

TOWNSHIP OF OCEAN
WORKSHOP/CAUCUS AGENDA
December 10, 2009 – 7:30 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 X Mr. McGuckin X

1. Committeeman Dennis Tredy

- GovDeals – report on total amount the Township of Ocean received from the sales of items on GovDeal for the year 2009 - \$26,709.62

Buildings and Grounds

- Authorizing B.L.D.G. Architecture to provide professional services for Sands Point Park Phase IIB Bathroom Facility in the amount not to exceed \$3,500.00 (Res. 2009-374)

The bulkheads are being built, the ground has been leveled and the bathrooms will be constructed soon.

Deputy Mayor Lachawiec inquired if the town considered solar panels for lighting at Sands Point.

Mayor Kraft is concerned about stalling the project. The project was bid with certain timelines.

Deputy Mayor Lachawiec stated Grand Bay Harbor is considering putting solar panels near the pool for lighting and heating the pool.

Committeeman Tredy would like to have the cost benefit of solar panels at Sands Point investigated.

Construction/Zoning

- Resolution authorizing purchase of Netbooks from Verizon State Contract #64428 in the amount of \$899.94 (Res. 2009-373)

The Construction/Zoning Department is converting to the Mitchell Humphrey operating system. Information is typed into a laptop out in the field and transmitted to the office computer system in real time. The total cost is \$899.94, which is \$146.00 per computer.

Board/Committees

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

The Board of Health is a five-member committee. This ordinance amends the original ordinance to provide for two alternates.

- Discussing the Economic Development Committee

The Township Committee, Redevelopment Committee and Planning Board could receive additional help from the public. Appointments have not been made to the Economic Development Committee in a few years. This Committee could be a tremendous help to the Town Center and a great asset to the town. Committeeman Tredy requested support in resurrecting this committee in January.

Deputy Mayor Lachawiec would support this committee. The first order of business would be to start a Waretown Chamber of Commerce.

Mayor Kraft stated he is in favor of the Economic Development Committee. A Chamber of Commerce is separate from government. Economic Development is a function of the municipality.

Committeeman Tredy suggested amending the five-year term to three-year staggered appointments.

2. Deputy Mayor Joseph Lachawiec

Finance

- Resolution authorizing an appropriation transfer within the 2009 municipal budget appropriations in the amount of \$24,500.00 (Res. 2009-367)
- Resolution authorizing the Water Capital Improvement Authorization to formally cancel balance of \$103,936.70 (Res. 2009-368)
- Resolution authorizing the General Capital Improvement Authorization to formally cancel balance of \$4,500.00 (Res. 2009-369)
- Resolution authorizing the Current Fund Operating Budget to formally cancel balance \$231,500.00 (Res. 2009-370)
- Resolution authorizing the Water Operating Budget to formally cancel balance \$55,000.00 (Res. 2009-371)
- Resolution authorizing the Sewer Operating Budget to formally cancel balance of \$170,000.00 (Res. 2009-372)

Tax

- Resolution authorizing the Treasurer to refund an overpayment of \$727.47 to Block 169, Lot 10 (Res. 2009-363)
- Resolution authorizing the Treasurer to refund an overpayment of \$127.28 to the Cardinal Title Agency (Res. 2009-364)

- Resolution authorizing acceptance of donated properties to the Township of Ocean (Res. 2009-365)

2. Mayor's Report Robert Kraft

Administrative

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

This ordinance is up for a second reading, final passage and permits the Township of Ocean to authorize, construct and maintain directional signage for Marina properties in public right-of-ways.

- Resolution authorizing Remington & Vernick to amend the sign ordinance in an amount to exceed \$3,000.00 (Res. 2009-361)
- Resolution authorizing CMX to complete additional work required by the Ocean County Planning Board in an amount not to exceed \$750.00 (Res. 2009-366)

This resolution relates to the Advanced Horizons property purchase. The Ocean County Planning Board required additional documentation. This additional fee to CMX will pay for the additional work to meet the needs of the Ocean County Planning Board.

