

MEETING MINUTES

TOWNSHIP OF OCEAN
COUNTY OF OCEAN
BUSINESS MEETING
May 28, 2019

Call to Order

ROLL CALL: DODD X BAULDERSTONE X LOPARO 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

Resolution 2019-175

RESOLUTION APPOINTING GREGORY S. MEZZANOTTE JR. TO THE POSITION OF FULL TIME POLICE OFFICER FOR THE OCEAN TOWNSHIP POLICE DEPARTMENT

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

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Officer Mezzanotte is sworn in by Mayor LoParo.

Chief Rogalski congratulated Patrol Officer Mezzanotte and his family. It is a great honor to bring Greg on as a full-time Police Officer. He deserves this. I met Greg years ago in the Police Academy during a report writing class. Congratulations and welcome to the family.

RECESS

Five minute recess to allow family members to take photos.

Workshop Discussion items:

Tax Rebate Cards – Estate Visa Prepaid Card - Property Tax Savings Card

Township Administrator/Clerk Ambrosio discussed Lacey Township is participating in a tax rebate prepaid card program with Municipal Cards, LLC. It does not cost the Township to participate in the program. Municipal Cards will connect the Ocean Township businesses with the Lacey Township businesses. When people shop in Waretown or Lacey, they might be able to get the same tax credit. The rebate company will solicit the businesses at no cost to the Township. Residents using the prepaid credit card receive a percentage of the purchases towards your taxes. The percentage depends on the vendor. The resident will receive a statement detailing the amount that is applied to the tax program. Residents can shop online as well.

Ridgewood Village, New Jersey has the longest membership with the program. Ridgewood has a lot of little stores and restaurants in a village setting. Township Administrator/Clerk Ambrosio discussed she spoke with the Ridgewood Clerk. A lot of Ridgewood residents are using the card.

Mayor LoParo inquired about the increments of the cards, where do you purchase the cards and what percentage does the Township receive.

Township Administrator/Clerk Ambrosio discussed residents can buy cards in any increments, \$25.00 is the lowest. Residents buy the cards online with Municipal Card LLC. Nothing comes through town hall. It is all done through Municipal Card. The Township does not receive any percentage and does not receive any money.

Township Attorney McGuckin discussed if the percentage is 2%, then 2% of that purchase gets credited to the residents' taxes.

Township Administrator/Clerk Ambrosio discussed Municipal Card can give their presentation at a Township meeting. A lot of residents hear about the program through word of mouth. The cards are prepaid. Residents can use the cards to buy travel tickets and other items on the internet. They have partnered with many online businesses.

Certificate of Occupancy – Rentals

Township Administrator/Clerk Ambrosio discussed Township Attorney McGuckin prepared an ordinance for the Township Committee to review. Zoning Officer Clune provided information from other Townships.

Committeewoman Dodd discussed the summer rentals should be written in the ordinance.

Mayor LoParo discussed Airbnb should be in the ordinance.

Township Administrator/Clerk Ambrosio discussed Airbnb is 12 months out of the year and inquired if Airbnb should be considered summer rentals.

Deputy Mayor Baulderstone discussed Airbnb should be short-term rentals.

Committeewoman Dodd discussed Airbnb would be based the same as summer rentals with one yearly inspection. If a property is sold, the new owner would have to be notified regarding this ordinance.

Mayor LoParo inquired if there is a complaint with the Police Department, does the Township have to inspect again.

Township Administrator/Clerk Ambrosio discussed property damage would be a police report, not code enforcement.

Township Attorney McGuckin discussed that is between the owner and the tenant.

Mayor LoParo discussed it should be up to the landlord to inspect the property. The landlord can submit a notarized statement that the property has been inspected and everything is functional. It saves the Township liability. If there is a problem with the house, the Township will not be in the middle of the landlord and tenant. A landlord could apply on a Wednesday, rent on a Friday and the Township will not be able to get out there to inspect.

