

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING October 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.

Presentation

Township Administrator Breeden discussed once or twice a week the senior softball league gains access to the Tuomey Park Ball Field in Waretown. The players include residents from the Mirage and Greenbriar Communities. It is a very friendly game, but very competitive. During the months of April through September, public works maintains the field for the games.

The Greenbriar and Mirage teams are very pleased with the condition of the field and would like to acknowledge and recognize the efforts of the Township of Ocean Public Works Department for preparing the field twice a week.

Frank Scuorzo presented the plaque of appreciation from the Greenbriar and Mirage Softball Teams for the fine ball field and horseshoe pit maintenance work by the Township of Ocean Public Works Department. Deputy Mayor Dennis Tredy, Township Administrator David Breeden and Superintendent of Public Works Matthew Ambrosio accepted the plaque.

Committee Reports

Mayor – Tina Wetter

The Township of Ocean Committee was one of the select committees in NJ recognized for Hurricane Sandy efforts in the recent edition of the NJ State League of Municipalities magazine. A poster size copy of the article is displayed tonight as well as copies for members of the public.

The article focuses on the extremely successful joint emergency management approach used by Ocean and Barnegat Townships during the storm. It is impressive that the Townships of Ocean and Barnegat can be recognized on a state level for outstanding performances during challenging weather conditions.

In a crisis, it is municipal government that residents depend on to provide the required life-sustaining services. Mayor Wetter is extremely proud of how Township employees and public safety volunteers handled the storm. Some of the employees and volunteers were directly impacted by the storm and still continued to work and care for other residents. Their dedication to the well-being of the community is truly a testament to their commitment to Waretown.

The Townships of Ocean and Barnegat received approval from the Robin Hood Foundation to provide financial assistance to residents with Hurricane Sandy property damage. The Robin Hood Foundation is a nonprofit organization that provides help to individuals and families in the New York City metropolitan area who are living in poverty. The Foundation has taken a special interest in Hurricane Sandy recovery efforts and has allocated significant funding to assist with the restoration of the New York and New Jersey Coasts.

The Townships of Ocean and Barnegat were successful in securing \$150,000 in funding to assist residents recovering from the storm. To date, 14 residents in both towns have received upwards from \$5,000 in financial assistance with another 6 resident applications pending. Neither community will forfeit any of the \$150,000 allocated and will work closely with the Robin Hood Foundation to make sure qualified residents receive the financial assistance.

This represents a joint effort between two communities, assisting those in need as a result of the storm. During routine operations or in a time of need, the Townships of Ocean and Barnegat clearly represent a shared service model that is being duplicated throughout the state.

The Waretown First Aid Auxiliary is having a Chili Soup Sale, Saturday, November 2, 2013, 12p-2p at the First Aid Building on Bryant Road.

Deputy Mayor – Dennis F. Tredy

The 15th annual Haunted Hayride is October 18 and 19, 2013 from 7p-10p at the Waretown Lake. All proceeds benefit the Waretown Volunteer Fire Company and Founder's Day events. This year, there are 19 skits. Admission is \$5 per person.

The annual Waretown Volunteer Fire Company Halloween Parade is Sunday, October 27, 2013. The line-up is at the Waretown Library on Main Street at 12:45pm. Participants will march to the Fire Department. Donations of treats are always welcome at the Fire Company at 12:00 pm.

Last year, after Superstorm Sandy, the Waretown Methodist Church held a Trunk or Treat event. At that time, streets were unsafe for children to trick or treat. This year the event will be a partnership between the Township and the Waretown Methodist Church on October 31, 2013 at the ball fields behind the Priff Elementary School from 6p-8p. Participants need to be there between 5p-6p. Shop Rite has donated 1st, 2nd and 3rd prize money for the best decorated car trunks. The prizes are \$100, \$75 and \$50.

