

MEETING MINUTES

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
BUSINESS MEETING
December 10, 2015**

Call to Order

ROLL CALL: 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

Prayer – Honoring Committeeman Joseph Lachawiec

Pastor Erik Hall, Waretown United Methodist Church, read a prayer to celebrate the life of Committeeman Joseph Thomas Lachawiec.

Moment of Silence – Honoring Committeeman Joseph Lachawiec

The Township Committee and members of the audience paused for a moment of silence honoring Committeeman Joseph Lachawiec.

Proclamation in Honor of Committeeman Joseph Lachawiec

Mayor Wetter read a proclamation honoring Committeeman Joseph Lachawiec. The proclamation will be mailed to his daughters.

Resolution – 2015-343

RESOLUTION FILLING A VACANCY IN THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN AND STATE OF NEW JERSEY – Appointing Daniel Collamer

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

Roll Call: Tredy: Yes, Wetter: Yes

OATH OF OFFICE administered to Daniel Collamer.

Daniel Collamer is sworn in by Township Clerk Diane Ambrosio.

PUBLIC PORTION:

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Keith Davis, Attorney, Nehmad Perillo & Davis, 4030 Ocean Heights Avenue, Egg Harbor Township. Mr. Davis is representing Volunteers of America Delaware Valley and VOADV Property Inc. Mr. Davis' client, Owen McCabe, will speak after Mr. Davis. Mr. Davis is requesting the Township Committee take action on several requests made through the Administrator and Township Attorney McGuckin, concerning this project. The project is located on the tax map as Block 41 Lot 42.01. It is a 9 acre tract of land. It does have some wetlands, which drains the portion of the property that is developable.

Mr. Davis is proposing a 46 unit low and moderate income housing apartment complex, with five (5) units reserved for veterans and one (1) onsite manager who will work with the residents of the complex to perform resume building and job interview skills. There were some concerns of mental health issues. That is not the case with respect to this project. The onsite manager is merely someone to help work with the residents to find and keep gainful employment in the area.

Mr. Davis met with Mr. McGuckin and Mr. McCabe in July 2015, where the nature of the project was discussed. Thereafter, a letter was sent to the Township requesting the Township Committee consider adopting an amendment to the Redevelopment Plan to the Waretown Center Redevelopment Area and the Ocean Commons Sub-Area.

Mayor Wetter discussed there is litigation with this property owner.

Township Attorney McGuckin discussed there is litigation. There is a closed session litigation item on the agenda this evening. Mr. Davis may speak during the Public Comment portion of the meeting.

Mr. Davis discussed the Volunteers of American wanted to give the Township Committee an opportunity before closed session to hear what this project is and is not about. In August, the property owner requested the Township Committee adopt an amendment to the Redevelopment Plan. Right now there is language in the Redevelopment Plan that limits the number of affordable housing units to four (4) total per building. There are six (6) buildings that are part of this complex. Mr. Davis believes that was prepared with an understanding that a market-rate inclusionary development may be established. It did not contemplate 100% affordable, which is what Mr. Davis is proposing herein. That language is patently unlawful and is discriminatory in its application. It keeps people out of this particular complex based upon their income status, which is not permitted under the NJ Law Against Discrimination, the Federal Civil Rights Act, NJ Civil Rights Act and the Federal Fair Housing Act. The simple fix is to merely have the Governing Body adopt an amendment to that plan to eliminate that restriction against the number of affordable housing units in this complex. In response, the property owner received a letter from Township Attorney McGuckin stating before any action can be taken on the Redevelopment Plan, a Resolution of Need would have to be entertained by the Governing Body.

Mr. Davis respectfully disagrees with Township Attorney McGuckin that a Resolution of Need has to be adopted prior to taking action on an amendment to the Redevelopment Plan. A Resolution of Need is something the property owner is requesting as it gets to the financing part of this project through the New Jersey Home Mortgage Finance Agency. It is not a precondition to adding upon the Redevelopment Plan.

The client is here tonight for three reasons. First, the client is asking the Township Committee to adopt a Resolution of Need, according to Dr. David Kinzie, who is a noted Planner and expert, who submitted a report to the State Supreme Court in connection with the Mt. Laurel litigation. Dr. Kinzie has found and determined this community has an affordable housing need of 460 units. According to the last round of the Council on Affordable Housing (COAH) that was challenged successfully, COAH determined the Township had a need of 287 units. This development will satisfy this community's affordable housing need. The property owner is asking the Township Committee act upon the Resolution of Need the property owner submitted to the Township Committee. The property owner is requesting the Township Committee act upon the Payment In Lieu of Taxes (PILOT) agreement that has also been submitted. The property owner is requesting the subcommittee and the Governing Body work toward amending the Redevelopment Plan to eliminate this unlawful restriction against low-income housing families from residing in this community. Mr. McCabe will speak about the Volunteers of America organization and will give more details about this project. There is a court reporter here tonight. Mr. McCabe should be sworn in before speaking.