Committeewoman Dodd discussed the landlord will use the one-year summer rental. Airbnb is the same thing, once a year. This ordinance is to make sure when a property is up for rental, it is up to code. In other Townships, the code enforcement officer inspects rentals and the Township is not liable.

Mayor LoParo discussed the Township gets brought into every lawsuit. The Township should have a minimal involvement and the landlord should have a heavy involvement. The landlord should get their furnaces inspected and do everything on their own.

Committeewoman Dodd discussed the Township is not inspecting landlord furnaces. The Township is asking for certification of their inspections.

Mayor LoParo discussed the Township is not in the business of inspecting rental heating and air conditioning. The Township cannot get involved if a rental does not have heat. A tenant is going to sue the Township because they do not have heat. If the heater is inspected by the Township and it breaks, the tenant is coming after the Township because it is certified through the Township.

Committeewoman Dodd discussed it is not certified through the Township if the Township asks for a mechanical certification.

Mayor LoParo discussed it is on file with the Township. The Township is liable. The Township has certified it as functional. The landlords should be responsible for everything.

Township Attorney McGuckin discussed if a homeowner has a rental apartment, year round or short term rental, there is a security deposit. If there is a problem with the tenant, the security deposit gets taken by the landlord or if there is a problem with the unit not being functional, the tenant would have a civil claim against the property owner. Many towns do Certificate of Occupancy (C.O.) inspections. Anyone can sue the Township. The Township has a lot of immunities for those type of things. All the Township is doing is conducting whether it meets the code requirements.

Mayor LoParo inquired who is qualified to do the inspections by law.

Township Attorney McGuckin discussed it depends on what the final determination is. If the final determination is the Township wants a C.O. inspection to determine code violations, to make sure there are three bedrooms instead of five, appropriate locks on the door and smoke detectors, the Township can designate who it wants to do the inspections. It is a question of how detailed you want it to be.

Mr. Baulderstone discussed smoke detectors are the State's responsibility. When applying for a smoke certification online, one of the options is change of occupancy. You're supposed to get a smoke certification each time.

Township Attorney McGuckin discussed this Township does not have a C.O. requirement. There is no way for the Township to know if a homeowner has applied for a smoke certification. It is a legal responsibility for the owner. The only time there is an inspection is at sale or transfer of a property.

Mayor LoParo inquired if the Township could do a smoke certification for a rental or would the state do it.

Mr. Baulderstone discussed the inspection is done by the Fire Marshal, when a house is sold.

Township Attorney McGuckin discussed you can put as much or as little as you want in the ordinance. The more detailed of an inspection the Township does, the more potential problems there could be.

Deputy Mayor Baulderstone discussed his concern regarding electrical changes by unlicensed people.

Township Administrator/Clerk Ambrosio discussed if the Subcode Official checks everything and comes back with a list. The landlord would have to comply before the tenant moved in. That is why the Township stopped. It is a tenant landlord issue. If the Township brings it back, it should be just basic items that are inspected.

Deputy Mayor Baulderstone discussed bedrooms should be inspected to see if they have functional windows.

Township Attorney McGuckin discussed renovations without permits need to be inspected. If it is not on the assessor's indication and the Township has no record of it, who knows how that work was done.

Mayor LoParo inquired if landlords can certify a list of required items on a Township form.

Township Attorney McGuckin discussed if a year later someone tells the Township there is an extra bedroom, the Township would have to get a search warrant, unless the owner allows us in. The landlord's argument will always be the tenant did it. Whether it is a C.O. inspection or rental reinspection or a sale reinspection the Township should be very specific in what it is looking for. If Code Enforcement sees an obvious electrical problem, they can refer it.

Committeewoman Dodd discussed the Township does not have to name it. They are not qualified to do that.

