

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING February 14, 2013

Call to Order

ROLL CALL: LACHAWIEC X TREDY X WETTER 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

Committee Reports

Mayor – Tina Wetter

Mayor Wetter attended a meeting today regarding the upcoming closure of the Oyster Creek Nuclear Power Plant. Representatives from Lacey, Ocean and Barnegat Townships were there. The plant is scheduled for closure in 2019. Proper planning must start now to prepare for the impact the closure will have on Waretown and the entire southern Ocean County region. Today's meeting focused on the economic impact. Currently the plant employs approximated 700 individuals, many of which live in the Ocean County area. The plant spends millions of dollars with local businesses each year. The closing of the plant will have a significant and considerable adverse economic impact on the area. Steps need to be taken now to plan for this loss of jobs and associated revenue. The state is taking an active role with this issue in employing a regional approach to address the major concerns. With the cooperation of the state along with the three Townships, a viable plan of action can be developed to address the spending issue that will affect all of us. Mayor Wetter will keep everyone updated regarding the closing of the plant.

FEMA will be sponsoring a public information meeting to address Hurricane Sandy recovery work. This will be a joint meeting for residents of Ocean and Barnegat Townships and will be held on Saturday, February 23, 2013, 10a-12p at the Barnegat Township High School, 180 Bengal Blvd., Barnegat. Topics to be discussed include will the recently released advisory based flood elevation maps, the National Flood Insurance Program, Hazard Mitigation Grants and financial assistance from the Small Business Administration. Residents will have an opportunity to speak one-on-one with federal and state representatives about how these programs can help with their individual recovery efforts. All residents affected by the storm are strongly urged to attend this meeting.

Deputy Mayor – Dennis F. Tredy

Resolution 2013-94 approves a new five-year contract with the General Contractors and Laborers Union Local 172, who represent the Utility and Public Works Department.

Resolution 2013-84 applies to the NJ Department of Environmental Protection and NJ Environmental Trust Fund for water and sanitary sewer pipe replacement on Montclair Road in Barnegat. This street is one of many streets that are serviced by the Township of Ocean Water/Sewer Department.

Deputy Mayor Tredy read a report from the Superintendent of Utilities, which explains the asbestos cement piping. The Township is in the process of replacing 50 year old pipes in some places. All of the asbestos concrete pipe is going to have to be replaced over the next 15-20 years. Priority replacement is determined by several factors, including the number of people served by an individual section of piping, the condition of the roadway the pipe occupies and the condition of the piping itself. Montclair Road North has become the highest priority on the ACP replacement, as it is the first part of the system that shows regular universal failure. Over the last two years, there have been six water system leaks on Montclair Road North, most of which are in the cul-de-sac area. No other single street in the service area has had multiple water system leaks. This pipe is no longer pitched correctly. The Utilities Department is forced to jet and snake the individual service laterals at regular intervals at the cul-de-sac. If this problem is not corrected, the the Utilities Department will face an emergency repair of the system, which could cost hundreds of thousands of dollars more than it would to go through a bid process.

This resolution was on the January agenda, but could not get a motion to approve by Committeeman Lachawiec. The resolution died. The Township of Ocean is obligated to service all customers within the service area, whether it is Waretown or Barnegat. At that time, Mr. Lachawiec had recommended spending the money to repair Waretown water/sewer pipes but not water/sewer pipes in Barnegat.

There are also a number of resolutions on the agenda tonight to repair the asbestos cement water and sanitary sewer pipes in Skippers Cove on Hornblower Drive, Bluebeard Drive and Hawkins Way.

Committeeman – Joseph Lachawiec

Committeeman Lachawiec discussed being head of the Utilities Department for three years. The priority was that Montclair Road would come behind Davey Jones Way.

Township Administrator Breeden discussed the Township is applying for Montclair Road for the fiscal year 2014. Every year the list, which contains about 50 projects and priorities, is reevaluated along with the number of repairs and it is determined which projects receive the next funding cycle.

Committeeman Lachawiec discussed Montclair Road being behind Davey Jones Way, but can now see that Davey Jones Way is included in the report. Committeeman Lachawiec has no problem with Montclair Road.

Committeeman Lachawiec discussed the regional approach to the closure of the power plant. As Emergency Management Coordinator, Committeeman Lachawiec attended a meeting with the closure task force, which included DEP Commissioner-Bob Martin, Homeland Security-Art Dixon, Princeton Nuclear Fission Lab Physicist-Mr. Cone. This Committee had been in existence for two years. The first meeting was last month. There was no report on the closure.

