

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING

April 11, 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

Presentations

Proclamation - **National Library Week**

Sally Harrison, Librarian, Ocean County Library Waretown Branch, was presented with the National Library Week Proclamation. Ms. Harrison thanked the Township Committee. This past November the Waretown Library celebrated its 30th Anniversary. Please stop by the library and feel free to ask the reference desk any questions you may have.

Mayor Wetter recused herself for the Noise Ordinance portion of this meeting. Deputy Mayor Tredy chaired the meeting.

Ordinance 2013-1 – Second Reading – Public Hearing (tabled March Mtg)

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Deputy Mayor Tredy discussed the public will have an opportunity to express their opinions. He will listen to the opinions with an open mind.

Mr. Richard Kennedy, Esq. Attorney for the Greenbriar Oceanaire Homeowners Association, read a letter addressed to Township Attorney McGuckin on April 8, 2013, seeking relief from the golf course maintenance 7:00 am start time to a more reasonable time of 5:00 am.

The Land Use Board passed Resolution No. 2000-20 on July 7, 2000 permitting the first nine holes of the Greenbriar Oceanaire Golf Course to operate. There were no restrictions attached to that.

A second resolution passed on February 8, 2002 permitting the second nine holes to operate, which mirrors the golf course approval with no restrictions. At the time these resolutions were passed, the golf course has been in operation and maintained in the same manner. At that time there was no noise ordinance in effect.

Nick Bonamassa, 32 Belmar Blvd., Greenbriar Oceanaire Board of Directors, discussed the golf course maintenance schedule has been in effect for 9 years. The Greenbriar Board of Directors cordially requests the Township Committee to approve the waiver so the golf course maintenance operation can continue without the risk of fines, police intervention or a negative impact to the golf members and cost condition. Mr. Bonamassa presented research documents regarding tee times and discussed that a 7:00 am start time is a popular tee time in New Jersey. The noise ordinance, which prohibits excessive noise before 7:30 am Monday – Saturday and 8:30 am on Sunday, was amended last week to allow the golf club to maintain its grounds at 5:30 am.

Research Document Exhibit 9 discusses City Attorney Audrey Vance addressed these issues by adding a clause to allow the golf course within a gated community to apply for a permit to allow golf course maintenance before 7:00 am. Mr. Bonamassa will give the Township Committee a copy of all the Exhibits. These exhibits should be used in evaluating a decision on granting Greenbriar Oceanaire the waiver requested. This request is not intended to impact any resident outside of the Greenbriar community. All articles in the Exhibits can be verified by checking the internet.

Mr. Bonamassa discussed after listening to the audio recording of the February 14, 2013 Township Committee meeting, the Board of Directors observed the following. The Township Committee should not be influenced by assumptions. Just because someone has given a count of homes on the golf course, it cannot be assumed all the residents will be negatively impacted by golf maintenance operation. This is not a true statement at all. Most of the residents living on the golf course purchased these homes knowing very well what to expect.

A community wide vote is not required for this action. The Greenbriar Board of Directors is doing nothing wrong. There is a very small percentage opposing. Mr. Bonamassa requested the Committee not be influenced by hearsay. The Greenbriar Board of Directors held an open meeting on March 18, 2013, to answer questions and clarify the Board's intention.

On the Township meeting audio recording, Committeeman Lachawiec made a statement to Greenbriar Community Manager, Jim Ritter, that the percentage in favor of the waiver was only 22%. It is actually 78% or more that are supporting the waiver. The Greenbriar budget which includes maintenance and

supplies and other golf-related expenses is \$1.3 million. The projected income is \$1.2 million. The income generated from the golf membership is approximately \$1.1 million. The golf memberships support almost all golf-related expenses. It is very important that the membership maintains at the level it is and continues to grow during the season. Prime tee time is at 7:00 am and the goal is to have the entire course in pristine condition.

Living in the community requires consideration of everyone's needs, both financially and personally. It is recommended that the Association gets approval for the noise ordinance as requested, to continue to function for the betterment of the majority of the residents. Mr. Bonamassa will give the Township Clerk copies of every email and letter against the request, which is 20 and will also give copies of every email and letter in favor of the request, which is 155.

Mike Tardogno, Billy Casper Golf Maintenance, Golf Course Superintendent, has worked in Golf Course maintenance for many years, maintained three PGA Tournament preparations and has a good sense of golf culture and communities. Mr. Tardogno reached out to the Golf Course Superintendents Association of New Jersey. Maintenance start times and Pro Shop start times are very different. Mr. Tardogno presented a spreadsheet to the Township Committee containing 35 golf courses, with email addresses for fact checking, laying out the golf courses, superintendents in charge, weekday start time for golf, weekday start time for maintenance and the weekend start times for golf and maintenance. Most golf course maintenance starts 1 hour to 1½ hours and sometimes 2 hours before tee times. Most tee times start 7:00 am to 8:00 am. The golf culture loves early start times.

