layout. The townhomes are to be two and a half stories. There will be buffer and berms along the frontage of

Route 9, sufficient off-street parking, onsite recreation. The western portion of the Town Center area will be classified as EC, will be for open space and will remain undeveloped. This ordinance will go to the Planning Board for review and comment and sent back to Township Committee for Second Reading and Public Hearing.

Ordinance 2012-03 First Reading repeals and replaces a certain chapter regarding Kennels, Pet Shops, Shelters, Pounds and related fees. At the last Township meeting during public comment, certain individuals commented on issues regarding pet shops selling puppy-mill puppies and requested the Township prohibit the sale of puppies from puppy mills. After exhaustive legal research, the Township does not have the legal authority to prohibit the sale of puppies from puppy mills. This ordinance is similar to the Lacey Township ordinance which adheres to the state rules and regulations surrounding pet shops within the town and establishes rules and regulations as mandated by the state. This ordinance does not prohibit the sale of puppies from puppy mills nor does the ordinance from Lacey Township.

Resolutions 2012-76 through 2012-83 deal with water/sewer upgrades in the Township of Ocean. The Township is using the New Jersey Environmental Infrastructure Trust (NJEIT) financing program that offers low-interest, no-interest loans and sometimes principal forgiveness on these projects. All these resolutions do not increase the overall debt of the Township. The amounts for these projects were already considered in previous ordinances. The purpose of these resolutions is to authorize the Township to proceed with permanent financing on these projects. These projects include improvements and upgrades to Well 6, the 532 Water Treatment Plant and water/sewer on Tuscarora Drive. 75% of the financing is a no-interest loan. 25% will be market rate between 2.5% - 3%, depending on market conditions. The Township will be paying less than 1% on this money. Many of these improvements are in areas where the water/sewer systems are between 40 and 55 years old.

Resolution 2012-84 awards a contract in the amount of \$539,000 to MSP Construction Corp. for water main replacement on Tuscarora. There were 12 bidders. The lowest bid was MSP Construction Corp. The Engineer reviewed the submitted bids and recommends awarding this contract.

Resolution 2012-85 awards a contract in the amount of \$620,245 to MSP Construction Corp. for sewer replacement on Tuscarora. There were 11 bidders. Both projects are being financed through NJEIT.

Resolution 2012-88 authorizes submission for 2012 Ocean County Tourism Matching Promotional Grant of \$1,300 which is used for advertising Founder's Day.

Resolution 2012-89 through 2012-92 authorizes the Township Committee to improve temporary budgets for open space, water/sewer and municipal operations. At the start of every fiscal year, the Governing Body has to approve a temporary budget which represents 26.75% of the previous year's budget. A temporary budget is used to finance municipal operations between the beginning of the year and the adoption of the budget in the May-June-July time period.

Resolution 2012-94 authorizes a cash bond reduction for Greenbriar Oceanaire Sections 1 and 2. In 2005 when the Township released performance and cash bonds and went to a maintenance bond, there was a condition that Lennar would post \$84,000 as a cash bond to perform grading around certain homes in Sections 1 and 2. The Engineer inspected that work and determined that the cash bond can be reduced from \$84,000 to \$14,000.

**PUBLIC PORTION:**

Motion to open Public Comment was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

John Petrosilli, Vessel Road, inquired about Resolution 2012-89 Open Space budget. Is that money being used to maintain space?

Township Administrator Breeden stated the Open Space Trust Fund can be used for four major purposes, acquisition and upkeep of recreational areas, acquisition and upkeep of open space areas, acquisition and upkeep of historical areas and acquisition and upkeep of farmland. The Township of Ocean uses these funds for multiple reasons, payment of debt service associated with the acquisition of open and recreational space and costs associated with maintaining that space.

Mr. Petrosilli inquired if there is a percentage of this money that is fenced to purchase open space.

Township Administrator Breeden stated the majority of the money is earmarked for debt service on land already acquired in addition to maintaining. County and Green Acres funds can be used to purchase open space.

