

# MEETING MINUTES

## TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING December 13, 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 Meeting Act, adequate notice of this meeting was properly provided by sending a copy of the Notice of Meeting to two newspapers, The Asbury Park Press and the Press of Atlantic City. The Notice was posted at the office of the Township Clerk

### **Resolution 2012-365**

Resolution appointing Lieutenant Gerhard Frenz to the position of Chief of the Township of Ocean Police Department

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

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

Chief Gerhard Frenz is sworn in by Mayor Dennis Tredy.

### **Resolution 2012-366**

Resolution appointing Sergeant George Thompson as Lieutenant of the Township of Ocean Police Department

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

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

Lieutenant George Thompson is sworn in by Mayor Dennis Tredy.

### **Resolution 2012-367**

Resolution appointing Corporal Adam Mogul to the position of Sergeant of the Township of Ocean Police Department

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

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

Sergeant Adam Mogul is sworn in by Deputy Mayor Tina Wetter.

Mayor Tredy introduced two former Chiefs of Police in the audience, Kenneth Flatt and William Sneddon.

**Resolution 2012-368**

Resolution appointing Detective William Sneddon III to the position of Detective Sergeant of the Township of Ocean Police Department

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

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

Detective Sergeant William Sneddon is sworn in by Mayor Dennis Tredy

**Resolution 2012-369**

Resolution appointing Officer Scott Murphy to the position of Sergeant of the Township of Ocean Police Department

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

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

Sergeant Scott Murphy is sworn in by Committeeman Joseph Lachawiec

**Resolution 2012-370**

Resolution appointing Officer Michal Rogalski to the position of Sergeant of the Township of Ocean Police Department

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

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

Sergeant Michal Rogalski is sworn in by Deputy Mayor Tina Wetter

Chief Frenz discussed the Township Committee has realized these promotions were necessary. It is a great honor to be Chief of Police. Chief Frenz thanked both Chiefs of Police in the audience and his wife, family and friends for being here. Chief Frenz also thanked the Township Committee and congratulated the other Police Officers that were promoted tonight.

Mayor Tredy discussed the promotions were well-deserving. The Officers will continue to do a great job for the Township as they have done in the past. The Chief and Detective Sergeant were hired 20+ years ago. Mayor Tredy is very proud and would have promoted everybody who applied, if it was possible. The Township of Ocean has a small Police Department and there are only so many openings. Congratulations to all of you.

**Recess**

Five-minute recess for those who would like to exit the meeting.

**Open Meeting**

Meeting called to order.

### **Committee Reports**

Mayor – Dennis F. Tredy

Mayor Tredy discussed the collection of construction debris due to Super Storm Sandy, ending on December 31, 2012.

### **Administrator Report**

Administrator – David Breeden

Immediately after the storm, the Township of Ocean Public Works Department in conjunction with Township contractors began the process of cleaning up storm debris on or about Friday, November 16, 2012.

The Township Clerk and Administrator met with AshBritt Environmental, which is the certified FEMA contractor responsible for storm debris cleanup. FEMA allows the local governments 7-10 days to make the streets passable. After that, the local governments must comply with the FEMA regulations regarding storm debris, including waste monitors in addition to using a FEMA-approved solid waste collector, which is AshBritt. AshBritt took over services right after Thanksgiving. To date AshBritt has collected over 5,300 cubic yards in waste. That is approximately 180 roll-off containers. Prior to that, a comparable amount of waste was removed from Waretown. It will cost a significant amount of money to pay for collection disposal. The Township is hoping for FEMA reimbursement for that.

Resolution 2012-337 cancels balances from prior federal and state grants as per audit. Every year, the Township receives federal and state grants. The grant balances cannot be used for anything else and must be cancelled in accordance with the grant requirements and audit standards.

Resolution 2012-385 authorizes budget transfers in the amount of \$45,000. The last two months of any fiscal year in addition to the first three months of the next fiscal year, local government entities are permitted to do transfers. The \$45,000 transfers, compared to a \$10 million budget in addition to Super Storm Sandy expenditures, are relatively nominal in nature. Transfers do not impact the tax rate. It is taking money from one account and put into another in order to cover expenditures from various experiences during the year.

Resolution 2012-391 approves the policies and procedures manual for the rehabilitation housing units. During the summer, the Township allocated between \$160,000 and \$200,000 for rehabilitation of existing housing stock within the Township of Ocean. At that time, the Township had approximately \$240,000 in the affordable housing dedicated trust fund. Approximately \$160,000 was exposed to potential forfeiture to the state if not used. The best course of action was to use the money to take existing housing stock and rehabilitate it.