Committeeman Lachawiec explained to the task force that the public wants safety and urged the Commissioner to take a look at financing Volunteer Way, as it is the one and only potential evacuation route for the people in north Waretown, including Sands Point and Skippers Cove. During the Sandy event, there could have been two separate catastrophic occurrences – the flood and the submerging of the electric pumps that serve to move the cooling water around the nuclear reactor. The Commissioner discussed that he would look into the funding of Volunteer Way. Oyster Creek gave a report to the Nuclear Regulatory Commission about what happened during Sandy. That report is not forthcoming.

Committeeman Lachawiec discussed that he is not antinuclear and was in the forefront of asking Oyster Creek to build another plant behind the one that is there. Oyster Creek stated it was not in their business plan. The Commissioner discussed at that meeting the power plant would be decommissioned starting in 2019. When decommissioning starts in 2019, most of the employees at the plant will be retired or getting ready to retire. Hundreds, if not thousands of people will be working at the power plant decommissioning and providing for the economy.

Committeeman Lachawiec discussed that Waretown gets zero from the plant. Lacey get \$12-\$14 million dollars from the plant until it is decommissioned. There are 98 people who live in Waretown that work at the plant.

Administrator Report

Administrator – David Breeden

Resolution 2013-84 permits the Township to submit an application to the NJ Environmental Infrastructure Trust. The trust program offers no interest/low interest grants and principal forgiveness financing mechanisms to Townships that are engaged in various types of utility work. The project would replace water/sewer mains which qualify for EIT financing.

Ordinance 2013-1, Second Reading, Public Hearing is an amendment to the Noise Control Ordinance for Waretown. The purpose is to exclude snow plowing and golf course operations from noise control. This allows the operation to be performed on behalf of the Homeowners Association in a Private Residential Development Zone. This allows Greenbriar to maintain their golf course and perform maintenance operations prior to 7:00 am. The Township has received a letter from the Greenbriar Board of Directors in support of this ordinance.

Ordinance 2013-2, Second Reading, Public Hearing amends the pawn shop ordinance. In 2011 the Township passed an ordinance regulating pawn shops. In 2012 the ordinance was amended and once again the Township is amending the ordinance in 2013. This amendment removes the bonding requirement. The bonding requirement does nothing to assist with regulations and places a financial burden on the businesses in town. The amendment does not jeopardize the intent of the ordinance.

Resolution 2013-3, Second Reading, Public Hearing – Township Attorney McGuckin discussed this resolution is a result of litigation the Township entered into with an owner of property located on the east side of Route 9. As a result of that litigation, the Township had agreed to a potential rezoning. The court has approved of the settlement to include that rezoning. It permits a mixed use building on that property. There's a large parcel of property, which would include a substantial portion to be deed restricted from any development. It would tie to preserved land, which the Township owns and allow limited commercial type development along the highway.

Ordinance 2013-4, First Reading, amends a bonding ordinance the Township passed in 2012 for \$1,850,000 for water/sewer work in Skipper's Cove. \$1 million was allocated for sewer, \$850,000 for water. Resolution 2013-115 awards a contract for \$1,880,000 for the water/sewer work. The initial amount of the bond was not sufficient to cover the cost of the project. This ordinance amends the initial bond ordinance to include \$400,000 to make it \$2,250,000. Resolution 2013-89 submits a supplemental construction loan application to the EIT for the \$400,000 to see if the EIT will provide a financing vehicle for the additional \$400,000 needed to complete this project.

Ordinance 2013-5, First Reading. When streets are opened for water/sewer work, storm drains have to be repaired as well. Members of the Township Committee have been working very closely with the Skipper's Cove Homeowners Association in identifying various areas that need drainage improvements. The Association identified many areas of Skipper's Cove that need drainage improvements. Hawkins Way, Bluebeard Drive and Hornblower Drive storm drain repairs total approximately \$200,000. There are many more streets in Skipper's Cove that have been identified with severe drainage problems. The Township is anticipating spending a half million dollars to repair, replace and improve the drainage in that area.

Resolution 2013-87 submitting a letter of intent to the County and State to participate in the FEMA hazard mitigation program as a result of Hurricane Sandy. There will be numerous programs offered by federal and state governments with regards to recovery efforts. Hazard mitigation grants can assist public agencies and individual residents and will be the most frequently used grant by residents to elevate their homes.