Ed Tompkins, 4 Oak Leaf Drive, met with Lt. Frenz six weeks ago to discuss putting up speed limit signs on Laurelyck Drive. Two weeks later the signs were up. Thank you. The leaf clean up this year was excellent. The part-time people did a really good job.

Mayor Tredy stated a new vehicle is being utilized for leaf removal. It works very well.

Christine Bednash-Oppat, 109 Clearwater Drive, discussed Block 217, Lot 2, adjacent to her property on Barnegat Bay. It has never been developed. That parcel could help the DEP prepare a flood plan. Ms. Bednash-Oppat applied to FEMA in the storm prior to Irene and was not eligible for any type of FEMA shoreline protection funds due to the property not having any type of structure. There is six inches of water in the street at the end of Clearwater Drive. The Township acquired the property in foreclosure proceedings in the 1960's. It is not identified on the open space map.

Township Attorney McGuckin stated if the property was acquired by the Township through a foreclosure proceeding, the Township is the legal owner of the property. If the Township were to sell the property, it would depend on whether the lot is large enough for development purposes. If the Township chooses to sell the property, it can be offered by bidding to the two adjoining property owners, if it does not meet the minimum requirements of zoning for purposes of residential use. The Township would have to determine if the Township wants to sell it and the sale price.

Ms. Bednash-Oppat stated if the Township decides not to sell it, the Township should look into the expense of shoreline protection on Custer Drive between Atlantic and Clearwater.

Township Administrator Breeden stated in any FEMA declared disaster like Hurricane Irene, there are certain funds set aside for mitigation. The amount of funds set aside is relatively low. The competition for those funds is considerable. The Township could see if it would be viable to apply for those mitigation funds to provide protection in that area.

Committeeman Lachawiec suggested he look into the matter and make a report to the Committee.

Mayor Tredy stated that is fine.

Township Attorney McGuckin requested Ms. Bednash-Oppat and the other adjoining property owner submit a letter the Mayor or Township Clerk stating interest in purchasing the property and/or request the Township determine if it is possible to use the property for flood mitigation purposes.

Ms. Bednash-Oppat stated Waretown owns the street end and the County own the other street end. The County bulkheaded the street end at the end of Clearwater. The bulkhead on Atlantic may be on a Township right-of-way as is the bulkhead on Clearwater Drive right-of-way.

Ralph Avellino, 10 Central Avenue, stated the Township did a nice job on the leaf pick up. Mr. Avellino inquired why the Township meetings were moved to 6:30 pm.

Mayor Tredy discussed that the same amount of people that attend the meeting at 6:30 pm, attend at 7:00 pm. The meetings can be very long at times.

Mr. Avellino stated the bus stop at Bay Parkway needs a security light and a bench.

Township Clerk Ambrosio will inquire the status of the bench and light from the bus stop company.

Motion to close Public Comment was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**ORDINANCE 2012-1 – First Reading – Title Only**

**An Ordinance amending the Route 9 – Phase 1 Redevelopment Plan for the Tradewinds at Waretown Site (Block 131, Lot 4) located in the Township of Ocean, County of Ocean, New Jersey**

Motion to approve Ordinance 2012-1 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**ORDINANCE 2012-2 – First Reading – Title Only**

**An Ordinance amending the 2007 Economic Redevelopment Plan for the Waretown Town Center Establishing a Sub-Area Redevelopment Plan for the Ocean Commons site (Block 41, Lot 42.01) located in the TC-OC District in the Township of Ocean, County of Ocean, New Jersey**

Motion to approve Ordinance 2012-2 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**ORDINANCE 2012-3 – First Reading – Title Only**

**An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, repealing and replacing chapter 6.08.060 of the codified ordinances of the Township and redesignating same as “Kennels, Pet Shops, Shelters, Pounds-Fees”**

Motion to approve Ordinance 2012-3 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

Committeeman Lachawiec stated the Township's intention was to prevent the sale of puppies from puppy mills in Waretown. Why is the town voting on an ordinance that does not prohibit the sale of puppies from puppy mills?

Mayor Tredy stated the state requires this ordinance. The Township's ordinance did not meet state requirements. This ordinance ensures that the animals being sold in these pet shops are kept in a clean, safe and healthy environment. This ordinance authorizes the Township to fine, license and report violations to the state.