A major aspect of an early start is turf health. Foliar liquid fertilizers and fungicides are best absorbed into the plant in the earlier hours when the stomata of the plant is open. There are state laws that have necessary dry times and an REI (reentry interval). That reentry interval is stated on each chemical label and runs from 15 minutes to 2 hours. Casper Maintenance does its best to get out bright and early. The mower goes out first and then the grass is sprayed.

Another major aspect of an early start is dew removal. Dew settles in about 2:00 am – 3:00 am. Casper needs to get in there as quickly as possible and remove the dew. Moisture provides life. That is where fungal spores grow and reproduce in the dew layer. Even if grass mowing does not occur in the morning, the dew must be removed by whip, roller, mower or blower.

It is important to cut the plant in the early morning hours. It is not a natural height for turf grasses to be cut 1/8". This is a manipulated height. Many practices are used to keep the grass health while doing something that is truly unhealthy for it. The lower the cut of the grass, the better the golf playing environment. The lower the cut of the grass, the more the health of the grass is compromised. The grass needs to be cut in the earliest hours while it is cool so it is not damaged in the heat of the day.

These maintenance practices make the golfers happy. If the golfers are not happy, they will not golf. Industry aims to provide consistent well-maintained playing surfaces while minimizing interference. Casper Maintenance tries to not maintain the high-traffic, high-profile areas through play for multiple reasons. One is safety. The mowers are very dangerous, very heavy and have very sharp reels.

Maintenance tries not to run the mowers close to golfers to avoid cutting or running them over. When these machines are on the green with an employee on them, the employee can be hit by a club or ball. That is why the high profile, high traffic areas are taken care of in the early morning before the golfers. The areas taken care of later in the day are bunkers, rough, pond banks and divots, where the employee can step back and let the golfers play. It takes a golfer 4½ hours to complete a round. It takes maintenance the same amount of time for the green's tees and a little longer for the fairways to complete those morning tasks and get out of the way for the golfers. If maintenance was done at the same time as the golfers, it would double the time of both the round and the machinery, increasing the cost to the homeowners association.

Ryan Phelps, 345 Main Street, Apt. 5N, White Plains, NY, Regional Director of Operations, Billy Casper Golf, overseeing 16 properties. The company starting time is 10 minutes before sunrise. That is when the golf shop is open and sending golfers out. There is significant demand for early start golfing. A desirable start time for golfers in Oceanaire is 7:00 am. The golf course needs to start being prepared far earlier than that. Golfers want the course prepared. For safety reasons, homeowners associations do not want mowers operating in high traffic areas in the midst of golf playing.

Jim Ritter, 21 Second Street, Barnegat, Managing Agent at Greenbriar Oceanaire, former Golf Course Superintendent. Mr. Ritter has worked for Greenbriar since July 2006. At that time, the maintenance crew was working at 5:00 am with no complaints. This has been going on for all 10 years of the golf course.

Rebecca Rasmussen, 26 Harvey Cedar Way, Golf Committee Chairperson, discussed the duties of the Greenbriar Golf Advisory Committee. The Committee's charter is to give recommendations to the Greenbriar Board regarding matters involving golf, golf programs and issues effecting members and membership. Activities include assisting and developing tournaments, schedules, reviewing and recommending changes to the golf rules, managing and liaison to the Men's and Women's Golf Leagues and programs, investigating and responding to complaints and suggestions regarding the golf program.

The Golf Advisory Committee would like to express their support for this change of the noise ordinance to allow golf maintenance equipment to be excluded from the noise limit constraints. The Golf Advisory's concern is if the noise ordinance is not changed, there will be a negative impact to the golf program, affecting the whole Greenbriar community and potentially the Waretown community.

A healthy and vibrant golf course is essential and involves not only the ability to keep golf members who pay dues, fees and greens fees, but to maintain a healthy, aesthetically beautiful course, which is a value to the residents that paid a premium to own the lots. The membership will lose golfers if the course cannot be kept in acceptable conditions. Starting tee times is critical to this golf course to stay competitive with neighboring courses such as Ocean Acres, which starts 15 minutes after dawn, Seaview's tee time is 7:00 am, West Lake's tee time is 7:00 am and Sea Oaks has a 6:30 am tee time. The loss of the 7am-8am tee time hour or more tee times on the weekend will inhibit the ability to maintain a robust membership.

