

# MEETING MINUTES

## TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING May 9, 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

**RESOLUTION 2013-161** authorizing the Township Committee to retire into Executive Session for the purpose of discussing: Personnel matters

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

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

### **EXECUTIVE SESSION**

Motion to move into Executive Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

### **PUBLIC SESSION**

Motion to move into Public Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Motion to recess until 6:30 pm was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Motion to move into Public Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

### **Committee Reports**

Mayor – Tina Wetter

The Township of Ocean hosted the United States Police Canine Association Police Dog Competition last weekend. Over 20 police dogs from New Jersey and Pennsylvania participated in this two-day event.

The purpose of the event is to have a friendly competition that demonstrates the vast capabilities of police dogs and their handlers. Police Dogs represent an essential element of effective law enforcement work.

Officer James Capaccio and his K9 dog Kaver successfully completed the Judge's award which represents best overall effort along with first place in agility and first place in the four-man team. The Township Committee is very proud of Officer Capaccio and Kaver.

Lacey, Waretown and Barnegat are having an open house to share ideas regarding the closing of the Oyster Creek Power Plant. This will be an opportunity to share ideas and ask questions regarding jobs, energy generation, rateables, economic opportunities, safety and environment. This open house is for Waretown and Barnegat on Wednesday, May 22, 2013 from 4p-6p and 7p-9p at the Waretown Volunteer Fire Co.

### **Deputy Mayor – Dennis F. Tredy**

Ordinance 2013-14 has been discussed extensively over the past few months regarding amending the noise ordinance to take into account the golf course maintenance at Greenbriar.

In February, 2013, the Township Committee approved on first reading an amendment to the noise ordinance, consistent with the request of the Board of Directors of the Greenbriar Homeowners Association. The Township Committee had concerns regarding full public disclosure of this issue and afforded 60 days for public discussion and debate of the issue internally at Greenbriar. The majority of public comment was in favor of the change of the ordinance to allow an earlier start time of golf course maintenance operations.

The 6:00 am proposal did a good job of balancing the needs of golf course management versus the quality of life concerns expressed by some residents. This reasonable compromise was not acceptable to Committeeman Lachawiec and the ordinance was not approved. The Golf Course Committee did an outstanding job describing the need for this ordinance that allows a 6:00 am start time for maintenance operations.

It is the position of the Township Committee to assess the facts presented along with determining the will of the people and render a decision that reflects the merits of the issue. Deputy Mayor Tredy strongly recommends the passage of this ordinance tonight on first reading. Between first and second reading, Deputy Mayor Tredy recommends residents read the extensive report on golf course operations at Greenbriar.

Since the first reading, Deputy Mayor Tredy has received a petition with 155 signatures supported by emails in favor of this change. An additional 77 letters were sent citing factual evidence to support the change. Another petition with 19 signatures was received against the change, supported by emails and 16 letters.

The Township Committee has to make decisions based on merit and decide which way would help the most people. It is obvious that this ordinance should be approved tonight.

### **Committeeman – Joseph Lachawiec**

May 25, 2013 is the annual Founders Day Celebration. There will be various vendors, demonstrations, pet parade, and the annual Founders Day Parade. At dusk at the end of Bryant Road, there will be a fireworks display.

Committeeman Lachawiec read a letter from Kennedy, Wronko and Kennedy, the attorneys representing the Greenbriar Oceanaire Homeowners Association, addressed to Township Attorney McGuckin. Committeeman Lachawiec read the letter. The letter requests that Committeeman Lachawiec recuse himself from voting on the noise ordinance due to his friendship with Ray Roskowski, a vocal opponent to the request for the waiver. There is only a handful of opponents. Residents of Greenbriar refer to when Committeeman Lachawiec was the Mayor and attended the Greenbriar Men's Club meeting and Memorial Day service Mr. Lachawiec has stated that Mr. Roskowski was and is his friend leading back to their military service.

Committeeman Lachawiec reads the legal opinion from Township Attorney McGuckin office written by Chris Dasti regarding the ethics law. Committeeman Lachawiec discussed he has no direct pecuniary interest, indirect pecuniary interest or direct personal interest. Committeeman Lachawiec does not consider a direct personal interest as a reason to recuse himself. Indirect personal interest is the reason Mayor Wetter is recused.

Committeeman Lachawiec discussed meeting Mr. Roskowski at Shop Rite 3 or 4 years ago and discovered serving in Vietnam at the same time with him, but did not know Mr. Roskowski in Vietnam. They are both Veterans. Committeeman Lachawiec and Mr. Roskowski's friendship is based on the fact that they are veterans. Committeeman Lachawiec discussed based on those comments, he will not recuse himself.

Committeeman Lachawiec discussed different people in the audience. Committeeman Lachawiec discussed how he voted to appoint Mr. Bonamassa to the Planning Board.

