

MEETING MINUTES

TOWNSHIP OF OCEAN WORKSHOP/CAUCUS AGENDA November 12, 2009 – 7:00 pm

NOTICE OF THIS MEETING HAS BEEN PUBLISHED
IN ACCORDANCE WITH THE REQUIREMENTS OF
THE OPEN PUBLIC MEETINGS ACT.

Flag Salute

Roll Call Mayor Kraft X Deputy Mayor Lachawiec X
 Committeeman Tredy X

Also Present: Mr. Adams Absent Mr. McGuckin X

PRESENTATION: Wayne McVicar – RV&V – Water Allocation permit renewal

The Department of Utilities master permit renewal is due at the end of the month. This year Well 7 went on line. The town's water capacity has increased by 1.4 million gallons per day. There is sufficient capacity for all projects anticipated for the next 3-5 years.

The first project is Diamond Developers, known as Tradewinds at Waretown, located at Birdsall Street between Old Main Shore Road and Route 9, with 28,000 square feet of retail space, 20 one-bedroom apartments, 418 two-bedroom apartments and 6 three-bedroom apartments.

The second project is Coastal Urban Renewal, a 100-unit senior condominium project West of the Shop Rite development.

The third project is the Herman Zell property located East of Route 9. This project has 8,000 square feet of office space, 180 residential units, 86 three-bedroom townhouses, 22 COAH units and a 2,300 square foot clubhouse.

The Edgemont project is Section 8. Edgemont is an additional section to the Greenbriar Oceanaire project, with 60-90 homes.

These projects will be included in the Master Water Permit Renewal and any others.

Mayor Kraft inquired what would happen if the three projects never start.

Mr. McVicar stated the town has the capacity to support all the projects. If the town didn't have the capacity then the permit would have to be reconfigured.

Committeeman Tredy inquired if the projects are etched in stone.

Mr. McVicar stated no.

Deputy Mayor Lachawiec inquired if the water allocation permit could be construed as an approval of any of the projects.

Mr. McVicar stated no.

Township Attorney McGuckin inquired if the commercial component of the Greenbriar project is included.

Mr. McVicar stated the water allocation permit is composed of all proposed development. The town considers what has been built. There is a certain peak low the town puts out. It is anticipated that everything that has already been built, has been accounted for. There is a record of what the gross water usage is. The proposed development is three times what is anticipated. That's why it is minimized.

The renewal is due at the end of November. If another project comes ahead of these projects, it will not be covered in the master permit but will not be precluded from submitting an individual permit. The developer would have to account for everything that is already on the books and make sure the capacity supports that.

There are two state agencies, the Bureau of Water Allocation, which is concerned with the amount of water the town can produce. The Bureau of Water Systems and Well Permitting controls what is built in the way of piping and wells and permits the number of units that can be built. The Bureau of Water Allocation permit is good until 2016.

Mr. McVicar asked the Township Committee to confirm that the projects described are the anticipated future developments in the town and can be included in the permit.

Township Attorney McGuckin stated there is one commercial property on Route 532. The developer, Waretown Village Associates, is going to submit a plan.

Committeeman Tredy stated there is another project by Waretown Associates LLC on Route 9 and Seminole.

Mr. McVicar stated he needs approximate square footage and locations of the additional projects.

Township Attorney McGuckin suggested Mr. McVicar get a copy of the third-round submittal to COAH.

Mr. McVicar stated the town is looking at the next 3-5 years. If something is missed beyond that it can be added next year. The individual permits are more expensive.

Mr. McVicar requested authorization to include these projects on the permit.

Mayor Kraft stated action will be taken on this motion in the regular portion of tonight's meeting.