Township Attorney McGuckin discussed the inspector can tell the Township and before the C.O. is issued, the Township can ask the owner to certify it. The fees on the draft ordinance are \$50 for a first inspection, one free reinspection, then \$75.

Mayor LoParo discussed charging \$100 for reinspections and for the inspections after that. If the landlord is given a list of items and does not comply, that is the landlord's problem.

Township Administrator/Clerk Ambrosio discussed \$50 is a reasonable amount of money.

Committeewoman Dodd discussed the landlord might mess up on a tiny item. The Township shouldn't punish them.

Mayor LoParo discussed the Township is sending staff out and it costs money to inspect. The Township is short-staffed and does not have extra people to send out.

Township Administrator/Clerk Ambrosio discussed if someone is on vacation and there is only one person in the office, they cannot get out there. The two code enforcement people would be doing the inspections.

Mayor Loparo inquired if a code enforcement officer is qualified to report an exposed wire.

Township Attorney McGuckin discussed the code enforcement officer is only referring to the qualified personnel. The electrical inspector can contact the owner for permission to inspect. The owner can say no. Without a warrant, the Township cannot go in. The landlord would then provide certification that the item has been fixed.

PUBLIC COMMENT:

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

Rollo Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Bob Lange Jr., 2 Shore Drive, discussed the government is forgetting that property owners have rights. If a tenant has no heat, they need to call the landlord advocate. If the grass is three feet high, the Township should write a ticket. If the owner does not cut the grass, put a lien on their house and the town makes 18%. If this policy is put in place, the Township will have to hire someone. Landlords paying taxes are being penalized. Tenants are not going to pay rent on a house with wires sticking out of the ceiling. The more the Township gets involved, the more responsibility the Township has.

Mayor LoParo inquired about a landlord self-reporting application every six months.

Township Administrator/Clerk Ambrosio discussed the landlord has to register by law in the Clerk's Office.

Mr. Lange discussed the Township can pass an ordinance that if the house is rented without being registered, the owner gets fined \$1,000. The Township can send a certified letter for an owner not cutting their grass. If it is not corrected, the owner gets fined and it goes on their taxes.

Township Attorney McGuckin discussed to go to court, the defendant has to be served personally. If it is an LLC with a post office box in New York City, it is impossible. A lien can only be applied if you serve the owner. The service is the problem. If the owner has to get a C.O. inspection, the owner cannot rent the property without having the inspection. There are some properties the Township will never know about. Neighbors complain all the time. After a while, the neighbor realizes the owner is renting. The Township would serve the owner for not registering as a rental property. If the ordinance is adopted, the Township can send the owner a notice the property is subject to inspection. That would be a separate violation. An LLC from a foreign state is very difficult to serve.

Mr. Lange discussed building permits sometimes take 21 days. It's \$3,000 for COAH, \$3,000 for the permit. Owners are paying the Township and getting punished for a few bums that do not do their job.

Committeewoman Dodd discussed the plumbing, building and electrical inspector are not here all the time.

Deputy Mayor Baulderstone discussed the Township needs to get more data, how many homes are rented, how many have issues, how many individual landlords are there and how many corporate landlords.

Mayor LoParo discussed buying his home 17 years ago. The home was inspected with a C.O. and the air conditioning did not work the day of the closing. The Township couldn't do anything. The air conditioning was never connected to the electricity. If a tenant has no heat, the Township is out of the

loop. There is an implication, with the Township doing inspections, that the Township is responsible and going to help the tenants out. It is between the tenant and the landlord. The Township needs to work on this issue a lot more.

Deputy Mayor Baulderstone discussed if the Township is going to have a C.O., the Township needs to do its job correctly. Whether it is a building permit inspection or a C.O. inspection the Township needs to be sure it is performed correctly.

Mayor LoParo discussed the Township cannot get involved with landlords and tenants and inquired which towns do rental inspections and which towns do not.

Township Administrator/Clerk Ambrosio discussed Barnegat does, Lacey does not, Stafford does, Little Egg Harbor does, and Lakewood does.