### **Administrator Report**

Administrator – David Breeden

Ordinance 2013-13, First Reading, amends the current zoning code with respect to decks, exterior stairs, porches, balconies, tool and utility sheds, pertaining to assisting residents in the recovery from Hurricane Sandy. Many residents will have to elevate homes in accordance with FEMA and flood insurance regulations. Amending this ordinance will help them in that effort.

Ordinance 2013-14, First Reading, amends the noise control ordinance.

Ordinance 2013-15, First Reading, amends an ordinance regarding invasive plants. Bamboo is very invasive and takes over other native plants in the area. This ordinance restricts the bamboo and imposes penalties on those individuals that do not comply.

Ordinance 2013- 16, First Reading, approves entering into a lease with the County of Ocean. The Bryant Road pavilion is historic and was damaged by the hurricane. The Township has plans to move the gazebo to a County property to preserve it for historic purposes. The Township will construct a new gazebo at the bulkhead.

Ordinance 2013-11, Second Reading, Public Hearing, amends the ordinance establishing and recognizing organization of the Police Department. In December 2012, the Township promoted several officers. The Township is recognizing those promotions in particular the establishment of one Administrative Sergeant.

Ordinance 2013-12, Second Reading, Public Hearing, waves affordable housing fees associated with reconstruction and restoration efforts of residential structures substantially damaged during Hurricane Sandy. In November, and again in the first quarter of 2013, the Township has waived any and all fees associated with rebuilding after Hurricane Sandy.

Resolution 2013-165 and 166 continue with a number of resolutions the Township has been adopting on a regular basis supporting various efforts to help individuals and municipal governments impacted by the storm to recover. Resolution 2013-165 supports 100% recovery from FEMA with regard to debris and demolition costs. Resolution 2013-166 deals with various laws pending to help the barrier islands with Army Corp beach replenishment projects and securing easements required to perform the projects.

Resolution 2013-168 establishes a special fund for the Robin Hood Foundation. The Township will be receiving \$150,000 from the Robin Hood Foundation as a result of a joint application submitted by Barnegat and Ocean Townships. Those funds will be used to help those suffering from Hurricane Sandy.

Resolutions 2013-173 through 177 deal with Environmental Infrastructure Trust Funding. In 2007, the Township of Ocean assumed the responsibilities, duties and assets of the MUA and also assumed the liabilities plus the work that needed to be done. The Township has been using a state fund called the EIT to finance those projects. These resolutions deal with the Skipper's Cove project. The Township has received \$150,000 in principal forgiveness with regards to the water project in Skipper's Cove. The Township is replacing infrastructure that is 40-60 years old and has far exceeded its useful life.

### **Public Comment**

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

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

Mayor Wetter stepped down from the dias and was recused from the noise ordinance discussion.

Deputy Mayor Tredy discussed Committeeman Lachawiec should recuse himself from the noise ordinance portion of the meeting on the grounds stated in Mr. Kennedy's letter. On many occasions, Committeeman Lachawiec indicated over the last five years that he has served in Vietnam with Mr. Roskowski. It was always presented that they were together in Vietnam and Committeeman Lachawiec often referred to them as Brothers in Arms. Two years ago at Founder's Day, Committeeman Lachawiec and Mr. Roskowski worked together as partners at the Chili Cook Off, with a theme of "The Military". That means there is a strong connection, such as one with a brother, sister, uncle.

Richard Kennedy, representing Greenbriar Oceanaire, discussed that at the last hearing, the Association offered professional experts and scientific evidence. The opposing residents did not offer that type of testimony.

Mike Tardogno, Billy Casper Golf Maintenance, Golf Course Superintendent, has been in this industry for the past 12 years, graduated with high honors from Rutgers Turf Management School, and was an Assistant Superintendent at prestigious courses such as Liberty National Golf Course and Bayonne Golf Club. Mr. Tardogno began his first Superintendent position at Manhattan Woods in 2009, came back to Billy Casper at the Cranberry Golf Club and is still with Billy Casper at Greenbriar Oceanaire since 2011.

Mr. Tardogno presented at the last meeting 37 Superintendents who start maintenance 1-2 hours before tee times begin. Most of the tee times begin at 7:00 am putting most maintenance start times at 5:00 am and 6:00 am.

There are three major reasons for early start on the golf course. One is agronomics, which is the health of the turf. The best time for foliar absorption of fungicides and fertilizers is in the morning, when the stomata of the plant is open, when the plant is cool and respirating.

The second reason is the removal of dew. Moisture is where fungal and water spores grow which is the most detrimental aspects of pests to the turf. The dew needs to come off before it dries or has time to cause these problems to grow. Maintenance likes to lower the impact of turn while mowing in lower ambient temperatures. Mowing causes injury to the plant. The grass plant does not want to be cut, especially at 1/8" height.

The safety of golfers and workers is the third reason. Maintenance tries to mow and work in the areas that are out of the high traffic areas of the golfers and out of the target areas of their shots. The morning is when tees, greens and fairways are mowed. The bunkers and roughs are mowed with smaller mowers later in the afternoon. The mowers have wide open, very sharp reels with 11-14 blades. A golfer could lose fingers and toes. There are many maintenance workers that have lost fingers and toes.

