

# M E E T I N G M I N U T E S

## TOWNSHIP OF OCEAN COUNTY OF OCEAN REGULAR BUSINESS MEETING April 23, 2009

### FLAG SALUTE

ROLL CALL:            LACHAWIEC   X        REILLY   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 Atlantic City Press 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 for the Budget Workshop, Township Committee Workshop and Regular Business Meeting of March 26, 2009

A motion of approval was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Lachawiec: Abstain, Reilly: Yes, Kraft: Yes

### Ordinance

#### Ordinance 2009-2    Second Reading    – Public Hearing

Bond Ordinance authorizing the issuance of up to one million seven hundred twenty thousand dollars (\$1,720,000.00), aggregate principal amount, general obligation bonds or notes of the Township of Ocean, County of Ocean, New Jersey for the construction of certain clean water and drinking water projects within the Township of Ocean, Ocean County, New Jersey

Ordinance No. 2009-2 was read title only and opened to the public on a motion moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Michele Rosen, 29 Bradley Beach, inquired if the town is getting the full amount.

Township Administrator Mosca stated the town does not know how much of it will be grant money. This is only the second round. NJEIT does not know. The town is still going ahead with the project. 1.07% interest, twenty years, will be the payback on any balance the town would not get in the grant.

Ms. Rosen stated the town filed a waiver to extend the time to forty years.

Township Administrator Mosca stated he does not remember that and will have to get back to Ms. Rosen.

Mayor Kraft stated the town solicited the help of Congressman Adler in this matter.

A motion to close to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

A motion of approval to adopt Ordinance No. 2009-2 was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

**Ordinance 2009-3 First Reading – Title Only**

Ordinance to exceed the Municipal budget appropriation limits and to establish a CAP Bank as per N.J.S.A 40A:4-45.14

Township Administrator stated this ordinance allows the town to go above the CAP Bank, if the town has to.

Mayor Kraft stated this is standard and is done every year.

Ordinance No. 2009-3 was read title only and adopted on a motion of approval moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: No, Reilly: Yes, Kraft: Yes.

**RESOLUTION NO. 2009-155**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey authorizing the reading of the budget by title only

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**RESOLUTION NO. 2009-156**

Municipal Budget of the Township of Ocean, County of Ocean for the fiscal year 2009. The Budget will be published in The Beacon Newspaper in the issue of May 5, 2008. The Public Hearing on the Budget Resolution will be held at the Municipal Building, 50 Railroad Avenue, Waretown, NJ 08758 Meeting Room on May 28, 2009 at 7:00 pm for Final Passage

Committeeman Lachawiec inquired about the fees for advertising in other newspapers.

Township Clerk Ambrosio stated the budget summary is published. The Asbury Park Press and the Press of Atlantic City are more expensive than the Beacon. It would be around \$200.

Committeeman Lachawiec requested the budget summary be advertised in the Press of Atlantic City and the Beacon. A discussion took place regarding a budget workshop after the budget is published.

Mayor Kraft suggested the Committee discuss this matter in another portion of the meeting. This portion is to vote on the resolutions.

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**RESOLUTION NO. 2009-157: Payment of Claims** – as presented to the Township Committee for payment thereof in the amount of \$1,602,098.55

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: 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**

- 2009-158** Resolution appointing Mayor Kraft as Chairperson of Administration
- 2009-159** Resolution appointing Deputy Mayor Reilly of Planning and Zoning
- 2009-160** Resolution appointing Committeeman Lachawiec Chairperson of Finance
- 2009-161** Resolution authorizing a new Club License for Greenbriar Oceanaire Community Association, Inc.
- 2009-162** Resolution authorizing the Mayor and Clerk to execute the traffic signal agreement with the State of New Jersey for the intersection of U.S. Route 9 and Volunteer Way – Lighthouse Drive
- 2009-163** Resolution and proclaiming that Friday, April 24, 2009 as Arbor Day
- 2009-164** Resolution recognizing April 2009 as Child Abuse Prevention Month
- 2009-165** Resolution authorizing the Tax Collector to discharge from collecting 2009 taxes from Block 41, Lot 15.09 Edward J. Szczech as he is a disabled Veteran and exempt from all taxes effective January 1, 2009
- 2009-166** Resolution authorizing CMX for professional services to accomplish the NJDEP Green Acres Acquisition of Block 39, Lot 9 in the amount of \$29,880.00
- 2009-167** Resolution appointing Martin Tellecamp, Jr. has successfully completed his 90 day appointment as full time plumbing inspector through an Interlocal Service Agreement with Lacey Township and is now hereby appointed from January 20, 2009 through January 20, 2012 at the salary of \$56,454.00

Mr. McGuckin requested Resolution 2009-161 be removed from the consent agenda and be voted on separately.

### **MOTION TO APPROVE CONSENT AGENDA RESOLUTIONS 2009-158 through Resolution 2009-160 and Resolution 2009-162 through Resolution 2009-167**

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

### **RESOLUTION 2009-161 Resolution authorizing a new Club License for Greenbriar Oceanaire Community Association, Inc.**

A motion of approval was moved by Committeeman Lachawiec, seconded by Mayor Kraft.

Roll Call: Lachawiec: Yes, Reilly: Abstain, Kraft: Yes

**RESOLUTION 2009-168: authorizing the Township Committee to retire into Closed Session for the purpose of discussing personnel, public safety, contractual, real estate and litigation - PURPOSE:** Administrator – Contract Negotiations (Teamster Union).