As a result of 30+ years of state law and numerous court decisions, every municipality in New Jersey has a constitutional obligation to provide a certain amount of affordable housing within their community. The New Jersey courts have consistently ruled in favor of the affordable housing mandate. The Township of Ocean along with every other town in the state has a legal obligation to satisfy certain affordable housing requirements. The Township has been discussing the development of an all senior affordable housing project with a developer who specializes in the affordable housing industry. The 76 unit senior affordable housing project will be constructed in the Town Center zone within the next two years. This is in accordance with the Town Center plan, which was adopted many years ago. No tax payer dollars will be used on the project. Pending court rulings could force the Township to permit non-senior affordable housing projects.

Committeeman – Joseph Lachawiec

Due to the Federal Government shutting down many departments including FEMA, Committeeman Lachawiec has nothing to report on the graded FEMA emergency services exercise, which was cancelled due to the shut down.

Administrator Report

Administrator – David Breeden

As Mayor Wetter indicated in her report, four or five Townships were mentioned in the NJ League of Municipalities magazine articles, Toms River, a Community in northern New Jersey, and the Townships of Ocean and Barnegat, with respect to the Hurricane Sandy efforts. Shortly after the storm, the state Administrator Managers Association reached out to the Townships of Ocean and Barnegat regarding the joint emergency management approach. Both Townships also assisted and received assistance from other communities. A presentation was given at Rutgers on the emergency management approach. Based on that presentation the Township was instrumental in developing a comprehensive checklist for all towns to use.

The Township was invited to an annual conference in April in Monmouth County, where a similar presentation was given regarding the successful approach to sharing resources during routine operations and during times of emergency.

Ordinance 2013-23 and 24, Second Reading, Public Hearing are the codification of ordinances. Every year the Township approves 20-30 ordinances. If the ordinances are not codified, they do not get published in the Code Book.

Resolution 2013-292 authorizes a grant application to NJ Department of Transportation (DOT). The Township of Ocean submits a DOT transportation trust fund grant application every year to the state for paving roads. For 2014, Pocahontas, between Route 9 and 7th Street, will be paved.

Resolution 2013-293 endorses the efforts of the 9th District Legislators to extend the times that Hurricane Sandy victims have for insurance claims.

Resolution 2013-295 and 296 are shared services agreements with the County of Ocean Prosecutors office. 2013-295 is for the Fatal Accident Support Team (FAST), which investigates fatal or near fatal accidents in surrounding communities. 2013-296 is for Driving While Intoxicated Enforcement. The County pays the Township approximately \$50-\$60 per hour for the officers. The amount of the grant will be based on need. These resolutions are adopted on an annual basis.

Resolution 2013-301 is for a NJ Department of Transportation (DOT) trust fund grant for FY2013. The Township received a \$180,000 grant to pave Caldwell Road. The Township received 5 bids from \$148,000 - \$201,000. The Township is awarding the bid to the lowest bidder, which is Earl Asphalt for \$147,713.13.

Resolutions 2013-212, 289 and Ordinance 2013-25

The Township Committee will be adopting the 2013 budget tonight. A major item in the budget included revenue generated from the Town Center agreement. In 2005, the Township initiated an agreement with respect to the Town Center and has amended it several times. Tonight the Town Center agreement and the financial redevelopment agreement will be amended. The revenue from that agreement is a significant part of the budget. The Township Committee needs to adopt these resolutions and execute these agreements so the state can recognize and certify the revenue in the budget.

The Township of Ocean was one of the first municipalities in the state to utilize a RAB Bond. The Township put public-improvement money up front and paid the developer off over a number of years. Without the Town Center, RAB Agreement and Redevelopment Agreement it is highly unlikely that the Township of Ocean would have been able to attract a Town Center and Shop Rite of that size.

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

Barbara Olsen, 31 Eagleswood Drive, inquired if the seniors from Waretown get first preference to the affordable housing.

Township Attorney McGuckin discussed the affordable housing regulations are set by the state and require residency in the region of the Township of Ocean. The Township cannot give preference to Waretown residents.

Township Administrator Breeden discussed state law prohibits the Township from giving preference.

Committeeman Lachawiec discussed giving information on the affordable housing to the senior residents of Waretown.

Joan Finn, 26 Ocean Grove Lane, inquired about the statistics of the abandoned and foreclosed homes in Waretown.

