

MEETING MINUTES

TOWNSHIP OF OCEAN  
COUNTY OF OCEAN  
BUSINESS MEETING  
May 14, 2020  
10:00 am

Call to Order

ROLL CALL: LOPARO  X  DODD  X  BAULDERSTONE  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 – Ken Baulderstone

Mayor Baulderstone discussed there are forty-two (42) COVID19 cases in the Township, which is very good compared to other Townships in the state. There are still many residents not wearing face coverings. I’ve also seen groups of teenagers on bikes or walking, which no regard to the 6 foot spacing and no face coverings. The reopening of the state is going to be good for many people. Seniors and people with underlying conditions should stay at home, wear a face covering outside and maintain 6 feet of social distancing.

The Township has reopened the municipal parks however the playground equipment, benches and restrooms are not open. The tennis and pickleball courts are open.

I would first like to continue to thank all the Township’s First Responders for their dedication and work during this difficult time. I also would like to thank the Department of Public Works and all essential personnel that are continuing to work at this difficult time.

Resolution 2020-155 proclaims May 17–23, 2020 as National Public Works Week. If the Committee were in the meeting room the proclamation would have been presented to the Superintendent of Public Works, Matt Ambrosio and all the employees. The efficiency of the qualified and dedicated personnel who staff the Township of Ocean Public Works are top of the line.

The Township of Ocean Committee urges all citizens to acquaint themselves with the issues involved in providing our public works services and recognize their contributions, which public works professionals make every day to the health, safety, comfort and quality of life. Thank you, Township of Ocean Public Works Employees.

Resolution 2020-156 acknowledges International Firefighters Day May 4, 2020. If the Committee were in the meeting room the proclamation would have been presented to Fire Chief Bent Cunningham and all members of the Waretown Volunteer Fire Department.

International Firefighter’s Day recognizes all firefighters who serve and have served their communities. They set themselves apart as model citizens, setting a fine example in their communities with their

willingness and dedication. The Township Committee urges all citizens to recognize not only our local firefighters but those worldwide and year-round for their courage, selfless service, and sacrifice. Thank you, Waretown Volunteer Fire Department, for all you do and continue to do for your community.

Resolution 2020-157 acknowledges National EMS Week May 17-23, 2020. If the Committee were in the meeting room the proclamation would have been presented to Captain Mike Kane and all the members of the Waretown Volunteer First Aid Squad. The Township Committee acknowledges their courage, selfless service, and sacrifice for the residents of the Township of Ocean.

EMS week brings together local communities and medical personnel to honor the dedication of those who provide the day-to-day lifesaving services and this year celebrates the 46<sup>th</sup> annual National EMS Week. The Township Committee urges all citizens to honor, acknowledge and congratulate the Waretown Volunteer First Aid Squad. We do recognize their outstanding efforts and outstanding dedication and service to this community. Residents are strongly encouraged to consider joining the Waretown First Aid Squad. Thank you, Waretown Volunteer First Aid Squad.

Ordinance 2020-5, First Reading, Title Only, is being introduced today to clarify the section of the codebook regarding sidewalks and curbs.

Resolution 2020-152 appoints a Redeveloper for the property commonly known as the Southern Ocean Landfill. Southern Ocean Waretown Solar Farm, LLC has provided correspondence to the Township requesting to be designated the Redeveloper of the property. Southern Ocean Waretown Solar Farm, LLC will be investigating the property and approvals to implement a solar farm on this property.

This project review will be at no cost to the Township. Southern Ocean Waretown Solar Farm, LLC has setup an escrow account with the Township. They will be reviewing the municipal tax liens on the property. The Township Committee will be reporting on this item as it proceeds. This is step 1 for the company to complete their due diligence.

Resolution 2020-154 authorizes the rejecting of all bids for the rehabilitation of the Diamond Drive pump station. The bids came in over the engineer's estimate. When all manufacturing is working again and the uncertainties are behind us, the Township will rebid the project.

Resolution 2020-162 authorizes Mathis Construction Company to provide gas meter installation and upgrades to the Bayshore Pump Station. Work has stopped on the Bayshore Pump Station due to Executive orders regarding COVID 19. The company is waiting for the manufacturers to be allowed to work to obtain the equipment necessary to complete this extremely important job. A bypass is in place to provide service and every effort is being made to control the sound level for the comfort of the nearby residents.

