

# MEETING MINUTES

## TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING February 11, 2016

### Call to Order

ROLL CALL: COLLAMER   X   WETTER   X   TREDY   X  

### Flag Salute

**STATEMENT:** Pursuant to the provisions of the New Jersey Open Public Meeting Act, adequate notice of this meeting was properly provided by sending a copy of the Notice of Meeting to two newspapers, The Asbury Park Press and the Press of Atlantic City. The Notice was posted at the office of the Township Clerk

### Committee Reports

Mayor – Dennis F. Tredy

#### Ordinance 2016-1 – 2<sup>nd</sup> Reading – Public Hearing

This ordinance was read at the January 4, 2016 meeting regarding meters and fees. The meter costs and items on the list have increased and the Township needs to cover the cost of the items. The nice part of the meters is they can be read electronically and homeowners do not have to be disturbed. Also as costs have risen the Township must keep in line with these items.

#### NJEIT Project Bayshore/11<sup>th</sup> Street/Seneca/Skipper's Cove

Project Update: On the meeting agenda tonight, there are several items of change orders regarding this project. As we all know, when this project was started, there were issues. As the project moves forward and the roads are open, some onsite necessary changes have to be made.

All utility work including water main, sewer main, and drainage is complete on 11<sup>th</sup> Street and Seneca Boulevard. Pipe trenches will be leveled next week, allowed to settle and the final paving improvements are to be completed in the spring.

Skippers Cove: All utility work is now complete on Long John Silver Way, Peg Leg Way, and One Eye Way. Utility work on Davey Jones Way is approximately 90% complete. Due to the recent snowstorm and high levels of snow along the road shoulders, the contractor completed sanitary main installation on Cutlass Way and Jolly Roger Way. Work in Skippers Cove is expected to continue into the winter and final paving in the spring. The contractor is currently performing utility install on Monday through Thursday, and is performing trench paving on Fridays.

Ocean County Utilities Authority

The 2015 bill was sent to municipalities with an estimated sewage volume, anticipated to be discharged at the bulk rate. The Utilities Authority report has resulted in an amount of a credit of \$28,338.60 due to the Township of Ocean.

Wine Festival:

On tonight's meeting agenda is the Resolution authorizing the 2<sup>nd</sup> Annual Wine Festival at Waretown Memorial Park – April 23 & 24, 2016. It was a great event and there will be more wine vendors this year as well as food vendors.

Deputy Mayor – Tina Wetter

Resolution 2016-156 is on tonight's agenda for the Township of Ocean Dispatchers. Their contract expired in December of 2014. There have been ongoing negotiations in the past few months. The Township of Ocean's dispatchers work very hard and care about this town.

This is proven every day and especially during Township emergencies such as Hurricane Irene and Super Storm Sandy, in addition to the work they do every day. Dispatchers are here answering the phones and dispatching the services residents needs within the community.

Working together, all have agreed during these difficult financial times they would work with the Township on agreeing to take no increase for the year 2014 and 2% for the following years. They are now contributing to their healthcare costs at this time.

We thank all Dispatchers for their hard work and understanding.

Resolution 2016-136 is approving the Township's participation in the acquisition of surplus military equipment. This has assisted the Township in areas of the town that are affected by flooding and other equipment necessary that the Township now does not have to purchase.

Committeeman – Dan Collamer

Committeeman Collamer discussed the Township is in a shared services agreement with Barnegat. The Township continues to evaluate that agreement and see, with the decline in building activity within the Township, what changes might need to be made in this Department

The Township is continuing to work on the process of rezoning in the Township, particularly in the waterfront areas to make it less cumbersome and difficult for residents to make improvements on their homes, without going for variances.

Committeeman Collamer met with the Municipal Alliance today, which is a joint venture between the Township Committee and the education system in the Township. Representatives from the school and Greenbriar Oceanaire Men's and Women's Clubs met. Committeeman Collamer was impressed with all the good programs for children.

Committeeman Collamer discussed purchasing surplus military property for the Police Department. Items purchased are limited for law enforcement only. There are a lot of items available for other uses, such as public works through another program. The Township anticipates participating in that program as well, to acquire machinery used on a limited basis, at little or no cost.

Mayor Tredy discussed Committeeman Collamer had mentioned correcting zoning problems. The zoning problems started prior to this Township Committee. This Township Committee is now trying to correct the zoning issues.