Mayor Wetter discussed residents have called the Township about the homes. The owners are waiting for insurance claims or have just left the homes.

Township Attorney McGuckin discussed a reasonable time is allowed to let the owner fix up the house and make it safe and secure. At that point, if the property owner still has not fixed it, the Township can take proactive steps compelling them to do so. If the owner fails to do so, it would be a violation of the Township ordinances and the Township would step in.

Township Administrator Breeden discussed the vast majority of financial assistance associated with Hurricane Sandy goes to primary residences.

Ms. Finn discussed it would be important to know the statistics and demographics of the primary and secondary homes before the Township gets into the affordable housing building. If the demographics involve those who are not seniors, maybe the affordable housing could be for multiage groups. COAH has five months to send the requirements.

Township Administrator Breeden discussed the senior affordable housing deals mainly with Round 2 versus Round 3, which is what Ms. Finn referred to.

Ms. Finn inquired if Round 3 would produce something else.

Township Administrator Breeden discussed some of this project satisfies Round 3 but not totally. Regardless, this will be an all senior development consistent with the Town Center Plan that was adopted 8-10 years ago.

Ms. Finn discussed Laurel Oaks is charging according to the ability to pay. That is a new apartment complex. Two applicants have told Ms. Finn they had to give annual income information.

Township Administrator Breeden discussed Laurel Oaks was approved prior to Hurricane Sandy. There is considerable history behind that. Laurel Oaks is not an age-restricted community. Laurel Oaks was constructed partly beyond the constitutional mandate due to the settlement of litigation. Waretown has been successful in developing affordable housing and complying with the mandate without having to go through expensive litigation.

Ms. Finn discussed the Ocean County Long-Term Recovery Group has new case managers and can be called for new funding.

Mayor Wetter discussed the information has been emailed to the residents several times and is on the Township's website.

Township Administrator Breeden discussed the Township of Ocean, County of Ocean and State of New Jersey have done a commendable job in communicating information relevant to individuals displaced by the storm, affording them an opportunity to find temporary housing.

Ms. Finn discussed Ocean County does not have a good amount of affordable housing. The rentals and assisted living complexes have been taken in Ocean County.

Township Administrator Breeden discussed there is a difference between affordable housing and transitional housing.

Ms. Finn discussed both need to be looked at and also supportive housing.

Township Administrator Breeden discussed that is four different issues.

Ms. Finn discussed that is four different groups of people that have been directly and indirectly affected by Hurricane Sandy. The Township needs to do whatever it can to provide for that.

Mayor Wetter discussed this Township works diligently to take care of the residents in Waretown.

Committeeman Lachawiec discussed there are approvals for 144 apartments across from Shop Rite and 49 townhouses across from Kristy's diner.

Deputy Mayor Tredy discussed there have been 20 demolition permits issued this year. Many of them were secondary homes.

Ms. Finn discussed a lot of people are getting stuck in the state REM program. Only 46% of the initial CDBG funding was set, as well as financing rehabilitation of small rental units is also being held up by the state. The state is being sued over that. Rehabilitation of small rentals is an issue.

John Mull, 151 Brigantine Blvd., inquired what percentage of Oceanaire residents contribute to the municipal budget, excluding the school and county tax.

Township Administrator Breeden does not know the exact number but it does reflect a significant value. The Tax Collector and Tax Assessor will get that number for Mr. Mull.

William Rott, 179 Wells Mills Road, discussed the Department of Utilities responded to his sewage issue immediately. Mr. Rott discussed the two gentlemen who came out should get credit. The Utilities Department staff is much appreciated.

Mayor Wetter discussed at the Meet the Mayor event at the Waretown Library last month, there were about 8-10 residents who discussed how great the Department of Public Works and volunteers are. The residents discussed appreciation for the volunteers during Hurricane Sandy and the Town Wide Clean Up. Mayor Wetter is proud of the Township's employees and volunteers.

Mayor Wetter discussed that on WOBM Radio there was a segment on the nicest places to live, listing several Counties. The radio announcer stated the #1 best town to live in Ocean County was Waretown.

