

**Little Egg Harbor Township Committee Meeting
Minutes**

APRIL 14, 2022

7:00 P.M.

Mayor John Kehm calls the Little Egg Harbor Township Committee Meeting to order and leads the Pledge of Allegiance. Time: 7:00 p.m.

OPEN PUBLIC MEETING STATEMENT

Township Clerk Kelly Lettera read the Open Public Meeting Statement: *"This meeting is called pursuant to the provisions of the Open Public Meeting Law. Notice of this meeting of April 14, 2022 was duly advertised, posted in the Municipal Complex, and has remained posted as required under the aforesaid statute. The Municipal Clerk is directed to include a record of this statement in the minutes of this meeting."*

ROLL CALL:

Present: Mr. Laney; Mr. Maxwell; Mr. Scibetta; Mayor Kehm
Absent: Mr. Gormley

PRESENTATION

Deputy Mayor Blaise Scibetta read the proclamation for National Autism Acceptance Month

Mayor John Kehm read the proclamation for National Volunteer Week (April 17 to April 23, 2022)

Committeeman Kenneth Laney, Jr. read the proclamation for Earth Day (April 22, 2022)

Committeeman Daniel Maxwell read the proclamation for Arbor Day (April 29, 2022)

Chief Hawkins formally introduced Officer Brett Behrens. He stated that Officer Behrens graduated from Ocean County Police Academy on March 24, 2022 and is filling the vacancy from Officer Jillson's retirement.

Chief Hawkins further introduced and recommended Adam Raynor to fill the vacancy from Sergeant Kennedy's retirement.

RESOLUTION 2022-104

Appointing Adam Raynor as Police Officer for the Township of Little Egg Harbor Police Department

Motion to Approve: Scibetta

Second: Laney

All in Favor

Township Attorney Melanie Appleby administered the Oath of Office to Adam Raynor.

APPROVAL OF MINUTES

- March 10, 2022
- March 10, 2022 Executive Session

CONSENT AGENDA

A Consent Agenda includes items of business which are not controversial and do not require individual discussion. The Consent Agenda is moved, seconded, and voted upon as one item by the Governing Body.

The Municipal Clerk read by title all the Resolutions on the consent agenda.

RESOLUTION 2022-105

Appointing Rodney Haines as Township Administrator and Authorizing an Employment Agreement [Employment contract as of January 1, 2022 through December 31, 2025]

RESOLUTION 2022-106

Authorizing A Memorandum of Agreement with AFSCME NJ Council #63, Local 3304D

RESOLUTION 2022-107

Appointing Anna Nelson to the Township Zoning Department

RESOLUTION 2022-108

Authorizing the Township Administrator to Advertise and Hire Seasonal Personnel for the Department of Public Works [The Township Administrator is looking to hire up to four seasonal employees through the Clean Communities Grant program.]

RESOLUTION 2022-109

Authorizing the Township Administrator to Advertise and Hire Per Diem Inspectors [The Township Administrator is looking to hire two to four per diem inspectors for the Construction/Zoning Department]

RESOLUTION 2022-110

Authorizing the Township Administrator to Advertise and Hire a Part-time Clerk for the Construction/Zoning Department [The Township Administrator is looking to hire a part-time Clerk I for the Construction/Zoning Department for record keeping pertaining to Ordinance 2022-02]

RESOLUTION 2022-111

Authorizing a Township-wide Garage Sale for the Weekend of July 16-17, 2022 [Any person who desires to participate in the Township-wide garage sale on either of those dates will be exempt from the regulations and permit fees as designated in Chapter 191 of the Township Code.]

RESOLUTION 2022-112

Authorizing the Purchase of Trash Cans and Components with Cascade Engineering under National Cooperative Purchasing Agreement with Sourcewell Contract 041521-CEI [Purchase of trash cans and components through a National Cooperative Purchasing Agreement]

RESOLUTION 2022-113

Amending Resolution 2021-099 so as to Clarify The Affected Segment of County Road 103 (Center Street) Regarding the Establishment of a Four (4) Ton Weight Limit [Ocean County Engineer requested to revise Resolution 2021-099 for the street intersection improvements to Oak Lane to the Borough of Tuckerton border.]