#### Department of Public Works

Please be aware the tennis and pickleball courts are now open, as of Tuesday, May 12, 2020. The key needs to be picked up from the Police Department Dispatch and returned after the courts are locked.

Residents using the courts are required to comply with the following rules:

- Singles only or doubles where the partners live in the same household.
- Each player (or doubles partners) serve with their own balls.

- Receiving player(s) do not touch the ball with their hand and use their racquet to get balls back to the server.
- Balls for each player are uniquely marked (like in golf).

Still closed are playground equipment, picnic tables, basketball courts, bathrooms and pavilions.

Please be reminded when using the parks for passive recreation, practice social distancing and wear masks. The Governor and Commissioner of the Department of Health encourage everyone to wear a face covering when you are not at home. The Township Committee will continue to monitor the directives given by the Governor's office on parks and recreation.

Community Center. The Community Center floors have been scrubbed and waxed. The Senior Room is being painted at this time. The new furnace has been installed. The new lights are being installed. The new air handler is on order. The schedule to install is the week of May 18<sup>th</sup>, if there are no hold ups from the manufacturer due to COVID-19.

Faust Park. The park is being prepped for the new playground equipment. The park is being elevated to prevent future flooding of the equipment area. The equipment has arrived. Once the company can work again and the groundwork is complete, the installation will be begin.

Dog Park. The Township is waiting on fence companies to review the property for pricing. The Township has received a price for fencing with the Department of Public Works installing, as most companies are not working currently due to Corvid 19 Executive Orders.

#### Deputy Mayor – Lydia M. Dodd

Ordinance 2020-3, Second Reading, Public Hearing, amends the Vacant Property section of the Property Maintenance Code to include, if a property does not properly register and pay the fees for a vacant property, a municipal lien will be placed on the property. This will ensure that the Township is paid the proper fees. This will also show for a person purchasing the property during a title search.

Tax Department. The Township had a special meeting on May 7<sup>th</sup> to pass a resolution to extend the grace period of the 2<sup>nd</sup> quarter taxes. The resolution needed to be complete prior to May 10<sup>th</sup>, which is the original grace period. The additional grace period is now until June 1<sup>st</sup>. If payment is not received by June 1, 2020, interest will revert back to the statutory due date of May 1, 2020.

Resolution 2020-153 authorizes the Tax Collector to send estimated tax bills, due to the State of New Jersey delaying the adoption of the State Budget. The Division of Local Government Services cannot approve municipal budget and the County Board of Taxation cannot certify taxes until after the June 30<sup>th</sup> deadline. Third quarter tax bills are due August 1, 2020 and will have the statutory 10 day grace period.

Resolution 2020-161 authorizes T&M Associates to assist the Township in the Town Center renewal process with the State Planning Commission.

Vacant Property Registration Report. April registrations total \$6,250.00. Total amount received in 2020 is \$46,750.

Zoning Department – April Report. 16 applications approved, 7 applications pending review, 2 denied applications.

Kristy's Casual Dining outside patio permit was released and is moving along.

Code Enforcement – April Report. 30 Notices of Violations, 0 Second Notices of Violation, 3 properties abated their violations.

Construction. Cornerstone buildings 3 and 4 have received Temporary Certificate of Occupancy and Certificate of Occupancies are being issued.

Tradewinds is proceeding nicely. Inspections are ongoing. Clubhouse permits were issued.

There have been 17 permits issued with 2 permit updates, 2 Notices of Violations/Ordered to pay penalty for work without a permit and 2 Unsafe Structures. There was a structure falling down and a fire.

#### Committeeman – Ben LoParo

Ordinance 2020-3, Second Reading, Public Hearing amends the fees for records in the Police Department. The Police Department will be offering the service to obtain an accident and other reports online.

Resolution 2020-158. The Township of Ocean would have presented the Proclamation to Chief Rogalski for National Police Week this morning. As you are aware, we are not in the meeting room. This Proclamation is to celebrate the dedicated men and women who serve in our Township's Police Department. The Township Committee urges our citizens to join in commemorating law enforcement officers, past and present, who by their faithful and loyal commitment to their communities, have established for themselves the rights and security of all citizens. The Township Committee hereby proclaims May 10-16, 2020 as National Police Week in the Township of Ocean.