Resolutions 2013-88 through 2013-92 are regarding Infrastructure Trust and the water/sewer project in Skipper's Cove.

Resolution 2013-88 and 2013-92 deal with authorizing the Township to participate in the EIT sale of bonds and execute the necessary paperwork associated with participating in the program for the million dollars of sewer work that will be done in the Skipper's Cove section of the community.

Resolutions 2013-90 and 2013-91 deal with authorizing the Township to participate in the bond sale and to execute the appropriate and needed paperwork associated with participating in the EIT program for the \$850,000 water improvement work in the Skipper's Cove section of the community.

When the Township assumed the MUA in 2007, the Township assumed all the MUA's assets and responsibility for all the liabilities, including outstanding projects, which amounted to well over \$30 million. The infrastructure that is being replaced with the EIT projects is between 40-55 years old and has exceeded its useful life.

Resolution 2013-93, Interlocal Agreement or shared service agreement with the Township of Lacey to share a network administrator/information technology person. The Township has outsourced that function. The Township is now going to share a person with the Township of Lacey and realize financial savings. The outsourcing cost is \$85.00 per hour. The shared service agreement will be \$50 per hour. The two-year agreement will start this year and end at the end of next year.

Resolution 2013-94, Authorizes the signing of a five-year agreement with the Construction and General Laborers Contract Union Local 172. This is a five-year contract with the Public Works and Utility employees of the Township of Ocean. Over the five years, the salary increase is 6.2%. The first year is zero, years 2 and 3 are 1.5% and years 4 and 5 are 1.6%. The contract stipulates that all Public Works and Utility employees must have a Commercial Drivers License. The CDL stipend has been eliminated and call-outs have been reduced from 4 hours to 3 hours. The salary increases over the five years compared with health care contributions is close to being a net cost of zero.

Resolution 2013-105 authorizes the sale of surplus property. Years ago the Township was responsible for selling surplus property through a public auction. Now the Township uses GovDeals, posts a few pictures with descriptions online and the pool of bidders is far greater and the sales are very successful.

Resolutions 2013-106 and 2013-107 are shared service agreements with the County of Ocean for DWI Patrols and Traffic Safety Patrols. When the County of Ocean utilizes the Township of Ocean Police for these two functions, the Township is paid \$55 per hour. The Township Police will participate with the County for DWI patrols or check points in addition to providing assistance with fatal or near fatal motor vehicle accidents.

Resolution 2013-114 establishes a memorandum of understanding with the Ocean County Sheriff Department for a Homeland Security Grant of \$20,000. The Township will be purchasing a license plate reader that will be put on a police car.

Resolution 2013-115 awards a contract for replacement of water/sewer mains in Skipper's Cove in the amount of \$1,880,740. Proposals for this work ranged from \$1.9 million to \$2.5 million. The paperwork submitted with this bid package was proper and complete and the references are satisfactory.

Resolution 2013-117 authorizes the Township Committee and Administrator to authorize inactive services for water/sewer for residents no longer living in their homes as a result of flood damage along the bay front.

Resolution 2013-121 awards a contract to Earl Asphalt in the amount of \$163,513.13 for a Department of Transportation grant, which the Township will receive approximately \$150,000.

PUBLIC PORTION:

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

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

Joan Finn, 26 Ocean Grown Lane, thanked Mr. Lachawiec for staying on top of the Oyster Creek issue.

Ms. Finn discussed affordable housing for low-income residents and requested the Township Committee consider the nonprofit "Jim Bally Homes for All" program. It is a nonprofit organization that builds affordable homes for all people.

Michele Rosen, 29 Bradley Beach Way, inquired about Waretown's lost rateables.

Township Administrator Breeden discussed the temporary operating budget is just for expenditures. It does not anticipate revenues. The work is almost completed. The lost rateables number should be available shortly. The residents with damage along the bay front were difficult to reach, as they had relocated. That process took longer than anticipated.

Mrs. Rosen requested information from the Township Clerk concerning the cleanup operation. How much is the Township estimating paying AshBritt.