1. Committeeman Dennis Tredy

- GovDeals – items to be Whelen Traffic Advisory, (3) Whelen Traffic Advisory Boards, Tandem Boat Trailer, Crown Victoria taillight – (Res. 2009-336)

Buildings and Grounds

- Authorizing CMX to provide professional services for Sands Point Park Phase IIB Bathroom Facility and Boat Ramp in the amount not to exceed \$23,000.00 (Res. 2009-334)
- Authorizing CMX to provide professional services for Grant and Administrative Service for NJ DEP Green Acres Planning Incentive Grant not to exceed \$950.00 (Res. 2009-335)
- Authorizing the DEP Green Acres Enabling Resolution grant money in the amount of \$500,000 (Res. 2009-347)

Board/Committees

- Ordinance establishing alternate members to the Board of Health (Ord. 2009-13)

The Board of Health currently has five members. Sometimes there isn't enough members present to constitute a quorum. The Board of Health would like to have two alternates.

- Appointing alternate members to the Board of Adjustment Alternate #1 Alvin Beveridge, Alternate #2 Robert Lange (Res. 2009-348)

Mayor Kraft suggested considering and discussing board appointments at one meeting and passing the appointments at the next meeting.

2. Deputy Mayor Joseph Lachawiec

- Acknowledging and celebrating the Marine Corps 234th Birthday, November 10, 2009 (Res. 2009-351)

A proclamation thanking the Marines Corp. and their families. The town would like to thank all the Marines currently serving and risking their lives every day. Deputy Mayor Lachawiec requested this resolution be removed from consent agenda so the Proclamation may be read.

- Acknowledging and celebrating Veteran's Day, November 11, 2009 (Res. 2009-352)

A proclamation thanking all soldiers, sailors, Marines, Airmen, Coast Guardsmen, Merchant Marines and on-guardsmen and their families. Deputy Mayor Lachawiec requested this resolution be removed from consent agenda so the Proclamation may be read.

Finance

- Accepting a Maintenance Bond from MSC Enterprises – Ocean Plaza (Res. 2009-331)

A two-year maintenance bond in the amount of \$72,162.72.

- Authorizing Edmunds & Associates for Hardware and Software Maintenance for the year 2010 under State Contract A81201 in the amount of \$7,035.00 (Res. 2009-338)

The term is from January 1, 2010 to December 31, 2010.

- Authorizing Edmunds & Associates for M.I.S. program services for the Township of Ocean for the year 2010 total amount \$8,000 (Res. 2009-339)
- Authorizing signatures for Bank Account and Transfer Accounts for TD Bank and Ocean First Bank (Res. 2009-340, 2009-341, 2009-342, 2009-343)
- Authorizing appropriation transfers within the 2009 municipal budget (Res. 2009-344)

NJ State Law 40A:4-58 provides for appropriation transfers for the last two months of the fiscal year.

- Release of escrow money to Block 156, Lot 4 in the amount of \$135.47 (Res. 2009-345)
- Formally cancel dedicated balances in the amount of \$1,282,500.00 for Bay Parkway Extension (Res. 2009-350)

Utility

- Amending Chapter of the codified Ordinance of Ocean entitled Parking (Ord. 2009-11)

Tax

- Authorizing the discharge of taxes from Block 57.19, Lot 2 in the amount of \$3,655.89 as he is a disabled veteran

2. Mayor's Report Robert Kraft

Administrative

- Ordinance amending the Sign Ordinance Chapter 15.52 (Ord. 2009-12)

Locating the Marinas in the township can be complicated. Signage will raise professionalism throughout the municipality. This ordinance will include offsite signs. The signs must receive outside agency approval and are still held accountable to the current sign ordinance in terms of design.

- Request for Proposals for Professional Services for the year 2010 (Res. 2009-230)

Every year the town solicits proposals for Professionals' services. Proposals are due December 15, 2009 by 11:00 am.

Deputy Mayor Lachawiec inquired if the ordinance could include a potential addition of a special engineer for the dredging problems.

Mayor Kraft stated there are special project engineers. Special specific project engineers would be different.

- Joining Ocean County in Celebrating Pretty in Pink Day (Res. 2009-332)

This resolution supports the County and the Country to make breast cancer awareness more prevalent.