Resolution 2020-163 authorizes T & M Associates to go out for bid on the bulkhead/gabion cages and repair to the small dock at the park at the end of Bryant Road. Once the bids are received the Township Committee will review and award the project.

#### Municipal Alliance/Recreation

All events are currently on hold. The State will continue with the Municipal Alliance Funding until March 13<sup>th</sup>. The State has suspended all grant funding for the Municipal Alliance for the remainder of the year and possibly next year.

The camps are on hold. The Township Committee will decide on the camps at the June 14<sup>th</sup> Meeting.

Committeeman LoParo discussed the Township Committee cannot tell residents to wear a mask outside. It is up to you. The Governor has said the same thing. It is your option whether you wear a mask outside. Going to ShopRite is something completely different. The Township asks that you maintain social distancing.

#### Chief of Police – Michal Rogalski

Chief Rogalski read the April 2020 Police Report. The Police Department handled 4,437 calls for police service, 1 abandoned 9-1-1 call, 24 alarms were activated and responded to, 19 animal complaints were handled, 3,280 individual business and residential checks, 1 criminal mischief act was investigated, 3 domestic violence incidents, 7 verbal disputes/harassments, 7 disabled vehicles were assisted, 54 first aid

calls, 52 general complaints, 6 motor vehicle accidents, 2 juvenile complaints, 2 psychiatric evaluations (PESS), 42 suspicious persons and/or vehicles, 4 residential and commercial thefts were investigated. A full list of this activity is listed on the website.

### **Committee Discussion - Canceling/Postponing Events**

Township Administrator/Clerk Ambrosio discussed the Town Wide Yard Sale and Hooked on Fishing events are scheduled for June 6, 2020. The Stay-At-Home order is in effect until June 7, 2020. The Yard Sale has been in July in the past. It was moved to June before the Town Wide Clean Up Weekend. Hooked on Fishing has also been scheduled in July in the past. These two events can be postponed and the new date announced at the next Township meeting.

Committeeman LoParo and Deputy Mayor Dodd discussed they agree with postponing these two events.

Mayor Baulderstone discussed the Town Wide Yard Sale and Hooked on Fishing events will be postponed and reconsidered at a later date.

Township Administrator/Clerk Ambrosio discussed the Town Wide Clean Up Weekend can be held June 12<sup>th</sup> and 13<sup>th</sup> with social distancing. The residents will be notified they cannot exit the car at any time. The Department of Public Works (DPW) will collect items out of residents' cars, which they have done in the past anyway. The DPW employees will wear gloves and masks. DPW Superintendent Ambrosio has written a letter to Ocean County Solid Waste requesting paint recycling bins. The Township is waiting to see if the paint recycling vendor is going to participate. That is the last piece of the puzzle. It is important that this event only have DPW employees working it. The Township appreciates its volunteers, however, it should just be DPW employees due to the social distancing guidelines.

Deputy Mayor Dodd discussed she agrees with only allowing DPW employees to work the Town Wide Clean Up Weekend this year. The Township has great volunteers who enjoy assisting us but the Township does not want to take the chance right now.

Committeeman LoParo discussed he agrees.

Mayor Baulderstone discussed Executive Order 142 allows the Township to conduct the Town Wide Clean Up Weekend as a drive-through event. Residents should stay in their vehicles.

Township Administrator/Clerk Ambrosio discussed the Town Wide Clean Up social distancing procedure will be sent out on the Township email, posted on the Township website and on the flashing signs. The event is June 12<sup>th</sup> and 13<sup>th</sup>. The Township will review what the Governor's guidelines are at that time.

Mayor Baulderstone discussed if there is an issue, the resident will have to mask up and open the window.

Committeeman LoParo discussed that procedure will have to be posted as well.

Township Administrator/Clerk Ambrosio discussed the Recreation camps will be discussed at the June meeting.

Township Administrator/Clerk Ambrosio discussed the Ocean County Natural Lands Trust sent the Township a letter regarding purchasing 5 Windward Drive to add to their Natural Lands Trust property that is adjacent to that property. This property is mostly wet.