Township Administrator Breeden discussed the relationship the Township has with Ash Britt is through a shared services agreement with the County. The Township of Ocean attended many meetings at the County. The Township was advised that the rules and regulations with storm debris collection would change. FEMA gave local governments what was needed to pick up the debris as quickly as possible using local vendors. That practice changed in mid-November and was required to be in accordance with

FEMA regulations surrounding solid waste collection disposal. Vendors had to be certified in order to monitor the amount of waste being collected and disposed of. The County made an offer to secure the services of AshBritt. The municipalities could piggy-back off the agreement the County has with AshBritt. The positive aspect of the shared services agreement is that AshBritt would take care of all FEMA paperwork necessary for the reimbursement process and the County would fund all the money for solid waste collection. The AshBritt bills are reviewed and paid by the County for 75%. The balance of 25% comes back to the town. The Township does not know what the 25% is at this time. The Township does not have the dollar value yet.

Mrs. Rosen inquired about the Township not being eligible for FEMA funding, if the Township did not go with AshBritt.

Township Administrator Breeden discussed if the Township went with AshBritt, the Township will maximize the FEMA reimbursement. The Township's intent was to clean up the town as quickly as possible to get the debris off the street. The Township approved the AshBritt shared services agreement with the County. Mr. Breeden discussed if the Township went with AshBritt, the Township would be in a position to maximize the FEMA reimbursement. If the Township does not go with AshBritt, it could potentially compromise maximizing the FEMA reimbursement.

Mrs. Rosen inquired about Resolution 2013-89, increasing a bond ordinance. That application cannot be issued until after the second reading on the ordinance and the board approves it.

Township Administrator Breeden discussed that Resolution 2013-89 authorizes the Township to go to the State Environmental Infrastructure Trust to start the process. If the Township Committee decides not to do that at the second reading, then the application will be simply withdrawn.

Ruth Gebhardt, 34 Point Pleasant Lane, read a letter from Greenbriar to the Township Committee requesting a change in the regulation of noise in the PRD Zone to not include Golf Course Maintenance Operations. Can the association cut grass before 7:00 am?

Township Administrator Breeden discussed the work before 7:00 am would be consistent with golf course maintenance.

Rick Gebhardt, 34 Pt. Pleasant Lane, discussed one morning they were cutting grass at 5:30 am with headlights on up and down the fairways.

Mrs. Gebhardt discussed she located 7 towns with senior communities with golf courses who do not start the maintenance before 7:00 am, most of them start at 8:00 am. This ordinance is only good for the golfers.

Township Attorney McGuckin discussed the Greenbriar Association believes it is in the best interest of the community and asked the Township to adopt the ordinance. The Township Committee reviewed the

ordinance based upon their request. The Governing Body has introduced the ordinance and tonight will be the public hearing.

Mrs. Gebhardt discussed in the Association's October meeting it was stated as an emergency.

Township Attorney McGuckin discussed that is between the Association and its residents. It has nothing to do with what the Association requested of the Township or the ordinance. If Mrs. Gebhardt thinks the Association should not have made the request, Mrs. Gebhardt should go to the Association.

Mayor Wetter read the letter from the Association to the Township, requesting the change.

Mrs. Gebhardt discussed that he does not see why they have to start before 7:00 am just so golfers can start golfing at 7:00am. The maintenance vehicles are parked in the back yard 30 feet from the house. The equipment is running right under the bedroom window. Mrs. Gebhardt paid for a golf course view and golf course lot and does not want to be woken up seven days a week at 5:00 am - 6:00 am because somebody wants to golf. That is not why Mrs. Gebhardt pays taxes. Mrs. Gebhardt recommends the Township think what is good for the community besides what the five people on the Board think. The Board made it sound like it was for emergency vehicles.

Mayor Wetter discussed that Mrs. Gebhardt should go back to the Board of Directors and thanked him for his comments.

Mr. Gebhardt, 34 Point Pleasant Lane, discussed the current noise ordinance has 7:00 am weekday and 9:00 am weekend restrictions. What is the reason for the different times on weekdays and weekends.

Township Attorney McGuckin discussed those weekday restrictions are for business reasons. Many people are up and going to work and school.

Mr. Gebhardt stated that he is not getting up and going to work or school. Mr. Gebhardt does not want to be woken up every morning at 6:00 am or 6:30 am. The old maintenance company adhered to the ordinance and did not go out until 7:00 am or 8:00 am. Last year the police were called. One day they cut grass at 5:30 am with headlights on. The Police did respond. Mr. Gebhardt explained his bedroom is 12 yards from the golf cart path. The vehicles are gas powered machines towing trailers at 15 mph. Sometimes a leaf blower is behind it. It is horrible living conditions. West Lake Golf and Country Club stated they start at 8:00 am. West Lake has 50% more golfers and there is no problem getting the golfers out. The new 2013 Greenbriar Golf Program Policy changed the Men and Women Leagues to 9:00 am because of poor attendance. Mr. Gebhardt does not golf and has been a full time member since moving in. This is not for the good of the development.