The 7am-8am tee times account for over 9% of the daily available tee times. The loss of membership revenues would most likely result in an increase in assessment fees. High heat days require early tee times. That is the only way players can enjoy the course. In 2012, there were 2,393 and 2,662 golf rounds played between 7:00 am and 8:00 am. If this were a public course, the loss of these tee times would amount to \$136,000-\$151,000 in lost revenues.

The Golf Advisory Committee also investigates complaints. There was a comment at the last meeting that golf maintenance equipment was sitting outside a resident's window. The homes sit 39 feet from the outer edge of the cart path, 47 feet from the inner edge of the cart path and 63 and 73 feet away from the two sand traps. Roughs are only mowed 1-2 times a week. Equipment sits on the tees and greens which is over 100 yards in each direction of that particular resident. Another comment at the February meeting was League playing was being moved to 9:00 am starts because golfers did not want to play that early. That's an incorrect statement. The Leagues were changed to 9:00 am because there was a high demand for the 7:00 am tee times.

The impact of losing membership could potentially have increased resident assessments. Diminished desirability of the Greenbriar property could have consequences beyond the golfer not having an early tee time. The maintenance schedule has been used for years. The Golf Advisory Committee is in support of the Board of Directors to start maintenance at a very reasonable hour to allow for 7:00 am tee times.

Mr. Kennedy, Esq. discussed this concludes the association's testimony. The association's testimony tonight very strongly shows that the maintenance should be able to continue as it has for the past 10 years, with a 5am start.

Ray Roskowski, discussed sending the Township Committee a DVD video of the homes on the golf course and an audio recording of the Greenbriar meeting. Mr. Roskowski inquired if there has there been a change to the ordinance by request of the Greenbriar Board of Directors?

Township Attorney McGuckin discussed the Greenbriar Board of Directors attorney's letter indicated it would be acceptable if the ordinance was amended by the Governing Body to indicate a 5:00 am maintenance start time.

Mr. Roskowski discussed that change is different from what was proposed in October. If there is a change, the people have to be given the opportunity to view the revision. This ordinance provides equal noise protection for all residents of Waretown. One group of citizens should not have their rights abridged without a valid reason. It is not American to suggest that some citizens must surrender their property rights to peaceful enjoyment of their sleep at 5:00 am to facilitate early golf course maintenance by Billy Casper Golf. It is unjustified and reprehensible. Out of more than 2,000 residents, there are 360 golfers signed up.

Mr. Roskowski discussed that the Township Committee tabled Ordinance 2013-1 for two months to give the Greenbriar Board the opportunity to properly inform all Greenbriar residents of its specific intent. The Greenbriar Board has failed to provide such notice. As recently as April 3, 2013, the Board added a

confidentiality notice which stated "The information transmitted is intended only for the person or entity to which it is addressed and may contain confidential and or privileged material. Any review, retransmission, dissemination or other use of or taking any reliance upon this information by persons or entities other than the intended recipient is prohibited." Less than 2% of the Greenbriar residents are fully aware of the Board's request to the Township Committee to change the ordinance. This remains an issue of confiscation of property rights, discrimination of a particular class of resident and equal treatment under the law. It remains an issue of basic fair and equal protection under the law for all Waretown residents. Please disapprove Ordinance 2013-1.

Peter Smith, 10 Cape May Court, discussed working at Manasquan River Country Club for four years and beginning golf course maintenance at 5:00 am in order to prepare the course for 8am tee time. Mr. Smith discussed he lives directly across from the green of the first hole on the golf course. Mr. Smith paid a heavy premium to buy this house because of the view, knowing full well that every day employees are going to be out there with blowers, parked on the green at the first hole. The maintenance employees are there for 15 minutes and then move on to the second hole and are directly in front of the golfers.

Mike Decico, 26 Strathmere Street, discussed a small number of residents are not in favor of granting the exemption for the association to allow the golf maintenance equipment to start prior to 7am. The primary reason people buy at Greenbriar is the golf course. The value of the homes are based on having a thriving golf course. The golf club needs the flexibility to maintain the golf course to maximize the golf budget. Please grant the exemption.

Ruth Gebhardt, 34 Point Pleasant Lane, is a golfer and moved on the golf course with the understanding that the noise restriction was 7a-10p. Mrs. Gebhardt discussed there is no adult community in the state of New Jersey that has a private course for their residents and a start time before 7:00am. Not one Township made an exception for a golf course that is a 55 and older adult community. Mrs. Gebhardt lives 37 feet from the cart path and has two carts that sit behind her house with motors running and blowers on the back while raking the sand trap.

Mrs. Gebhardt recommends the golf maintenance start on hole number three. It takes 10-15 minutes to work on each hole. Golfers can start at sunrise and the maintenance crew can start at 7:00 am. Mrs. Gebhardt purchased a premium lot thinking the golf course maintenance would start at 7am. The golfers knew the start times were 7am and 8am. Ninety golf members are Associate Golfers and cannot start until 11 am. Mrs. Gebhardt read a list of tee times taken and not taken in the last week.