Another reason is the safety of the workers themselves. Putting the workers in the target zones where the golfers are aiming, while paying attention to a proper mow line, spray line, or cutting a cup is just poor sense.

Billy Casper Golf Maintenance has very new mowers that are 3-5 years of age. The golf industry is aware of its impact on the environment and tries to be ever growing between noise and chemicals. Mowers have improved since the purchase of the current mowers. The newer mowers are very expensive and would come at a great cost not to just the golfing community but the entire community. The cost of the homes are based on the condition of the course. A Hybrid Triplex Mower would cost \$35,000 and an electric mower costs about \$38,000. Fairway units, which are called a fiveplex are \$65,000 to \$85,000. Technology is starting to develop for hybrid and electric rough units, which can get up to \$85,000.

The maintenance routine itself is not changing. Greenbriar Oceanaire has always started as early as it does now. The prior maintenance group started earlier. The routine is to come in at 5:30 am. The crew has a morning meeting about safety and daily jobs for about 10-15 minutes. Then the crew heads out to the bays, grabs the equipment and heads out to the course, leaving the maintenance gates between 5:45 am and 5:50 am. The crew gets on the first hole and begins cutting at 6:00 am.

Everyone in the community contributes to maintaining this golf course. It is an asset to everyone. The first time complaints were made to the Police Department was last year when the maintenance crew started on the back 9. Since those complaints, the maintenance crew started on the front 9 and have not had any complaints. This season, as of opening week, maintenance was showing up at the facility at 6:00 am and on the grounds at 6:30 am for an 8:00 am start. It is now a 7:00 am start and maintenance shows up at 5:30 am, mobilizes by 5:45 am and is on the grass at 6:00 am. There have been no complaints.

The equipment pieces are used for multiple jobs. They may go out in the morning for one task and back out in the afternoon for another task. Billy Casper Golf tries to do the best job possible with the least amount of impact. The maintenance crew has been starting at 5:30 am always. The change in the noise ordinance is due to lack of communication and misunderstandings of what the ordinance actually states.

Committeeman Lachawiec inquired if Mr. Tardogno was unaware of the noise ordinance.

Mr. Tardogno did not know about the noise ordinance when coming into the community. Many people did not know of the noise ordinance until the phone calls of last year. There were only 4 calls last year. There is a lot of confusion and discrepancy over what this noise ordinance states and whether or not Billy Casper Golf is truly in violation.

Committeeman Lachawiec discussed that there was testimony at the last meeting that the decibel levels exceeded the noise ordinance.

Mr. Tardogno discussed trying to get the approximate decibel levels on most of the equipment. Not all the equipment goes out in the morning, the readings were not done by a professional and the piece of equipment used was purchased at Walmart.

Committeeman Lachawiec read a sentence from the Declaration of Covenants for Greenbriar Oceanaire Article 7.

Mr. Kennedy discussed the Association is not waiving any right to say this law is a valid law. To prevent problems with the Police Department, the Association is asking for this ordinance to be amended to clarify what the Association has been doing for the past 10 years.

Township Attorney McGuckin discussed the point that is being made is whether it is valid. There is indication there may be a challenge to it.

Vincent Anepete, 85 Clearwater Drive, inquired about the current noise ordinance times.

Township Attorney McGuckin discussed the ordinance that is being amended eliminates the 7:00 am start time and amends it to 6:00 am for the purposes of Golf Course Operation in the PRD.

Committeeman Lachawiec inquired if the current noise ordinance affects the entire town or only the Planned Residential Development (PRD).

Township Attorney McGuckin discussed it effects both. There is a separate requirement in the noise ordinance with respect to noise within the PRD. That is the portion that is proposed to be amended.

Mr. Anepete discussed that the Greenbriar Association should solve this problem internally.

Deputy Mayor Tredy discussed the ordinance effects Greenbriar, and should be amended so they are not in violation. An Ordinance can only be changed or amended by the Township Committee.

Mr. Anepete discussed this is a perfect situation why there should be a five-member committee.

Mike Decicco, Greenbriar Oceanaire, received a two-page letter regarding noise ordinance facts from someone who is against amending the ordinance. There is no signature on the letter and no one has taken responsibility for the letter's facts. The writer of this flyer wanted to hide their identity to the residents of Greenbriar. The writer did not have the courage of their convictions or they would have signed it.

Harry Dering, Dock Avenue, discussed the noise ordinance was at 6:00 am for the recycling trucks. There are a lot of Greenbriar people here. Other residents of the town would like to get on with the rest of the meeting.

Adrian Socha, 109 Brookville Road, thanked the Township Committee for introducing an ordinance on invasive plants. The Environmental Commission has been wonderful listening to Ms. Socha's concerns.

Nick Bonamassa, Greenbriar Homeowners Association, discussed all facts submitted to the Township remain on file. 140 emails and notes sent to the board are in favor and support of the Board's request for a waiver. 91 were given to the Township Clerk the other day. Mr. Bonamassa handed 58 more letters to the Township Clerk.

