

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING January 10, 2013

Call to Order

ROLL CALL: LACHAWIEC X TREDY X WETTER Absent

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

Committee Reports

Deputy Mayor – Dennis F. Tredy

Deputy Mayor Tredy received notification of approval of a \$20,000 Municipal Alliance grant. Most of it is used for seniors and inside the school system for after school programs.

The Recreation Department is scheduling a Yankees Baseball Game trip on June 30, 2013. The cost is \$68.00 per person, which includes transportation and very nice seats. It is in Baltimore against the Baltimore Orioles.

Deputy Mayor Tredy discussed the storm debris that was transported out of town from Superstorm Sandy. The Township of Ocean had 14,687 cubic yards of storm debris.

Committeeman Lachawiec discussed NJ Natural Gas received a large number of requests for disconnection of gas service to the properties that were damaged by Superstorm Sandy. The homeowner must provide letters from each utility company indicating the utilities service has been disconnected to obtain a permit to demolish an existing structure. Committeeman Lachawiec read the letter from NJ Natural Gas requesting towns to waive road opening permit fees so that NJ Natural Gas may waive disconnection fees to the residents. Committeeman Lachawiec requested the Township send a letter responding, “no”. A customer cannot be prevented from getting back into their house due to the permit.

Township Administrator Breeden discussed in order for a resident to get a demolition permit there has to be proof that all utilities are disconnected.

Committeeman Lachawiec attended the Emergency Management Coordinators meeting today and was notified the Township would be getting back 75% of the costs.

Committeeman Lachawiec informed the Governor's office that the power plant had an event during Superstorm Sandy. If the water rose by a foot more, the cooling pumps would have been submerged. Committeeman Lachawiec requested assistance for providing methods of evacuation for the people of Waretown. The permits for Volunteer Way are in place. The Governor's office and FEMA promised to look into providing assistance with funding Volunteer Way.

Committeeman Lachawiec discussed appropriating \$1.5 million for special emergencies notes. This includes Public Works employees at \$75,000, Utilities Dept. \$140,000, MUA Vehicles and Generators are \$74,000, \$91,000, \$21,000, etc. The total number is less than \$1 million.

Township Administrator Breeden discussed the figure Committeeman Lachawiec brought up of \$756,000 plus the additional items of approximately \$100,000 do not include solid waste collection or disposal costs, which should be in the neighborhood of \$200,000 to \$250,000. The number also does not include damage to the bayfront, which the Township Engineer estimates to be between \$750,000 and \$850,000. The 75% reimbursement from the government will be used to offset the appropriation of \$1.5 million. In 2013, the Township has to fund 20% of the \$1.5 million which would be \$300,000. On the revenue side will be FEMA reimbursement for \$300,000. The impact on the tax levy will be zero. It will increase the budget, but the net effect is zero. There will be a tremendous waste bill associated with the solid waste collection and disposal effort. If the \$1.5 million is not used, the Township can cancel any portion that is not used.

Ordinance 2013-01 amends the noise control for the Township of Ocean. It allows snow plowing to be considered an emergency operation and exempt from the noise ordinance and also allows golf course maintenance operations to be exempt from the noise ordinance as well.

Ordinance 2013-02 amends the pawn shop ordinance. In 2011, an ordinance was adopted regarding pawn shops. In 2012, based on input and comment from the Police Department and pawn shop owners, the ordinance was amended to modify and change some definitions. Again, based upon input from the Police Department and pawn shop owners, it is being amended again tonight to remove the \$10,000 bonding requirement. It was placing an undue financial burden on small businesses. This amendment does not compromise the integrity or ability of the Police Department to effectively manage and regulate the pawn shops.

Ordinance 2013-03 amends commercial and office development as a conditional use in the bayfront conservation zone.

Township Attorney McGuckin discussed within the bayfront conservation zone along a major highway, this ordinance permits mixed use buildings, if the zone requirements are met and conditions of the ordinance are met.

Resolution 2013-78 cancels the balance of an emergency resolution 2012-284 in the amount of \$66,306.47. On August 9, 2012, the Township Committee adopted a special emergency in the amount of \$250,000. Repairs were needed as a result of a severe thunderstorm and lightning strike on the

Township's communication tower and Police Station. At that time the estimated cost to repair was \$250,000. After all repairs were completed, the cost came to \$183,693.53. The Township received an insurance reimbursement check for that exact amount. The Township is cancelling the unused balance of \$66,306.47.

Resolution 2013-79 through 2013-82 are temporary budgets for the current fund, Water/Sewer Utility and Open Space. The Temporary Budget reflects the first three months of operations and is used to fund operations until a permanent budget is adopted in May-July.

Resolution 2013-83 authorizes an Ocean County Tourism grant for \$1,100.00. It is used for advertising of Founder's Day.

