

MEETING MINUTES
TOWNSHIP OF OCEAN
COUNTY OF OCEAN
REGULAR BUSINESS MEETING
November 12, 2009

ROLL CALL: TREDY X LACHAWIEC X KRAFT X

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, adequate notice of this meeting was properly provided by sending copies of the Notice of Meeting to two newspapers, The Press of Atlantic City and the Asbury Park Press. The Notice was posted at the office of the Township Clerk and on the bulletin board in the Administration Building.

MEETING MINUTES:

Approval of the Meeting Minutes of:

Workshop and Regular Business Meeting October 22, 2009

Motion of approval was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec.

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

Ordinance

Ordinance 2009-11– Second Reading – Public Hearing

An Ordinance of the Township of Ocean, County of Ocean, State of New Jersey, amending Chapter 10.08 of the Codified Ordinance of the Township of Ocean entitle "Parking"

Ordinance No. 2009-11 was read title only and opened to the public on a motion moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

Mayor Kraft stated there are two utility pump stations in residential areas that are being blocked by resident vehicles. This ordinance is being amended to put up no-parking signs at the gates.

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

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

A motion of approval to adopt Ordinance No. 2009-11 was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec.

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

Ordinance 2009 – 12 – First Reading – Title Only

An Ordinance of the Township of Ocean amending Chapter 15.52 of the Codified Ordinances of the Township of Ocean entitled "signs"

A motion of approval for first reading Ordinance No. 2009-12 was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec.

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

Ordinance 2009-13 – First Reading – Title Only

An Ordinance of the Township of Ocean amending Chapter 2.64 of the Codified Ordinances of the Township of Ocean establishing the positions of Alternate Members for the Township's Board of Health

A motion of approval for first reading Ordinance No. 2009-13 was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec.

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

RESOLUTION NO. 2009-329: Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$3,332,855.29

Motion of approval moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

RESOLUTIONS

- 2009-330** Resolution authorizing the Township Clerk to advertise for Request for Proposals for professionals for the year 2010 on the website, Press of Atlantic City and Asbury Park Press
- 2009-331** Resolution accepting the two year maintenance bond from MSC Enterprises, LLC regarding Block 41, Lot 35.02 in the amount of \$72,162.72
- 2009-332** Resolution proclaiming October 28, 2009 as "Pretty in Pink Day" in Ocean County and urges all citizens to learn more about the importance of early detection of breast cancer and mammography
- 2009-334** Resolution authorizing CMX to provide professional services for Sands Point Park Phase IIB bathroom facility and boat ramp observation and contract administration in the amount not to exceed \$23,000.00
- 2009-335** Resolution authorizing CMX to provide professional services for grant and administrative services for NJ DEP Green Acres Planning Incentive Grant in the amount not to exceed \$950.00
- 2009-336** Resolution authorizing the disposal of surplus property of the Township of Ocean pursuant to State Contract A-70967/T2581 items to be sold – Whelen Traffic Advisor, (3) Whelen Traffic Advisor Message Boards, Tandem boat trailer, Crown Victoria taillights