Mr. Bonamassa discussed prime tee times of other golf courses. There is no evidence that residents of those golf course lots are being negatively impacted by early golf course maintenance. Mr. Roskowski did not get permission from all the homeowners and cannot assume these people are being disrupted by early maintenance. At the last meeting, a homeowner gave a statement that she did not permit Mr. Roskowski to video her home and that she was never disturbed by early golf course maintenance. At the February 14, 2013 meeting, Mr. Roskowski stated he did not hear maintenance before 7:00 am and that his house backs up to the golf course and has seen them working on hole 12 and Golf Course Maintenance was not a problem for him.

Mr. Bonamassa discussed the four calls to police regarding noise complaints. Mr. Bonamassa submitted an article that was published Sunday, April 14, 2013 from the Star Ledger, Golf Preview and distributed to the Township Committee. The article discusses tee times across of New Jersey. Mr. Bonamassa discussed other golf course tee times in New Jersey and hopes the Township Committee looks at the facts presented and hears the voices of the majority of the people.

Mr. Bonamassa golf course maintenance starts before tee times begins, most maintenance begins for safety reasons and nature demands. Greenbriar Oceanaire has been doing golf course maintenance starting between 5:00 am and 6:00 am for over 9 years. This is necessary for the financial reasons for the community. The noise of a dishwasher exceeds the noise ordinance as it is written right now.

Mr. Bonamassa discussed Committeeman Lachawiec stated earlier that he nominated Mr. Bonamassa for the Zoning Board. Mr. Lachawiec was not on the Township Committee at that time and was not the person that recommended Mr. Bonamassa for the Zoning Board. Mr. Lachawiec did not appoint Mr. Bonamassa to the Zoning Board.

Committeeman Lachawiec discussed he did not vote to appoint him to the Zoning Board. Committeeman believes he might have voted to appoint to the Planning Board. Mr. Lachawiec did serve on the Zoning Board together.

Sal Marino, 33 Ocean Grove Lane, has lived on the 14<sup>th</sup> hole since January 2006 and has never been disturbed by any type of maintenance on the golf course and is in favor of amending the ordinance. The person who had the nerve to video Mr. Marino's house and say that Mr. Marino was against any kind of maintenance before 7:00 am is absolutely wrong.

Ken Avery, 14 Cape May Court, lives closest to the first hole, and has to strain to hear the mowers. It does not impact Mr. Avery.

Stan Anderson, 208 Maplewood, discussed this matter should be handled internally. Mr. Anderson feels this should be an easy change to complete.

Deputy Mayor Tredy discussed this ordinance does not affect anything outside of Greenbriar. The Township has Ordinances that affects Greenbriar and this ordinance has to be amended.

Bill McCrain, 30 Ocean Grove Lane, discussed the golf course is very important to this community and needs to be maintained to keep members and to keep the income levels where they are to offset expenses and to keep Greenbriar an affordable place to live and to play golf. It is imperative the golf course is maintained the right way. Mr. McCrain hopes Mr. Lachawiec takes into consideration the fact that more than 10-1 of the people in the community support the ordinance.

Rick Gebhardt, Point Pleasant Lane, discussed being awakened at unreasonable times last summer for the first time in four years. Utility carts and towing trailers drive 15mph within 40 feet of the bedroom window on a daily basis. Mr. Gebhardt reported it to Prime Management and was told several times the matter would be checked out. It never happened. Mr. Gebhardt talked to Mr. Bonamassa about his concerns on several occasions. Mayor Wetter suggested Mr. Gebhardt come to the February meeting and discuss it. The ordinance was tabled at the February meeting until April.

Mr. Gebhardt discussed that if this was handled correctly by Prime Management and the Board of Directors he would not be at this meeting. Maintenance can be started any time of day and can start 3 holes ahead of the golfers, is what was told to Mr. Gebhardt. Why is this the only development that seeks relief from the noise ordinance. Why can't Greenbriar adhere to the current laws giving residents peaceful enjoyment of their homes and properties.

Since late April, tee times have been starting at 7:00 am with the current noise ordinance in effect. There were no noise complaints. It can be done. Maintenance can start at 4:00 am just don't disturb residents with obtrusive noise. Residents deserve the right of peaceful possession of their property, don't take this right away from them. It is common sense not to drive obtrusive equipment within 40 feet of someone's bedroom window at 6:00 am. Listen to the needs of the whole community.

Mr. Gebhardt discussed a petition that was distributed in the community for residents to sign to change the Ordinance. The loss of the tee times will affect the pocketbook of every resident. The Finance Committee discussed that there would be no assessment for this year.

Rosemary Lefebvre, 11 Lavallette Lane, discussed at the last meeting, Mr. Gebhardt stated before he bought his house, he asked what time the maintenance started on the golf course. If this is true, he probably asked the Lennar sales rep this question, as it was asked prior to the purchase of the house. The sales rep lied. The maintenance crew has never started at 7:00 am. Mr. Gebhardt's complaint is with Lennar.