Resolution 2013-84 authorizes submission of application to the New Jersey Environmental Infrastructure Trust Fund for Fiscal Year 2014 for water/sewer improvements on Montclair Road North in Barnegat. Estimated cost is \$1 million and represents 1,000 feet of new sewer and water mains in addition to approximately 30 laterals to the residents on that street.

Committeeman Lachawiec inquired if the Montclair Road water/sewer project is the third phase of pipe replacement projects and is it located in Waretown or Barnegat.

Township Administrator Breeden discussed the Township selects a project every year. Montclair Road is in Barnegat. It is part of the Township of Ocean Utilities.

Deputy Mayor Tredy discussed the Township of Ocean is responsible for the pipes in Barnegat just as much as the pipes in Waretown. The Township collects money from those residents. The Montclair Road pipes have been in disrepair many times.

Committeeman Lachawiec discussed that he felt Davey Jones Way needed repair and is in Waretown. Montclair Road is in Barnegat.

Deputy Mayor Tredy discussed that Committeeman Lachawiec is speaking about stormwater pipes. The Township Committee is discussing sanitary water/sewer pipes.

Committeeman Lachawiec requested adding a resolution appointing Apalonia Galie to the Environmental Commission.

The Township Committee will add Resolution 2013-85 appointing Apalonia Galie to the Environmental Commission.

PUBLIC PORTION:

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Joan Finn, 26 Ocean Grove Lane, discussed the inclusionary development program under COAH requires builders to build a certain number of affordable houses per a certain number of units or give the Township money in lieu of building the affordable houses. What has been done with Lennar in that regard?

Township Attorney McGuckin discussed when the units were approved, it was prior to most of those requirements. Lennar did not have a requirement to set aside affordable housing units within that development.

Ms. Finn inquired where are the homes that are being rehabilitated with affordable housing money.

Township Clerk Ambrosio discussed the program might not have received any applications yet and will look into the matter.

John Petrosilli, Vessel Road, inquired if the bayfront conservation district has been expanded to the parkway.

Township Attorney McGuckin discussed it is the same district. The Township added a conditional use if a property owner has a large enough property and a portion of that will be deed restricted for no development, the owner might be able to get commercial and residential construction of limited size, provided there is enough frontage on the main road and a substantial portion of the property would be dedicated for open space purposes.

Mr. Petrosilli inquired how the Township has that amount of debt service for open space.

Township Attorney McGuckin discussed every piece of open space that was purchased since the ordinance was adopted was borrowed money. The revenue generated for the open space fund was designed to pay for the debt service for that property. It will be open space forever and has a 30 year life span for the payment. The purpose of the open space fund was to quickly preserve land before it was bought and developed.

Mr. Petrosilli discussed a portion of the open space money the tax payers put in goes to salaries and wages.

Township Administrator Breeden discussed the open space fund can be used to finance current operations and the maintenance and upkeep of open space or recreational areas and/or pay off debt service.

Larry Crawford, 17 Bayview Drive, inquired if the Township will accept the FEMA flood levels.

Township Administrator Breeden discussed the advisory maps were issued by FEMA in December. There are significant changes compared to the previous maps issued some time ago. The reason for the changes is the flooding that occurred as a result of the storm. There are many issues as to whether the Township will accept the advisory maps. There are consequences to those decisions that need to be

thought out in order for a decision to be rendered. Once the decision is made it will impact a lot of people along the bayfront. It will take time to go through all the elements and factors associated with the new flood maps.

Township Attorney McGuckin discussed it will be a number of months before the Township can decide. The maps are preliminary. The Township Engineer is going to review each property. Every town along the coast will be doing the same thing. It will not be in 2013 that a final map will be decided on.

Bob Voyers, Dune Lane, requested details how residents were notified of the organization that handed out money to help people with storm damages.

Deputy Mayor Tredy discussed one of the Township Police officers who lives in Berkeley Township contacted an organization called the Tu Chi Foundation, a Buddhist religious group. Tu Chi was looking for towns that were in need of help, just like the Red Cross and Salvation Army. The Tu Chi Foundation, with the aid of the CERT Team went out to the areas where residents had water in their homes. The Tu Chi Foundation handed out a special certificate with a Township seal on it. The Tu Chi Foundation determined who would get the certificate. The residents who received a certificate brought it to the elementary school and were given gift cards in the amount of \$600.

Mr. Voyers discussed many residents never received notification.

Deputy Mayor Tredy discussed the organization passed out over 1,000 of the certificates. Only 240 residents came to redeem them. The Tu Chi Foundation did their best to notify the residents. The Tu Chi Foundation decided how the flyers and where the flyers went. The Township only assisted in their decisions.

Joan Finn, 26 Ocean Grove Lane, the Long Term Recovery Committee is trying to consolidate all the volunteer help and is having a fair at the Ocean County Library on Washington Street in Toms River. The fair will release information to people who need volunteer resources.

Deputy Mayor Tredy discussed the Long Term Recovery Committee is working with the Municipal Alliance to get a complete list of places to direct people with problems.