- 2009-337** Resolution authorizing the salary increases of 3% on base salary for non-union personnel for the year 2009
- 2009-338** Resolution authorizing Edmunds & Associates, Inc. for hardware and software maintenance for the Township of Ocean in the amount of \$7,035.00 under New Jersey State Contract A81201 contract from January 1, 2010 until December 31, 2010
- 2009-339** Resolution authorizing Edmunds & Associates, Inc., M.I.S. Program technicians for administrative and technical purposes in the amount of \$8,000.00 for the contract period January 1, 2010 until December 31, 2010
- 2009-340** Resolution authorizing the Township Committee to sign and file updated business signature cards with TD Bank, N.A.
- 2009-341** Resolution authorizing the Township Committee to sign and file updated business signature cards with TD Bank, N.A. including wire transfers
- 2009-342** Resolution authorizing the Township Committee to sign and file updated business signature cards with Ocean First Bank
- 2009-343** Resolution authorizing the Township Committee to sign and file updated business signature cards with Ocean First Bank including wire transfers
- 2009-344** Resolution authorizing appropriation transfers within the 2009 budget
- 2009-345** Resolution authorizing the returned of escrow on Block 156, Lot 4 in the amount of \$135.47
- 2009-346** Resolution authorizing the appointment of Joseph Lachawiec to be the Representative to the Community Development Block Grant Committee and Jim Oris, CMX and Diane B. Ambrosio, Township Clerk to be the alternative representatives for the Township of Ocean for the year 2010
- 2009-347** Resolution authorizing the State of New Jersey Department of Environmental Protection Green Acres Enabling Resolution in obtaining a matching grant of \$500,000
- 2009-348** Resolution appointing Alternate Members to the Board of Adjustments – Alternate #1 Alvin J. Beveridge filling the vacant seat term expiring 12/31/2010, Alternate #2 Robert Lange filling the vacant seat term expiring 12/31/2011
- 2009-349** Resolution appointing Carolyn Keefe as a probationary Dispatcher in the Police Department at the hourly rate of \$11.84 starting November 13, 2009
- 2009-350** Resolution authorizing formally canceling said balance in the amount of \$1,282,500.00 for Bay Parkway Extension project
- 2009-351** Resolution acknowledges and celebrates the Marine Corps 234th Birthday
- 2009-352** Resolution acknowledges and celebrates Veteran's Day
- 2009-353** Resolution approving the grant application and execute a grant agreement with the New Jersey Department of Transportation for Demmy Avenue Improvement Project
- 2009-355** Resolution authorizing a performance guarantee release for Heritage Point, LP water system and posting a Maintenance Guarantee in the amount of \$58,294.55
- 2009-356** Resolution authorizing discharge of taxes for Block 57.19, Lot 2 as he is a disabled veteran in the amount of \$3,655.89

MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-330 through 2009-332, Resolutions 2009-334 through 2009-353 and Resolutions 2009-355 through 2009-356

Motion of approval moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

Roll Call: Tredy: Yes, Lachawiec: Yes, Kraft: Yes, Kraft: Abstain on Resolution 2009-355

RESOLUTIONS REMOVED FROM THE CONSENT AGENDA:

2009-333 Resolution authorizing the Associated Humane Societies, Inc for animal control services for the Township of Ocean in the amount of \$17,737.50 contract from January 1, 2010 until December 31, 2010

2009-354 Resolution authorizing the settlement of litigation between MSC Enterprises, Inc. and the Township of Ocean in the amount of \$132,500.00

Deputy Mayor Lachawiec read Proclamations for Resolution 2009-351 and 2009-352.

RESOLUTION 2009-357: authorizing the Township Committee to retire into Executive Session for the purpose of discussing personnel, public safety, contractual, and litigation - PURPOSE: Township Attorney McGuckin will discuss a litigation matter and a real estate matter.

Motion of approval moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

Motion of Approval for use of the Community Center:

1. Lydia Todd, November 1, 2009
2. Adele Shaw, Lord of Lords Bible Church, November 7, 2009
3. Our Gang Players, Inc. – November 5, 2009
4. Suzanne McDonough – November 9, 2009
5. WAA Baseball – November 10, 2009
6. Waretown Thunders Softball Club – November 12, 2009
7. Myrna Gonzales – November 14, 2009
8. Susan Ehret – November 22, 2009
9. Suzanne McDonough – December 20, 2009
10. A.A.R.P. of Waretown – 2010 Monthly – 4th Monday of the Month
11. Senior Advisory Meeting – 2010 Monthly – 3rd Monday of the Month
12. Senior Move Today & Will Bowling – 2010 Wednesdays
13. Morning Exercise – Recreation – 2010 Tuesdays
14. Morning Exercise – Recreation – 2010 Thursdays
15. Mahjong – Recreation – 2010 Tuesdays
16. Recreation – Tap/Ballet – 2010 Tuesdays
17. Senior Exercise – 2010 Monday & Thursday evenings
18. Self Defense – Recreation – 2010 1st and 3rd Mondays
19. Line Dancing – Recreation – 2010 Fridays
20. Senior Cards – Recreation – 2010 Tuesdays
21. Waretown Democratic Club – 2010 2nd Wednesday
22. Holly Auxiliary of the S.O.C.H. Foundation – 2010 4th Wednesday
23. Karen Corliss – Lord of Lords Community Church – 2010 Wednesdays

24. American Sewing Guild – 2010 3rd Tuesday
25. Duck Pond – 2010 Wednesday & Thursday
26. Duck Pond – December 24th & 25, 2010
27. Republican Club – 2010 Last Tuesday of the month
28. Life Line Screening – December 10, 2009

Motion of approval moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

Motion of Approval for use of Field #2 Township Ballfield:

1. WAA Baseball – March 1, 2010 – November 30, 2010

Motion of approval moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

Motion of Approval to send Water Allocation Permit:

Motion of approval to send water allocation permit, which will include the properties discussed this evening was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

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

Michele Rosen, 29 Bradley Beach Way, the date and specific reason for termination of employment is allowed by submitting an OPRA request.