Ray Roskowski, 71 Brigantine Blvd., discussed the golf course backs up to Mr. Roskowski's house. This is the first time hearing of this request from the Board of Directors to start mowing operations earlier than 7:00 am. Less than 25% of the residents are golfers. Mr. Roskowski requested the Township Committee

disapprove the request of the Greenbriar Oceanaire Board of Directors, who did not advise the residents of the request. Do not change the ordinance. Maintenance should not begin earlier than 7:00 am.

Deputy Mayor Tredy inquired what percentage of the homes are on the golf course.

Mr. Roskowski did not know the percentage but paid an extra \$40,000 for that lot. Mr. Roskowski has not heard the maintenance before 7:00 am but has seen them working on Hole 12, which is on Heritage Circle and Brigantine. To say the work has to be completed for the golfers, who represent less than 25% of the homes, does not make sense.

Jim Ritter, Community Manager of Greenbriar Oceanaire, stated he was here to answer any questions the Committee may have about the noise ordinance and by request on behalf of the board. The golf course in Oceanaire is one of the biggest attractions for that community. It is advertised on every sign. People say they bought on the golf course and want to see the golf course. There is a certain expectation when you buy a house on something as grand as a golf course or especially one as Oceanaire.

Mr. Ritter discussed the course was in demise for a couple years. It is recovering. There are 540 golfers and 1,200 homes, so those percentages heard tonight do not quite work. A big draw for that community is the golf course. The Billy Casper Group is the current contractor. Mr. Ritter has also worked with other prior contractors that started very early in the morning so the golf course was ready at 7:00 am. Mr. Ritter discussed that golfers are requesting what is called "double shotguns", where all the holes start at 7:00 am. Maintenance would have to get out there at 3:00 am in order to have that course completely ready by 7:00 am. It is a recreation facility for the retirees who purchased there because of the golf course.

Mayor Wetter inquired what time does the maintenance start.

Mr. Ritter discussed they start gathering at the maintenance building on most days at 5:30 am and head out to the various aspects of the golf course right around 6:00 am. The golf course is situated in a circular fashion, which is almost 10 miles around the community.

Mayor Wetter inquired if this matter was brought up at any board meetings?

Mr. Ritter discussed it was brought up several times in general discussion. In the October meeting it was brought up that the Police go on the golf course and disrupt with their sirens much more than the lawnmowers would. It was the interpretation of the old ordinance that the time limit was for construction equipment. The community felt to make the most of this recreation amenity so the retirees can get out. The retirees don't want to play in the heat of the day in the afternoon. It's understood that is a preference, but the association tries to give them that preference.

Mayor Wetter inquired how long has the maintenance been starting at this time.

Mr. Ritter discussed the maintenance has been starting at the same time as long as he has been there. Even the prior contractor started early.

Mayor Wetter inquired if there have been complaints about this before.

Mr. Ritter discussed, occasionally, most recently this year. Once in a while there are one or two complaints that are addressed.

Committeeman Lachawiec inquired if there are 400 golfers.

Mr. Ritter discussed there are 540 golfers.

Committeeman Lachawiec discussed if there are 1,200 homes and there are 2 people in each home, that is 2,600 people. If you do the math, you are talking less than 25%.

Mr. Ritter discussed, yes, if there are two people per home.

Committeeman Lachawiec inquired how many homes will eventually be there.

Mr. Ritter discussed 1,400.

Committeeman Lachawiec discussed the math will increase but there are less than 25% golfers. Did the association take a community wide vote to change this ordinance?

Mr. Ritter discussed no, they did not.

Committeeman Lachawiec inquired if Mr. Ritter thinks they should consider the fact that somebody testified here that Greenbriar is the only one out of 10-15 golf courses that start working before 7:00 am. Shouldn't somebody have asked everybody in the whole community what they thought?

Mr. Ritter discussed there is a difference between golf courses, communities and Townships. You cannot be held accountable for neighboring Townships because this Township is unique in what it does. So does Oceanaire. The Board of Trustees does have advisory committees. The Golf Course Advisory Committee holds regular meetings. They heard they want the maintenance done in the morning so the golfers can get out and enjoy their day and have a good time on the golf course. That course is a very popular recreation activity.