- A Resolution Fixing Salaries for non union administrative personnel 2009 at 3% (Res. 2009-337)

All non union personnel have not received raises for 2009.

Deputy Mayor Lachawiec stated the amount is in the budget.

- Appointing members to the Community Development Block Grant Committee to represent the Township of Ocean, Joseph Lachawiec and alternate members Diane Ambrosio and Jim Oris, CMX (Res. 2009-346)

This Community Development Block Grant Committee is based out of Toms River at the County level. Every year the town gets \$15,000-\$30,000 in projects, which have included handicap bathrooms and parking at the lake, paving walkway areas from parking to the pavilion at the lake and handicap accessibility at the community center.

- Approving grant application and execute agreement with NJ Department of Transportation for Demmy Avenue Improvement (Res. 2009-353)

Clerk

- Resolution authorizing the Associated Humane Societies, Inc. for Animal Control for the Township for the year 2010 (Res. 2009-333)

Contract amount is \$17,737.50. The town has not received any quotes.

Township Attorney McGuckin stated if there is a potential to get three quotes. Township Attorney McGuckin is not aware of any other company.

Mayor Kraft suggested removing this resolution from the agenda for further research.

Police Department

- Appointing a part-time probationary dispatcher Carolyn Keefe starting salary \$11.84 (Res. 2009-349)

Mayor Kraft read the Police Chief's report. There were 1,721 calls to the police department in October 2009. October 2008 there were 1,432 calls. There was a fatal accident yesterday, coming off the parkway on Wells Mills Road

Mayor Kraft read a letter from Congressman John Adler's office announcing Department of Homeland Security is staffing adequate Fire and Emergency Service grant. Township Clerk Ambrosio will forward it to the Fire Dept. and First Aid Squad.

Greenbriar Softball Club sent a letter commending Matt Ambrosio for an outstanding job maintaining the ballfields. Another letter thanked Jean Broadbent for arranging other leagues to play on the field.

Mayor Kraft reported on an Ocean County resolution designating County Road 97 Brookville Road, between Barnegat and the Township of Ocean as a through street.

Committeeman Tredy stated it gives the authority to put stop signs on intersecting roads.

Township Attorney McGuckin stated the same thing occurred on 7th Street some time ago.

Mayor Kraft requested Township Clerk Ambrosio call Ocean County and get clarification of the resolution.

The town had a business administrator for the past two years, who did a good job taking care of the day-to-day operations. Currently the town has a part-time, interim Business Administrator, who is leaving on December 31, 2009. Mayor Kraft requested support to advertise for an administrator. This municipality cannot function on a day-to-day basis, control a budget of \$14 million and have 60-70 employees without an administrator. An administrator would earn his pay in just writing grants and carrying out the day-to-day operations. Is the town going to advertise for an administrator or is it a dead position.

Committeeman Tredy inquired how long the town had a full-time administrator and did the town have an administrator prior to Mr. Mosca.

Mayor Kraft stated 2 ½ years. No, the town did not have an administrator prior to Mr. Mosca.

Committeeman Tredy stated the township managed to operate fairly decently since 1876 without a full-time administrator.

Mayor Kraft stated the township's population and the needs of the residents have gone up exponentially since 1876.

The administrator's salary does not have to be where Mr. Mosca's was. Options should be explored of having a dual office, Administrator/Clerk, Administrator/CMFO.

Committeeman Tredy stated the part-time, interim administrator, John Adams, works only three days a week. Have there been any problems?

Mayor Kraft could not say if there were or were not problems. It is the day-to-day operations that have to be taken care of. There are a lot of things that are open that are not getting done.

Deputy Mayor Lachawiec inquired if there is a state statute that requires the administrator to be contracted?

Township Attorney McGuckin stated the administrator does not have to start on the calendar anniversary date and can start at any time. The administrator statute on the township's form of government that sets forth the procedure, there's full-time, part-time.