Ruthmary Lefebvre, 11 Lavalette Lane, lives at the 12th hole. The mower comes very close to the bedroom window. It does not bother Mrs. Lefebvre as the mower is only there for 10 minutes. Mrs. Lefebvre does not think photos of homes should be submitted by Mr. Roskowski without a letter from a resident of that house.

Bob Mazzei, 14 Lavalette Lane, discussed the reason for the tee times not being booked at 8:00 am is the weather. It is cold early in the morning right now. The true usage of 7a-9a tee times is in the month of May. People want to get out before the heat of the day. Using data in March or April is inappropriate.

Dennis Lozuskas, 33 Eagleswood Drive, discussed this ordinance should not be adopted. The average age of the community is over 70 years old. Those people are now being woken up earlier. The caregivers will have to start caring for these people earlier. The Board did not take that into consideration.

Dennis Igoe, 100 Brigantine Blvd., lives on the 14th green and has never heard a lawnmower. Mr. Igoe was Chairman of the Golf Committee when Billy Casper Maintenance was interviewed. A considerable amount of time was spent discussing if Billy Casper can have the golf course ready by 7am. The answer was yes and it is done at all the courses managed by Billy Casper.

Linda Manges, 26 Point Pleasant Drive, discussed never having an issue with the mowers and has never heard them. The windows are closed due to the noise the Garden State Parkway makes. Every resident on Point Pleasant Drive has a hot water tank that makes ten times more noise than a mower could ever make. The hot water tanks run 24/7. The mower noise is inconsequential in comparison to the other noises on Point Pleasant Drive.

John Romano, 104 Brigantine Blvd., lives adjacent to the 14th green. It is not the lawnmowers that is the problem. It is the leaf blowers blowing the dew off the greens. They make a tremendous amount of noise and wake Mr. Romano up every morning.

Joe Cingrana, 64 Harvey Cedar Way, worked for the electric company for 31 years and has woken up at 4am every morning. Mr. Cingrana wants the right to sleep until 7am.

Bob Luberto, 41 Deal Lane, has lived there for 8 years and lives very close to the tee box. For eight years Mr. Luberto hears the balls, sees the mowers and never had a problem. Why are we here? The golf community needs to do what it needs to do to make it work.

Township Attorney McGuckin discussed for the past year the Police Dept. received noise complaints at 5am. As a result the Township Committee notified the Association who requested a change in the ordinance.

Rick Gebhardt, 34 Point Pleasant Lane, discussed what bothers him is two large mowers with headlights going up and down the fairway in the dark. Mr. Gebhardt bought the house knowing the ordinance is 7am. The carts towing trailers, with gas motors and 9 inch blowers, is what is so noisy. Mr. Gebhardt suggested starting at the 3rd hole.

Barbara Delprete, 31 Pancoast Road, is a golfer and has been living in Waretown for 6 ½ years. Everyone wants the course in perfect condition but does not want the workers out there early. So many members were lost last year because the course was not A-1. Mrs. Delprete knows a lot of people on the course who are not annoyed by the maintenance. If the course is not maintained, the club will lose golfers and Greenbriar will be in big trouble.

Mike Tardogno, Billy Casper Golf, discussed the maintenance workers arrive at the maintenance building between 5:00am and 5:15am. The morning meeting is at 5:30am. The mowing starts at around 6am. Billy Casper Golf is not looking for a massive change. The morning tasks take place at the tee boxes, fairways, greens and sometimes bunkers, which are closer to the homes. The maintenance carts have been toned down to 12mph to lower the noise. Blowers and mowers all run down the center of the fairways, tees and greens. The path is utilized as little as possible, mostly on a rain day. As the tee times move to 7am start, Billy Casper would like to start maintenance at 5:00am or 5:30am for May, June, July, August, September and a little into October.

There is a big discrepancy when calling pro shops for tee times. No general manager at the pro shop is going to give callers the maintenance start times. The maintenance times are 1 ½ to 2 hours before the tee times. If a golf course has a closer start time, it is because it is a 9 hole course. There are also less maintained courses. Greenbriar has a Championship course, which needs to be maintained at a higher level than an older course. The homeowners are taken into consideration.

Ray Roskowski, discussed the Board conducting a noise study. The conversations on noise levels are unscientific. There are a number of items listed on the noise study. The cart pulling the tractor is not on the list. Mr. Roskowski discussed EPA noise data he researched from the internet.

Nick Bonamassa, 32 Belmar, discussed the reason this issue came to light is due to complaints to the Police Department.