Clerk

- Resolution urging the NJ State Legislature to amend the Open Public Records Act to be more specific about fees that can be charged for various methods and types of information (Res. 2009-362)

The town is in favor of the Open Public Records Act. An open line of communication needs to be maintained. There also needs to be limits and guidelines.

Township Administrator John Adams stated during the excavations of the Sands Point Park project a buried septic tank was found. The engineers have asked for authorization of \$750.00 to assist the contractor for further examination of the pipe and removal of sewage.

Township Attorney McGuckin stated this resolution can be added to the consent agenda.

Mayor Kraft stated the town has received \$1.2 million in grant money for Sands Point Park and has awarded a contract for \$900,000. There is enough money to cover the removal of the septic tank and for solar panels to power the bathrooms and street lighting.

3. Mr. McGuckin

Resolution 2009-377 authorizes support for Phase II of the Town Center Redevelopment project and authorizes the pilot.

The Advanced Horizons closing should occur late next week.

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, requested explanation of the resolution Mr. Adams proposes.

Mayor Kraft stated it authorizes the engineer up to \$750.00 to pump out a septic tank found on the Sands Point Park site.

Ms. Rosen stated if the town intends to pass Resolution 2009-362, grammatical checks need to be done before sending to the State. This resolution suggests the 9th District Legislatures amend the current legislation. The resolution states when a requestor asks for information in a specific format, the town is required to provide it to the requestor and charge only the actual cost of the formatting. If the town chooses the requestor be charged, then say that. Do not claim the statute is unclear.

Deputy Mayor Lachawiec stated there are probably 30-40 municipalities involved in lawsuits brought by Gannet Newspapers regarding the same issues you are talking about. The wording of the resolution may not be to your liking, but that is the intent.

Ms. Rosen stated New Jersey Administrative Code requires the Chief Financial Officer to list in the resolutions the line item from which this money is going to be taken and certify and encumber funds in writing to the Township Committee. Deputy Mayor Lachawiec can look it up under NJAC 5:30-5.4, Subsection 2.

John Petrosilli, 11 Vessel Road, inquired why engineers would be working on a sign ordinance with the town.

Mayor Kraft stated the engineer will identify the locations of where the signs are going to be placed.

Township Attorney McGuckin stated ordinances are reviewed and/or drafted by engineers often, depending on the ordinance. Engineers are more familiar with the zoning ordinances.

John Petrosilli inquired if the signs will still comply with the signage in existence.

Mayor Kraft stated absolutely.

Ken Bynoe, 6 Strathmere, thanked the Planning and Zoning Board for their cooperation with Lennar in resolving the issues regarding golf carts, golf cart paths and pedestrians. The design between the 9th and 10th hole forces golf carts to cross Heritage Circle twice. An accident will occur in the near future. Mr. Bynoe submitted a layout of the section.

Mayor Kraft thanked Mr. Bynoe for notifying the town.

Ralph Avellino, 10 Central Avenue, stated the bathrooms at Sands Point Park are portable.

Mayor Kraft stated that was on the concept plans. A bathhouse is now on the plans. Water and sewer lines were run prior to paving.

Spencer Hondros, 65 Pennsylvania Avenue, inquired if there will be additional communication charges on the new Construction/Zoning laptops.

Mr. Hondros suggested the town keep the five-year appointment for the Economic Development Committee.

Committeeman Tredy stated there will be a \$38.00/month communication fee for the Mitchell/Humphrey program on the laptops.

The intent for the Economic Development Committee is not to switch members. The Governing Body might not want to reappoint a member who is not participating. Members who are producing are reappointed.