Committeeman LoParo discussed he went out and looked at the property and has no problem with it.

Deputy Mayor Dodd discussed she also looked at the property and it is fine to sell that property.

Township Administrator/Clerk Ambrosio discussed a zoning ordinance will be added to today's agenda. This ordinance will be posted on the website immediately.

**PUBLIC COMMENT:**

**Motion to Open Public Comment** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

Roll Call: LoParo: Yes, Dodd: Yes, Boulderstone: Yes

Township Administrator/Clerk Ambrosio discussed it was advertised and announced that public comment would have to be submitted by email by 4:30 pm on May 13, 2020. One (1) resident public comment was received.

Mayor Boulderstone discussed public comment is intended to deal with matters the Township Committee can act on. It is not a general airing of personal concerns.

Township Attorney Dasti discussed having the public submit questions ahead of time via email is completely appropriate. At the first Zoom meeting, the Township received a public comment that was two and a half pages long and was more an airing of grievances, derogatory statements towards certain classes of individuals and organizations, which is completely inappropriate. Those comments at a public meeting will not be allowed. Derogatory comments were submitted again. This is inappropriate. Township Administrator/Clerk Ambrosio has reviewed the comments and will address comments and questions that relate to Township business. Those questions will be read into the record. It is inappropriate to read a rambling about individuals or personal attacks against groups of people.

Township Administrator/Clerk Ambrosio read comments from Joseph Fabozzi, 99 Bay Parkway into the record, as follows:

- Why are we only allowed to have one shed? Why can't we have carports, gazebos or greenhouses if we have a shed? I feel the one shed rule violates the Fifth Amendment of the US Constitution. It is a regulatory taking of private property without just compensation. I maintain that I would have come up with a million dollar idea by now if the town was not forbidding me to do what I want to do on my property.

Township Attorney Dasti discussed the Township has various zoning ordinances in place. If an individual wants a shed on his property or five, the resident should submit the necessary permit application to the Zoning Officer. If it is permitted by ordinance, that person can erect a shed at their leisure. If it is not permitted and the resident disagrees with the permit application, they can pursue other recourse.

Comment from Joseph Fabozzi, 99 Bay Parkway:

- I want a storm drain in my street. You guys lied to me before. There is a drain after Central Avenue that already goes into the Natural Trust Lands. You guys lied to me about the NJ Natural Trust and the County saying we can't put water across the street because it is wetlands. I wrote the County and Natural Lands Trust. You guys were never told that we can't install storm drains because it is wetlands or any other reason

Township Administrator/Clerk Ambrosio discussed Bay Parkway is a County road. This has been explained several times. The Township Committee, myself and the Ocean County Road Department have been in touch with this resident explaining the situation and what Ocean County is going to be doing. Mr. Fabozzi needs to contact the County.

Comment from Joseph Fabozzi, 99 Bay Parkway:

- The Mount Laurel affordable housing mandate is unconstitutional. It's regulatory taking of private property without just compensation. Waretown should be uniting with other towns in New Jersey to sue the State of New Jersey in the Fair Share Housing center.

Township Attorney Dasti discussed the affordable housing mandate is constitutional. It is the law in New Jersey for better or worse. The New Jersey Supreme Court issued an order about five or six years ago requiring every municipality in New Jersey to meet its affordable housing obligation. Waretown, as well as every other town in New Jersey, was sued by the Fair Share Housing Center to meet their affordable housing obligation. Everyone can disagree with the Mount Laurel obligations but that is the law in New Jersey. Every town has to comply with the affordable housing mandate. Towns throughout the state are now resolving their affordable housing obligation until 2025. The Supreme Court says we have to comply.

Township Administrator/Clerk Ambrosio discussed that is all the questions that have to be read today.

**Motion to Close Public Comment** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

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

**MOTION TO APPROVE:** Meeting Minutes of February 13, 2020-CDBG Meeting, February 13, 2020, February 27, 2020, March 12, 2020, April 9, 2020, April 23, 2020 and May 7, 2020

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

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

**Resolution 2020-151** Payment of Claims – as presented to the Township Committee for the for payment thereof in the amount of \$3,903,664.61

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

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

**Ordinance 2020-3 – 2nd Reading – Public Hearing**

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey Amending Chapter 280 of the Township Code entitled "Property Maintenance" to include failure to pay vacant property registration fee a lien will be placed on the property.

