

MEETING MINUTES

**TOWNSHIP OF OCEAN
COUNTY OF OCEAN
BUSINESS MEETING
September 22, 2020
5:30 pm**

Call to Order

Flag Salute

ROLL CALL: LOPARO X DODD X BAULDERSTONE X

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.

Executive Session

Resolution 2020-247

Resolution authorizing the Township Committee to go into Executive Session for the following reasons: Contractual and litigation.

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

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

Motion to move into Executive Session was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd

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

Motion to move into Open Session was moved by Deputy Mayor Dodd, seconded by Committeeman LoParo.

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

Ten (10) Minutes Recess

Regular Business Meeting 6:00 pm

Call to Order

Flag Salute

ROLL CALL: LOPARO X DODD X BAULDERSTONE X

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

Ordinance 2020-12, 13 & 14 – Bond Ordinances. The bond ordinances being introduced tonight are for capital projects throughout the Township.

On August 26th, the Township obtained bids for a short term note on capital projects. The winning bid was 0.5098% for a 12 month note. The projects that were bid for the Birdsall Water Tank and the New Jersey Department of Transportation (NJDOT) project came in lower than the estimated costs. Due to these two items the Township Committee will be taking advantage of the rates and bonding for additional capital projects that will need to be completed in 2021.

Ordinance 2020-12 is allowing for the re-appropriating of funding that has been bonded. The bids came in lower for the NJ DOT projects in the bond. The additional funding will be re-appropriated to the bulkhead replacement project. The Township had included an alternate to obtain pricing for Tuscarora Avenue Crystal Point Peninsula bulkheading. The cost estimate was over 1 million dollars and the bid came in under half a million dollars. The Township is moving forward with this project.

The two other bond ordinances are for capital items within the Township's Utility Department. These are maintenance issues that need to be handled and are included in the New Jersey Department of Environmental Protection Clean Water Act. The water tank on 8th Street and the pump station on Diamond Drive need to be refurbished. The public hearing will be on October 13, 2020.

Ordinance 2020-15. This ordinance is amending "Water & Sewer Connections". The Township has received many inquiries regarding the sale of properties and the requirement to connect to the utilities. This ordinance allows for the sale of the property and connection with 60 days of the date of the closing of title. It outlines all items necessary to obtain the 60-day provision. The public hearing will be on October 13, 2020.

Department of Public Works

The skate park is closed due to repairs necessary on one of the ramps. The Department of Public Works is working diligently to repair the skate park. They are hoping to have it opened for the weekend but cannot guarantee it. The Township will send a Town Wide e-mail when it is ready to reopen.

Bryant Road Park/Property

Albert Marine has completed the new bulkhead and dock, except for the Trex decking, which is on back order. A punch list will be generated for the project.

Township Bulkhead Repair

The Township has bid and awarded the project to Albert Marine. The crane has been moved to Crystal Point Peninsula Park for staging for the repairs to the bulkhead. A preconstruction meeting is set for tomorrow for the project.

Senior Advisory Committee

The Senior Advisory Committee meeting will take place at the Engel Sprague Senior Center on September 28th at 10:00 am. Coffee and individually wrapped snacks will be provided. Speakers have been contacted and awaiting confirmation.

Halloween House Decorating Contest

The Township will be holding its Annual Halloween House Decorating contest. Judging will take place on October 21st during 6:30pm–9:00pm. 1st prize is \$100.00, 2nd prize is \$75.00 and 3rd prize is \$50.00. The winning addresses registered for the contest will be sent in a Town Wide e-mail for people to enjoy driving by the homes. Please contact the Recreation Department to nominate any addresses.

Holiday Spectacular Light Show

This year there will be a drive-thru Holiday Light Show at Corliss Park. Some of the sponsors and vendors have sent in their checks. Additional information will be available at the October meeting.

The Township will be accepting applications for vendors and sponsors for the Chriskindl Market event. This event is in conjunction with the Waretown Volunteer Fire Company.

Deputy Mayor – Lydia M. Dodd

Resolution 2020-248. Resolution authorizing the return of escrow funds for DMK Developers, which is Tractor Supply.

Vacant Property Registration Report. August registrations total \$4,500.00. Total amount received in 2020 is \$72,000.00.

Zoning Department–August. 19 applications approved, 4 applications pending review, 0 denied applications.