Mrs. Lefebvre discussed that Mr. Roskowski does not live on the golf course and cannot hear anything on the golf course. Mrs. Lefebvre lives on the 12<sup>th</sup> hole. The mower comes next to her property right by her



bedroom window and she hears nothing. Air conditioning is running in the summer and the windows are closed. The windows are closed when it is cold. Mr. Roskowski is out of the equation. Mr. Roskowski fought against the liquor license in Greenbriar and cost the association thousands of dollars to answer his frivolous lawsuit. Living on a golf course lot has three intrusions, golf balls hitting the house, lack of backyard privacy and maintenance equipment on the course early in the morning. Let the buyer beware and stop the nonsense.

Dennis Igoe, 100 Brigantine Blvd., discussed that approximately 2% of the residents do not want to change the ordinance. Approximately 17% want the ordinance changed and approximately 60%-70% could care less. Mr. Igoe lives behind the 14<sup>th</sup> green and has no problem with early morning maintenance and takes great offense to the person who supplied a video of his home to the Committee with a statement of "Oceanaire Homes Impacted by Proposed Ordinance 2013-1". It took several years and lots of money to get the golf course condition rectified. Hopefully the Association and residents will learn from past mistakes, and follow the recommendations of Billy Casper Golf relative to course maintenance.

There are many residents of Greenbriar who will benefit from a well maintained golf course. The multiple fundraising aspects will also benefit hundreds of needy families and organizations. If the course is endangered and does not meet its financial obligations, the course will suffer because Billy Casper Golf is prevented from performing maintenance operations at the optimal time per professional experience. Hopefully Committeeman Lachawiec will see clearly and agree to a one-hour compromise. This issue has a far greater impact on many people than Greenbriar.

Ruth Gebhardt, 34 Point Pleasant, discussed a letter from the Association was posted on the Greenbriar Website, at the Pro Shop and on the Concierge's desk asking for a change in the noise ordinance to 6:00 am. Mrs. Gebhardt wrote a letter asking to keep the ordinance the same, as the current noise ordinance does not result in loss of tee times and asked it be placed alongside the opposition letters. Mrs. Gebhardt received a letter from the Board stating, anything you do against this Board you will undertake on your own. If maintenance has continued for the last 2½ months with no complaints, then continue. Maintenance can go out at 6:00 am, as long as no one complains. Stay away from the holes that would be a problem.

Bob Clark, owns a home on the bay and in Greenbriar. There are 1,400 homes contributing \$5,000 in taxes. \$7 million dollars comes to the Township from Greenbriar residents. This is impactful for the whole town not just to Greenbriar. Mr. Clark did not join the golf club last year, he joined Seaview due to the conditions of the golf course. The conditions have improved this year and Mr. Clark is now back, due to the good maintenance work that has been done. Mr. Clark believes it was approximately 50 golfer that left and that is approximately \$100,000 plus to the Association. If the golf courses fail, people leave.

Mr. Clark discussed Committeeman Lachawiec lives on the water. Fishing boats go out at 5:00 am to go out and catch the fish that are running. The boats make more noise than a lawnmower. When you live on the water that is what you get. If you live on a golf course, that is the small sacrifice you make to live on and in the beauty in a neighborhood. Mr. Lachawiec you live on the water and I am sure you do not call the police every time someone starts a fishing boat up at 5:00 am.

Rebecca Rasmussen, 26 Harvey Cedar Way, Greenbriar is a golf course community and any impact that changes the underlying premise of that community makes it another Holiday City. The opponents of the change attempted to obscure and distort the noise ordinance and proposed change. For 10 years all has been fine. The last 6 or 7 months there have been complaints. It is unknown if the complaints are valid because the Police do not carry noise meters. If the ordinance passes, the maintenance crew starts on the same schedule that has been used for the last 9 years. The residents will experience the same sound levels that have been for the past 9 years. Noise from construction equipment remains the same.

Turf is cut early for health. Dew and moisture is removed early to prevent moisture and disease. A fortune is spent on fertilizers, fungicides and turf treatments, which work effectively by being applied in the morning. Time is needed to allow the sprays to dry and to keep workers and players safe according to the label laws of the state and EPA. Cutting and prepping the greens has to happen before the golfers get on the course. Buying more equipment would cost well over \$150,000 and Greenbriar would have to provide those funds. Additional crews to run the equipment would be another \$60-\$70,000 annually.

