

MEETING MINUTES

TOWNSHIP OF OCEAN  
COUNTY OF OCEAN  
BUSINESS MEETING  
June 25, 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

**Motion to approve** the meeting minutes of April 11, 2019 and May 9, 2019 and Executive Session meeting minutes of May 28, 2019 was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

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

**Resolution 2019-201** Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$163,746.33

Motion to approve Resolution 2019-201 was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone.

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

**Resolution 2019-202** Resolution authorizing the Township Committee to go into Executive Session for the reasons: personnel matter and contractual matter.

Motion to approve Resolution 2019-202 was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

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

**Ordinance 2019-7 First Reading Title Only**

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING A REDEVELOPMENT PLAN GOVERNING BLOCK 241.11, LOTS 12.03 AND 12.09 PURSUANT TO THE NEW JERSEY LOCAL REDEVELOPMENT AND HOUSING LAW, NJSA 40A:12-1, ET SEQ.

Township Administrator/Clerk Ambrosio discussed this is approving the Mandrake property Redevelopment Plan for the contractor warehouses.

Motion to approve Ordinance 2019-7 was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

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

**Ordinance 2019-8 First Reading Title Only**

BOND ORDINANCE PROVIDING FOR VARIOUS SANITARY SEWER SYSTEM IMPROVEMENTS IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING ONE MILLION DOLLARS (\$1,000,000) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF AND THE EXECUTION OF CERTAIN DOCUMENTS RELATED THERETO

Township Administrator/Clerk Ambrosio discussed the Township has two pump stations, one on Bayshore Drive and one on Diamond Drive. Due to age, there are problems with the pumps. The Township is going out for notes to move this project along. The Township has also put in for a USDA grant loan. The Township will be able to pay off this bond with that money and possibly have loan forgiveness through that program.

Motion to approve Ordinance 2019-8 was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

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

**Motion to approve the below listed dates in 2019 for the use of the Community Center, Waretown Memorial Recreation Park, Toumey Park and Ballfield:**

Ocean Township Adventure Program June 26–23, 2019

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

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

Township Administrator/Clerk Ambrosio discussed the school has been informed that there will be no swimming at the lake.

**Discussion Items:**

**2020 DOT –Submission**

Township Administrator/Clerk Ambrosio discussed each year the Township has been very fortunate to obtain substantial grants from the NJ Department of Transportation (NJDOT). The last one was for \$356,000. The Township would like to submit another road.

Jason Worth, T&M Associates, discussed the Municipal Aid program applications are due by July 19, 2019. In recent years, the Township has focused in the area off Bryant Road. Thus far, roads completed are Oregon Avenue, Sheridan Street, Illinois Avenue and Adriatic Avenue. In 2019, the Township received \$350,000 in grant money for Michigan Avenue. The remaining street would be Ocean Avenue and the remaining portion of Kennedy Drive extending up to Bryant Road. Mr. Worth recommended the Township apply for a grant for Ocean Avenue and the remainder of Kennedy Drive. The project is expected to be in the \$400,000 to \$450,000 range.

Township Administrator/Clerk Ambrosio discussed NJDOT will not pay for the drainage. That is what the Township has to bond for. It is important to upgrade drainage at the same time.

Mr. Worth discussed the last road project costed \$1.1 million. NJDOT portion was approximately \$900,000.

The Township Committee agreed to add a resolution for the 2020 NJDOT grant submission for the Ocean Avenue improvement project.

**RESOLUTION 2019-203 Authorizing submission of a grant application and execute a grant agreement with the NJ Department of Transportation for the Ocean Avenue Improvement project.**

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

Proclamation

**Edwin B. Forsythe National Wildlife Refuge 80<sup>th</sup> Anniversary**

Mayor Ben LoParo read and presented the framed Proclamation to Virginia Rettig, a representative of the Edwin B. Forsythe National Wildlife Refuge. Ms. Rettig discussed the refuge is in 14 Townships in South New Jersey. We are very proud to be a part of the all the communities here.

**Bulkhead Assessment**

Township Administrator/Clerk Ambrosio discussed the Township Engineer T&M Associates assessed all the bulkheads owned by the Township. Some are in more disrepair than others. I am recommending the Township submit permits to the NJ Department of Environmental Protection (NJDEP) for the bulkheads.

Jason Worth, T&M Associates, discussed bulkheads that are in poor condition, requiring NJDEP permits in order to replace, it is recommended to submit for one permit, for cost purposes, and then the Township can move forward with the reconstruction in a phased approach. These permits are good for five years. The Township pays one application fee for a permit that encompasses all the bulkheads that may need replacement. The Bayshore Pump Station bulkhead may get done or you can group them by location or size. It is possible to extend the permit.

Deputy Mayor Baulderstone inquired if a particular piece of land is Open Space land.