Code Enforcement–August. 27 Notice of Violations, 11 Second Notice of Violation, 7 properties abated their violations, 2 Property Maintenance Lien Requests.

Construction - 27 permits issued, with 14 permit updates, 1 Notice of Violation/Ordered to pay penalty for work without a permit and no inspection.

Tradewinds is proceeding nicely. Inspections are ongoing. The Township Engineer has met with the property owners and are anticipating having the first building open for rentals starting January 2021. They will have site work and other outstanding items that need to be completed prior to the Certificate of Occupancy being issued.

Committeeman – Ben LoParo

Municipal Alliance

Due to COVID-19 there has not been a Municipal Alliance meeting. The Coordinator is going to schedule a Zoom Municipal Alliance Meeting since the schools are back in session. The state announced there is a special 5th Quarter funding available this year. The Township applied and the total amount the Township of Ocean will receive is \$3,110.80 additional.

The Haunted Hayride has been cancelled this year due to COVID-19 restrictions.

The School Board, School Administration and School Staff did an outstanding job getting our kids back to school safely. The children in Pre-K through 6th Grades are in school five days a week. That is where they belong. One step towards normalcy in this crazy time.

The students at Southern Regional are going on a modified schedule, where the children go two days one week and three days the next week.

Chief of Police - Michal Rogalski

Chief Rogalski read the August 2020 Police Report. The Police Department handled 4,318 calls for police service, 10 abandoned 911 calls, 43 alarms were activated and responded to, 25 animal complaints, 2,608 individual business checks, 1 criminal mischief, 6 domestic violence incidents, 17 verbal disputes and/or harassment complaints, 5 disabled motor vehicles, 3 drunk drivers, 5 drug arrests, 85 first aid calls, 80 general complaints, 25 motor vehicle accidents, 420 motor vehicle stops of which 89 summons were issued, 2 juvenile complaints, 4 psychiatric evaluations, 10 persons were arrested on various warrants, 56 suspicious persons and/or vehicles, 2 thefts from residents or commercial properties. A full list of this activity is listed on the website.

The Police Halloween Moon Walk has been cancelled and replaced with a new program called Cone-with-A Cop. Cone-with-A-Cop was held last summer, partnered with the PBA Local 371, and was attended very well at Trailside Gardens. Children received one free ice cream cone and hung out with Police Officers and the Fire Department and had general conversations.

On Friday, October 30th, from 6pm-9pm, at Trailside Gardens, the Police Department, PBA and Township of Ocean Municipal Alliance have partnered with Trailside Gardens and the Higgins Family to bring you the biggest outdoor Halloween party in town. Cone-With-A Cop Halloween Edition will be open to the public, geared towards children. Everyone is welcome. People are encouraged to wear costumes. CDC Guidelines and social distancing will be followed. There will be individual bags of candy people can pick off the table. All kids 17 and under will receive a free ice cream cone. For those who want to participate, we are asking families to carve a pumpkin at home and drop it off at Trailside Gardens on Friday, October 30th between 11:00am and 3:00pm to be entered into a pumpkin carving contest. It will be a great time.

PUBLIC COMMENT:

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

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

Michelle Dress, 181 Royal Oak Drive, discussed she is trying to connect the sewer at 151A Wells Mills Road and has been denied by the County to open the road to connect due to traffic obstruction. The Township has also denied a siamese connection, which would not require opening the road. I would like to appeal the Township's denial.

Township Attorney Dasti discussed if the permit was denied you can appeal to the Construction Board of Appeals.

Ms. Dress discussed the building permit was approved and inquired if a separate permit is needed.

Township Attorney Dasti discussed he does not know what permits you were told and cannot tell you what other permits you need. The Township ordinances require every property to have its own water and sewer connection.

Ms. Dress discussed the two Township ordinances apply to the water specifically. The third ordinance is the Municipal Utility Authority (MUA) rules and regulations, which applies to sewer.

Township Attorney Dasti discussed the letter says per Township ordinances and the rules and regulations of the MUA that are incorporated by reference in the Township Code Book that every property has to have a water and sewer connection. After the MUA was taken over by the Township, the rules and regulations of the MUA were incorporated into the Township's Code Book.

Ms. Dress discussed the County's denial letter states please use an alternate method. Ms. Dress inquired why a siamese connection is not an acceptable alternate method.

Township Attorney Dasti discussed the Township is not going to comment on what the County did or did not tell you. The Township ordinance and the MUA rules and regulations state every property has to have its own water and sewer connection.

