

MEETING MINUTES

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
Workshop/BUSINESS MEETING
April 26, 2018**

Call to Order

ROLL CALL: BAULDERSTONE X **LOPARO** X **COLLAMER** 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

Workshop Items for Discussion

- Dredging
- Energy Aggregation Program

Mayor Collamer discussed Jason Worth, Township Engineer is going to give a presentation as to where the municipality stands in securing a new dredging permit. The Township of Ocean has been proactive about the process.

Jason Worth, T&M Associates, discussed the Township has surveyed all four areas, Pebble Beach, Barnegat Beach, Skippers Cove and Holiday Harbor. These are locations that previously had dredging permits and dredging was completed. The Township has gone back in and resurveyed those areas, as it has been a number of years. The survey data shows the current depths below mean low water. The next step is to get an approved soil sample plan from the NJ Department of Environmental Protection (NJDEP), take samples and test the samples to make sure the material is clean or if it is not clean. That is a new step in the process. Ten years ago, if the Township was dredging less than 500 cubic yards, soil sampling and testing did not have to be done. Soil sampling and testing is quite expensive. Once the sampling is done, an application will be submitted with plans to the NJDEP and Army Corps of Engineers to obtain the dredge permits.

Mayor Collamer discussed the results of the sampling will determine where the materials can be deposited.

Mr. Worth discussed during the last dredging, the material was taken to Crystal Point Peninsula. That site is full now. NJDEP is not going to allow Crystal Point Peninsula to be a final resting place for the material. There will be costs for trucking to the new location. The site where the material will be placed can charge tipping fees to accept the material. The Ocean County Landfill can augment the material and use it as a capping material or it can be deposited in a landfill and would cost \$80+ per ton.

Deputy Mayor LoParo inquired if there is a time-of-year restriction on soil samples.

Mr. Worth discussed there is no restriction. Soil sampling is done before the permit process. The DEP will work with the Township. The Township provides the DEP with all the results and an estimated quantity of material. Some areas are at three-foot below mean low water. Some are at four foot, some may be at two foot. The DEP will work with the Township to determine where samples are taken, how deep they are taken and how many need to be taken. The samples are tested for grain size analysis, dioxins, furans and metals. The last dredging was done via mechanical dredge. The testing perimeters are slightly less. Hydraulic dredging requires testing for other items.

Mayor Collamer discussed the next step is to submit for a sampling plan.

Mr. Worth discussed it is a 2-3 week period to finalize the sampling plan with the DEP. It is a day or two to take the samples. The testing lab can take a few weeks, unfortunately. This should be complete by the end of June. The Township has to indicate where the material is going to go. There will be a place established in the permit. That does not preclude an alternate location being approved later on. It would greatly help the Township if the material can be dewatered at Crystal Point Peninsula.

Township Administrator/Clerk Ambrosio discussed the Township has budgeted to pay for the soil samples and the permitting.

Deputy Mayor LoParo inquired if the tipping and removing of spoils can be done together by tonnage and the cost split between the homeowner associations.

Mr. Worth discussed the permit allows each location, with an established amount of material, can all be done at one period of time, if the site can handle it. The more material disposed at one time, the cheaper it is going to be.

Township Attorney McGuckin joined the meeting at 10:15 am.

Committeeman Boulderstone inquired about the timeline for DEP approval.

Mr. Worth discussed the plans and permit applications will be processed as the samples are taken. It will be a couple weeks after that, towards the end of July. The DEP has 20 days to deem the permits administratively complete with a 90 day review period.

Mayor Collamer discussed the Township does not have any areas of entrance to the bay that are in imminent need.

Mr. Worth discussed a lot of the areas have at least 3 feet of depth. Some are deeper. Behind Crystal Point really starts to drop off. A few spots are 2 feet.

Township Administrator/Clerk discussed the Township is going to be responsible for the permitting and soil samples. Each Homeowners Association is responsible for the dredging, removal of the material and the location it is deposited. The spoils cannot be left on Tuscarora.