Township Administrator/Clerk Ambrosio discussed it is a street-end, so technically, yes. If the permits are submitted this year, the Township can make a plan on how many bulkheads should be scheduled for repair and a timeline.

**MOTION OF APPROVAL Authorizing Jason Worth, T&M Associates, to obtain NJDEP Permits for all Township-Owned Bulkheads Listed in the Assessment, except for the Bayshore Pump Station** was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

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

## Bryant Road Park

Township Administrator/Clerk Ambrosio discussed the Township has ownership. There are two artesian wells. One is capped. The other one should be capped by the end of this week. The Township has a New Jersey Department of Environmental Protection (NJDEP) permit to do that. NJDEP approved the removal of the building, the removal of the illegal paver patio and the removal of the two poles. NJDEP also wants an overall plan of what the Township wants to do on the property. We believe NJDEP is still going to require the environmental study.

Mr. Worth distributed a map and summary of the property and discussed in order to utilize the Open Space monies, the Township has to comply with the Green Acres rules which includes certain deeds being filed, a title insurance and a Green Acres survey. A Phase I Environmental assessment was completed in 2015, which popped up a couple areas that required a little more investigation. The NJDEP is requiring the Phase II follow up be completed in order to utilize Green Acres funds towards the acquisition. The Phase II involves a secondary analysis and digging.

Township Administrator/Clerk Ambrosio discussed a company will be hired to do Phase II.

Mr. Worth discussed T&M Associates did Phase I, which is more document gathering. T&M Associates can do Phase II. The Township can abate the DEP violations and remove the building. In order to get the Green Acres funding left over from the prior purchase, the Township needs to comply with the Green Acres rules and regulations. At that point, the site will be Green Acres encumbered and subject to their rules.

Township Administrator/Clerk Ambrosio discussed the small dock is 100% legal. The boat ramp has to stay open and cannot be taken out. If the Township wants to remove the large dock that is falling apart, the breakwaters were put in illegally and would have to come out. The Township has to decide if the long dock should be repaired. It is a hazard in its current state.

Mr. Worth discussed Michelle Propolak from the DEP indicated the long dock is legal but would require permitting and could require an extension of the dock all the way out to where there is four feet of water depth. It does not have to be removed right now. It is not in violation. The bulkhead is legal and does not require permits in order to be rebuilt.

Township Administrator/Clerk Ambrosio discussed using riprap rock or cages instead of bulkhead.

Mr. Worth discussed he will double check on the riprap rock and cages. It is serving the same purpose as a bulkhead, just a different compliant material.

Township Administrator/Clerk Ambrosio discussed the Township should get the Environmental II study. DPW is ready to take down the building as soon as the last well is capped. That will clean up the whole property. The patio has been taken out.

Mr. Worth discussed the A4 pilings, the batter boards and the illegal docks at the end have to come out. The study can be sent to Green Acres in 4-6 weeks for review.

Township Administrator/Clerk Ambrosio discussed then the Township will have the Green Acres survey.

Bob Lange, 2 Shore Drive, discussed Reclam the Bay uses his property for free. They would be more than happy to work with the Township.

**MOTION OF APPROVAL Authorizing Jason Worth, T&M Associates, to complete the Environmental II Study** was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

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

Mayor LoParo discussed after this study, the Township can make a decision on the long dock.

### Rental Certificate of Occupancy

Township Administrator/Clerk Ambrosio discussed I put together a preliminary certificate of occupancy amendment for the Township Committee's review.

Committeewoman Dodd discussed limiting inspections to Monday through Thursday is a good idea so Friday is not a tied-up day. The amendments cover everything the Township needs. The inspections have to be scheduled 24 hours prior.

Deputy Mayor Baulderstone discussed it includes smoke detector, carbon monoxide and fire extinguisher, which is an area of state jurisdiction. I would like to see that removed. I am in favor of the landlord completing a document similar to a sellers' disclosure. If there are complaints by citizens or tenants relative to the condition of a property, that particular landlord would receive more attention than other landlords with no complaints. I would like to see the inspections done on a selective basis.

Mayor LoParo discussed the price should be raised to \$100 instead of \$50, if it is on an emergent basis.

Committeewoman Dodd inquired if it is legal to be selective.

Township Attorney McGuckin discussed it would legal if that is the requirement of the ordinance. If the ordinance says you have to submit this form and if the inspector determines they want to investigate further, then you have to allow them in. Do not sign off on the form until the inspector signs off. That could be put in the ordinance.

Committeewoman Dodd inquired it looks like the Township is picking and choosing who gets inspected.

Deputy Mayor Baulderstone discussed this is what the state has done for many years.

Township Attorney McGuckin discussed there is going to be a lot of discretion as to whether there are enough standards for code enforcement to make this determination to sign off or not sign off. It could lead to an issue. Deputy Mayor Baulderstone is saying leave it up to the Code Enforcement Officer to look at the form they received, and based on their knowledge of the home and any prior issues, determine whether or not they will inspect.