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.  
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**Motion of Approval for use of the Community Center:**

1. Grand Bay Harbor Condo Association – June 6, 2009
2. Life Line Screening Radiology – May 20, 2009
3. Dan Loftus – May 2, 2009
4. Cub Scout Pack 42 – May 17, 2009

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.  
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**Motion of Approval** for Raffle Licenses for Make-A-Wish Foundation of New Jersey at South Harbor Marine on August 8, 2009 on premise gift auction and 50/50.

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.  
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**Motion of Approval** for Raffle Licenses for Ocean County YMCA at Greenbriar/Oceanaire Golf Club on June 8, 2009 on premise gift auction and 50/50

A motion of approval was moved by Committeeman Lachawiec, seconded by Mayor Kraft.  
Roll Call: Lachawiec: Yes, Reilly: Abstain, Kraft: Yes

**Motion of Approval** for Raffle License for Ocean County Foundation for Vocational Technical Education at the Waretown Vocational School on Sunday, May 3, 2009 for 50/50

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.  
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**Motion to accept the Tax Collector's Report**

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.  
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**Motion to accept the Utility Collector's Report**

A motion of approval was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.  
Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

**PUBLIC COMMENT:**

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

Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes

Michele Rosen, 29 Bradley Beach Way, inquired if Committeeman Lachawiec will make a motion for a special meeting for the public to discuss and ask questions about the budget.

Committeeman Lachawiec stated the Township Committee agreed to discuss it before a motion is made.

Mayor Kraft stated there have been two separate budget workshops. There is no reason to have another one.

Ms. Rosen stated the town does not have the entire budget. The town needs to include the capital plan and the tax rate.

Township Attorney McGuckin stated there is a premise that states the budget will be adopted on the same night as the public hearing. Ms. Rosen is presuming the Township Committee is going to vote on the budget and not respond to comments from the public. That is not accurate.

Ms. Rosen inquired if the Township Committee is willing to have a special budget meeting for questions and answers.

Mayor Kraft stated "no".

Deputy Mayor Reilly stated there was a substantial amount of time spent answering questions from the public last Tuesday. There is no need for another in-depth review. Sufficient information was given to the public to have a reasonable understanding of what the budget is. There is no need to do it again.

Committeeman Lachawiec stated once the budget is published, the public will have ample opportunity to review it and pass comments along to Mr. Mosca or through the website.

The Committee discussed advertising.

Vincent Anepete, 85 Clearwater Drive inquired about a five-member Township Committee.

Mayor Kraft stated it would not be in the town's best interest to add to the Township Committee. In economic difficult times, it is not prudent to grow government. If something was wrong with the Township Committee, then Mayor Kraft would consider it. If someone took an opposition to a three-member Township Committee, that would be a different story. People are happy with the way the government is operating. There is no need to go to five members.

Deputy Mayor Reilly stated through his term, the town never had to cancel a meeting due to no quorum. A small group of three committeemen working together is more effective. The citizens are satisfied with the efforts and time put forward by the Township Committee. The Township Committee is diligent about being here for the meetings.

Mr. Anepete disagreed. Three members do not function as well as five. More minds working on an issue with different perspectives can come up with a greater conclusion. The Township Committee is not a big cost to the town.

Deputy Mayor Reilly stated the working agenda provides an opportunity for more participation by the citizens. The public always has an opportunity to comment on what the town is proposing.

Mr. Anepete stated there are five districts in this town. A Committeeman from each district would be excellent.

Township Attorney McGuckin stated under the Township Committee form of government, there are only three maximum board seats.

Committeeman Lachawiec stated he is working well with the two other Committeemen and does not see any huge reason to change the form of government. Change of government is determined by the people. There are ways to change the form of government of a town. Committeeman Lachawiec is on the fence regarding this issue.

Mayor Kraft stated there is a process in order to get it on the ballot. There is nothing stopping the people from doing that.

Dennis Tredy, 131 Englewood Avenue, inquired where residents wait while closed session is progress.

Mayor Kraft stated just outside the double doors of the meeting room.

Mr. Tredy stated the only people who talk into the microphones are Mr. Mosca and Mr. Lachawiec. It is hard to hear everyone else.

Committeeman Lachawiec stated he has never been to a meeting where the public leaves during closed session. Usually the Committee goes into another room. It is easier for 4 people to move than 20 people.

Township Attorney McGuckin stated it is not possible to use the Court Clerk's office for closed session.

Shawn Denning Jr., 145 Morey Place Road, stated anytime a bunch of people are involved in a project, one or two people do all the work and the other people are just there for the show. A larger government seems to gridlock things. A three-member system is working fine. The Township of Ocean is heading in a positive direction. A five-member system cannot do anything different. A three-member Committee is better than a five-member Committee.

John Petrosilli, 11 Vessel Road, inquired what happens after executive session.

Township Attorney McGuckin stated the Township Committee can not vote in executive session. As a result of the executive session, if the Township Committee has to take some kind of action, the Township Committee opens the meeting, opens the double doors, The Township Committee votes and then the meeting is adjourned.

Ralph Avellino, 10 Central Avenue, stated this town is not big enough to have a five-member committee. Sometimes it is hard to even find a candidate to run for Township Committee.

Mr. Avellino inquired why an issue is being made out of the budget at the last minute. There was ample time given to comment on the budget.

Mr. Avellino discussed scheduling and canceling township meetings. Redevelopment meetings are being scheduled right before township meetings. It is not fair to the residents to have to sit through two meetings in a row.

Motion to close public comment was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly. Roll Call: Lachawiec: Yes, Reilly: Yes, Kraft: Yes.

Motion to adjourn Regular Business Meeting and move into Executive Session was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

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

Motion to open Regular Business Meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

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

**ADJOURNMENT:**

Motion to adjourn Regular Business Meeting was moved by Committeeman Lachawiec, seconded by Deputy Mayor Reilly.

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

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Township Clerk

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Date