### **PUBLIC PORTION:**

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

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

Paul Squeri, 4 Pancoast Road, discussed his neighbor installing a home generator at 2 Pancoast Road. Mr. Squeri filed a complaint with the Greenbriar Management Office, when it was turned on. The Greenbriar Association sent three (3) different members to check the generator while it was running. The readings on different instruments averaged above 65 decibels. The Township Code is a maximum of 40 decibels at night and 55 decibels during the daytime. The Township does not have the equipment to enforce the code. Mr. Squeri is very disappointed and has been put through the court three times for one reason or another. Mr. Squeri is here tonight to see if the Township Committee can do anything.

Township Attorney McGuckin discussed the Township does not have any authority over what the Homeowner's Association does with respect to the enforcement of their own rules and regulations, within the sole and exclusive jurisdiction of the owners of the property and the association members. The Township does not have the authority to oversee, override or direct the Homeowner's Association what to do or what not to do. The Greenbriar Homeowner's Association is a duly incorporated Homeowner's Association with rules and regulations, which can be enforced in court by any property owner. The Township does not have authority over the Greenbriar Homeowner's Association.

Township Attorney McGuckin discussed the Township has jurisdiction over Township ordinances, which the Association is subject to. The Association is also subject to any approvals they receive from the Township. The Township can enforce those approvals.

Mr. Squeri inquired if the Association can govern regulations and procedures of generators on their own, as an Association.

Township Attorney McGuckin discussed provided the Association does not conflict with the Township ordinance. The Association cannot allow a generator to be constructed in the front yard of a residence, when the zoning ordinance says it cannot be.

Mr. Squeri discussed the Township does not have the authority of the decibel readings, due to not having the equipment.

Township Attorney McGuckin discussed the Township does not have an officer trained nor does the Township have the equipment to perform those operations at this time.

Township Attorney McGuckin discussed the Association can, within their own rules and regulations, decide what the decibel reading should be or not be. The Association can enforce those regulations and enforce them whatever way they want. If the Association has equipment they think they should use and wants to put that in their regulations, the Association can do that. There are specific requirements in the courts of the state of New Jersey, that the Township would have to do, if the Township had the equipment and trained officers. There are many machines out there that measure, but the court has to be satisfied beyond a reasonable doubt as to the reading and the equipment being properly operated by a properly licensed and qualified operator.

Township Attorney McGuckin discussed that is in the control of the Association. The Township cannot tell the Association what to do. If Mr. Squeri does not like what the Association is doing, Mr. Squeri has a right to pursue that grievance in court. The Township cannot direct the Association what to do with their own rules and regulations. However, if the Association violates municipal ordinances that the Township controls, such as the zoning ordinances or they try to build something in a setback or construct something in a road that the Township plows or pays to have plowed, then the Township has the right to do something about that. That is where the Township's jurisdiction begins and ends.

Mrs. Doyle discussed the Wine Festival is not a Township event and inquired if the Township gets part of the profits.

Township Clerk/Administrator Ambrosio discussed no.

Mayor Tredy discussed it is a public service for residents to enjoy.

Mrs. Doyle congratulated Township Clerk/Administrator Ambrosio on being appointed as Township Administrator.

Mrs. Doyle inquired how many Willows apartment have been rented.

Township Clerk/Administrator Ambrosio discussed the number of apartments rented has gone up.

Mayor Tredy discussed the last time he checked it was 16 apartments.

Township Clerk/Administrator Ambrosio discussed it being up to 22 apartments. The Willows anticipates being full by September 2016. The Willows advertising has increased recently.

Mrs. Doyle inquired if there is a Redevelopment Meeting next week.

Township Clerk/Administrator Ambrosio discussed no. There is a Zoning Board of Adjustment meeting next week.

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

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

**Motion to approve:** The meeting minutes of January 4, 2016, January 14, 2016 and January 26, 2016 was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.

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

**Motion to approve:** The meeting minutes of CDBG meeting on January 14, 2016 was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.

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

**Motion to approve:** The executive session meeting minutes of December 10, 2015, December 22, 2015 and January 26, 2016 was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.

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

**Resolution 2016-135** Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$5,062,193.98

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

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

**ORDINANCE 2016-1 – Second Reading – Public Hearing**

**An Ordinance Amending Chapter 400-20 of the Township of Ocean 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 Wetter.

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

Public did not comment.