Deputy Mayor Baulderstone discussed it should be driven by formal complaints by a tenant or other citizens and homeowners.

Township Attorney McGuckin inquired if the Township never receives a complaint, should the Township accept the certification.

Deputy Mayor Baulderstone discussed yes. That would normally be the process. That is what I am suggesting.

Mayor LoParo inquired if the Township can have access if there is a tenant complaint against the landlord.

Township Administrator/Clerk Ambrosio discussed if they call Town Hall at this time, they are to contact Ocean County Landlord Tenant Court. It is a landlord/tenant issue, not a Township issue.

Committeewoman Dodd discussed tenants do not want to complain for fear of the lease being terminated.

Deputy Mayor Baulderstone discussed violations of the fair housing act have encroached on the religion of the landlord. I am concerned the Township is responding to the wishes of a group of people acting in violation of the fair housing act.

Mayor LoParo discussed, I tend to agree. I think a few things need to happen first. The state regulations for landlords is two pages long. This should be on the Township website. The second thing the Township should do is have the landlord sign the Landlord Regulations, certifying the property is in compliance with state regulations, instead of an application fee and inspection. This way the Township is out of the loop and there is no religious implications. The certification of the heating and cooling can be done by the landlord and should be submitted at the same time, signed by the landlord. Landlords deserve the trust factor until they violate.

Committeewoman Dodd agreed the mechanical certification from the Landlord is very good. Not every landlord registers with the Township.

Township Attorney McGuckin discussed the Township has an ordinance that requires Landlord Tenant registration. A court summons can be issued for violations, utilizing the state statute.

Township Administrator/Clerk Ambrosio discussed the Construction/Zoning office instructs the landlords as they come in, they need to fill out a Landlord Disclosure Form. The permit can be refused if the property is not registered.

Township Attorney McGuckin discussed if a rental property owner comes in for a permit, the construction office should check to see if they have filed a Landlord Disclosure Form.

Mr. Lange discussed the whole thing is discriminatory. Give the landlord 10 days to fix the property issues. If the property is not maintained, the Township can put a lien on the property.

Committeewoman Dodd discussed the Township has never refused a permit for an emergency repair.

Township Attorney McGuckin discussed sometimes the owner is an LLC or out-of-state. The Township cannot get paid on a summons unless the property is served with a summons. The Township cannot serve an entity on an LLC. It is very difficult and time consuming to find the name of the managing member of an LLC.

Basil Shehady, 99 Railroad Avenue, discussed the Township will never be able to control an Airbnb. Regarding rentals, if the Township receives a complaint from a new tenant, send somebody out, instead of waiting for the history of what happened. If I was renting, I would like to see somebody act on my complaint. Regarding the LLC, the managing member should be made part of the application.

Township Administrator/Clerk Ambrosio discussed at a meeting regarding the Town Center, State Officials recommended the Township have Home-Away's and Airbnb's in the Town Center application.

Deputy Mayor Baulderstone discussed Airbnb's could be covered for six months. The landlord would have to refile after the six months, rather than file every time.

Township Attorney McGuckin discussed the Township does not have a short-term rental ordinance at all. It is becoming more prevalent around the state. Some towns address it. Some towns start to address it then decide to stay out of it because the residents do not want the town involved. The law for short-term rentals is different than a year-to-year lease. A landlord's obligation for a short-term rental is much higher than a regular year-to-year landlord. It is still between the landlord and the tenant. The Township might not want to do an ordinance until it is a problem

Mayor LoParo discussed he agrees.

#### **PUBLIC COMMENT:**

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

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

Mr. Lange discussed the riprap is going to be a problem for people getting in and out of kayaks. The Township should go with the bulkhead.

Township Administrator/Clerk Ambrosio discussed there will be a short dock and the boat ramp for the kayaks.

John Petrosilli, 11 Vessel Road, inquired if the Township has a fund for the sanitary sewer maintenance. The Township has spent \$25 million on water and sewer since getting rid of the MUA.

Township Administrator/Clerk Ambrosio discussed yes, for maintenance. This is a major project. It is \$1 million for these two pump stations.

Township Attorney McGuckin discussed these projects would have been done by the MUA anyway. All of the systems were at their life expectancy.

Mayor LoParo discussed the pump station is on Bayshore Drive. The bulkhead is falling apart. A temporary pump is powering it right now. The Township has to put out the fires and keep moving. The Township wants to do it right.

Mr. Petrosilli inquired when the building at the end of Bryant will be coming down.

Township Administrator/Clerk Ambrosio discussed it will be down probably in the next week or so.

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

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

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

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

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

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

Next Scheduled Meetings

July 11, 2019 – 7:00 pm - Regular Business Meeting

**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