PUBLIC PORTION:

Motion to open Public Comment was moved by Deputy Mayor LoParo, seconded by Committeeman Boulderstone.

Roll Call: Boulderstone: Yes, LoParo: Yes, Collamer: Yes

Vincent Anepete, 85 Clearwater Drive, inquired how much of the dredging expenses will be passed on to the taxpayers.

Mayor Collamer discussed the cost of the permitting and engineering will be paid for by the general population. The dredging, transportation and deposit of the material will be the responsibility of the homeowners associations.

Deputy Mayor LoParo discussed this is about dredging and getting the mouth of areas passable.

Township Attorney McGuckin discussed the Township has had experiences where the lagoons were unpassable. That results in a reduction in property values, which results in less income to the municipality from taxes.

Bob Kussic, Bayberry Drive, discussed he pays \$1,700 in taxes on Bayberry Drive and \$4,000 in taxes on Beacon Drive. The two houses are very similar in size. The home on Beacon Drive is water front.

Robert Deedy, 14 Jolly Roger Way, inquired if the permit can be extended further inside the lagoon.

Mr. Worth discussed one sample will be taken at each location. The Township wants to encompass the whole area. Mr. Worth showed Mr. Deedy the survey.

Gene DiPietro, Clifton Road in Barnegat, discussed the mud that is deposited on Crystal Point is so thick due to dredging and it does not drain. Mr. DiPietro inquired if the Township is still going to put dirt on Crystal Point Peninsula.

Mayor Collamer discussed, yes, as long as the State permits. It will be the responsibility of the association that puts the material there to restore the site.

Mr. Worth discussed there are preconstruction meetings prior to each dredging, with a representative of the association, their contractor and the Township, to go over these types of items.

Gary Kubiak, 22 Bluebeard, inquired if the Township was on that old permit that was issued by the State, that the other gentleman was saying expired.

Township Administrator/Clerk Ambrosio discussed the Skipper's Cove Homeowners Association was permitted for their last dredging. The association did not want to be a part of the last Township dredging permit process. Skipper's Cove has asked to be a part of this dredging permit process.

Mr. Kubiak inquired if all lagoons will be part of the dredge permit.

Mr. Worth discussed the dredging will be focused on the mouth area, where the bay comes in. That is where the accumulation is. It gets deeper further in and down the lagoons and does not require dredging. I would be happy to take a look at problem areas.

Mr. Kubiak discussed there is a definite problem in his lagoon, rounding the corner.

Mr. Worth discussed the survey goes down into Skippers Cove, Bluebeard, Jolly Roger and down that lagoon several hundred feet. The dredging will be carried in that location to at least get it permitted. These dredge permit designs will leave the dredging a certain amount of feet off the bulkhead, to not impact the integrity of the bulkhead.

Mayor Collamer discussed he will forward Mr. Kubiak's contact information to Mr. Worth.

Joe Streko, 205 Seneca Boulevard, discussed the materials on Crystal Point Peninsula can be a real eyesore and inquired what happens if the Homeowners Association does not live up to their obligation to remove it.

Mayor Collamer discussed the time to remove is dictated by the time it takes for the material to dry.

Township Attorney McGuckin discussed if the association does not do what it agrees, the Township could do the work and assess the property owners.

Robert Kratsch, 115 Englewood, inquired when the soil sample requirements changed.

Mr. Worth discussed several years ago.

Township Attorney McGuckin discussed changes to regulations are published, put through the New Jersey Register and advertised. Before the changes take effect, they are published for 90 days. The regulation, when it was adopted, would have had a public hearing and comment period.

Mr. Worth discussed there was an exemption for this testing if the dredging was below a certain amount. That exemption is now gone.