Joe Randazzo, 23 Spring Lake Blvd., read questions that were numbered, gave a copy of the list of questions to the Township Committee and the Clerk to attach to the minutes. The questions were regarding the implementation of the Redevelopment Committee, Township Committee expansion, Combining Planning and Zoning Boards, Selling of the Ocean Township Municipal Utility Authority to private Sector, Township Administrator, Keeping or Changing Professionals, 2010 Mayor and Deputy Mayor, Ethics Committee, Republican Nomination Process and Process of Removing a Township Committee member.

Mayor Kraft answered question Number 1. The Redevelopment Committee's functions have not changed. The Redevelopment Advisory Committee has not moved any further. If the public wants to change the form of government, then the public should get the number of signatures required on a petition.

Deputy Mayor Lachawiec answered question Number 2 and stated he is in favor of a five member Township Committee and will bring it up in the Spring.

Committeeman Lachawiec answered question Number 3. The fees for the Planning and Zoning Boards are the same. The Professionals work on a project basis.

Mayor Kraft answered question Number 4. The Ocean Township Municipal Utility Authority was dissolved three years ago. It is now a Water/Sewer Department under the Township.

Committeeman Lachawiec answered question Number 5. The Township Administrator issue is going to be revisited in February 2010.

Mayor Kraft answered question Number 6. The RFP's are due back December 15, 2009.

Mayor Kraft suggested a public meeting be held if any significant changes to the professionals are going to be made.

Committeeman Tredy answered question Number 7. No decision has been made on the 2010 Mayor or Deputy Mayor. That decision is made between the Township Committee. A decision will be made at the Township Reorganization meeting.

Mayor Kraft answered question Number 8 and is in favor of considering an Ethics Review Committee.

Committeeman Tredy has not seen an ordinance for an Ethics Review Committee.

Mayor Kraft and Committeeman Tredy stated question Number 9 is inappropriate for a Township Meeting. Republican Club matters are inappropriate for a Township Meeting.

Township Attorney McGuckin answered question Number 10. A Township Committee member cannot be removed under the Township of Ocean's form of government unless a forfeiture of office occurs by violation of criminal statute from the State of New Jersey or Federal Law. The process for removal is by the electorate every three years.

Ralph Avellino, 10 Central Avenue, stated if the Planning and Zoning Boards were combined, the town cannot go back and split them again.

Township Attorney McGuckin stated a public referendum is needed to split or combine the boards.

Committeeman Tredy stated the Land Use Board members found it difficult to change hats when the boards were combined. The boards have different missions.

Deputy Mayor Lachawiec stated the Township Committee has the lowest form of government in the state and is both the executive and legislative branch at the same time. One or two members of the Township Committee sit on the Planning Board. The Zoning Board is really a judicial entity.

Joe Randazzo, 23 Spring Lake Blvd., clarified the Committee has not met to discuss questions Number 1 and 2. It's been nine months. Question Number 3 was answered partially. Question Number 4 was answered. It is unknown why the Committee needs until February to answer Question Number 5. When is the Township Committee going to make a decision on the Township Administrator?

Deputy Mayor Lachawiec stated it is in the interest of economics to wait until February. The town will be paying the former Administrator's salary until the end of January. If an Administrator is hired now, the town will be paying two salaries.

Committeeman Tredy stated the Township Committee decided at the last meeting that a final decision on the Township Administrator would be made in February.

Mr. Randazzo stated all three members of the Township Committee had different answers for question Number 8. Question Number 9 was referred to you by the Republican Club. The Township Committee is referring question Number 9 to the Republican Club. Mr. Randazzo has no alternative than to go higher up the County line.

Committeeman Tredy stated the Republican Club has nothing to do with this Township Committee.

Deputy Mayor Lachawiec read question Number 9 to the public and suggested Mr. Randazzo go to the County Committee.

Michele Rosen, 29 Bradley Beach Way, stated repeatedly during the campaign, Mr. Lachawiec represented that the Township Committee discussed a five-member Committee and it was Mr. Lachawiec and Mr. Tredy's intent to have a hearing in April and a resolution put on the ballot in November.