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

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

**Motion to approve Ordinance 2016-1** was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.

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

- 2016-136 Resolution of the Township of Ocean, County of Ocean, State of New Jersey, approving the Township participation in the Federal 1033 Program and approving the acquisition of surplus military equipment
- 2016-137 Resolution authorizing the appointment of Eileen Bennett to the Township of Ocean Environmental Commission and Green Team
- 2016-138 Resolution of the Township of Ocean fulling supports the siting of the new KC-46A aircraft at Joint Base McGuire-Dix-Lakehurst and urges the Department of the Air Force to consider all aspects for the Joint and Total Force a capabilities of Joint Base McGuire-Dix-Lakehurst in making its selection
- 2016-139 Resolution authorizing the return of escrow to Block 41, Lot 31 in the amount of \$4,467.00
- 2016-140 Resolution authorizing the return of escrow to Block 91, Lot 15 in the amount of \$214.25
- 2016-141 Resolution authorizing the refund of overpayment to 154 Spring Lake Blvd, \$1,374.00
- 2016-142 Resolution authorizing a donation of one Township of Ocean Summer Camp for 2016 to the Ocean Township PTA for their Gift Auction
- 2016-143 Resolution authorizing the Annual Wine Festival at Waretown Memorial Park – April 23 & 24, 2016 rain or shine
- 2016-144 Resolution authorizing electronic tax sales and participation in the pilot program for electronic tax sale

- 2016-145 Resolution authorizing a municipal lien be place on 41 Lighthouse Drive for failure to abate violations in the amount of \$1,130.12
- 2016-146 Resolution authorizing change order No. 3 potable water contract for Skippers Cove, Seneca Blvd and 11<sup>th</sup> St., water and sewer replacement
- 2016-147 RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 SKIPPERS COVE SANITARY SEWER REPLACEMENT CONTRACT WITH P&A CONSTRUCTION
- 2016-148 Resolution authorizing the Township of Ocean's Emergency Management Council
- 2016-149 RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 SANITARY SEWER CONTRACTS FOR SKIPPERS COVE, SENECA OULEVARD AND 11<sup>TH</sup> STREET, WATER AND SEWER MAIN REPLACEMENT PROJECT
- 2016-150 RESOLUTION AUTHORIZING PARTIAL RELEASE OF PERFORMANCE GUARANTEE FOR GREENBRIAR OCEANAIRE SECTION 8
- 2016-151 RESOLUTION AUTHORIZING CHANGE ORDER NO. 3 POTABLE WATER CONTRACT FOR SKIPPERS COVE, SENECA BOULEVARD AND 11TH STREET, WATER AND SEWER MAIN REPLACEMENT PROJECT
- 2016-152 APPOINTING WILLIAM E. ANTONIDES AND COMPANY UNDER A NONFAIR AND OPEN PROCESS FOR THE PROVISION OF ACCOUNTING SERVICES FOR THE TOWNSHIP OF OCEAN FOR THE YEAR

**Motion to approve Resolutions 2016-136 through 2016-152** was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.  
Roll Call: Collamer: Yes, Wetter: Yes, Tredy: Yes

**Resolution 2016-153**

Township of Ocean, Ocean County New Jersey canceling unexpended special emergency balance for Hurricane Sandy

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

**Resolution 2016-154**

Authorizing appropriation transfers in the amount of \$33,200.00

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

**Resolution 2016-155**

Authorizing an increase to the 2016 Temporary Operating Budget in the amount of \$56,458.00

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

**Resolution 2016-156**

Resolution authorizing the five year agreement with the Telecommunicators Teamster Union Local Union 676 for the years – January 1, 2014 – December 31, 2018

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

**Resolution 2016-157**

Resolution authorizing the Township Committee to go into Executive Session for the reason of Litigation, Personnel matters, Property Acquisition and Negotiations.

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

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

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

1. Melissa & Thomas Clark - April 2, 2016
2. Phillip Meyers – March 20, 2016
3. John and Sally Atkinson – April 3, 2016
4. Mervat Salib – February 20, 2016
5. Michael Matias – January 30, 2016
6. Jessica Sutton – February 21, 2016
7. Virginia & George Thompson, March 19, 2016
8. Janine Popovich – March 13, 2016

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

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

**Motion to approve:** Social Affairs Permit for Allan Consulting Company for the Waretown Wine Festival on April 23 & 24, 2016 – rain or shine.

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

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

**Motion to approve:** Harrison P. Lewis to the New Jersey State Firemen's Association

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

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

**Closed Session**

Motion to move into Closed Session was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.

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

**Open Session**

Motion to move into Open Session was moved by Committeeman Collamer, seconded by Deputy Mayor Wetter.

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

Next Scheduled Meeting  
March 10, 2016 at 6:30 pm



**Adjournment**

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

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Municipal Clerk

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Date