Mr. Kratsch discussed meeting with the DEP at one time. There was money available from the DEP the Township never knew about. As a result, the Pebble Beach Homeowners Association was able to secure a piece of property from a landowner. The MUA gave some Green Acres Funds. Mr. Kratsch inquired if

some of those funds are still available and does the money go to the DEP and not the State of New Jersey general funds.

Township Attorney McGuckin discussed penalties and permitting are used to fund the DEP. Budget and fines pay for a substantial portion.

Mr. Kratsch suggested the Township get together with all waterways municipalities and ask the State why it costs so much for permitting and why are soil samples required.

Mayor Collamer discussed meeting with Senator Connors, Barnegat Mayor Cirulli and Pebble Beach HOA President Mickey Sherry, to discuss getting a group together to solicit changes.

Mickey Sherry, 167 Seneca Boulevard, President Pebble Beach HOA, discussed if his house was not on a lagoon, he would be paying less than half in taxes. The cost of removing the spoils is moving faster than the PBHOA fund. Mr. Sherry inquired how long is the permit active.

Mr. Worth discussed five years. If the work is not done during that time, there may be a chance to get an extension. It is a one-time dredge need. There is a cubic yardage established that should be followed.

Mr. Sherry discussed the end of Tuscarora soil has eroded into the bay. The dirt in the inlet should be brought to the end of Tuscarora, to prevent water from coming up Tuscarora. A shoreline program should be worked into the permit.

Mr. Worth discussed living shorelines are a buzz right now, if the material is compatible. Each location may differ on what could be implemented.

Mr. Sherry discussed Crystal Point Peninsula as a dewatering site is a very sensitive topic. There is plenty of room at the Power Plant, where the Double Creek dredge spoils were placed. The spoils could be trucked to the Power Plant to dry and stay there.

Mayor Collamer discussed there is an agreement between the DEP and Excelon to use that site for dredging projects. There needs to be a reserve capacity at that site for Excelon to do dredging in the future. Mayor Collamer will reach out to the DEP on this matter.

Mr. Kubiak, Holiday Harbor Beach Club Trustee, inquired if there will be a staging area at the end of Lighthouse Drive and is the lagoon between Nautilus and Beacon on the list for dredging.

Mr. Worth discussed there is not a staging area at the end of Lighthouse right now but it could be discussed if needed. Mr. Worth showed Mr. Kubiak the dredging area on the map.

James Dybas, Barnegat Beach Civic Association President, thanked the Township Committee for starting the dredging process.

John Petrosilli, Vessel Road, inquired if there is anything the State can do to offset the permitting costs.

Mayor Collamer discussed not at this time. The Governing Body has chosen to take on the responsibility of obtaining the dredging permit.

Fred Kutner, 45 Hornblower Drive, discussed everybody benefits by having the dredging done.

Amy Carmody, 17 One Eye Way, suggested the Township build a rock garden. The Barnegat Municipal Dock has rocks that people take home, paint with memories and return. It involves the community. Residents can view the rocks. Volunteers can donate rocks.

Mayor Collamer discussed he is in favor of the idea. Ms. Carmody will give Township Administrator/Clerk Ambrosio her contact information.

Committeeman Baulderstone discussed it is a good idea. The Township has to decide which site is best. Issues to address are signage, instructions and notifying the public.

Mr. Petrosilli, discussed the rock garden is a good idea. The rocks could include a flower garden as well.

Motion to close Public Comment was moved by Deputy Mayor LoParo, seconded by Committeeman Baulderstone.

Roll Call: Baulderstone: Yes, LoParo: Yes, Collamer: Yes

Energy Aggregation Program

Stacia Scaduto, Commercial Utility Consultants (CUC), discussed the Energy Aggregation Program. CUC has 40-50 towns that are in the program or are in the process of waiting on an ordinance or auction dates. The energy rates for JCP&L are set by the Board of Public Utilities (BPU). There are no changes that effect the residents except the residents save a few dollars every month. This is a standard third party contract. There is a state statute and regulations the supplier has to follow. The BPU sets the rate for all utility companies across the state. There rates are set by holding a reverse energy auction once a year. Major generation companies participate in the auction. BPU accepts the rates and selects the generator as a supplier for the utility companies in the State of New Jersey.