It has been stated that all 15 New Jersey adult communities have noise ordinances prohibiting noise before 7:00 am. These courses conduct maintenance the same way as Greenbriar, before 7am tee time. Only 8 of the communities are 18 hole courses. 7 of the courses have 7:00 am tee times. The remaining 7 courses are 9 hole courses. One is a pitch-and-put. Comparing the Greenbriar course to those 7 courses is like saying Waretown and New York City are both cities. Having noted all the neighboring competitive New Jersey courses have 7am or earlier tee times means you have to have maintenance before the golfers go out. It is being done. 86 decibels is the before 7am standard. Based on that, all the Greenbriar equipment would probably pass at 50 feet. 50 feet is about the distance from the property line to the sand trap of one of the complainant's home on the 14<sup>th</sup> hole or from this podium to the back of the room. Normal speech between 2 people is typically a 50-60 decibel range. Piano practicing is 60-70 decibels. A flushing toilet is 75 decibels.

The game of golf starts at 7:00 am. Greenbriar has been starting at 7:00 am for 9 years. Many residents have purchased their homes in Greenbriar because it has a championship level golf course. 7:00 am is necessary to keep the competitive edge and to keep memberships. Golfers struggle to play in the heat of the day. Mid August tee times would be lost. If tee times are lost there is no reason for a membership. There were over 22,000 rounds played on the Greenbriar golf course in 2011 and 2012. 7:00 am to 8:00 am tee times are 9% of the tee times. Why should the residents support this change? The simple answer is money. Any impediment to retaining golf membership will cost the association money. That cost will be passed along. Simple math shows that a \$150,000 deficit would result in a \$120 annual assessment increase.

John Zelechowski, 76 Bayville Way, inquired how any reasonable person who was at the last meeting and listening tonight for two hours, feels that it is in the best interest of everyone in the community to have the ordinance stand at its current status. The obligation is to satisfy the majority of the best interest of the people of the community.

Ruth Gebhardt thanked Rebecca Rasmussen for all the information. On January 14, 2013, Rebecca sent an email to all the golfers stating the fees did not drive golfers away last year and disagreed that Greenbriar is aligned with neighboring course rates. The email also stated Greenbriar is not open for 3 months in the winter and counting Mondays is closed for four months out of the year and is paying for a couple memberships with trail fees, over \$8,000 per year. Rebecca also wrote the golf membership has been patient in letting the boards over many years take actions that has hurt the course and the years compounded are starting to overwhelm the golf members and destroy the golf program. Mrs. Gebhardt discussed if the course is in such great condition than why continue to do what maintenance is doing. Do not interfere with property rights.

Mr. Kennedy discussed when Greenbriar received some of these complaints, maintenance went back to the old way of doing things. Greenbriar did respond to people's request and made that change. Greenbriar could have filed a lawsuit but did not think it was proper and instead came before the Township Committee.

Gloria Romano, 104 Brigantine Blvd., takes offense to what has been stated tonight and read a letter written from Ms. Romano to the Township Committee. Ms. Romano inquired about the noise ordinance when purchasing her house. Ms. Romano was told 7:00 am during the week and 9:00 am on weekends and holidays. That is in the noise ordinance. Everyone on the golf course has paid a premium. The board is asking the Township Committee to lower the time span for Ms. Romano's rightful use of her property in a peaceful manner.

Barbara Kilpatrick, 25 Avalon Way, discussed living on the golf course and knew what purchasing a home on the golf course deals with. Ms. Kilpatrick is never bothered by any noise and suggested ear plugs for the people who are bothered.

Bob Mazzei, 14 Lavalette Lane, lives across the street from the golf course. Mr. Mazzei understands there are a few people bothered by the noise of the equipment but nothing has changed. Billy Casper has been performing on the same maintenance schedule as its predecessors. Nothing is different from the ten years the community has been in existence. All that is being requested is a change to the noise ordinance so that Greenbriar is not breaking the law by continuing to do what it has been doing for the past 10 years.

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

Roll Call: Lachawiec: Yes, Tredy: Yes

Deputy Mayor Tredy discussed that he has been taking notes throughout the hearing. It is apparent that nothing will change by changing the ordinance. The early start has been taking place for many, many years. The fallacy that was presented many times both at this meeting and the last about construction starting earlier than 7:00 am. This ordinance does not permit construction prior to 7:00 am. The financial impact will affect every resident in Greenbriar if the course falls into disrepair. The evidence and the documents that have been given indicate that is an accurate statement.

The ordinance is a technical change and not a physical change as the mowers are out their prior to 7:00 am. This would right a wrong and the ordinance is currently wrong. The Township Committee's job is to do the most good for the most people. Statements given by residents and letters received that the actual noise isn't a factor. Numerous people on the fairway and the greens have discussed the noise does not bother them. After reading the documents in favor of the change and then reading the complaints against the change without any real facts, the factual evidence demands an approval of this ordinance change.

#### **ORDINANCE NO. 2013-14 – First Reading**

#### **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.**

Mr. Lachawiec requested a five minute recess.

Deputy Mayor requested a motion to approve 2013-14 on first reading. Mr. Tredy hearing none.

Deputy Mayor Tredy made the Motion to approve Ordinance 2013-14; Deputy Mayor Tredy asked for a second on the motion.

Committeeman Lachawiec requested he would like to make some comments. Mr. Lachawiec had questions on the Ordinance. Mr. Lachawiec inquired if the Township Solicitor prepared the document.