Mayor LoParo inquired about towns our size.

Township Administrator/Clerk Ambrosio discussed she will research Beachwood, Ocean Gate, Tuckerton, Beach Haven, Long Beach Township and Plumsted.

Deputy Mayor Baulderstone inquired if Toms River recently introduced the ordinance.

Township Attorney McGuckin discussed it was reintroduced and tabled.

Mr. Lange discussed a lot of inspectors provide a checklist of what is wrong and go back and reinspect to make sure it is corrected. That should not be the Township's responsibility. The landlord has to take care of their property.

Gary Cottrell, 94 Main Street, inquired how many years Waretown had C.O. inspections prior to eliminating it and how many times was the Township sued during that period of time. C.O.'s should be reinstated. It is the only way to stop people buying up foreclosures and slipping people in.

Township Administrator/Clerk Ambrosio discussed she has to look up the time frame Waretown had C.O.'s. I was not aware if the town was sued.

Mayor LoParo discussed the Township is trying to look at both sides and see what is best for the residents.

Ocean County Natural Lands Program – Property Review - Block 23, Lots 4 & 11.01

Township Administrator/Clerk Ambrosio discussed Ocean County Natural Lands Trust sent the Township a letter about purchasing a Brookville property with a home on it that pays over \$11,000 in taxes each year. The Township needs to send a letter in favor or against this land being purchased by the County.

Deputy Mayor Baulderstone discussed the tax base is very important to the Township and he is opposed to this. It does not help the Township in any way.

Mayor LoParo discussed this is not Open Space. I don't think it is in the Township's best interest. I am opposed to the County purchasing this property.

Township Administrator/Clerk Ambrosio discussed the gentleman who owned the property passed away and the family has petitioned the County to purchase the home and property. There are other houses around it.

Committeewoman Dodd discussed she is absolutely opposed to the County purchasing this property.

Ordinance Change - Trees - Property Maintenance

Township Administrator/Clerk Ambrosio discussed the Township introduced an ordinance on this. The ordinance was held pending further research. In Lacey, the Township will go out and deem a tree dead or leaning. Lacey Code Enforcement goes out once a year, when the tree is in bloom, during the spring to see if a tree is alive. A tree is only deemed dead if it is 100% dead. Lacey is also finding tree issues are really neighbor disputes. The Township does not want to be in a neighbor dispute. If the tree is leaning and it is deemed dead and the property owner does not want to take it down, the resident has to submit an arborist report. In order for a tree to be deemed dead, there has to be no leaves, no bark and in really bad shape. The Lacey Code Enforcement officer has only deemed two trees dead in the past five years. If a tree falls, it is on the resident's insurance and has nothing to do with the town.

Mr. Lange discussed the Township should not be getting involved in the tree issues. It is the resident's responsibility. It is between the two neighbors. If the Township does not have the right professional, all that time is wasted.

Township Administrator/Clerk Ambrosio discussed the ordinance is going to say you have to keep your property free of brush and obnoxious growth. The ordinance will remain the same, except determining the tree. The Township does not have the ability to determine the tree. The ordinance will still include residents are to maintain weeds, stumps, growth, garbage and trash or you will be written a ticket and have 10 days to comply or the Township is going out.

Committeewoman Dodd discussed this ordinance will eliminate dead or dying trees and stumps and inquired where is the bamboo ordinance.

Township Administrator/Clerk Ambrosio discussed, yes. Stumps are a questionable area. The Township does not have a qualified arborist/forester. Trees in power lines are cut by JCP&L. It is up to the resident to report it to JCP&L. The bamboo ordinance is a separate ordinance. It is not just bamboo, it includes another species.

Mayor LoParo discussed the Township cannot legislate people to remove trees.

Deputy Mayor Baulderstone discussed the Township Committee can pass this ordinance tonight, with a public hearing at a future date.

