

MEETING MINUTES

TOWNSHIP OF OCEAN COUNTY OF OCEAN BUSINESS MEETING January 10, 2019

Call to Order

ROLL CALL: DODD X BAULDERSTONE X LOPARO Absent

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 – National Law Enforcement Appreciation Day

Deputy Mayor Baulderstone read and presented a proclamation to Police Chief Rogalski. On January 9, 2019, partnering organizations in support of law enforcement officers nationwide promoted a National Law Enforcement Appreciation Day (L.E.A.D). In light of recent negativity directed toward law enforcement nationally, there is a need to show law enforcement officers that our citizens recognize the difficult and sometimes impossible career they have chosen, in public service to us all.

Each day police officers across our country put a badge on and go to work knowing they may face extremely dangerous situations. On average, between 105 and 200 officers die in the line of duty each year, over 50,000 officers are assaulted in the line of duty each year. Officers of the Township of Ocean Police Department show extreme bravery as they do not hesitate to risk their own lives to save the lives of others while protecting our families, citizens, and businesses.

The Township of Ocean Police Department Officers stand as leaders educating the community about importance of public safety. These officers are vital members of our community with their commitment to continued training, skill enhancement and working with our citizens to achieve peace. We appreciate the extraordinary efforts and sacrifices made by officers and their family members on a daily basis in order to protect our schools, workplaces, roadways and homes. We further call upon all citizens to take time not only on January 9, 2019 but throughout the entire month of January to show their support of law enforcement officers.

Presentation - Holiday House Decorating Contest

Deputy Mayor Baulderstone announced the winners of the Holiday House Decorating Contest.
Honorable Mention – 120 Main Street, 25 Dolphin Way, 25 Spruce Street and 28 Spruce Street
3rd Place - 8 Spruce Street
2nd Place - 20 Pennsylvania Avenue
1st Place - Tie - 21 Spruce Street and 52 Johnson Street

Committee Reports

Deputy Mayor – Ken Baulderstone

Ordinance 2019-1 – First Reading – Title Only. The Township enjoys a tax rate that is favorable compared with other towns in New Jersey. This rate has been positively impacted over the years by the addition of new ratables each year from 2002-2016, as Greenbriar Oceanaire was built out. The Township is facing a lack of new ratables. To keep taxes at an acceptable level, there must be new development in the Township. This ordinance creates an Economic Development Committee that will spearhead efforts to developers interested in building in the Township and to conceive and implement programs to promote and support the businesses in the Township. This is the first reading of the ordinance. It outlines the functions of the Committee. The second reading will be on February 14, 2019. Once the ordinance is in place the Township Committee will appoint members to this committee.

Resolution 2019-112 authorizes a change order for the 2018 Roadway Improvement Program. The change order is necessary to adjust for “as-built quantities” of improvements installed as part of the project. This resulted in a net contract decrease of 0.42 percent. (\$4,857.40)

Resolution 2019-115 is a Shared Service Agreement with the Ocean County Prosecutor’s Office for the Fatal Accident Support Team, which is now referred to as the Prosecutor’s program. This is for the purpose of assisting in the investigation, prosecution of fatal accidents in traffic enforcement and education.

Resolution 2019-116 authorizes the Wine Festival to be held at the Waretown Memorial Park on April 27 and April 28, 2019.

Resolution 2019-117 authorizes the fireworks display for the Annual Founder’s Day Events. They will be discharged from a barge in Barnegat Bay. The display will take place at the end of Bryant Road on May 25, 2019.

Department of Public Works - The Township received a check for the Recycling Tonnage Grant for 2016 in the amount of \$7,016.85.

The Department of Public Works is picking up live holiday trees on Fridays in the month of January. Please make sure all tinsel and decorations are removed prior to placing at the curb. The Township is using the new brush chipper and chipping the trees right there on the spot.

Sands Point Park - The basketball court has been striped with additional pickleball courts. There are now seven pickleball courts. The Township’s Recreation Pickleball Club has been expanding and needed the additional space. The basketball courts are not locked and will not be locked at Sands Point.

The Township is building a salt shed in the Public Works yard and will hopefully be finished in the next week or so.

Water service repair was required on Seneca Boulevard. The Township also jetted the sewer pipes on 3rd Street, Pohatcong Avenue and 7th Street and performed a sewer repair in that area.