Township Attorney McGuckin discussed this issue came about due to complaints in the last 6 months. Police were answering calls to remove maintenance work from the golf course at 6am.

Mr. Bonamassa read a list of times that the Police were called out. In August at 6:20am, 7:26am, 6:52am and 6:55am. There is a great many people not bothered by the noise. Greenbriar needs to maintain costs, maintain the golf course and satisfy the golfers. Those are the people bringing in money. Any money lost, Greenbriar residents have to pay for. All the issues have to be taken into account. The ordinance was designed due to heavy construction at the time. Not because of maintenance on the golf course.

Rebecca Rasmussen, 26 Harvey Cedar Way, called many of the 55+ communities that are close. The tee times are 7:00 am starting May 1st. Also several of those communities aged out, which means the golfers got too old to play. As of last week there are 360 members. Many of the residents go to Florida for the winter. A rise in membership is seen in mid May to late May. In 2009, the peak membership was 536 members. The membership should be 450 this year.

Committeeman Lachawiec requested Ms. Rasmussen explain the term "aged out".

Ms. Rasmussen discussed a builder will come in and build the homes. Everyone has to be 55+ to buy. Ten years later the residents are 65 years old. Greenbriar is lucky. The builders are still building the homes and giving a wider age spread. Other communities have residents pushing up to 75 years of age. The golfing age then goes up from 60 years old to 75 years old. Those communities are dropping league

plays and going semi private and competing with competitive courses. Semi private communities have 7:00 am or earlier tee times.

Jim Ritter, Managing Agent, Greenbriar Oceanaire, discussed the noise study chart. It was a simple noise test. Greenbriar Oceanaire Inc. is a business in the state of New Jersey and governed under the business laws of the state of New Jersey, which is why the disclaimer is at the bottom of the noise study stating if this is not intended for you, do not share. Greenbriar has to do it for protection of business. The decibel measurements were taken at ten feet next to a machine running wide open and almost all exceeded the levels. Three machines exceeded the decibel levels at the fifty foot range.

Committeeman Lachawiec inquired if maintenance starts at 7:00 am now.

Mr. Ritter discussed this started last fall at the tail end of the season, when tee times start later. Now it is the time of season where the maintenance starts earlier.

Mr. Tardogno discussed the noise machinery was used at 6:00 am today.

Ruth Gebhardt clarified that that no adjustment was made to the noise ordinance for the 15 golf communities.

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Deputy Mayor Tredy discussed it is the job of the Committee to listen to comments made by the public, especially when dealing with an ordinance that effects a lot of people. It is not easy to separate facts from rhetoric.

Statements were made tonight on the tee times and maintenance start times, grass health and the safety of the maintenance employees and golfers. There were also statements made about golf membership and golf course usage in past years. It is a large number, which relates to a large amount of money being lost, if those start times were not available. Statements were made from people about how the noise bothered them or did not bother them.

Deputy Mayor Tredy discussed for years the maintenance company has been cutting the grass, mowing the lawn, manicuring, raking and vacuuming earlier than 7:00 am. Recently, the Township was notified of the complaints. The Township has reviewed many letters regarding the ordinance, mostly in favor of the early start.

The Township Committee moved into a five-minute recess at 8:15 pm. Meeting is reopened at 8:25 pm.

Motion to approve Ordinance 2013-01 was moved by Deputy Mayor, there is no second motion. Motion to approve has died.

Committeeman Lachawiec discussed this issue is a dispute among homeowners and suggested a compromise to amend the ordinance to permit operation of the machinery on the course itself to start no earlier than 6:15am.

Township Attorney McGuckin discussed Deputy Mayor Tredy has made a motion to adopt Ordinance 2013-01 as written, which does not provide a time frame and exempts the golf course maintenance from the provisions of the noise ordinance. Committeeman Lachawiec is not going to second the motion that is on the floor.

Mr. Kennedy discussed the Association will accept a 6:00 am start time. The Township Engineer requested a professional golf course management company be used when the course was approved in 2000. That is why Billy Casper is here. Take into consideration what the professional golf course maintenance company is saying, which is to start at 6:00 am. The extra 15 minutes does make a difference. It is for the benefit of the entire town to have a premier course up and running the right way.

Committeeman Lachawiec discussed it is the responsibility of the Homeowners Association if a complaint is received, work should not be started until after 7:00 pm.

Mr. Kennedy discussed it was testified by a professional this is the type of course where maintenance has to go from hole to hole. It cannot be done in bits and pieces.

A motion to approve Ordinance 2013-01 amending the noise ordinance to a 6:00 am golf course maintenance start time was moved by Deputy Mayor Tredy. Committeeman Lachawiec has declined to second the motion. Ordinance 2013-01 has died.