Committeeman Lachawiec discussed he plays golf, but not very well, and has been to plenty of courses including what they call the Monster. Have you ever heard of that or Tourale in Miami and places like that or West Palm?

Mr. Ritter discussed no I haven't heard of them.

Committeeman Lachawiec discussed he's golfed Sea View 20-30 times. I've golfed and had to get off the tee while the guys were mowing. Are you saying all 18 holes are completed by 7:00 am?

Mr. Ritter discussed no. Maintenance gets started to get ahead of the golfers.

Committeeman Lachawiec discussed then why not get started a little later at 7:00 am. It will not hurt anything. Come on, let's face it. Is it all "shotgun" start?

Mr. Ritter discussed it is single start.

Committeeman Lachawiec discussed starting at the second hole at 7:00 am. Let the guys start golfing at 7:00 am. Let the maintenance start at the second hole so the maintenance goes ahead of the golfers. Then everybody is happy.

Mr. Ritter discussed the maintenance cannot cut as fast as a golfer can play.

Committeeman Lachawiec discussed he has been to plenty of golf courses where he had to wait until the mowers passed and then he would golf. It is not such a big deal to take care of 75% of the people who live there. I mean, come on. Why have all this trouble. We wasted 45 minutes and spent money on this lawyer doing this ordinance and you complain about the police and their sirens making more noise than the cutters.

Mr. Ritter does not know if there was a violation of the law.

Committeeman Lachawiec discussed it's an overreaction of the Police Department? Did you become a Judge here or something?

Mr. Ritter discussed, no. How very quaint of you, sir, I'm sorry.

Committeeman Lachawiec discussed he is not trying to be facetious. I'm trying to be an arbitrator between everybody here, between 22% golfers and 78% homeowners. Start an hour later. Start at the second hole. The golfers can go right through a freshly mowed lawn or whatever and everybody will be happy.

Mayor Wetter discussed the concern that this matter was not brought in front of the residents.

Mr. Ritter discussed it was addressed at the October meeting.

Mayor Wetter discussed it is not the first time that she heard the residents did not know about it. Mrs. Wetter had somebody call her yesterday saying they did not know about it.

Mrs. Wetter discussed tabling the ordinance.

Township Attorney McGuckin inquired how much maintenance is being done in February and March.

Mr. Ritter discussed maintenance is not out before 7:00 am in February and March.

Township Attorney McGuckin discussed there are a couple of months before the season really starts.

Mrs. Wetter would rather table it and let the board talk more to the residents and let them know what's going on.

Deputy Mayor Tredy agreed with Mayor Wetter as far as tabling it. Table it with the condition that the Homeowner's Association be proactive in inviting the membership to participate in an open discussion in Greenbriar about this particular issue. If the Homeowners Association intends to continue with the recommendation for this ordinance, they'll have a consensus of all the people that should be involved in making that decision.

Ralph Avellino, 10 Central Avenue, inquired why the Township needs an assistant Zoning Officer. Why doesn't the Township share services with Barnegat.

Township Administrator Breeden discussed the Waretown Zoning Officer is also the Barnegat Zoning Officer.

Township Attorney McGuckin discussed there is a property the Zoning Officer has an ownership interest in. The Zoning Officer cannot act on a property she has an ownership interest in. There is a conflict of interest for the Zoning Officer to act on one particular piece of property in town that needs a zoning permit. The Township needs somebody to issue that zoning permit and make the determination. It is not unusual for the Township Engineer to serve as the Zoning Officer in a small town for all zoning issues as opposed to one conflict situation. If the Zoning Officer is on vacation, out of town or if there is a conflict, this resolution allows the Township the opportunity to allow somebody, whose house has been destroyed or needs a zoning permit, to get a permit.

Committeeman Lachawiec inquired if Barnegat has an assistant Zoning Officer that can be used in Waretown. Township Administrator Breeden discussed, "no".

Mr. Avellino suggested the Township stick with the five-minute public speaking limit.

Eileen Doyle, 243 11th Street, inquired if the IT position is a 1099 employee.

Township Attorney McGuckin discussed it is a shared service. The Township of Ocean pays Lacey when the IT employee is used.

Mrs. Doyle inquired if Excelon closes and does not mothball the plant, what kind of fiscal changes can be made to change the impact on the economy.