**Resolution 2012-76**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE REHABILITATION AND IMPROVEMENT OF WELL NO. 6 AT THE ROUTE 532 WATER TREATMENT PLANT

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Resolution 2012-77**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE REHABILITATION OF THE ROUTE 532 WATER TREATMENT PLANT

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Resolution 2012-78**

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS NOT EXCEEDING \$900,000 BONDS, SERIES 2012, OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

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

**Resolution 2012-79**

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS NOT EXCEEDING \$760,000 BONDS, SERIES 2012, OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

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

**Resolution 2012-80**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE REPLACEMENT OF ACP SEWER PIPES ON TUSCARORA AVENUE

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

**Resolution 2012-81**

RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF LOAN AGREEMENTS TO BE EXECUTED BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN AND EACH OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY, ACTING BY AND THROUGH THE DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND FURTHER AUTHORIZING THE EXECUTION AND DELIVERY OF AN ESCROW AGREEMENT, ALL PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM FOR THE REPLACEMENT OF THE ASBESTOS CEMENT WATER MAIN ON TUSCARORA AVENUE

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Resolution 2012-82**

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS NOT EXCEEDING \$340,000 BONDS, SERIES 2012, OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Resolution 2012-83**

RESOLUTION DETERMINING THE FORM AND OTHER DETAILS NOT EXCEEDING \$300,000 BONDS, SERIES 2012, OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, AND PROVIDING FOR THEIR SALE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST AND THE STATE OF NEW JERSEY PURSUANT TO THE 2012 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST FINANCING PROGRAM

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

- 2012-84      Awarding Tuscarora Avenue water main replacement to MSP Construction Corp. in the amount of \$539,221.20
- 2012-85      Awarding Tuscarora Avenue sewer main replacement to MSP Construction Corp. in the amount of \$620,245.50
- 2012-86      Resolution of the Township of Ocean, County of Ocean, State of New Jersey, in support of Legislature Senate Bill S-2339 and Assembly Bill A-3558



- 2012-87 Resolution of the Township of Ocean, County of Ocean, State of New Jersey, requesting the State of New Jersey Department of Environmental Protection to Waive Permit Fees for Municipalities
- 2012-88 Authorizing the submission to the 2012 Ocean County Tourism Matching promotional grant in the amount of \$1,300 for Founder's Day 2012
- 2012-89 Authorizing 2012 temporary operating budget for the Township of Ocean Municipal Open Space
- 2012-90 Authorizing 2012 temporary operating budget for the Township of Ocean Municipal Water Utility Budget
- 2012-91 Authorizing 2012 temporary operating budget for the Township of Ocean Municipal Sewer Utility Budget
- 2012-92 Authorizing 2012 temporary operating budget for the Township of Ocean
- 2012-93 Authorizing an appropriation transfer in the amount of \$79,000.00
- 2012-94 Authorizing a cash bond reduction for Greenbriar Oceanaire Sections 1 and 2
- 2012-95 Authorizing the treasurer refund \$250.00 to 156 Spring Lake Blvd for overpayment
- 2012-96 Appointing Albert Link as Alternate #2 for the Board of Adjustment
- 2012-97 Recognizing the contribution of the Township of Ocean School Board and declare January 2012 to be School Board Recognition Month

**MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2011-85 through Resolution 2011-97** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.  
Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Township Administrator Breeden read Resolution 2012-97 for the public, regarding School Board Recognition Month.

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

1. Daniel Foster – March 3, 2012
2. Bonnie Brito – February 19, 2012
3. Linda Titone – January 14, 2012
4. Marie D. Alfieri – January 15, 2012
5. Timothy S. Korndoerfer – January 28, 2012
6. Jason Minch – February 4, 2012
7. C.E.R.T. – January 11, 2012

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

**Motion to accept Tax and Utility Collector's Report**

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

**Next Scheduled Meeting – February 9, 2012 at 6:30 pm**

**ADJOURN**

Motion to adjourn meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

Signed and Submitted:

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

\_\_\_\_\_  
Date