Committeeman Lachawiec discussed last year it was Point Pleasant Borough. This year it is Waretown.

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

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

Motion to approve meeting minutes dated August 8th and September 12th , 2013:

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

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

RESOLUTION 2013-289– Second Reading – Public Hearing

Resolution of the Township of Ocean, County of Ocean, and State of New Jersey to Amend approved budget in accordance with the provisions of 40A:4-9

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

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

Committeeman Lachawiec discussed on June 27, 2013 the budget was only introduced and no vote was taken. Committeeman Lachawiec inquired how the Committee could have approved the budget on June 27, 2013.

Township Administrator Breeden discussed the Budget was being introduced on June 27, 2013, the Township Committee took a vote to introduce the budget. The Committee did vote on the Budget Introduction on June 27, 2013. The budget has not been adopted or approved. The resolution tonight was prepared by the auditor and reviewed by the state. The language and the format has been approved by the state.

Committeeman Lachawiec discussed the language reads that the state believes the Township Committee approved the budget on June 27, 2013.

Township Administrator Breeden discussed the state is aware the Township Committee did not approve the budget on June 27, 2013.

Township Attorney McGuckin discussed the Township Auditor and Department of Community Affairs have approve that the language is appropriate.

Township Administrator Breeden discussed the Township Committee approved the introduction of the budget. There may be a fine difference between approving the introduction and approving the adoption of the budget.

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 Resolution 2013-289 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

RESOLUTION NO. 2013-212 (2013 Municipal Budget)

Authorizing the Municipal Budget of the Township of Ocean, County of Ocean for the fiscal year 2013. The Budget Summary was published in Press of Atlantic City and Asbury Park Press Newspapers in the issues of July 2, 2013. The Public Hearing on the Budget Resolution was held at the Municipal Building Meeting Room, 50 Railroad Avenue, Waretown, NJ on August 8, 2013 at 6:30 pm and the State of New Jersey has approved for Final Passage

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

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

ORDINANCE NO. 2013-23– Second Reading – Public Hearing

An Ordinance adopting a codification and revision of the Ordinances of the Township of Ocean, County of Ocean, State of New Jersey; providing for the maintenance of said code; repealing and saving from repeal certain ordinances not included therein; establishing a penalty for altering or tampering with the code; and making certain changes in previously adopted ordinances.

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

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

William Rott, 179 Wells Mills Road, inquired if the Code Book will be accessible on the Township's website.

Township Clerk Ambrosio discussed the code book is on the Township website and it has an easier search engine than the last code book.

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 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

ORDINANCE NO. 2013-24– Second Reading – Public Hearing

An Ordinance adopting a codification and revision of the Ordinances of the Board of Health Ordinances of the Township of Ocean, County of Ocean, State of New Jersey; providing for the maintenance of said code; repealing and saving from repeal certain ordinances not included therein; establishing a penalty for altering or tampering with the code; and making certain changes in previously adopted ordinances.

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 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Ordinance 2013-25 – Second Reading – Public Hearing

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, authorizing an amendment to the Township's Redevelopment and Financial Agreements with Coastal Redevelopment Partners L.P.

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

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

Joan Finn, inquired what is the change in the agreement.

Township Attorney McGuckin discussed there was a change in the payment schedules. The Township is going to receive \$500,000 this year.

Township Administrator Breeden discussed the Township restructured the payment schedule in light of the difficulties the developer is facing. The restructure is favorable for the Township, while still affording an opportunity for the developer to continue with the business and grow.

Ms. Finn inquired the name of the developer and where the site is.

Township Administrator Breeden discussed the developer is Coastal Redevelopment. The site is the Shop Rite Town Center. There is a delicate balance the Township has to strike between allowing a private concern to continue to grow, prosper and benefit the Township versus the financial obligations towards the Township. The Township attorney did an excellent job in negotiating that balance.

Barbara Olson, 31 Eagleswood Drive, inquired how often will the Township have to renegotiate the agreement.