The Senior Advisory Meeting is Monday, January 28th at 10:30 am at the Engle Sprague Senior Center. The speaker this month is Bill Lewis, Child Break Presentation. The program informs, encourages and empowers parents, grandparents, educators, coaches and other adult caregivers how to communicate effectively with children about the misuse and abuse of alcohol and other drugs. It discusses abusing prescription medication. Research shows approximately 2.7 million individuals over age 50 abuse pain killers. Many of them require a hospital visit and over 14,000 people over age 45 die of overdoses in just one year. One in ten children in the United States live with their grandparents.

Committeeman – Lydia M. Dodd

Resolutions 2018-107. This resolution is for the Township to have a temporary budget for the year 2019. The Township is working diligently on closing the 2018 budget and being able to prepare the 2019 budget. A temporary budget must be approved prior to January 31st each year, as per state law. This allows the Township to continue doing business until the 2019 budget is approved.

Resolution 2019-109, 110, 111. At the request of the developer the Township of Ocean Engineer has inspected Greenbriar Section 6, Phase A, B & C. The Township Engineer has conducted construction observation of the site improvements. These sections are presently on a maintenance bond. In accordance with Municipal Land Use Law, the Township Engineer is recommending the release of the maintenance bond be granted. All bonded improvements have been completed in substantial compliance with the Board's approval.

Resolution 2019-113 authorizes the Tax Collector to refund overpayments as required by state law.

Resolution 2019-114 appoints Heide Oberheide to the Environmental Commission and Green Team. Heide has been a member of the boards for over 18 years. Heide was late on handing in her Citizen Leadership Form, therefore, could not appoint at the January 1st meeting.

Chief of Police – Michal Rogalski

Chief Rogalski read the December 2018 Police Report. The Police Department handled 3,629 calls for police service, 4 abandoned 9-1-1 calls, 33 alarms were activated and responded to, 17 animal complaints were handled, 2,093 business house watch checks, 4 criminal mischief acts were investigated, 10 domestic violence incidents, 13 disabled vehicles were assisted, 4 separate drug arrests, 65 first aid calls, 20 general complaints, 16 motor vehicle accidents, 283 motor vehicle stops of which 68 were issued tickets, 2 juvenile complaint, 4 psychiatric evaluations (PESS), 18 persons were arrested on various warrants, 54 suspicious people and/or vehicles, 5 thefts from residences or commercial properties and 1 theft from a motor vehicle were investigated. A full list of this activity is listed on the website.

On November 15, 2018, the Dunkin Donuts located in Waretown was burglarized by an unknown male actor. The male forcefully gained entry to the south side of the building, utilizing a rock or concrete ashtray that was located on the side of the building to shatter the glass door. He entered the building and removed the cash register box by kicking and pulling it out from underneath the counter. He exited, then reentered 20 minutes later, as the alarm never triggered. Patrol Officers came across the shattered window and started the investigation. Total cost of damages reported by the victim is estimated at \$1,600.00 for damages and \$2,909.00 in theft. The detective bureau located the gloves believed to be used to commit the crime and received information from a concerned citizen of a possible actor, Augie

Schetztert, a 45 male residing in Seaside Heights. The individual was charged with burglary theft and criminal mischief.

The Ocean Township Police Department participated in the Drive Sober or Get Pulled Over 2018 year-end holiday crack-down from December 7, 2018 through January 1, 2019. There was a successful time period where we did 1,584 hours of roving patrols.

Traffic Safety – Between December 9, 2018 and January 6, 2019 patrol officers conducted 128 separate traffic radar enforcement details in addition to their regular patrol duties. It equated to 60 hours of traffic enforcement in various neighborhoods, 48 motor vehicle stops of which 6 summons' and 59 warrants were issued.

PUBLIC COMMENT:

Motion to open Public Comment was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Gary Cottrell, 94 Main Street, inquired how the Township is going to address the \$25 million debt before the taxes get out of control.

Deputy Mayor Baulderstone discussed some of the debt is utility, interest-free loans. The Township needs to come up with a plan to reduce the amount of debt service.

Mr. Cottrell inquired if the Township is paying the debt on the interest or the principal and inquired when the bulk of the principal will kick in.

Township Administrator Ambrosio discussed both interest and principal, at this point. The debt was refinanced last year, giving the Township a better interest rate.