Mr. Lachawiec discussed the task force stating there would be no mothballing in 2019. It would be the beginning of decommissioning. The impact on the towns is the employees working there will be close to retirement.

Mrs. Doyle inquire what can the town do to prepare for it.

Mr. Lachawiec discussed the impact on Lacey and all of Waretown's businesses is the businesses have to be replaced by something else. The Township has to decide if more development is needed in order to bring in more people to spend money and pay taxes.

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

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

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

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

Motion to approve meeting minutes December 27, 2012 and January 1, 2013:

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

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

Motion to approve meeting minutes January 10, 2013

Committeeman Lachawiec requested a correction to the minutes of January 10, 2013, Page 2, first paragraph, first sentence, to read: "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."

Township Administrator Breeden discussed the cooling pumps were not submerged.

Committeeman Lachawiec discussed the cooling pumps were not submerged but there was less than a foot of water before they would be submerged.

Motion to approve minutes with the correction was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Resolution 2013-86 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$7,485,036.92

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

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

Ordinance 2013-1 – Second Reading – Public Hearing

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 table Ordinance 2013-1 until April was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Ordinance 2013-2 – Second Reading – Public Hearing

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 open Public Hearing was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

No comment from the public.

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

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

Motion to approve Ordinance 2013-2 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Ordinance 2013-3 – Second Reading – Public Hearing

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 open Public Hearing was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Committeeman Lachawiec inquired if this ordinance can be construed as spot zoning.

Township Attorney McGuckin discussed the Township is not zoning anything. The Township is only creating a conditional use with certain conditions in that particular zone. It is part of a settlement, which has been approved by the Superior Court.

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

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

Motion to approve Ordinance 2013-3 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Ordinance 2013-4– First Reading – Title Only

An Ordinance amending Bond Ordinance No. 2012-4, adopted on April 26, 2012 by the Township of Ocean in the County of Ocean, New Jersey, to amend an amount previously appropriated for a certain capital improvement specified therein (Hornblower & Bluebeard)

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

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

Ordinance 2013-5– First Reading – Title Only

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS TO THE SEWER SYSTEM IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING FIVE HUNDRED THOUSAND DOLLARS (\$500,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF FIVE HUNDRED THOUSAND DOLLARS (\$500,000) BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

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

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

Resolution 2013-87

RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO AUTHORIZE THE TOWNSHIP TO SUBMIT A LETTER OF INTENT (LOI) FOR THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION GRANT PROGRAM

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

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

Resolution 2013-88

Resolution determining the form and other details not exceeding \$1,000,000 Bonds, Series 2013, 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 2013 New Jersey Environmental Infrastructure Trust Financing Program (Hornblower & Bluebeard)

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

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

Resolution 2013-89

A Resolution Authorizing the filing of an application to the New Jersey Environmental Infrastructure Trust for a supplemental construction loan for the replacement of asbestos cement sewer mains in Hornblower Drive and Bluebeard Drive

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

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

Resolution 2013-90

Resolution authorizing the execution and delivery of the 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, act by and through the Department of Environmental Protection, and further authorizing the Execution and Delivery of an Escrow agreement, all pursuant to the 2013 New Jersey Environmental Infrastructure Trust Financing Program for the replacement of the asbestos cement water main on Hornblower Drive, Bluebeard Drive and portions of Hawkins Way

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

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

Resolution 2013-91

Resolution determining the form and other details not exceeding \$850,000 Bonds, Series 2013, of the Township of Ocean, in the County of Ocean, New Jersey, and providing for their sale the New Jersey Environmental Infrastructure Trust and the State of New Jersey pursuant to the 2013 New Jersey Environmental Infrastructure Trust Financing Program

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

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

Resolution 2013-92

Resolution authorizing the execution and delivery of the 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, act by and through the Department of Environmental Protection, and further authorizing the Execution and Delivery of an Escrow agreement, all pursuant to the 2013 New Jersey Environmental

Infrastructure Trust Financing Program for the replacement of the asbestos cement sewer main on Hornblower Drive, Bluebeard Drive and portions of Hawkins Way

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

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

Resolution 2013-93

Resolution of the Township of Ocean, County of Ocean, State of New Jersey, authorizing the Execution of an Interlocal Services Agreement with the Township of Lacey for the provisions of IT/Network Administration and computer hardware and software maintenance

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

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

Resolution 2013-94

Resolution authorizing the signing of the five year agreement between Township of Ocean and the Construction and General Laborers Contract, Union Local 172 of South Jersey, Public Works and Utility Workers