Township Attorney McGuckin discussed it started a few years ago when the Township was trying to get the affordable housing project included in the development. The Township and the developer came close but were never able to finalize an agreement. Now with the funding availability and the project moving forward, it was time to renegotiate. This is the first time negotiating the original agreement.

Ms. Olson inquired if the final result will benefit the Township.

Township Attorney McGuckin authorizes certain funds to be paid to the municipality this year and next year and provides for the commencement of annual payments to the Township in accordance with the redevelopment plan. It was anticipated that the first phase, which is all the development in the shopping center itself, would be completed. Less than 80% has been completed. The agreement was restructured to have the developer make 80% of those payments. That percentage will increase until it reaches 100%.

Mayor Wetter discussed the agreement will be on the Township website.

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 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Resolution 2013- 290 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$3,803,568.44

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.

- 2013-291 Resolution authorizing a lien be placed on 20 Barnegat Beach Drive in the amount of \$330.06 failure to maintain property
- 2013-292 Resolution authorizing a grant application and execute a grant agreement with the New Jersey Department of Transportation for Pocahontas Avenue between Route 9 and 7th Street.
- 2013-293 Resolution of the Township of Ocean, County of Ocean, State of New Jersey, expressing support for efforts by New Jersey Congressional members to have FEMA extend October 29th deadline for Sandy-Impacted Homeowners to file insurance claims
- 2013-294 Resolution authorizing a refund to 50 Bayville Way for an overpayment in the amount of \$430.89
- 2013-295 A Resolution of the Township of Ocean, County of Ocean, State of New Jersey, Authorizing the Execution of Shared Services Agreement with the County of Ocean Pursuant to N.J.S.A. 40:8A-1 ET. seq., for the Prosecutor's Program – Fatal Accident Support Team
- 2013-296 A Resolution of the Township of Ocean, County of Ocean, State of New Jersey, Authorizing the Execution of Shared Services Agreement with the County of Ocean Pursuant to N.J.S.A. 40:8A-1 ET. seq., for the Prosecutor's Program – Driving While Intoxicated Enforcement Program
- 2013-297 Resolution authorizing a lien be placed on 224 Teaneck Road in the amount of \$358.41 for failure to maintain property
- 2013-298 Resolution authorizing the hiring of Renee Drunebarger part-time Secretary Planning & Zoning
- 2013-299 Resolution authorizing Change Order #1 for Route 532 Water Treatment Plant Well #6 Rehabilitation \$43,945.00
- 2013-300 Resolution authorizing Change Order #1 for storm drain revision on Forecastle Way and Starboard Way in the amount of \$2,221.55
- 2013-301 RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO EARLE ASPHALT COMPANY FOR FY 2013 NJDOT MUNICIPAL AID ROAD PROGRAM, CALDWELL ROAD IMPROVEMENTS
- 2013-302 Resolution proclaiming the day of September 28, 2013 as World Rabies Day in the County of Ocean
- 2013-303 Resolution extending the existing lease agreement entered into between the Township of Ocean and T-Mobil for a period of 35 days or until November 15, 2013.

Motion to approve Resolutions 2013-291 through 2013-303 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Motion of Approval for Towing Operations in the Township of Ocean for 2013 as they have completed and been reviewed by the Police Department:

1. Lacey Amoco

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

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

Motion to approve Solicitors License for Rozhyn K Bess – Allied Construction for October 2013 through December 2013 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Motion to approve a Special Bingo License for Senior Citizens Association for Greenbriar Oceanaire Community Association, Inc. was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Motion to Approve: Outlaws Boat Racing Club to use Crystal Bay Peninsula on July 4, 2014 and August 10, 2014 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

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

1. John Surace – October 12, 2013
2. Glenn Avellino – November 3, 2013
3. Donna Nowak – October 27, 2013
4. Kelly Cummings – October 13, 2013

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

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

Next Scheduled Meeting

Thursday, November 14, 2013 at 6:30 pm

Adjournment

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

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

Signed and Submitted:

Diane B. Ambrosio, RMC

Date

Municipal Clerk