Committee Reports

Mayor – Tina Wetter

At the last Township meeting, a resolution was adopted authorizing the Township of Ocean to submit a letter of interest to the Robin Hood Foundation for financial assistance for Waretown residents effected by Hurricane Sandy. The Robin Hood Foundation's mission is to address poverty in the New York City metropolitan area and has been successful in raising millions of dollars for Hurricane Sandy relief efforts. The Township has recently learned that the Robin Hood Foundation will be providing financial assistance to Waretown residents impacted by Hurricane Sandy. Hopefully by the end of the month the application process will be publicized in order to qualify residents to start applying for financial assistance.

Mayor Wetter is extremely proud of the Emergency Management Team who worked diligently to maximize the FEMA reimbursement along with seeking out sources of financial assistance for deserving Waretown residents.

Deputy Mayor – Dennis F. Tredy

Ordinance 2013-7 adopts the FEMA Advisory Base Flood Elevation Maps for the Township of Ocean. The Township must adopt these maps for the following reasons: 1. Adoption of the flood maps at the local level is necessary for property owners to secure financial assistance from federal and state governments. 2. Without adopting the FEMA flood maps, the Township's participation in the National Flood Insurance Program would be put in serious jeopardy and will impact the ability of many property owners to acquire mortgages. 3. Flood map adoption is required so the Township can participate in the Community Rating System Program.

The Township of Ocean strongly feels the flood maps are flawed and must be modified to properly illustrate existing flood risk.

Committeeman – Joseph Lachawiec

The second annual Barnegat Bay Environmental Commission Consortium will be held on Wednesday, May 1, 2013 at the Lighthouse Center in Waretown from 3:00 pm – 8:00 pm. Environmental Commissions are invited to exhibit a poster presentation for best practices or to share projects and events that make a difference in their community. The consortium is designed for Environmental Commissions, Green Team people, Public Works employees and elected officials. There is no charge. Light refreshments will be available.

The Township has applied for 966 Grant Funds, which are designed for communities to help with responses to potential nuclear incidents at the Oyster Creek Plant, as well as other nuclear plants within the state. The Township is looking to furnish the Office of Emergency Management operations center with these funds. The Township is also looking for a stipend of \$50,000 for the actual operations center and a radio repeater and antennae system for better communication with the Ocean Township School District. The Township is also seeking to use the funds for new radios for the Fire Department and fifteen pagers, which will increase the response time of the firefighters.

Administrator Report

Administrator – David Breeden

The Township has received notification that it will be receiving funding from the Robin Hood Foundation, which will be used to assist residents impacted by the storms. There are strict criteria requirements on who can receive the money. The Township will act as a subrecipient. The money will come to the Township. The Township will issue a purchase order to the residents.

Ordinance 2013-6 is a bond ordinance in the amount of \$1,150,000 for the 2014 water/sewer NJ Environmental Infrastructure Trust (NJEIT) project on Montclair Road in Barnegat. \$725,000 will be allocated for water and \$425,000 will be set aside for sewer work.

Ordinance 2013-7 adopts the Advisory Flood Base Elevation Maps. The Township does not agree with the maps. The method used to develop the maps is flawed. There is no formal appeal method to the federal government in which the Township can challenge or appeal the maps. In August or September,

the federal government will release the Flood Insurance Rating Maps (FIRM). At that time, the Township can then follow an official appeal process if the Township feels the FIRM maps are flawed. The marina owners indicated concerns with the ordinance, especially with the Commercial V, but fully understand the importance of adopting the ordinance to get ICC money.

Stan Slachetka, T&M Engineering, discussed Ordinance 2013-8 amending the Economic Redevelopment Plan. The original Economic Redevelopment Plan was adopted in 2000 and amended in 2007. The plan provides for a variety of different additions and revisions to the existing Redevelopment Plan and more explicit direction regarding the Town Center. The primary redevelopment will take place to the west of Route 9 and to the north of Route 532.

The amendment includes a revised road network, updated Open Space Plan, amended Land Use Plan and Conceptual Development Plan, a new regulating plan showing the location of different permitted building forms, amendments to development regulations and design standards. The plan recognizes existing property boundaries within the Town Center. The original concept was to have one master redeveloper. The revised plan provides flexibility to allow development by individual property owners. The plan insures that integration of the different property developments is maintained and the overall vision is implemented correctly. The fundamental vision of the Waretown Town Center Plan remains as originally adopted in 2007.

Township Administrator Breeden discussed Ordinance 2013-9 which modifies the Township towing operation ordinance and establishes a route towing list, insurance requirements, operational requirements, equipment requirements and towing and storage fees.