Township Attorney McGuckin discussed he did write the ordinance. Mr. McGuckin discussed the only change from the last Noise Ordinance introduced was the 6:00 am for golf maintenance.

Committeeman Lachawiec discussed that snow plowing operations and abating life threatening conditions.

Township Attorney McGuckin discussed the ordinance includes snow plowing within the definition of emergency work, which the original ordinance did not include snow clearing operations to allow the plows to go through so it does not violate the noise ordinance. The statement of abating life threatening conditions is in the original Ordinance, this was not changed

Mr. Lachawiec inquired why it was written in this second time.

Township Attorney McGuckin explained that you have to put in the original language in the ordinance and include the change snow plowing operations.

Committeeman Lachawiec discussed Section 2 includes "this chapter shall not apply to golf course maintenance operations formed by or on behalf of any Homeowners Association within the zoning district after 6:00 am".

Committeeman Lachawiec discussed that last month he offered a 6:15 am start. The residents were concerned with the 15 minutes. Mr. Lachawiec heard at the last hearing that they needed to start at 5:30 am and he split the difference.

Deputy Mayor Tredy explained at the meeting last month it was stated 5:00 am would be the start time. This is why Deputy Mayor Tredy brought up the 6:00 am compromise.

Committeeman Lachawiec mentioned that neither motion at the last meeting or the ordinance received a second and they died. The residents of the town need an answer and not have this continue on. Mr. Lachawiec is concerned about the weekends. If the tee time is 8am or 9am, the maintenance start time should be 7am or 8am.

Deputy Mayor stated as acting chairman there is a motion on the floor; is there a second to the motion.

Committeeman Lachawiec stated as an elected official it is his duty to fully understand what is proposed.

Deputy Mayor Tredy discussed that this item has been discussed for the last three months.

Committeeman Lachawiec needs to fully understand and answer his questions. All parties need to come to a conclusion. This should be resolved tonight some people won't be happy, but a conclusion can be struck.

Deputy Mayor Tredy explained this is first reading of the ordinance and Committeeman Lachawiec can have another month to find out the information as the public hearing will be in June.

Committeeman Lachawiec would like to discuss to amend it to be an hour earlier start, which would include the weekends. If the weekends are 8:00 or 9:00 am in noise ordinance than it should be 7:00 or 8:00 for maintenance on the weekends.

Deputy Mayor discussed they have heard quite a bit of information again tonight. This is the first reading of the ordinance.

Deputy Mayor inquired if Mr. Lachawiec will second the motion.

Mr. Lachawiec has other items that he would like to see occur. One of the items with the Association, in the covenants that the Association shall provide a fair and efficient procedure for the resolution of disputes.

Deputy Mayor discussed that is an Association issue. The Township Committee has an issue on the floor the approve the amended ordinance.

Deputy Mayor Tredy is asking for a second on the motion.

Deputy Mayor Tredy did not receive a second on the motion. The ordinance has not moved.

### **RECESS**

The Township Committee moved into a short recess.

Deputy Mayor Tredy called the meeting to order. Requested the Township Clerk to read Ordinance 2013-14.

### **ORDINANCE NO. 2013-14 – First Reading – Title Only** **An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 8.16 Entitled “Noise Control” of the Codified Ordinances of the Township of Ocean.**

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

Committeeman Lachawiec requested discussion on the motion.

Committeeman Lachawiec discussed this has caused a lot of controversy in the town. Mr. Lachawiec feels that the Gebhardt's have disturbances. Please understand that there is a golf course community and maintenance has to start at certain times in order to be viable. Committeeman Lachawiec would like the golf course people to be cognoscente of the people who are complaining. The Association will take a different look at this situation and try to be more cordial and understand that they can't do everything their own way.

Roll Call: Lachawiec: Yes, Tredy: Yes.

### **RECESS**

Township Committee moved into a short recess.

### **Resolution 2013- 162** Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$9,138,922.89

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

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

**ORDINANCE NO. 2013-13 – First Reading**

**An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 18 entitled “Zoning” of the Township Code 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. 2013-15 – First Reading**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING CHAPTER 8.04 OF THE CODIFIED ORDINANCES TO INCLUDE A NEW PROVISION WITH RESPECT TO “INVASIVE PLANTS”**

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

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

**ORDINANCE NO. 2013-16 – First Reading**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE, OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING ENTRY INTO A LEASE WITH THE COUNTY OF OCEAN FOR A PORTION OF BLOCK 191, LOT 14.01.**

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

Committeeman Lachawiec inquired the location of this lot. Deputy Mayor Tredy discussed it is a block from the bay on Bryant Road.

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

**ORDINANCE NO. 2013-11 – Second Reading – Public Hearing**

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

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

No public comment.

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 2013-11 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

**ORDINANCE NO. 2013-12 – Second Reading – Public Hearing**  
**An Ordinance Amending Chapter 18.79 entitled “Affordable Housing Development Fee”  
So As to Exempt Residential Structures Substantially Damaged by Natural Disasters**

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

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

No public comment.