Ms. Finn discussed a resolution requesting increase of accountability and transparency of the power plant operations.

Committeeman Lachawiec discussed asking the Oyster Creek Closure Task Force for a report. After Superstorm Sandy passed, the plant is obligated to make a full public assessment of what happened. The plant has refused to make the report available for public inspection.

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Ordinance 2013-1

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 8.16 Entitled “Noise Control” of the Codified Ordinances of the Township of Ocean.

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Ordinance 2013-2

Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Amending Ordinance 2011-15 of the Codified Ordinances of the Township of Ocean with respect to Pawn Shops

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Ordinance 2013-3

AN ORDINANCE AMENDING TITLE 18 “ZONING” OF THE TOWNSHIP OF OCEAN CODE TO PERMIT LIMITED-SCALE COMMERCIAL AND OFFICE DEVELOPMENT AS A CONDITIONAL USE IN THE BAYFRONT CONSERVATION (BC) ZONE DISTRICT

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

Roll Call: Lachawiec: 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.

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| 2013-78 | Resolution cancelling the balance of the emergency resolution 2012-284 in the amount of \$66,306.47 |
| 2013-79 | Resolution authorizing the 2013 Temporary Operating Budget for the Sewer Utility |
| 2013-80 | Resolution authorizing the 2013 Temporary Operating Budget for Open Space |
| 2013-81 | Resolution authorizing the 2013 Temporary Operating Budget for the Water Utility |
| 2013-82 | Resolution authorizing the 2013 Temporary Operating Budget for the Township of Ocean |
| 2013-83 | Resolution authorizing the Township of Ocean to apply for the 2013 Ocean County Tourism Matching Promotional Grant for Founder’s Day 2013 |

Committeeman Lachawiec inquired about Resolution 2013-78, if the Township borrowed the original \$250,000 or did it come out of operating funds.

Township Administrator Breeden discussed in that case, the Township did not borrow the money.

Motion to approve Resolutions 2013-78 through 2013-83 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.
Roll Call: Lachawiec: Yes, Tredy: Yes

Resolution 2013-84

A RESOLUTION AUTHORIZING THE SUBMISSION OF APPLICATIONS FOR FINANCING UNDER THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST 2014 FINANCING PROGRAM FOR THE REMOVAL AND REPLACEMENT OF BOTH ASBESTOS CEMENT PIPE POTABLE WATER MAINS AND SANITARY SEWER MAINS AND RELATED IMPROVEMENTS ON MONTCLAIR ROAD

Mayor Tredy requested a Motion to approve:

Committeeman Lachawiec stated he would not make the motion.

Committeeman Lachawiec discussed the Barnegat area that Waretown services with water and sewer has a number of people who do not pay their bill. The total of non-payment in that area is \$90,000, approximated.

Township Attorney McGuckin discussed that usually towns would lien properties who do not pay their water/sewer charges and include it in the tax sale. In this case, these are not Township of Ocean residents and are not subject to tax sale. There's been discussion in legislature about adopting a statute to permit it. Commercial properties that do not pay are notified of the situation and shut off. If a municipality shuts off residential property for nonpayment, it is the municipality's legal and financial responsibility to provide housing for the individuals. It is the same for property code enforcement issues as it would be for water/sewer bills.

Mayor Tredy discussed that regardless where the street is located these pipes that are being discussed are the Township of Ocean Water & Sewer which the Township is obligated to maintain.

Township Attorney McGuckin discussed the Township's Water/Sewer Utilities Department is responsible for servicing these residents. It is the Township's obligation to provide adequate water/sewer service, whether it is paid or not. If a collapse or problem occurs, it will be the Township's responsibility to immediately fix it in an emergency situation, which will be much more expensive than maintenance repairs.

Committeeman Lachawiec discussed that he would like the street to be changed from Montclair to a street in Waretown, which needs it just as much. He will not move the Resolution.

Motion of approval moved by Deputy Mayor Tredy. No second motion. Motion not carried.

Resolution 2013-85 Appointing Apalonia Gale replacing Ken Bynoe on the Environmental Commission.

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

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

1. **Dance/Exercise – Monday – January – April**
2. **Michael Cort – January 19, 2012**
3. **Kelly & Ray Stefanelli – February 16, 2013**

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

Motion to approve the annual application for junk yard or salvage yard at Jones Road

Mayor Tredy requested a Motion to approve:

Committeeman Lachawiec discussed that this application was on the agenda last year and suggested that the town go out and inspect the yard.

Deputy Mayor Tredy discussed the junk yard is being inspected annually by the DEP. This is not an inspection that the Township of Ocean handles.

Mayor Tredy requested a Motion to approve: No second motion. Motion not carried.

Next Scheduled Meeting – February 14, 2013 at 6:30 pm

Adjournment

Deputy Mayor Tredy adjourned the meeting.

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date