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

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

- 2013-95 Authorizing the appointments to the Environmental Commission
- 2013-96 Authorizing the appointments the Municipal Alliance
- 2013-97 Authorizing the appointments to the Recreation Committee
- 2013-98 Authorizing the appointments to the Founder's Day Committee
- 2013-99 Authorizing the appointments to the Emergency Management Council
- 2013-100 Authorizing Utility Department Leak Credit for 318 Bayshore Drive in the total amount of \$4.33
- 2013-101 Authorizing Utility Department Leak Credit for 119 Patterson Road in the total amount of \$105.85
- 2013-102 Authorizing an increase to the 2013 Temporary Operating Budget
- 2013-103 Authorizing the release of escrow money for Block 57, Lot 13 in the total amount of \$150.00
- 2013-104 Authorizing appropriation transfers in the amount of \$70,000
- 2013-105 Authorizing disposal of surplus property of the Township of Ocean, County of Ocean, State of New Jersey through GovDeals for computers, printers, fax machines, water meter touch pads, etc.

- 2013-106 Authorizing the execution of shared service agreement with the County of Ocean for Prosecutor's program Driving While Intoxicated Enforcement
- 2013-107 Authorizing the execution of shared service agreement with the County of Ocean for Prosecutor's program Traffic Safety program (formerly known as the Fatal Accident Support Team)
- 2013-108 Resolution a Tax refund for overpayment on Block 57.01, Lot 1.03 in the amount of \$10,575.94
- 2013-109 Resolution authorizing release of escrow for Waretown Associates in the amount of \$4,013.15
- 2013-110 Resolution authorizing the executing of the Fireworks contract for Founder's Day 2013 with Shaefer – May 25, 2013 with rain date of May 26, 2013
- 2013-111 Resolution authorizing the execution of Schedule "C" Agreement with the County of Ocean for 2013
- 2013-112 Resolution proclaiming March 1, 2013 as "Read Across America" which would have been 109th birthday of Dr. Seuss
- 2013-113 Resolution adopting the written Hazard Communication Program as required by OSHA
- 2013-114 Resolution authorizing a Memorandum of Understanding with the Ocean County Sheriff's Department in the amount of a reimbursable Homeland Security Grant in an amount up to \$20,000
- 2013-115 Resolution awarding a contract for the replacement of ACP Sewer and water main on Hornblower Drive in the amount of \$1,880,740.00
- 2013-116 Resolution authorizing the release of Maintenance Guarantee for Patriot's Cove Water Sewer Improvements
- 2013-117 Resolution of the Township Committee, Township of Ocean, Authorizing Township Administrator to authorize inactivation of service due to hardship from Hurricane Sandy
- 2013-118 Resolution naming Jim Oris as Assistant Zoning Officer for calendar year 2013
- 2013-119 Resolution authorizing a donation to the Ocean Township PTA summer camp registration for the year 2013 at their penny auction
- 2013-120 Resolution of the Township of Ocean, County of Ocean, State of New Jersey appointing Robert Allison, CPA, as Auditor for the Township of Ocean
- 2013-121 Resolution Authorizing the award of contract for the Township's NJ DOT Transportation Trust Fund 2011 Road Program in the amount of \$165,513.13

Motion to approve Resolutions 2013-95 through 2013-121 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

Motion to approve: Greenbriar Oceanaire Senior Advisory Club Social Affairs permit for April 16, 2013 at the Greenbriar Oceanaire Clubhouse.

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

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

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

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

1. Glenn Avellino – February 22, 2013
2. Edmund Grover – Mary 4, 2013
3. Michael Harris – March 10, 2013
4. Jared O’Cone – February 24, 2013
5. Anne Brancaccio – February 2, 2013
6. Karen Capone – March 3, 2013
7. Kelly Staffieri – March 2, 2013
8. Jessica Sutton – February 23, 2013
9. Beverly Skodi – March 9, 2013
10. Chris Winkle – April 21, 2013
11. WAA Baseball – 1st Tuesday every month
12. WAA Baseball – Field 1 Mon, Tues, Thurs, Friday, Saturday March 1 – Dec. 1, 2013
13. Greenbriar Men’s Softball – Toumey Park – April – September Monday & Thursday
14. South Jersey Baseball – Field #1 – various tournaments
15. Lord of Lords Bible Church – various week days – Feb & March 2013

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

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

Adjournment

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

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date