Township Attorney McGuckin stated the public is entitled to the last date of employment, salary and payment upon termination.

Ms. Rosen inquired the reason for the Committee removing on Resolution 2009-354.

Township Attorney McGuckin stated Mr. Tredy is new to the Committee and requested discussion. It will be discussed in executive session.

Ms. Rosen inquired what the lawsuit was about.

Township Attorney McGuckin stated the Township collected \$115,000 and change from a developer for the purposes of paying for the extension of water lines down Morey Place Road. The waterlines are not going to be extended out to Morey Place Road. There is discussion as to how much interest is involved.

Ms. Rosen stated Township Clerk Ambrosio should have a directory of the Citizen Leadership forms. Appointing only Republicans to Boards, Commissions and Committees leaves out a majority of residents in Waretown. Ms. Rosen requested the town put out a request for resumes from qualified individuals, who ought to be considered for positions in a bipartisan fashion.

Ms. Rosen suggested the town appoint a Citizens Advisory Committee on the budget, where citizens and Department Heads meet with whomever is preparing the budget.

Ms. Rosen suggested three ordinances be passed the beginning of 2010. One is a nepotism ordinance. The second is a pay to play ordinance. Mr. Lachawiec did not file an 11-day pre-election report. NJ Elect does not have it on line. Mr. Lachawiec received donations from township no-bid contractors.

Township Attorney McGuckin stated that is not true. The township went out to bid on all professionals.

Ms. Rosen stated pay to play restricts contractors no-bids, bids, proposals or quotes. Anyone who donates more than \$300 to a political campaign a political committee cannot work with the township.

Deputy Mayor Lachawiec stated he did file and has a receipt from the post office stating it was delivered.

The third ordinance Ms. Rosen suggested the town pass is a bi-partisan local ethics board.

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

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

EXECUTIVE SESSION

Motion to move into Executive Session was moved by Deputy Mayor Lachawiec, seconded by Committeeman Tredy.

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

OPEN MEETING

Motion to Open Meeting was moved by Deputy Mayor Lachawiec, seconded by Committeeman Tredy.

Roll Call: Tredy: Yes, Lachawiec: Yes

RESOLUTION 2009-358: designating the Township's representatives for mediation purposes with the County on Affordable Housing

Motion of approval moved by Deputy Mayor Lachawiec, seconded by Committeeman Tredy.

Roll Call: Tredy: Yes, Lachawiec: Yes

Township Attorney McGuckin stated the appointments to the COAH mediation will be John F. Russo Jr. Township COAH Attorney, Township Planner David Roberts, Deputy Mayor Joseph Lachawiec and Planning Board Chairman Vincent Anepete

Township Clerk Ambrosio stated Mayor Kraft has rejoined the meeting.

2009-354 Resolution authorizing the settlement of litigation between MSC Enterprises, Inc. and the Township of Ocean in the amount of \$132,500.00

Motion to approve was moved by Committeeman Tredy, seconded by Deputy Mayor Lachawiec

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

PUBLIC COMMENT

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

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

Vincent Anepete, 85 Clearwater Drive, requested an explanation of Resolution 2009-354.

Township Attorney McGuckin stated it involves the water lines on Morey Place Road. There is a contract, where the township accepted a payment from the developer to extend the water lines out to Morey Place Road. The Township decided to not run the lines and is obligated under contract to return that money. This resolution claims the money with interest and damages as a result of breach of contract.

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

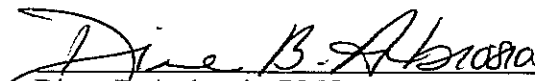
Roll Call: Tredy: Yes, Lachawiec, Kraft: Yes

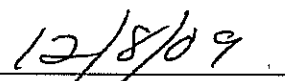
ADJOURNMENT:

Motion to adjourn meeting was moved by Deputy Mayor Lachawiec, seconded by Committeeman Tredy

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

Signed and Submitted:


Diane B. Ambrosio, RMC
Township Clerk


Date

REMINDER: Next Meeting is December 10, 2009 @ 7:00 pm