CUC takes the program out of the State's hands and looks at it on a local level, following the same process. CUC holds an auction, picks a supplier and sets the rate. In order for CUC to get a lower rate, it is by state statute that the rates have to be lower than JCP&L. There are a lot of forms and documents CUC takes care of for the Township, before moving forward, to make sure the BPU rate council is aware of this. The suppliers that are participating in the auction are not large enough to participate in the state's auction but can handle 200,000 customers and is just interested in a small group of people, as opposed to the entire JCP&L territory.

There is one line on your bill about two-thirds of the way down. It says BGS (Basic Generation Service), which is the identifier of where you are getting your electricity from and how much the utility company needs to charge on the bill. That is the default rate for the entire state. The only thing that is going to change on your bill, is it will say "XYZ Energy Supplier". The residents will still receive bills from JCP&L, still pay JCP&L, still report outages to JCP&L and emergency services are still through JCP&L. It is very seamless for the residents. In the upper left corner of your bill, moving forward, it would say "If you are purchasing through JCP&L, this is the rate that you would pay". Every month the resident can see the savings in the upper left corner of the bill.

Consumer protections have been built into the statute that everyone needs to follow. There are no fees or penalties to be part of the program or not be part of the program. If the auction comes in at \$0.09, when the state has their next auction, they are able to lower the rate for the utility company and it comes in under the CUC contract. CUC goes back to the supplier and informs them the utility company lowered their rates, it is lower than the CUC contracted rate for the residents and you have to lower it or CUC will opt everyone out and send them back to JCP&L. The spirit of the program is to save residents money. It is written into CUC's contract to make sure there is full protection for everyone and nobody is locked into anything.

The Township would have to pass an ordinance to start the program, which is part of the statute. Request For Proposal documents and supplier agreements go to the BPU for submission and comments. Then an auction date is set for suppliers to submit rates. If the Township likes the rate, you pick it, if you don't there is no commitment. If CUC cannot get savings, if the market jumped up a little bit, we wait a few months and consult as to the best time. It is whatever the Township feels is best for its residents.

Mayor Collamer inquired what the average percentage savings is.

Ms. Scaduto discussed the lowest is about 8% and the highest is 22%. The average is about 12%.

Deputy Mayor LoParo inquired if the program includes commercial customers and is there a program for government customers.

Ms. Scaduto discussed, no it is not for commercial. CUC can run a commercial program for the Township but it operates differently. This program is residential only. There are different levels of commercial structure. The street lights are a completely different tariff than what a resident rate would pay at their house. If the school is not involved with a co-op somewhere else, CUC provides a program for school districts. The rate is very different from residential.

Deputy Mayor LoParo inquired how often CUC runs the auctions.

Ms. Scaduto discussed CUC can run auctions whenever they choose. There are certain public contracting stipulations that have to be followed.

Deputy Mayor LoParo inquired if the Township obtains a lower rate through the CUC auction, and then changes are made and the rates skyrocket, how is the Township protected.

Ms. Scaduto discussed if the Township chooses a lower rate on an auction date, it is good for as long as the term that was offered. Typically CUC asks for a 12, 18 or 24 month term. It cannot go longer than 24 months by statute. The Township locks in the rates. If the utility company goes bankrupt, everyone opts out and goes back to JCP&L.

Township Administrator/Clerk Ambrosio inquired how a resident can opt out.

Ms. Scaduto discussed CUC mails an information packet to the residents and can put it on the Township website. All the resident has to do is check a box on the postage-paid postcard in the information packet and put it in the mailbox. There is also an 800 number to the call center in Butler, NJ or the resident can go on the CUC website and opt out in less than 30 seconds. CUC sets up a web page specific to the Township of Ocean.