Deputy Mayor Lachawiec suggested the town table the matter for three or four months. Mr. Adams is retired from Lacey Township. Lacey Township is four times the size of the Township of Ocean. Lacey Township has given the administrator duties to the Township Clerk. Mayor Parker and Committeeman Reid are happy with the arrangement. The Township Committee should discuss the matter with the Township Clerk and see if there are any certifications that are needed and make the position Clerk/Administrator. The Department Heads are competent, employee-oriented and qualified to manage their departments, therefore the town may not need an administrator.

3. Mr. McGuckin

- Authorizing the settlement of litigation between MSC Enterprises, Inc. and the Township of Ocean (Resolution 2009-354)

The town accepted money to extend the water lines in a certain part of town. The town decided not to extend the lines in that area. This resolution authorizes the refund of that money.

- Authorizing a performance guarantee release for Heritage Point, LP Water System (Res. 2009-355)

A letter was received from Wayne McVicar, Remington & Vernick, recommending the performance guarantee be released on the maintenance bond.

The Township's COAH attorney agreed to set up a COAH mediation team. A draft resolution was presented. All four can be changed. It was suggested the COAH Attorney and Township Planner fill two spots, leaving two available spots. The Governing Body should select who those two individuals will be. The third round rules may be struck down by a court action. There may be major changes coming forward, with the new administration.

Committeeman Tredy inquired if the MSC litigation could be discussed in Executive Session before voting on it.

Attorney McGuckin stated the amount has been negotiated. This is just a resolution authorizing the payment.

Committeeman Tredy requested Resolution 2009-158 regarding COAH be discussed in Executive Session prior to voting on it.

Mayor Kraft stated Resolutions 333, 351, 352, 354, 358 will be removed from the consent agenda.

PUBLIC COMMENT

Motion to open to the public was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec.

Roll Call: Tredy: Yes, Lachawiec: Yes, Kraft: Yes

Vincent Anepete, 85 Clearwater Drive, inquired the salary of the former administrator.

Mayor Kraft stated \$85,000 annually, with an additional \$20,000 for handling the Utilities Dept.

Mr. Anepete inquired if the former administrator made the town \$1million over the 2 ½ year period, with grants and so forth. The administrator is an expense the town should not incur. The Clerk should handle the extra work at \$20,000 instead of \$105,000.

Mayor Kraft stated the Township Committee salary is \$5,000 per year and benefits are \$15,000 per year. Mayor Kraft would be willing to forego the salary and benefits.

Eileen Doyle, 243 11th Street, requested the Township Committee support an issue regarding Oceanride. Grocery shopping service was not provided on Veterans Day. In the past, if the service falls on a holiday, they would schedule a different day. An additional day was not provided. Ms. Doyle requested a calendar of all days, where service would not be provided. On the second Friday of the month, another shopping trip is provided to the Ocean County Mall four months a year and to Manahawkin for the other eight months. Ms. Doyle would like to go to the Ocean County Mall on the second Friday of every month.

Township Clerk Ambrosio stated the town had to split the bus routes to two instead of one. When the split happened, the bus to the Ocean County Mall changed. If the routes are not being split into two schedules, then it needs to be looked into.

Michele Rosen, 29 Bradley Beach Way, inquired what the Township's match would be for the Green Acres Fund Grant Application.

Deputy Mayor Lachawiec stated the match could be up to \$500,000.

Township Attorney McGuckin stated the amount is not known until such time the award is made. Usually such a grant is a partial loan. Until the application is granted, it is unknown how much is matched and how much is grant.

Committeeman Tredy stated if the grant is approved, the town is not obligated. If the town does not have the money to match, the town will not accept it.

Ms. Rosen inquired what project the town is proposing to use the money for.

Mayor Kraft stated it is for potential purchases under the ROSI (Recreation Open Space Inventory) for next year. Currently there is \$770,000 to be used partnered with Advanced Horizons. This grant amount would be for 2010 and the town would get up to \$500,000.

Ms. Rosen inquired Committeeman Tredy's position on a full-time or part-time administrator.

Committeeman Tredy stated he is not in favor of a full-time administrator. Committeeman Tredy's position on a part-time administrator is to be determined.