Township Attorney McGuckin discussed this is not a hearing. The Township Committee is not going to swear anybody in. This is the Public Comment portion of the meeting. The Township Committee will recognize the next speaker.

Owen McCabe, Vice President, Acquisition and Development, Volunteers of America Delaware Valley. The Volunteers of America is a nationwide nonprofit builder of senior family veteran and market rate housing. Nationwide, the organization has over 25,000 units under contract. The majority of those units are senior units. Volunteers of America is the contract purchaser of a piece of ground on Route 9. Volunteers of America is proposing forty-six (46) affordable family units, a mixture of one, two and three bedrooms. All individuals have jobs with income ranging between \$18,000 and \$43,000. The typical target population is community residents, teachers, maintenance workers, janitors and laborers. There is some discrepancy that Volunteers of America pursues mental health clients. That is not true. These are hardworking people that provide W2's and go through an extensive criminal background history before they enter into the property.

There are many benefits. The first benefit is Volunteers of America will provide housing to five (5) veterans. A lot of the housing is focused on veterans now, both for-sale and rentals. There are three (3) existing facilities in Camden and Burlington County. The second benefit is economic and local labor. Areas in need of redevelopment would be implemented and perfected. The Volunteers of America Engineer and Architect designed six (6) buildings, townhouses as indicated in the Redevelopment Plan. There is a mixture of one, two and bedrooms. All units are energy star rated homes, with energy efficient

appliances, recycled floors, resilient floors and high-end finishes. These units are not the typical low-income housing projects. People are shocked the units are designed so well. The project will be using local labor. The third benefit to the municipality is the affordable housing obligation under the state. Each of these forty-six (46) units will qualify under COAH. The Township will receive a bonus credit, as the units are rental properties. At a minimum, the Township will see a sixty (60) unit credit on the affordable housing obligation. That will help with round two and the future round three.

These units will be deed restricted for forty (40) years. The Township will have an onsite case manager, who will live there 24 hours a day, 7 days a week. Not all residents will require the services. Most of the residents are hardworking people and cannot find an affordable place to live. Everyone needs to have a job in order to reside here and will have to submit a W2. Volunteers of America must comply with IRS regulations. Volunteers of America is requesting an amendment to the Redevelopment Plan, the Governing Body passing of a Resolution of Need and a PILOT agreement. Volunteers of America submitted a Redevelopment application, but did not get an invitation to come before the Redevelopment Committee.

Township Attorney McGuckin discussed Mr. McCabe and Mr. Davis have indicated amending the Redevelopment Plan to eliminate the maximum number of affordable housing units in each building. However, it is Township Attorney McGuckin's understanding that Volunteers of America wanted further amendments to the plan that would be a different number of units than what was contemplated previously.

Mr. McCabe discussed the Volunteers of America would come in with a conforming plan of forty-six (46) units.

Township Attorney McGuckin discussed assuming the Redevelopment Plan was amended, Volunteers of America would still need a Resolution of Need and a PILOT agreement.

Mr. McCabe discussed that is correct.

Township Attorney McGuckin discussed whether the Redevelopment Plan is amended or not, that is still up to the Governing Body.

Mr. McCabe discussed that is correct.

Mr. McCabe distributed a brochure about Volunteers of America outlining the program as well as the developments nationwide.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Resolution 2015-344 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$3,296,862.59

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Ordinance 2015-16– Second Reading – Public Hearing

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey, Amending Chapter 95 of the Codified Ordinances of the Township of Ocean Entitled “Animals”

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

No comment from public.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve Ordinance 2015-16 was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

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

Ordinance 2015-17– Second Reading – Public Hearing

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF OCEAN TO PROVIDE LEGAL COUNSEL AND INDEMNIFICATION FOR OFFICIALS, EMPLOYEES AND APPOINTEES OF THE TOWNSHIP OF OCEAN IN CERTAIN ACTIONS BROUGHT AGAINST SAID OFFICIALS, EMPLOYEES AND APPOINTEES.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

No comment from public.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve Ordinance 2015-17 was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

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

Ordinance 2015-18– Second Reading – Public Hearing

An Ordinance amending Ordinance No. 2008-21 of the Township of Ocean, County of Ocean, State of New Jersey, Entitled “Water and Sewer Utility Department” Fees Relating to Chapter 13 of the Township Codebook

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

No comment from public.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve Ordinance 2015-18 was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

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

Ordinance 2015-19– Second Reading – Public Hearing

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN APPROVING A REDEVELOPMENT PLAN GOVERNING BLOCK 169, LOTS 8.01, 12 AND 13, AND BLOCK 191, LOT 13, PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A. 40A:12A-1, ET SEQ.)