Committeeman Boulderstone inquired if a resident can opt out before the change, and how far in advance will the mailing go out before the new supplier takes over.

Ms. Scaduto discussed, yes. The residents will receive the mailing about 45 days prior to the change. The Town Hall meeting can be scheduled whenever the Township Committee is comfortable. The Town Hall meetings can be held prior to the ordinance being passed. CUC cannot get information from JCP&L until the ordinance is passed.

Deputy Mayor LoParo inquired how this will effect residents with solar panels.

Ms. Scaduto discussed residents with solar panels are not included in the program. There are challenges with the third party rate. It makes it look like the resident is losing their solar credits. The solar residents can opt in, however, there is a longer education process for them.

Township Attorney McGuckin discussed he is very familiar with this program and represents the Plumsted MUA, which was the first entity to do it in the state. The law has been on the books for a number of years and was not being utilized. Plumstead MUA has no water/sewer system and was doing garbage collection. This program was brand new when Plumsted decided to do it. Even BPU had not yet gone through it. It was for a two-year program and they saved approximately 20% for their residents. The second auction, the rates were not good enough and they went back to JCP&L. On the third auction the rates were better, but not as good as the first auction, and they opted back in.

Township Attorney McGuckin inquired if a "Request for Proposals" process is required.

Ms. Scaduto discussed the Township can choose to do so. CUC's partner, Concord Energy Services is the State Energy Consultant. The Township is not paying CUC. The supplier is paying CUC. CUC is

appointed, rather than having a contract. The Township can speak with CUC's competitors. When Plumsted started, there were seven or eight consultants. Now there are three.

The statute is not written that if JCP&L rates go down, the supplier's rates have to come down or everybody is out. CUC wrote in, separate from the statute, that if JCP&L rates go down, CUC negotiates with the supplier to bring their rates down, or CUC will automatically opt everyone out.

Mayor Collamer inquired if there are any costs to the Township at all.

Ms. Scaduto discussed, there are no costs to the Township.

Mayor Collamer discussed the JCP&L representative was here and told him if this program is implemented, and the resident receives notification to opt out from the consultant and they do not choose to do it, JCP&L will send a letter to remind the resident of the option.

Committeeman Baulderstone inquired if residents in other senior communities choose to opt out, due to lack of information on the program or they become confused or skeptical.

Ms. Scaduto discussed yes, CUC services about 10 townships with senior communities. CUC meets with the senior communities repetitively to remind the seniors of the upcoming mailings.

Mayor Collamer thanked Ms. Scaduto for the presentation and will be in contact with their decision.

Resolution 2018-175a

Resolution authorizing the appointment of Charles Hood as Part-Time Electrical Sub code Official for the Township of Ocean for the year 2018

Motion to approve was moved by Deputy Mayor LoParo, seconded by Committeeman Baulderstone.

Roll Call: Baulderstone: Yes, LoParo: Yes, Collamer: Yes

Resolution 2018-175b

Resolution authorizing the Township Committee to go into Executive Session: litigation, personnel, contractual matters

Motion to approve was moved by Deputy Mayor LoParo, seconded by Committeeman Baulderstone.

Roll Call: Baulderstone: Yes, LoParo: Yes, Collamer: Yes

Motion to go into Executive Session:

Motion to approve was moved by Deputy Mayor LoParo, seconded by Committeeman Baulderstone.

Roll Call: Baulderstone: Yes, LoParo: Yes, Collamer: Yes

Motion to go into Open Session:

Motion to approve was moved by Deputy Mayor LoParo, seconded by Committeeman Baulderstone.

Roll Call: Baulderstone: Yes, LoParo: Yes, Collamer: Yes

Next Scheduled Meeting

May 10, 2018 – 7:00 pm – Township Business meeting

Adjourn:

Motion to adjourn was moved by Deputy Mayor LoParo, seconded by Committeeman Baulderstone.

Roll Call: Baulderstone: Yes, LoParo: Yes, Collamer: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Municipal Clerk

Date