Ms. Rosen inquired if Deputy Mayor Lachawiec is looking into a full-time administrator or part-time administrator.

Deputy Mayor Lachawiec stated he tabled the matter until February or March to re-visit the entire matter. There is a larger town just North of the Township of Ocean, who no longer has a full-time administrator.

Ms. Rosen inquired if the Township of Toms River has a full-time administrator.

Township Attorney McGuckin stated yes.

Ms. Rosen stated when she was on the Township of Toms River Committee the Clerk was also the Administrator. The Administrator was a full-time job.

Ms. Rosen inquired the total cost of the 3% increases for the non-union personnel, is it on the base salary and do these people get overtime.

Mayor Kraft stated he does not know that number. Yes, it is on the base salary.

Township Clerk Ambrosio stated no comp time. Some departments get overtime.

Rocco Orlando, Greenbriar Oceanaire, stated he never received a notice of a power plant drill. The newspaper stated failure to notify municipalities of certain evacuation recommendations during an emergency preparedness drill has resulted in the Oyster Creek Power Plant been given

deficiency by the Federal Emergency Management Agency Officials. An emergency exercise will take place on December 8, 2009 to correct the deficiency.

Deputy Mayor Lachawiec stated there was a drill a month ago. The Power Plant notifies the town's Emergency Management personnel. The plant is supposed to call the township to make sure the notification fax has been received. The town did receive the fax and the call confirming receipt, otherwise Chief Flatt would have notified the Township Committee.

Township Clerk Ambrosio stated it's called a Table Top Drill. The drill is advertised and performed every year. The town's Emergency Management Coordinator organizes it and the drill is observed.

Committeeman Tredy stated it is a practice for the emergency personnel to be involved, not for the residents.

Al Beveridge, Skippers Cove, reported that the Power Plant has a publication specifying the details of the drills. The publication can be obtained by residents through the Oyster Creek Power Plant.

Ron Negra, 8 Manasquan Road, stated grants are such an important thing. Who on the Township Committee is responsible for grants, everyday operations, performance reviews and individual projects? Mr. Negra stated these questions may be answered after the Township Committee revisits the full-time township administrator's position.

Robert Lange, 2 Shore Drive, stated the Township Administrator did a good job. An ad should be put in the paper for a full-time administrator with a lower salary and see the response the town gets. Township Clerk Ambrosio is busy every day and would need a full-time person, with the knowledge to handle this \$14 million budget. The issue with the Committee giving up their salaries and benefits is not good for the next Committeeperson who might need that salary and benefits.

Debra Battaglia, Morey Place Road, thanked the town for the no outlet signs placed at Morey Place Road. Ms. Battaglia brought in tires to show the Committee the damage Morey Place Road has caused. Ms. Battaglia has gone through four tires and numerous plugs and is holding the township responsible. Something has to be done with the road. Ms. Battaglia presented receipts for repairs and photos of the potholes, flooding and the electrical poles with cable lines running across.

Township Attorney McGuckin stated if Ms. Battaglia would like to make a claim against the municipality, there is a form to be submitted to the Township Clerk. That is the law and what the statute requires.

Ms. Battaglia stated she would like to be reimbursed for \$712.00.

Mayor Kraft stated the town has taken steps to repair the road. The town thought the County could pave it under Schedule C, but the road is too long and a CAFRA permit is needed. The CAFRA permit takes years, is very expensive and requires engineering of the road. The town would have to bring the road up to municipal standards, curbing and drainage.

Ms. Battaglia requested to R-Blend in the craters. When it rains, all repairs completely wash away. Ms. Battaglia will come in to town hall to find out about filing a claim.

Mayor Kraft will instruct the road department Monday or Tuesday to fill the potholes.

Shawn Denning Jr., 92 Morey Place Road, the biggest issue to Morey Place Road is that the crown that keeps the water off the sides has been worn down. Mr. Denning experienced a flat tire and it cost \$300.00 to replace the tire. Mr. Denning requested the town re-establish the crown, bi-weekly/ bi-monthly grading and add R-Blend.