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

No comment from public.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve Ordinance 2015-19 was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

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

Ordinance 2015-20– Second Reading – Title Only

AN ORDINANCE AMENDING CHAPTER 400-20 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF OCEAN WITH RESPECT TO WATER AND SEWER BILLING POLICIES AND PRACTICES

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

No comment from public.

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve Ordinance 2015-20 was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

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

Resolution – 2015-345

RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE A RETIREMENT AND SEPARATION AGREEMENT BETWEEN THE TOWNSHIP OF OCEAN AND DEBRA WIGHT, COURT ADMINISTRATOR

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Resolution – 2015-346

Resolution authorizing the Township Committee to go into Executive Session to discuss the following items: Litigation, Contractual, Personnel

Township Attorney McGuckin discussed for the record, the Executive Session items are personnel position vacancy, litigation with the Township's PBA, contract negotiations with Telecommunicators, Telecommunicators Contract, DelPrete litigation and the Township's Affordable Housing Litigation currently in Superior Court.

Motion to approve Resolution 2015-346 was moved by Committeeman Collamer, seconded by Deputy Mayor Tredy.

Roll Call: Collamer: 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.

2015-347 Resolution authorizing a refund of an overpayment for 6 Spinnaker Way in the amount of \$748.21

2015-348 Resolution authorizing billing adjustments for properties that have billed in error in the Utilities Department for properties that were cut and capped as required

2015-349 Resolution authorizing the release of escrow money for Block 200, Lot 16 in the amount of \$1,541.30

2015-350 Resolution authorizing the release of escrow money for Block 157, Lot 11 in the amount of \$1,262.25

2015-351 Resolution hereby requesting that the State of New Jersey repeal the NJUCC, specifically not to implement the new construction standards set forth for Coastal A zones

2015-352 Resolution authorizing the release of escrow accounts setup for traffic control by private companies with the Township of Ocean

2015-353 Resolution authorizing a lien be placed on Block 271, Lot 3.04, 233 Walter Horner Court in the amount of \$1,113.89

2015-354 Resolution authorizing the hiring of part-time dispatcher

2015-355 Resolution proclaiming December 2015 as National Drunk and Drugged Driving Prevention Month

2015-356 Resolution authorizing the award of a contract for the 2014-2015 NJDOT Municipal Aid Road Program Pochontas Avenue and Oregon Avenue to P&A Construction, Colonial, NJ.

Motion to approve Resolutions 2015-347 through 2015-356 was moved by Committeeman Collamer, seconded by Deputy Mayor Tredy.

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve the below listed dates 2016 for the use of the Community Center and Waretown Memorial Recreation Park:

1. Girl Scout Troop 50359 Meeting – 2016
2. Suzanne Thoms – January 10, 2016

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

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve: Ralston G. Reid for the New Jersey State Firemen's Association was moved by Committeeman Collamer, seconded by Deputy Mayor Tredy.

Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to approve: Application for Open Air Junk Yard/Salvage Yard for the year 2016 – Jones Road was moved by Deputy Mayor Tredy, seconded by Committeeman Collamer.
Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Executive Session

Motion to enter into Executive Session was moved by Committeeman Collamer, seconded by Deputy Mayor Tredy.
Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

Motion to close Executive Session and enter into Public Meeting was moved by Committeeman Collamer, seconded by Deputy Mayor Tredy.
Roll Call: Collamer: Yes, Tredy: Yes, Wetter: Yes

RESOLUTION 2015-357 APPOINTING THE CHIEF FINANCIAL OFFICER FOR THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY PURSUANT NJSA 40A:9-140.13F

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

RESOLUTION 2015-358 APPOINTING WILLIAM E. ANTONIDES AND COMPANY UNDER A NONFAIR AND OPEN PROCESS FOR THE PROVISION OF ACCOUNTING SERVICES FOR THE TOWNSHIP OF OCEAN FOR A PERIOD OF 120 DAYS.

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

Next Scheduled Meeting

Reorganization Meeting – January 4, 2016 at 3:30 pm

Adjournment

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

Signed and Submitted:

Diane B. Ambrosio, RMC
Municipal Clerk/Acting Administrator

Date