Ms. Dress discussed she will progress further with the County and inquired if there is anything that can be done with the Township of Ocean to get it in writing as to why she cannot have a siamese connection.

Township Attorney Dasti discussed other than what the ordinances say, no. This is the same conversation he discussed with her. I am curious as to why we have to have this conversation again.

Ms. Dress discussed I want to make sure everyone is hearing what I am asking. I have a hardship.

Jason Worth, Township Engineer, discussed I cannot speak to what has been permitted in the past or what was built in the past. There is a concern with a sewer lateral from one home crossing onto another property connecting to that sewer lateral and their being maintenance issues. In my experience in the Township, when the Township has undertaken water and sewer replacement projects, it has gone out of its way to eliminate any connections like this. Seneca Boulevard is a good example where the Township disconnected any connections that may have been built 40 years ago when homes were first installed.

Michael Dress, 181 Royal Oak Drive, discussed 151A Wells Mills Road. It has been 7 months of back and forth he-said she-said. I am begging for someone to tell us the process to get sewer and water to this home. State Senators are telling me I need to seek counsel. Mr. Dress read an email from Michelle Dress to Mayor Baulderstone and the response from Mayor Baulderstone. It looks like we have no other option but to bring on a lawsuit.

Township Attorney Dasti discussed litigation is being threatened. I advise the Township Committee not to comment. Mr. Dress' comments are presuming a Township Clerk or Administrator has the sole authority to issue or not issue a permit or an approval. That is not true. The ordinances are clear that every property has to have a water and sewer connection. As much as you want to think it is one person or a group of people, it just isn't.

Joe Fabozzi, 99 Bay Parkway, discussed I am here to demand Ben and Lydia resign. They are only interested in legislation that benefits them and their cronies.

Township Attorney Dasti discussed Mr. Fabozzi can make public comment but does not have the right to make allegations against people.

Mr. Fabozzi discussed the Zoning office could not accommodate making his porch bigger but can accommodate the Zell's to build condos.

Committeeman LoParo discussed the Township will have to ask you to leave if you keep yelling. You need to calm down.

Mr. Fabozzi discussed the Township takes care of their friends and then lets somebody build on 8 Crosswind and hurt my family. Mr. Fabozzi discussed the Township is telling me I cannot have storm drains up my street. The people of Waretown do not want condos built on the Zell's property. I am calling the FBI tomorrow. The Mount Laurel mandate violates the Constitution 5th Amendment. I called the FBI on you before and they said I was right. I'm calling them tomorrow. I hope they lock you all up.

Vivian Lange, 2 Shore Drive, discussed she does not understand why her kids, the Dresses, were given permits if the Township was not going to let them hook up.

Mr. Worth discussed the Dresses are permitted to connect to the water and sewer. They just have to make an individual connection. Every property owner who is building a home has to make an individual connection to the water and sewer. The Township cannot tell everybody how they are going to do it. There are multiple ways to do it. As Mr. Dasti said before, we sat down earlier today and the contractor came up with another idea that has not been mentioned at least to me before. There may be more than one way to accomplish this. The Township will accept a utility application proposing what the Dresses would like to do. The Township can review the application and make sure it is compliant with Township ordinances. A road opening from the County of Ocean is required because Well Mills Road is a County roadway.

Ms. Lange discussed suppose they get turned down.

Mr. Worth discussed the Township has spoken to the County and they have indicated that if they have an approval for a type of connection to the sewer main, they will review that and they would not object to a road closure in order to accomplish this.

Ms. Lange discussed if they get turned down, which what I think they've been trying to do, then they are stuck with a house that they cannot do anything with and the Township gave them all kinds of permits to build the house.

Township Attorney Dasti discussed you are all very experienced and knowledgeable real estate people. A building permit is to build a house. If you need a water and sewer connection permit, you have to go to the water and sewer department.

Ms. Lange discussed you should not give permits out to build a property and then they cannot hook up.

Township Attorney Dasti discussed you can hook up. The Township has been up front. The County has said they are not going to approve your permit to open a County road until you have an application approved by the Township. As I indicated this morning when we met, the Township has been trying to work with the County to try and push this along. I have shared with you what they have told us. If you do not want to take the Township's recommendations, you are free to do that. The Township is doing what it can to help push the ball down the field. It is a County road. It is my understanding the reason why it was denied is because they did not deem it a complete application because there was no plan.