Mr. Cottrell inquired how acquiring the Galley Grill is addressing the taxes. Every time the Township takes a piece of property off the tax rolls, the rest of the Township is going to pick up the slack.

Deputy Mayor Baulderstone discussed the decision to acquire the property was made many years ago. It was paid for with Open Space funds and the Township is applying for Green Acres grants.

Township Attorney McGuckin discussed there was an ordinance adopted in 2016 to acquire the property and adjoin it with the Township dock area. The property was in disrepair. The neighbors were complaining vigorously about the condition of the property. The property owner was very difficult to deal with and was not interested in fixing the property. There were corporations involved, one of which filed bankruptcy. At that time, the property owner owed about \$140,000-\$150,000 in back property taxes. The tax bill was about \$15,000-\$18,000 a year, before the storm. Post-storm the tax bill was much less. The Township had an opportunity to obtain Green Acre funding, of which a substantial portion was a grant. The final decision to purchase the property was made after the bankruptcy filing, when the Township had the opportunity to acquire the property for the back taxes, which was well over \$200,000, including interest. The grant money was another \$200,000. There was no out-of-pocket expense to the Township other than the expenses now included in the property, as it now needs to be remediated, as a result of Department of Environmental Protection violations on the property.

The Township was going to foreclose on the property for the back taxes. Instead of paying them \$400,000, the Township had to pay \$200,000. The State is actually paying the \$200,000 to the Township. There were two bankruptcies, one by Keith Boyce and a foreclosure process by Mr. Wortman. After Mr. Wortman acquired the property back, he then filed for bankruptcy. There is still an issue with the bankruptcy court and I will be providing the Township with information on that in the next 10 days.

Mr. Cottrell inquired if the gazebo at the end of Bryant Road could be moved back near the dock.

Township Administrator Ambrosio discussed after Superstorm Sandy, the gazebo has to be ADA compliant. As a historical building, the Township was able to move the gazebo as-is. Now that the Township owns the property, moving the gazebo back can be researched, as a historical building.

Township Attorney McGuckin discussed the Township would like to expand that area along the dock and make it a public park.

Al Delprete, 117 Dollmore Avenue, inquired if the Township owns 96 Bryant Road as of right now.

Township Attorney McGuckin discussed the Township closed title on the property and has a deed. Bankruptcy court is now questioning that issue. That is before the bankruptcy court. The bankruptcy court still has an interest in the property. I do not know what the details are.

Mr. DelPrete discussed the bankruptcy court denied the closing to the Township.

Township Attorney McGuckin discussed the bankruptcy court inquired as to the procedure that was utilized by the seller to sell the property. It did not have anything to do with the Township. The Township has title insurance.

Mr. DelPrete discussed the property is in Chapter 7. The Township does not actually own the property.

Township Attorney McGuckin discussed the Township owns the property. The Township has the deed to the property and a title insurance policy. I do not know the property is in Chapter 7.

Mr. DelPrete inquired if the Township only paid \$200,000 on this property.

Township Attorney McGuckin discussed the Township received Green Acre funding of approximately \$200,000 and there was \$200,000 owed in back taxes and utility charges. Instead of writing a check to the owner, the Township received the property without putting any money out.

Spencer Hondros, 65 Pennsylvania Avenue, discussed the Tradewinds retention pond does not seem to go down.

Township Administrator Ambrosio discussed the Township Engineer is speaking with the property owner about it. I will get back to you about this issue.

Ken Fekete, 58 Beacon Drive, inquired when he will receive a response to the Citizen Leadership form he submitted a few months ago. The applications should be acknowledged and responded to with the disposition.

Township Administrator Ambrosio discussed the Township does not send out responses. Citizen Leadership forms are kept on file. If there is an opening on a board, the Township Committee reviews the Citizen Leadership forms and makes a decision. I did respond to an email from Mr. Fekete regarding the receipt of the Citizen Leadership Form.

Deputy Mayor Baulderstone discussed the appointed members of each committee are announced at the Reorganization Meeting.

Janit Buccella, 116 Barnegat Beach Drive, discussed knowing 13 submissions of Citizen Leadership forms were not selected for appointment. There is a very heavy partisan decision-making process in Waretown. Eleven percent of the appointees are democrats and over fifty percent are republicans. These applicants are not even getting a response.