Deputy Mayor Lachawiec is in favor of expanding to a five-member committee. Committeeman Tredy and Mayor Kraft make their own decisions. Deputy Mayor Lachawiec's intent was to bring it up to the Township Committee in April and have public hearings.

Ms. Rosen inquired to Township Attorney McGuckin if there is a way to remove a Committee member.

Township Attorney McGuckin stated there is a state recall statute. The only other way to remove a Committee member from office is a forfeiture of office during a criminal investigation.

Ms. Rosen referred to question Number 4 of Mr. Randazzo's list. Last year, the water utility and the sewer utility received somewhere between \$600,000 below anticipated. \$1.3 million was received for water in 2008. \$1.6 million was received for sewer. Ms. Rosen would like a commitment from the Township Committee that they will correctly anticipate the revenue for next year.

Township Attorney McGuckin stated that is based on the Governing Body, whether it is the proposed municipal budget or the utility budget, estimating what is most appropriate during the economic downturn the economy has experienced. All the items will be factored into it. The town needs to ensure there will be adequate revenue and an ability to pay for emergency repairs throughout the year without going out to bond.

Vincent Anepete, 85 Clearwater Drive, suggested putting the five-member committee on the ballot.

Committeeman Tredy is in favor of a five-member committee but does not want to push it if there is not going to be support. If it does not pass on the ballot, it makes the town look foolish.

Eileen Doyle, 243 11th Street, thanked Deputy Mayor Lachawiec for being proactive with the Oceanride bus service. Deputy Mayor Lachawiec helped carry groceries and listened to the riders.

Deputy Mayor Lachawiec met with Kathy Edmonds, Supervisor, Ocean County Transportation. A service is provided to senior citizens, taking them to Shop Rite or the Ocean County Mall. Unfortunately, the bus driver is not permitted to assist the senior citizens with their packages and are only allowed two packages. Deputy Mayor Lachawiec contacted various organizations with outreach programs who may want to volunteer.

Motion to close to the public and move into Regular Business 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

Due to your 5 minute rule, which I believe should be modified; I am submitting a list of questions for you to answer tonight. Enough time has passed for you to consider most of these questions. I believe it is time for you to focus and act, no more delays (record)

QUESTIONS FOR TOWNSHIP MEETING DEC 10, 2009

- 1-Can you please provide us with an update tonight on the implementation of the Redevelopment Committee and how it will function?
- 2-Can you please provide us with an update tonight on expanding the Township Committee to 5 members?
- 3-In order to reduce our professional fees, can you look into combining the Planning and Zoning Boards as they were in the past?
- 4-In order to bring in more income to the Town can you please look into the possibility of selling off the OTMU to a private sector with a cap on increases for the next 5 years?
- 5-Since you have had enough time to make a decision of whether or not you are going to hire a full or part time Township Administrator or eliminate the position in its totality, I would like to know your decision tonight?
- 6-Are you going to make decisions regarding keeping or changing some of the professionals utilized by the Town and if so when?
- 7- Have you decided who will be the Mayor and Deputy Mayor in 2010?
- 8-Since Brick, Howell, Marlboro and Franklin Township have similar panels to the 7 person Ethics Review Committee that was just approved in Jackson and was designed to investigate allegations of impropriety lodged against elected officials, municipal administrators and professionals, why can't we create an Ethics Committee for the same purposes?
- 9-I originally asked the Republican club to investigate the nomination processes used to replace Township Committee positions and they told me it was not their responsibility and I should bring it to the Township Committee. I would like to know if you can you initiate an investigation to enhance these processes or do I have to take it to the Ocean County Committee Chairperson or the Attorney General's Office
- 10-This question is for the Attorney-How can a Township Committee member be removed and can you describe the process that must be utilized?

Submitted by Joe Randazzo- 23 Spring Lake Blvd -Waretown