Ordinance 2013-10 amends the bulkhead ordinance. Township Administrator Breeden would like to complete discussions with the marina owners prior to adopting this ordinance and recommends tabling the ordinance.

Ordinance 2013-11 modifies the Police ordinance to include an Administrative Sergeant position.

Ordinance 2013-12 waives the Affordable Housing fee for permits associated with Hurricane Sandy recovery efforts.

Resolution 2013-147 supports the 9th Legislative District with identifying additional resources for financial assistance to help residents impacted by Hurricane Sandy.

Resolution 2013-156 hiring of a part-time bus driver. The Townships of Barnegat and Ocean share a bus transportation system. The part-time position is on an as-needed basis.

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

Stan Anderson, 208 Maplewood Road, inquired if the Township is locked in to the present FEMA maps.

Township Administrator Breeden discussed the state of New Jersey adopted the maps for every municipality in New Jersey in January. Whether or not the ordinance is adopted tonight, the Township has to comply with the Advisory Maps. When FEMA receives the official scientific data, the Advisory Maps will be modified to properly reflect flood risk. The greatest concern is the vast expansion of the V Zone into areas the Township does not think are V Zone, in addition to some elevations that are simply too high.

Mr. Anderson discussed when the FIRM maps' elevations will take effect for insurance purposes.

Township Attorney McGuckin discussed when the FIRM maps are adopted, that is what the Township will be locked into.

Tom Mackie , 116 Oregon Avenue, thanked everyone who responded during Hurricane Sandy and appreciates the help very much.

Joe Kelly, 30 Capstan Road, suffered severe hurricane damage. Mr. Kelly thanked the Township Committee for the quick debris removal.

Mr. Kelly inquired about the Hazard Mitigation grants.

Township Administrator Breeden discussed the letter of intent was submitted to the County. The County reviews it then sends to the state. The state and federal government reviews and allocates the funding. Please be aware there will not be nearly enough money for what is needed.

Mr. Kelly discussed his house is on a slab. Repairs cannot be completed, as the repairs would have to be ripped out in order to raise the house.

Deputy Mayor Tredy discussed at the FEMA meetings, pamphlets were being handed out with pictures of raising homes on slabs.

Mr. Kelly inquired if basic flood elevations are going up, is the Township going to do anything about the 35 foot maximum height.

Committeeman Lachawiec discussed the conversion option makes the bottom floor open space, then builds up higher. The Zoning Board would probably take into consideration hardships.

Mr. Kelly discussed the lengthy variance process. It would be useful if the ordinance had an exemption and recommends the Township Committee take a look at the height elevation.

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

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

Motion to approve meeting minutes of February 14, 2013, March 11, 2013 March 14, 2013 and Executive Session minutes October 9, 2012, November 13, 2012 and March 11, 2013

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

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

Resolution 2013- 140 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,932,551.45

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

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

ORDINANCE NO. 2013-6 – Second Reading – Public Hearing

BOND ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO ONE MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$1,150,000), AGGREGATE PRINCIPAL AMOUNT, GENERAL OBLIGATION BONDS OR NOTES OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, NEW JERSEY FOR THE CONSTRUCTION OF CERTAIN CLEAN WATER AND DRINKING WATER PROJECTS WITHIN THE TOWNSHIP OF OCEAN UTILITY SERVICE FRANCHISE AREA, OCEAN COUNTY, NEW JERSEY

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 2013-6 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

ORDINANCE NO. 2013-7 – Second Reading – Public Hearing

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY REPEALING CHAPTER 15.48 OF

THE TOWNSHIP CODE IN ORDER TO REPLACE SAME WITH CHAPTER 15.49 ENTITLED "FLOOD DAMAGE PREVENTION"

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 2013-7 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

ORDINANCE NO. 2013-8 – Second Reading – Public Hearing

ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING CERTAIN AMENDMENTS TO THE TOWNSHIP'S ECONOMIC REDEVELOPMENT PLAN PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

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

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

Stan Slachetka, T&M Engineering discussed Scott Taylor, Township Landscape Architect, reviewed the ordinance and added minor technical comments, specifically about the types of shingles and clapboard material that would be identified as the architectural detailings of the buildings. It does not alter the Redevelopment Plan.

Township Attorney McGuckin discussed it would not be a substantial amendment to the ordinance.

Mr. Slachetka discussed Mr. Taylor suggested adding the words, "natural stone and brick masonry and shingles" after "clapboard" in the types of building materials permitted on Page 10.