Deputy Mayor Baulderstone discussed there was an influx of applications, after the selections had been made.

Ms. Buccella discussed there was an applicant for the Environmental Commission that came in late.

Committeewoman Dodd discussed that applicant has been on the board for 18 years.

Kevin Kennedy, 136 Bayville Way, discussed Mr. Baulderstone stated at the November Township Committee meeting that he did not know the names of any contributors or the amounts that are contributed. All contributions that were made through his campaign were legal and lawfully reported by Aaron Shapiro, Treasurer. Contributions for Mr. Baulderstone's 2017 campaign totaled just over \$25,000 and were reported to the NJ Election Law Enforcement Commission in multiple documents signed by Mr. Baulderstone. Similar documents with the same signed statement are on file with the Commission for Dr. LoParo's 2016 campaign and Lydia Dodd's 2018 campaign. To claim no knowledge is disingenuous.

Deputy Mayor Baulderstone thanked Mr. Kennedy for his comment but your comment is not correct. I do not know the name of any one person who made a contribution or the amount of any one contribution. I signed a blank form, as a candidate, prepared by the treasurer. I do not want it, in any way, to influence a decision that I will make. I do not sign blank forms as a representative of this town.

Township Attorney McGuckin discussed Mr. Baulderstone certified a statement provided by the treasurer of his campaign.

Mr. Kennedy inquired if Mrs. Dodd signed a blank form.

Mrs. Dodd stated, no, but I did not read it.

Mr. Kennedy looked up conflict of interest statutes in the Township ordinances. All I could find was one for the Board of Health that is mandated by state law. Mr. Kennedy inquired why the Zoning Board of Adjustments, Planning Board and Township Committee do not have similar provisions.

Township Attorney McGuckin discussed the Governing Body and Land Use Boards are governed by the Local Government Ethics Law. That law covers all elected or appointed officials other than the Board of Health. This applies in every municipality, statewide, including Ocean Township.

Motion to close Public Comment was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Resolution 2019-107 authorizing the Temporary Operating Budget for 2019 in the amount of \$2,732,415.80 and Utility Operating Budget in the amount of \$788,240.00

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Resolution 2019-108 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$368,209.14

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Ordinance 2019-1 – First Reading – Title Only

Ordinance of the Township of Ocean, County of Ocean, State of New Jersey creating the Township of Ocean Economic Development Committee

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: 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.

- 2019-109 Resolution authorizing release of Maintenance Guarantee, Greenbriar Oceanaire, Section 6, Phase A
- 2019-110 Resolution authorizing release of Maintenance Guarantee, Greenbriar Oceanaire, Section 6, Phase B
- 2019-111 Resolution authorizing release of Maintenance Guarantee, Greenbriar Oceanaire, Section 6, Phase C
- 2019-112 Resolution authorizing Change Order No. 1 for the Township's 2018 Roadway Improvement Program Contract with Shore Connections, Inc. The proposed change order will result in a net decrease in the contract of 0.42 percent
- 2019-113 Resolution authorizing a refund for overpayment of taxes to 120 Caldwell Road in the amount of \$2,362.41
- 2019-114 Resolution authorizing the appointment of Heide Oberheide to the Environmental Commission
- 2019-115 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. sec., for Procesutor's Program
- 2019-116 Resolution authorizing the Wine Tasting Event at the Waretown Memorial Park on April 27th and April 28th, 2019 rain or shine
- 2019-117 Authorizing the Founder's Day Fireworks display on May 25, 2019 with a rain date of May 26, 2019 in the amount of \$10,000

Motion to approve Resolutions 2019-109 through 2019-117

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Motion to approve the below listed dates in 2018 & 2019 for the use of the Community Center, Waretown Memorial Recreation Park, Tuomey Park and ballfield:

1. Brain & Nicole Callaghan – February 24, 2019
2. Amelia MacAvoy – January 12, 2019
3. Waretown Republican Club – December 18, 2-018

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Next Scheduled Meetings

January 24, 2019 – 10:00 am – Workshop/Business Meeting

February 14, 2019– 7:00 pm – Regular Business Meeting

ADJOURNMENT

Motion to adjourn was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

Roll Call: Dodd: Yes, Baulderstone: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Municipal Clerk

Date