**Motion to Open Public Comment** was moved by Deputy Mayor Dodd, seconded by Committeeman Loparo.

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

No comments from the public were received regarding Ordinance 2020-3.

**Motion to Close Public Comment** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

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

**Motion to Approve Ordinance 2020-3** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

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

**Ordinance 2020-4 – 2nd Reading – Public Hearing**

An Ordinance of the Township Committee of the Township of Ocean, County of Ocean State of New Jersey Amending and supplementing Chapter 284 of the Township Code entitled “Records, Public” and specifically Section 3 Thereof entitled “Fees for Copies”

**Motion to Open Public Comment** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

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

No comments from the public were received regarding Ordinance 2020-4.

**Motion to Close Public Comment** was moved by Deputy Mayor Dodd, seconded by Committeeman LoParo.

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

**Motion to Approve Ordinance 2020-4** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

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

**Ordinance 2020-5 – 1<sup>st</sup> Reading – Title Only**

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 336 OF THE TOWNSHIP CODE ENTITLED “STREETS AND SIDEWALKS” AND ESTABLISHING ARTICLE III ENTITLED “SIDEWALKS AND CURBS”

**Motion to Approve Ordinance 2020-5** was moved by Deputy Mayor Dodd, seconded by Committeeman LoParo.

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

**Ordinance 2020-6 - 1<sup>st</sup> Reading – Title Only**

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING PROVISIONS OF CHAPTER 410 OF THE TOWNSHIP CODE ENTITLED “ZONING”.

**Motion to Approve Ordinance 2020-6** was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd.

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



**Resolution 2020-152**

RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING SOUTHERN OCEAN WARETOWN SOLAR FARM, LLC AS CONDITIONAL REDEVELOPER FOR PROPERTY COMMONLY KNOWN AS THE SOUTHERN OCEAN LANDFILL

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

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

**Resolution 2020-153**

RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP OF OCEAN TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994.C.72

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

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

**Resolution 2020-154**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey, rejecting all bids for the Diamond Drive Pump Station Rehabilitation project

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

Roll Call: LoParo: Yes, 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.**

- 2020-155 Resolution Proclaiming National Public Works Week May 17-23, 2020
- 2020-156 Resolution Proclaiming International Firefighters' Day May 4, 2020
- 2020-157 Resolution Proclaiming National EMS Week May 17 – 23, 2020
- 2020-158 Resolution Proclaiming National Police Week May 10-16, 2020
- 2020-159 Resolution Proclaiming May as Older Americans Month
- 2020-160 Resolution of the Township of Ocean, County of Ocean, State of New Jersey authorizing the release of a performance guarantee subject to posting of a maintenance Guarantee to MSC Enterprises, LLC – Morey Place Subdivision
- 2020-161 Resolution authorizing T & M Associate to provide services for the Waretown Town Center renewal in the amount not to exceed \$22,000
- 2020-162 RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING MATHIS CONSTRUCTION CO., INC. TO PROVIDE GAS METER INSTALLATION AND UPGRADES AT THE BAYSHORE PUMP STATION
- 2020-163 Resolution authorizing T & M to go to bid for the Bulkhead/Gabion Cage and replacement of small dock

**Motion to approve - Resolutions 2020-155 through 2020-163:**

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

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

Committeeman LoParo discussed there are three (3) graduations that the children are missing due to COVID19, Southern Regional High School 12<sup>th</sup> Grade Graduation, Frederic A. Priff School 6<sup>th</sup> Grade Graduation and the Waretown Elementary Pre-K Graduation. It would be really nice if the Township could acknowledge these graduations at the next Township Committee meeting.

Mayor Baulderstone discussed the Township will see what can be done, when the meeting gets closer to date.

**Next Scheduled Meetings**

May 28, 2020 – Business Meeting – 10:00 am

June 11, 2020 –Business Meeting – 7:00 pm

**Adjournment**

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

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

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Municipal Clerk

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Date