Township Administrator/Clerk Ambrosio stated the ordinance can be introduced today and the public hearing at the next meeting.

Waretown Memorial Recreation Park – Lake - Lifeguards

Township Administrator/Clerk Ambrosio discussed the Township has advertised for lifeguards. One person filled out a lifeguard application. I discussed with the Ocean County Joint Insurance Fund on how to handle. The Township shares lifeguards with Barnegat Township so there is enough work. Barnegat has decided the bay beach will not have lifeguards this year. Barnegat/Waretown has reached out to the pool companies to see if they will work with the towns and they do not have enough lifeguards to cover their pools. There would have to be a sign at the lake that says “Unprotected Beach, No Lifeguards on Duty” or “No Swimming, Fishing Only”. It is the only place the Township allows swimming. If it is a swimming beach, the County will test the water. If the Township does not have lifeguards and the lake is not open to the public, the County will not test the water.

Deputy Mayor Baulderstone discussed the lake is rarely used for the purpose of swimming.

Committeewoman Dodd discussed the school’s Latchkey program busses children to the lake in the summer.

Mayor LoParo discussed last summer, nine kids were in the lifeguard program. Now it is down to two or three. They have to take a course. I am not opposed to closing the lake to swimmers.

Township Administrator/Clerk Ambrosio discussed she will call the Latchkey Program and see if they will be swimming at the lake this summer and let them know there will be no back up lifeguard. Normally, Latchkey hires their own lifeguard and uses the Township lifeguards as back up. The floating dock should be removed. The other dock is used for fishing.

Mayor Loparo inquired if the Township can be sued if someone drowns in the lake.

Township Attorney McGuckin discussed, yes.

Mr. Lange discussed the County requires a lifeguard at the marina pool. The law was changed where the pool can be unattended, with a manager on the property that is 18 years old, with a phone available.

Township Attorney McGuckin suggested the Township post the sign at the lake and take it down if more lifeguards apply.

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

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Resolution 2019-176 Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$2,165,206.12

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

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: 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.

- 2019-177 Resolution of the Township of Ocean, County of Ocean, State of New Jersey, Authorizing a Credit for 224 Seneca Boulevard, Waretown NJ
- 2019-178 Resolution of the Township of Ocean, County of Ocean, State of New Jersey Authorizing execution of an emergency contact with Municipal Maintenance Company in the amount of \$94,000
- 2019-179 Resolution of the Township of Ocean, County of Ocean, State of New Jersey Authorizing the purchase of a PowerEdge Server for the police department on New Jersey State Contract in the amount of \$58,491.97
- 2019-180 Resolution authorizing the hiring of Brittany R. Gohr as a part-time dispatcher
- 2019-181 Resolution authorizing the Waretown Volunteer Fire Company use of the Waretown Lake and Recreation Park for their annual Poker Run

Motion to approve Resolutions 2019-177 through 2019-181:

Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.
Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Resolution 2019-182

Resolution authorizing the Township Committee to go into Executive Session for the reasons: Litigation, personnel matter and contracts

Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.
Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Motion to approve: Social affairs permit for the Waretown Volunteer Fire Company on August 11, 2019 at the Waretown Lake and Recreation Park for their annual Poker Run
Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.
Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Motion to approve: Extension of Premise permit for the Neptune Investments Corp on June 17, 2019 at the Lighthouse Tavern for the Southern Regional Educational Association
Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.
Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Ordinance 2019-6 1st Reading – Title Only

ORDINANCE AMENDING CHAPTER 280 OF THE TOWNSHIP CODE ENTITLED PROPERTY MAINTENANCE

Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.
Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Executive Session:

Motion to move into Executive Session was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Open Session:

Motion to move into Executive Session was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Next Scheduled Meetings

June 13, 2019 - Regular Business Meeting

June 27, 2019 - Regular Business Meeting/Workshop

Adjournment:

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

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Municipal Clerk

Date