Mr. Denning supports a full-time administrator. Someone is needed on a day-to-day business.

Anthony Mutillo, 542 Main Street, patriotic taxpayer and resident of Waretown. There is a Statue of Liberty and American Flag in front of his business, Amazing Deals, for the last three years on Route 9. The township inspector told him the statue and flag were an advertisement. The sign ordinance is anti-business.

Mayor Kraft suggested a meeting with Mr. Mutillo. An amendment was introduced tonight to change the ordinance to include offsite signs for the marinas. The town is reviewing the sign ordinance and recommending changes this Winter.

Committeeman Tredy stated American Flags, State Flags and Corporation Flags are permitted.

Joe Randazzo, 23 Spring Lake Blvd., suggested at the last meeting the Township Committee read the minutes of the previous meeting, answer any questions and give a progress report on pending projects. Is the Township Committee prepared to do this today?

Committeeman Tredy stated the minutes were read to see if the content was accurate.

Deputy Mayor Lachawiec stated Mr. Randazzo left a handwritten questionnaire at the Clerk's office. All the questions were answered at the last meeting.

Mr. Randazzo requested the Township Committee go back to the minutes. A lot of the questions were not answered. This is the second or third time questions were asked with no follow-up. An inquiry was made regarding the Township Administrator's position.

Deputy Mayor Lachawiec is not certain the town needs a full-time administrator and is studying the matter.

Mr. Randazzo inquired the progress on the Redevelopment Committee.

Deputy Mayor Lachawiec attempted to repeal the entire ordinance that established the Redevelopment Committee and was unsuccessful. Deputy Mayor Lachawiec would like to see a Citizens Redevelopment Advisory Board. A resolution was introduced, did not pass and is being reviewed to possibly introduce it a second time.

Ralph Avellino, 10 Central Avenue, inquired if the public voted on the Township Administrator issue and did the Township Committee approve the ordinance.

Mayor Kraft stated the public did not vote on the issue. The ordinance was passed and two years later an administrator was hired.

Mr. Avellino inquired why the former administrator's employment was terminated.

Township Attorney McGuckin stated the town is not going into detail about it. The former administrator is no longer employed by the municipality.

Mr. Avellino stated the former administrator was an employee of the township. Mr. Avellino paid his salary and wants to know why he is no longer an employee. Was the former administrator laid off, fired or resigned?

Township Attorney McGuckin stated there is no lawsuit. It is a personnel issue. The town is not at liberty to disclose the information. The former administrator's personnel rights as a township employee continue.

Mr. Avellino stated any business in town that wants to put a sign up can go to the Construction office and have a sign permit approved, if the sign is in compliance with the sign ordinance.

Vincent Anepete, Clearwater Drive, stated the sign ordinance is hard to interpret. The town should be business friendly and come to an agreement with attractive signage as opposed to gaudy flashing lights.

Committeeman Tredy stated there are many meetings to review the ordinances. It is very difficult to accommodate all problems.

Motion to close to the public was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec.

Roll Call: Tredy: Yes, Lachawiec: Yes, Kraft: Yes

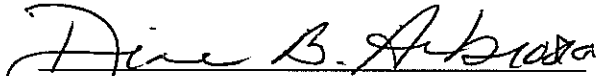
Committeeman Tredy stated there are a number of people who indicated their feelings on a Township Administrator. The people who spoke in favor of a Township Administrator do not work in Town Hall and do not know the problems that exist or do not exist. The Governing Body needs to make that decision based on the needs of the entire populous and the Township employees.

ADJOURNMENT


Motion to close Workshop/Caucus Agenda Meeting was moved by Committeeman Tredy,
seconded by Deputy Mayor Lachawiec.

Roll Call: Tredy: Yes, Lachawiec: Yes, Kraft: Yes.

Signed and Submitted:



Diane B. Ambrosio, RMC
Township Clerk



Date