Robert Lange, 2 Shore Drive, discussed in the code book under sewer, No. 445-1 says if the house is more than 200 feet you do not have to hook up. Jim Mackie told me I had to hook up to a siamese connection on Southwind Drive. I don't know if that law has changed since 1981. I had the same situation on Letts Landing Road. There is always a hardship for exceptions. You don't know what's going to happen when you dig 12 feet down. I spent \$150.00 on a backflow preventer. With the backflow preventer, you can never back up into the other house. Where we are tying in is out in the street right-of-way. It is approximately 12 feet from the property line.

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

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

Ordinance 2020-12

AN ORDINANCE AMENDING BOND ORDINANCE NO. 2020-10, ADOPTED ON AUGUST 11, 2020, BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, TO REAPPROPRIATE AND ADJUST PRIOR APPROPRIATION AMOUNTS SPECIFIED THEREIN WITHOUT INCREASING THE AGGREGATE AMOUNT PREVIOUSLY APPROPRIATED UNDER BOND ORDINANCE NO. 2020-10

Motion to approve Ordinance 2020-12 was moved by Deputy Mayor Dodd, seconded by Committeeman LoParo.

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

Ordinance 2020-13

BOND ORDINANCE APPROPRIATING THREE HUNDRED TWENTY THOUSAND DOLLARS (\$320,000) AND AUTHORIZING THE ISSUANCE OF THREE HUNDRED FOUR THOUSAND DOLLARS (\$304,000) IN BONDS OR NOTES OF THE TOWNSHIP OF OCEAN FOR BULKHEAD REPLACEMENT PROJECT AUTHORIZED TO BE UNDERTAKEN BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY

Motion to approve Ordinance 2020-13 was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd

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

Ordinance 2020-14

BOND ORDINANCE PROVIDING FOR VARIOUS WATER AND SEWER UTILITY CAPITAL IMPROVEMENTS IN AND BY THE TOWNSHIP OF OCEAN, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING ONE MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$1,145,000) THEREFORE AND AUTHORIZING THE ISSUANCE OF ONE MILLION ONE HUNDRED FORTY-FIVE THOUSAND DOLLARS (\$1,145,000) BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING THE COST THEREOF

Motion to approve Ordinance 2020-14 was moved by Deputy Mayor Dodd, seconded by Committeeman LoParo.

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

Ordinance 2020-15

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 400-3 OF THE TOWNSHIP CODE ENTITLED "CONNECTION TO EXISTING LINES REQUIRED; EXCEPTIONS" AND CHAPTER 405-3 OF THE TOWNSHIP CODE ENTITLED "CONNECTION TO WATER PIPELINE REQUIRED OF CERTAIN PROPERTIES".

Motion to approve Ordinance 2020-15 was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd

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

Resolution 2020- 248

A Resolution of the Township of Ocean, County of Ocean, State of New Jersey, authorizing release of escrow money DMK Development (Tractor Supply) in the total amount of \$1,213.50

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

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

Ordinance 2020-16

AN ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY ESTABLISHING CHAPTER 411 OF THE TOWNSHIP CODE ENTITLED "ELECTRONIC FILE SUBMISSION STANDARDS."

Motion to approve Ordinance 2020-16 was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd

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

Motion to approve the below listed dates in 2020 for the use of the Community Center, Corliss Park Lake & Recreation Area, Tuomey Park and ballfield:

1. Kevin Sieling, Waretown Mariners Baseball Club

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

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

Resolution 2020- 249

RESOLUTION OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY, DIRECTING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER BLOCK 241.11, LOTS 12.01, 13.01, AND 13.02 QUALIFY FOR DESIGNATION AS AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO N.J.S.A. 40A:12A-1 ET SEQ. AND AUTHORIZING THE TOWNSHIP PLANNER TO PREPARE A REPORT

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

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

Next Scheduled Meetings

TUESDAY, October 13, 2020 – 6:00 pm
TUESDAY, November 10, 2020 – 10:00 am
TUESDAY, November 24, 2020 – 6:00 pm
TUESDAY, December 22, 2020 – 6:00 pm

Adjournment

Motion to adjourn was moved by Committeeman LoParo, seconded by Deputy Mayor Dodd
Roll Call: LoParo: Yes, Dodd: Yes, Boulderstone: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Municipal Clerk

Date