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RESOLUTION 2022-114

Authorizing Special Projects Engineer, T&M Associates, to Conduct a Drone Inspection Project of all Bulkheads within Mystic Island West Phase 2, Mystic Island (East of Radio Road), Osborn Island, Atlantis and Tuckerton Creek Lagoons

RESOLUTION 2022-115

Authorizing Special Projects Engineer, T&M Associates, to Perform 2022 Bulkhead Improvement Project

RESOLUTION 2022-116

Authorizing the Execution of Change Order No. 2 to the Contract for LEHT Recreation Complex Soccer and Football Field Reconstruction to American Athletic Courts *[Change Order No. 2, which will result in a net increase of \$30,000 in the contract price, to a new adjusted total of \$1,600,541.90, for the construction of a new, ADA accessible, asphalt path from the parking lot to the hockey rink area within the Recreation Complex, replacing the existing gravel path]*

RESOLUTION 2022-117

Determining the Form and Other Details of its "Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank", to be issued in the Principal Amount of Up to \$1,950,000.00, and Providing for the Issuance and Sale of Such Note by the Township of Little Egg Harbor in Favor of the New Jersey Infrastructure Bank, all Pursuant to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank

RESOLUTION 2022-118

Declaring its Official Intent to Reimburse Expenditures for Project Costs From the Proceeds of Debt Obligations in Connection with its Participation in the New Jersey Water Bank

RESOLUTION 2022-119

Authorizing the Issuance of a Duplicate Tax Sale Certificate

RESOLUTION 2022-120

Urging the Swift Passage of S-330 Which Restores Energy Tax Receipts to Municipalities *[S-330 will restore, over a five-year period, Energy Tax Receipts to municipalities]*

RESOLUTION 2022-121

Authorizing the Adoption of an Emergency Temporary Budget for the year 2022 *[N.J.S.A. 40A:4-20 provides that, in addition to temporary appropriations necessary for the period prior to the adoption of the budget and regular appropriations, the governing body may make emergency temporary appropriations for any purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for the current fiscal year.]*

CONSENT AGENDA PUBLIC COMMENT

Motion to Open to Public: Scibetta

Second: Maxwell

All in Favor

Ms. Joan Richardson asked for information on Resolution 114 and Resolution 115.

Mayor Kehm stated the Resolutions she referenced are not part of the dredging project with Mystic Island Phase 2. He further stated the inspections are done over all lagoons and in the past they were done by boat but now with today's technology the inspections are able to be done via drone.

Township Engineer Jason Worth stated Resolution 2022-115 is to approve T&M to go out to get pricing for improvements to Township bulkheads.

Mr. Peter Ferwerda of Warren Grove expressed how pleased he is that the Township Committee is working towards improvements to his health, his safety and quality of life. He further requested that the Committee consider a title change for the Administrator to Manager, which should be reviewed and reappointed annually.

Mr. Art Mooney of Windstar Drive questioned Resolution 2022-105, Resolution 2022-114, Resolution 2022-117 and Resolution 2022-121.

Mayor Kehm explained the Township Administrator/CFO contract in detail. He further stated residents are not notified of the drone inspections and the inspections have been done previously to inspect bulkheads.

Township Business Administrator Rodney Haines explained the Water Bank state loans and the temporary financing part of the program for the dredging.

Township Business Administrator Rodney Haines explained what an emergency temporary budget is and why the Township needs to do one.

Eric Hansen asked about Resolution 2022-114 and 115 and if the resident will be notified if their bulkhead needs to be repaired. He further stated the Township is setting a precedence for repairing state owned waterways that the state should be responsible for.

Township Engineer Jason Worth stated yes the resident will be notified if their bulkhead needs to be repaired and state permits are required in order to repair the property owner's bulkhead.

Township Attorney Melanie Appleby stated the state does not like the lagoons and they do not want them, so they do not want to maintain something they do not want, so the Townships hands are tied.

Motion to Close to Public: Laney Second: Maxwell All in Favor

Motion to Approve: Scibetta Second: Laney

Roll Call: All Yes – Mr. Laney; Mr. Maxwell, Mr. Scibetta, Mayor Kehm

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BILL RESOLUTION 2022-122

A Resolution Authorizing the Payment of Bills in the Amount of \$4,809,690.73

Motion to Approve: Scibetta

Second: Maxwell

Roll Call: All Yes – Mr. Laney; Mr. Maxwell, Mr. Scibetta, Mayor Kehm

Committee Member Laney abstained from 22-00256 and 22-00313.