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 amend Ordinance 2013-8 in accordance with the language Mr. Slachetka has just put on record was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Motion to approve amended Ordinance 2013-8 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

ORDINANCE NO. 2013-9 – Second Reading – Public Hearing
An Ordinance Repealing Chapter 5.36 Entitled Towing Operation and Replacing Same with New Chapter 5.37 Entitled Towing Businesses

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 2013-9 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

ORDINANCE NO. 2013-10 – Second Reading – Public Hearing
An Ordinance Repealing Chapter 15.04.120 Entitled “Construction of Bulkheads” and Establishing Chapter 15.05 Entitled “Bulkhead Construction”

Motion to carry Ordinance 2013-10 to a future date until such time that provides the Township Committee with an opportunity to discuss the ordinance was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

ORDINANCE NO. 2013-11 – First Reading
An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Amending Ordinance 2012-20 and Further Amending Chapter 2.44.030 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, Wetter: Yes

ORDINANCE NO. 2013-12 – First Reading

An Ordinance Amending Chapter 18.79 entitled “Affordable Housing Development Fee” So As TO Exempt Residential Structures Substantially Damaged by Natural Disasters

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.

- 2013-141 Resolution authorizing disposal of surplus property of the Township of Ocean such as printers, scanners, base radio, light bars and various vehicles
- 2013-142 Resolution supporting S-1896/A-1503 sharing the burden of property assessment appeal funds
- 2013-143 Resolution canceling unexpended dedicated balances in the amount \$336,438.19
- 2013-144 Resolution approving change order #2 for Municipal Additions in the amount of \$31,182.90
- 2013-145 Resolution of the Township of Ocean recognizing the month of April as “Alcohol Awareness Month”
- 2013-146 Resolution of the Township of Ocean recognizing National “Donate Life” Month of April 2013
- 2013-147 Resolution supporting the 9th Legislative Delegation as it seeks to identify greater means or providing assistance to those harshly impacted by the new FEMA Regulations
- 2013-148 Resolution approving change order #1 for the Public Works Garage Addition in the amount of \$1,269.00
- 2013-149 Resolution authorizing the release of maintenance guarantee for Greenbriar Oceanaire Arch Culver #3
- 2013-150 Resolution appointing James Gluck, Esq. to continue to represent the Township of Ocean regarding the Southern Ocean Landfill
- 2013-151 Resolution supporting sustainable state funding for preservation and stewardship of Open Space, Parks, Farmland and Historical Sites in New Jersey
- 2013-152 Resolution authorizing the release of escrow money for MSC Enterprises in the amount of \$295.71

- 2013-153 Resolution authorizing the Ocean County Tourism Advisory Grant in the amount of \$1,000.00 for the Township of Ocean Founders Day
- 2013-154 Resolution recognizing the Month of April as "Child Abuse Prevention and Awareness Month"
- 2013-155 Resolution authorizing an increase in Temporary Budget for the County of Ocean Tourism Grant
- 2013-156 Resolution authorizing the hiring of Jeffery Von Schmidt as Recreation Aide/Bus Driver part-time as needed for \$11.00 per hour.
- 2013-157 Resolution authorizing signature cards for the Tax Accounts
- 2013-158 Resolution authorizing the 2013 Tonnage Grant Application
- 2013-159 Resolution authorizing the release and replacement of an environmental maintenance bond for the ACP water main replacement on Tuscarora Avenue
- 2013-160 Resolution authorizing the release and replacement of an environmental maintenance bond for the ACP sewer main replacement on Tuscarora Avenue

Motion to approve Resolutions 2013-141 through 2013-160 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

Motion to approve a Social Affairs Permit for the Ocean County YMCA at Greenbriar Oceanaire on June 6, 2013 and Southern Ocean Medical Center Foundation at Greenbriar Oceanaire on June 10, 2013 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

Motion to approve a Solicitors Permit for Theodore Slomena – Touchdown Tommy's Ice Cream LLC for the year 2013 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

Motion to approve a Solicitors Permit for Vincent Spadafora – Long Key Marine for the year 2013 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

Motion to approve the Community Center and Waretown Memorial Recreation Park:

1. Angela Nielsen – April 14, 2013
2. Nicole Asegher – April 28, 2013
3. Barbara Samila – May 19, 2013

4. Girl Scout Troop 50096 – June 22, 2013
5. Stephine Linnert – May 5, 2013
6. Michael Cort – June 22, 2013
7. Joy Salimbene – May 26, 2013

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

Motion to approve Ball field at Toumey Park:

1. Joseph Lubanski – Men's Softball – Sunday April – June 8:00 am – 11:00 am
2. Ricky Schwerdt – Men's Softball – Sunday – April – June 11:00 am – 2:00 pm

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

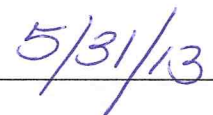
Next Scheduled Meeting – May 9, 2013 at 6:30 pm

Motion to Adjourn:

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