Resolutions 2012-393 and 394. In November, the Township adopted a Special Emergency for the storm of \$735,000. The Township has discovered the amount will not cover everything needed to pay for the storm. The bay front needs to be repaired and several hundred water meters need to be replaced as a result of salt water exposure. Resolution 2012-393 rescinds the resolution passed in November for \$735,000. Resolution 2012-394 adopts a new Special Emergency in the amount of \$1.5 million.

The Township is being very aggressive with regard to FEMA reimbursement. The Township already had several meetings with both FEMA and the Louis Berger group, who is the disaster consultant helping the Township fill out the public assistance documentation and paperwork. At the end of the day, the Township needs to do whatever it takes to respond to the storm. The Township had certain obligations and responsibilities to meet. Roads had to be cleared, debris had to be picked up, property needed to be secured and areas had to be policed. The Township does not need to neglect any repair work that is necessary as a result of the storm. The Township needs to recognize the work, calculate the cost and submit to FEMA for reimbursement. The reimbursement will be 75%. The Governor is working hard to get the reimbursement up to 90% or 100%. Additional damages and repairs are discovered every day.

Next year's budget will have an expense of \$300,000 for the special emergency and a revenue amount of \$300,000 for FEMA reimbursement. The County of Ocean had between \$30-\$35 billion in ratables, severely damaged as a result of the storm. That will impact the tax rate next year. Waretown and Barnegat made all the right moves regarding FEMA, unlike other towns. The Townships of Ocean and Barnegat were very aggressive regarding seeking the FEMA reimbursement.

Township Administrator Breeden discussed all the numbers are not in yet. The damages along the bay front have been estimated to be substantial in nature. The potential number of water meters have been taken into account. The Township is still collecting debris. The amount of debris collected is still unknown. The Township has the ability to cancel a portion of the Special Emergency, if it is not needed.

Committeeman Lachawiec inquired if there is anything in this resolution that states the reimbursement money has to pay down the bonds. Committeeman Lachawiec inquired why this amount has to be bonded out.

Mayor Tredy discussed the Township has obviously been bonding appropriately, as the taxes have not been raised in the last three years prior to Super Storm Sandy. This bonding is appropriate.

Committeeman Lachawiec discussed the water meters cost less than \$100 each and maybe \$50 to install. That \$50,000 would come out of the Utilities budget, not the Township budget.

Township Administrator Breeden stated the water meter costs would come out of the Super Storm Sandy recovery fund. The Township is not going to burden the rate payers with that cost.

Committeeman Lachawiec discussed using the fund balance for the water meters and not borrowing the money.

Township Administrator Breeden discussed the Township stabilizing the cost of the storm over a five-year period in order to minimize the impact of the storm on any given year. The Township does not want to absorb the entire cost of the storm next year. It is to be spread out over several years to stabilize the tax rate in addition to mirror the FEMA reimbursements. FEMA reimbursements will be used to offset the principle of the special notes required to fund storm expenditures.

Administrator Breeden discussed the FEMA reimbursement will be used to pay off any and all special emergencies associated with the storm.

Committeeman Lachawiec suggested these resolutions be tabled and requested a spreadsheet with the costs associated with the storm.

Mayor Tredy and Administrator Breeden discussed needing the funds right away, before the end of the year.

### **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 if the storm debris collectors will circulate throughout the town looking for debris or is it up to the homeowner to call the Township for pick up between now and December 31<sup>st</sup>.

Mayor Tredy discussed the Township has made every attempt to inform the residents about storm debris pick up.

Township Clerk Ambrosio discussed the debris pick up notice is on the flashing sign on Route 9, email notices, TV Channel 22 and the Township will probably send out a Reverse 9-1-1. Storm debris pick up will continue until December 3<sup>st</sup>.

Vince Anepete, 85 Clearwater, thanked the Township Committee for doing so much in the residents' time of need. Everything is getting picked up and it is wonderful.

Ed Covitz, Brookville, inquired if the Township is \$15 million in debt.

Township Administrator Breeden discussed between Township obligations and water/sewer, yes. Comparing the size of Waretown to other communities' debt obligations, it is well within an acceptable range.

Mr. Covitz discussed Barnegat is three times the size of Waretown and owes less.