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 2013-12 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.**

- 2013-163 Resolution authorizing disposal of surplus property of the Township of Ocean such as water meters, water tank and miscellaneous utility equipment and various vehicles
- 2013-164 Resolution authorizing the renewal of the Club Liquor License for Greenbriar Oceanaire Community Association and Holiday Beach Club for 2013/2014
- 2013-165 Resolution of the Ocean County Mayors’ Association, County of Ocean, State of New Jersey, supporting a potential FEMA recommendation for 100% recovery of Debris and Demolition related costs resulting from Super-Storm Sandy
- 2013-166 Resolution of the Ocean County Mayors’ Association, County of Ocean, State of New Jersey, supporting 3 pending bills in the NJ State Senate and Assembly relating to the consideration of increased property value due to dune construction in determining compensation provided for condemned beachfront property
- 2013-167 Resolution authorizing release of escrow money for Block 152, Lot 6 in the amount of \$116.38
- 2013-168 Resolution authorizing an establishment of special fund for the funds from the Robin Hood Foundation
- 2013-169 Resolution authorizing placing a lien on 171 Main Street in the amount of \$2,503.42 for failure to maintain property.
- 2013-170 Resolution of the Township of Ocean, County of Ocean, State of New Jersey recognizing the month of May 2013 as “Older Americans’ Month”

- 2013-171 Resolution authorizing release of escrow money to MSC Enterprises LLC in the amount of \$131.05
- 2013-172 Resolution proclaiming the week of April 21 – April 27, 2013 as National Volunteer Week

**Motion to approve Resolutions 2013-163 through 2013-172** was moved by Committeeman Lachawiec, Seconded by Deputy Mayor Tredy.  
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

**Resolution 2013-173**

**Resolution of the Township of Ocean, County of Ocean, New Jersey, declaring its official intent to reimburse expenditures for project costs from the proceeds of debt obligations in connection with its participation in the 2014 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 2013-174**

**Resolution authorizing the filing of an application for an interim project construction loan from the New Jersey Environmental Infrastructure Trust under the 2014 Financing Program**

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

Committeeman Lachawiec inquired what project this resolution refers to.

Township Administrator Breeden discussed the Skippers Cove project was roughly \$376,000 short. This interim loan is more like a bridge loan to help with the cash flow.

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

**Resolution 2013-175**

**Resolution confirming the details of the sale not exceeding \$850,000 Bonds, series 2013, of the Township of Ocean, in the County of Ocean, New Jersey to the New Jersey Environmental Infrastructure Trust 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 2013-176**

**RESOLUTION OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, DETERMINING THE FORM AND OTHER DETAILS OF ITS "NOTE RELATING TO THE INTERIM FINANCING TRUST LOAN PROGRAM-STATE FISCAL YEAR 2014 OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST", TO BE ISSUED IN THE PRINCIPAL AMOUNT OF UP TO \$400,000 AND PROVIDING FOR THE ISSUANCE AND SALE OF SUCH NOTE TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH NOTE BY THE TOWNSHIP OF OCEAN IN FAVOR OF THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL PURSUANT TO THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST INTERIM FINANCING SFY 2014 TRUST LOAN PROGRAM**

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

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

**Resolution 2013-177**

**RESOLUTION CONFIRMING THE DETAILS OF THE SALE NOT EXCEEDING \$1,000,000 GENERAL OBLIGATION BONDS, SERIES 2013, OF THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, TO THE STATE OF NEW JERSEY, ACTING BY AND THROUGH NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND THE NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST, ALL 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

**MOTION TO APPROVE – Pet Shop License for the year 2013 – Pat's Pup** 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 Barnegat Beach Civic Association for July 6, 2013, rain date July 7, 2013** was moved by

Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

**Motion to approve** The East Coast Boat Racing Club of New Jersey to use the Sands Point Boat ramp. The East Coast Boat Racing Club must notify residents on Oyster Creek of the race date and time so residents can secure their property prior to the races on July 21, 2013 from 10:00 am to 6:00 pm 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. Ryan Dalon – June 8, 2013
2. Betty Ann Bussell – October 19, 2013
3. Grand Bay Harbor Cond Assoc. – June 1, 2013

**Motion to approve Ball field at Toumey Park:**

1. John Pawlowski – Barnegat Girls Softball – Tuesdays – May - June

Motion to approve use of the Community Center, Waretown Memorial Recreation Park and Ball Field was moved by Deputy Mayor Tredy seconded by Mayor Wetter.

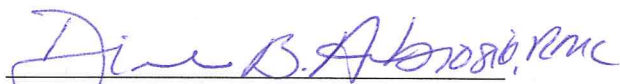
Roll Call: Lachawiec: Abstain, Tredy: Yes, Wetter: Yes

**Next Scheduled Meeting – June 13, 2013 at 6:30 pm**

**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