Township Administrator Breeden discussed Barnegat's \$13 million is only for the Township obligation and does not account for the water/sewer obligation. Each town is special and unique and has their own needs that need to be addressed.

Mr. Covitz discussed the Township receiving an insurance payment to pay for computer damage from the storm.

Township Administrator Breeden discussed back in July, the Township experienced a severe thunderstorm. The Township did a special emergency for \$250,000 for the cost of damage to technology. Much of it was public safety communication equipment. When the insurance reimbursement is received, the Township will use that to pay off the cost of the special note. The special emergency note does not impact the 2012 budget. The first impact will be 2013. The amount of revenue received from the insurance company will offset the expenditures. Any additional funding will be cancelled.

Committeeman Lachawiec discussed using left over bond money for other things like a new roof on the firehouse or the additions to the municipal offices.

Township Administrator Breeden discussed those are two different things. That was a bond amendment.

Mr. Covitz inquired what the Township is doing with the bonded money that has not been spent.

Township Administrator Breeden discussed the money is being used for purposes with regards to capital improvements. The Township is using it in accordance with the state bond law. Any bond amendments are adopted through an ordinance at a Township Committee meeting with two readings and a public hearing. Mr. Covitz needs to submit exact information about what he is inquiring about.

Mr. Covitz discussed bonding \$250,000 for the computer situation in July.

Township Administrator Breeden discussed the Township did not bond for \$250,000. It is a Special Emergency note that is payable over five years. It is not a bond and does not go against the debt. The \$250,000 was based upon the damage estimate. Any outstanding balance of that Special Emergency will be cancelled. The debt is being paid down every year. The Township had debt service. It was in the budget and was explained at a Township meeting.

Mr. Covitz requested the debt amounts at the end of each year for the last five years.

Township Attorney McGuckin discussed the budgets are on the website. In the annual budget statement, the Township must list its debt for that year.

Christine Bednash-Oppat, 109 Clearwater Drive, is involved in extensive litigation with the DEP regarding her property. There are barriers at the end of the road now. There is no economic benefit to the property with the barriers there. What is the Township doing with the bay front at Custer?

Township Administrator Breeden discussed the barriers were placed there prior to the recent Northeastern right after the hurricane.

Mayor Tredy discussed the barriers are temporary and will be moved.

Ms. Bednash-Oppat discussed the extreme erosion situation. The barriers divert the sand in a different direction back into the bay and onto the rocks and beach. Ms. Bednash-Oppat has an extensive riparian grant and would like to utilize the property at Custer. After the storm of 1963 the Township vacated Street 4, which goes through the house at 106 Clearwater. Would the Township Committee consider vacating Custer Drive?

Mayor Tredy discussed no, the Township doesn't give away streets on a regular basis.

Ms. Bednash-Oppat would like the power lines removed and the street vacated.

Committeeman Lachawiec discussed this issue is complicated due to the number of homeowners plus the Township owns the bay front on the other side of the barriers. Ms. Bednash-Oppat and the other residents should submit a formal request to the Township describing exactly what is wanted. The Township will then investigate and determine the course of action.

Township Attorney McGuckin discussed Ms. Bednash-Oppat's request to vacate in 2001 or 2002 and the Township had no interest in vacating. It provides access to the bay and the Governing Body felt that the Township is not in the business of limiting access to the bay.

Ms. Bednash-Oppat would like the Township to indemnify the property against accidents that can happen.

Township Attorney McGuckin discussed the Township does not indemnify anyone or anything for public roads or public properties.

Nick Macrese, Macrese Family LLC, landowner in the Town Center, has reapplied to the Redevelopment Committee. It has been a couple of months and Mr. Macrese is requesting a hearing date.

Committeeman Lachawiec inquired if the last application was defective.

Mr. Macrese discussed there was a technical problem, which has been corrected. The Township professionals had issues with the drawing.

Vince Anepete, Clearwater Drive, inquired if the Redevelopment meetings are advertised.

Mayor Tredy discussed, yes.

Mr. Macrese inquired the difference between Redevelopment and Planning Board and when does Redevelopment meet.

Township Attorney McGuckin discussed Redevelopment meets when a plan is received from a developer who wishes to develop in the Redevelopment zone. Mr. Macrese submitted a new plan. Minor amendments were submitted this week and transmitted to the professionals. A hearing should be scheduled in January. Redevelopment allows the applicant to do certain things not allowed under the Planning Board with the current zoning.

Mr. Macrese discussed that the plan changes, requested by the Redevelopment Committee on January 11, 2012, were corrected.

Township Attorney McGuckin discussed there was another property at the front of Mr. Macrese's property in the plan. The owner of that property did not sign or approve the plan. That was the technical issue.

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

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

**Motion to approve Meeting Minutes** dated October 9, October 11, November 8, November 13, and November 28, 2012.

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

Roll Call: Lachawiec: No, Wetter: Yes, Tredy: Yes

**Resolution 2012-371** Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$3,302,239.55

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**

2012-372 Resolution appointing Michael Matelski and Nathaniel Ehlers as Full Time police dispatchers

2012-373 Resolution formally canceling balances from prior Federal and State grants as per Audit



- 2012-374 Resolution recognizing November as "National Family Caregiver Month in Ocean County
- 2012-375 Resolution formally cancelling items in the 2012 Sewer Operating Budget in the amount of \$210,000
- 2012-376 Resolution authorizing Tax Collector to release \$4,800 in premiums to the Township Treasurer
- 2012-377 Resolution authorizing the Tax Collector to cancellation of property tax refunds or delinquent amount in the amount of less than \$10.00 for tax year 2012
- 2012-378 Resolution authorizing in lieu mailing charges to be added to Tax Sale costs
- 2012-379 Resolution authorizing method payment for delinquent taxes, water and sewer
- 2012-380 Resolution authorizing the release of escrow money held in the name of Ronald & Linda Russomanno in the amount of \$781.50
- 2012-381 Resolution authorizing a utilities leak credit for 218 Maplewood Road in the amount of \$63.71
- 2012-382 Resolution authorizing a utilities leak credit for 211 Teaneck Road in the amount of \$285.12
- 2012-383 Resolution authorizing a utilities leak credit for 218 Biscayne Road in the amount of \$63.86
- 2012-384 Resolution formally cancelling balances in the 2012 Water Operating Budget in the amount of \$34,000
- 2012-385 Resolution authorizing budget transfers in the amount of \$45,000
- 2012-386 Resolution formally canceling balances in the 2012 operating budget in the amount of \$86,000
- 2012-387 Resolution formally refunding the application and escrow fees from Dynamic Engineering to make application at the Planning Board
- 2012-388 Resolution authorizing the hiring of Alan DeSimone on a Temporary Part Time Inspector for the Tax Assessor's office
- 2012-389 Resolution approving fees for an emergency water connection at 34 Laurelwyck Drive
- 2012-390 Resolution formally canceling balances in the amount \$183,853.00
- 2012-391 Resolution approving the policies and procedure manual for the Rehabilitation of Housing with CGP&H
- 2012-392 Resolution approving policy and procedures in order to comply with OSHA

**Motion to approve Resolutions 2012-372 through 2012-392** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

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

**Resolution 2012-393**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey rescinding Resolution 2012-339

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

Roll Call: Lachawiec: No, Wetter: Yes, Tredy: Yes

**Resolution 2012-394**

RESOLUTION OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-54 TO PROVIDE FUNDS FOR RESPONSE TO THE EXTRAORDINARY EXPENSES RESULTING FROM DAMAGE CAUSED BY SUPER STORM SANDY AND FURTHER AUTHORIZING THE ISSUANCE OF SPECIAL EMERGENCY NOTES TO FUND SUCH SPECIAL EMERGENCY APPROPRIATION

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

Roll Call: Lachawiec: No, Wetter: Yes, Tredy: Yes

**Motion to approve Social Affairs Permit for the Waretown Fire Company for December 21, 2012**

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

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

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

1. Republican Club – County Committee 2013
2. Township of Ocean Republican Club – 2013
3. Maggie Rac – February 10, 2013
4. Roxanne Lacey – December 8, 2012
5. Pam Gerstl – November 25, 2012
6. Waretown Thunder Softball Club – 2013
7. Waretown Thunder Softball Club – Field 1 – 2013
8. Self Defense Class – 2013
9. Susan Avellino – November 22, 2012
10. Cathie Braunsdorf – Jan 20, 2013
11. Michael Thompson – December 1, 2012

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

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

**Motion to approve the Utility Collectors report dated November 28, 2012 and Tax** Motion

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

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

**Next Scheduled Meeting – January 1, 2013 at 12:00 Noon**

**ADJOURNMENT**

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

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

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Township Clerk

\_\_\_\_\_  
Date