MISCELLANEOUS APPROVALS

- Raffle Application No. 2022-10 for American Legion Post 493 Mystic Island, 420 Radio Road, Off-Premise 50/50 Raffle on October 9, 2022
- Raffle Application No. 2022-11 for Women’s Club by the Bay, 102 Newport Way, On-Premise 50/50 Raffle on June 10, 2022
- Raffle Application No. 2022-12 for Women’s Club by the Bay, 102 Newport Way, On-Premise Gift Auction on August 21, 2022
- Raffle Application No. 2022-13 for Tuckerton Library Association at Cuisine on the Green, 261 Country Club Blvd, On-Premise 50/50 Raffle on November 12, 2022
- Raffle Application No. 2022-14 for Fund A Bull Bulldogs in Rescue at Pinelands Brewing Co., 140 7th Avenue, Unit 15, On-Premise Tricky Tray Raffle on May 7, 2022
- Raffle Application No. 2022-15 for Pinelands Jr. Wildcats Football Club, Inc. at the American Legion Post 493 Mystic Island, 420 Radio Road, On-Premise Gift Auction on May 22, 2022
- Raffle Application No. 2022-16 for Pinelands Jr. Wildcats Football Club, Inc., at the American Legion Post 493 Mystic Island, 420 Radio Road, On-Premise 50/50 Raffle on May 22, 2022

Motion to Approve: Scibetta

Second: Maxwell

All in Favor

PUBLIC HEARING

- Mystic Island Volunteer Fire District #2 Budget

Township Attorney Melanie Appleby stated notice of the public hearing was posted and advertised in the Asbury Park Press on April 2, 2022, as required by statute.

Mayor Kehm stated unfortunately District #2 fire budget was defeated and has been brought to the Committee tonight to approve or amend their budget. He further stated the fire district did a great job cutting their budget from last years.

Township Administrator Rodney Haines reiterated what a great job the fire company did on reducing their budget and cutting numbers by 23% from last year’s totals.

Fire Commissioner Russel Gulbert expressed they will do what they need to in order to get the budget approved.

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Committee Member Scibetta stated a \$10,000 cut to their budget is more than fair.

Motion to Open to Public: Scibetta Second: Maxwell All in Favor

Mr. Peter Ferwerda of Warren Grove requested that the fire company cut the cost of the fire truck from their budget and use the Township Department of Public Works mechanics to work on the tools needed to solve the problem.

Fire Commissioner Russel Gulbert stated the fire company does have a shared service with the Township for repairs but the repairs that are needed are expensive.

Mystic Island Fire Company #2 Vice President Bob Tichaz stated the Township has a lot of silent residents and they need more residents to vote.

Mayor Kehm stated the fire company needs to advertise more during election time so the residents are aware.

Sandy Neuman questioned how, when and where are the residents notified of the budget election. She stated she did not hear of anything and would have surely voted if she were made aware.

Township Business Administrator Rodney Haines stated the election date is set by statute and is the third Saturday of February annually and there are laws that require the fire company to provide public notice in the newspaper.

Elizabeth Barrett stated her home in Little Egg Harbor is their second home and they are not allowed to vote for important things within the town and she feels it is unfair.

Mr. Art Mooney of Windstar Drive stated that if the election was advertised residents would vote.

Molly Denisco of South Miami Drive stated a revote needs to take place because most of the residents were not even aware of the election.

Township Attorney Melanie Appleby stated as per the statute the election is always the third Saturday of February with advertisements of the date time and place and there is no statutory provision for a revote.

Mayor Kehm asked out of the people in the audience tonight how many people were aware of the election and vote. Noone raised their hands. Everyone in the audience stated if they knew they would have voted yes. Mayor Kehm then decided that the budget does not need to be reduced and next year the election needs to be advertised better for the residents.

Nick Coleman from Mystic Island Fire Company #2 stated for next year's election, they will definitely be advertising more.

Motion to Close to Public: Scibetta Second: Laney All in Favor

RESOLUTION 2022-123

Approving the Annual Budget of Little Egg Harbor Fire District No. 2, in Accordance with N.J.S.A. 40A:14-78.5

Mayor Kehm stated the motion is for keeping the budget as is.

Motion to Approve: Scibetta

Second: Laney

Roll Call: All Yes – Mr. Laney; Mr. Maxwell, Mr. Scibetta, Mayor Kehm

Loud cheers of approval came from the audience.

PUBLIC COMMENT

Motion to Open to Public: Maxwell

Second: Scibetta

All in Favor

Ms. Roberta Rapasarti of Cable Drive: Spoke on behalf of the Environmental Commission providing the Committee with an update on the clean-up that took place last weekend.

Dr. John Enmunds of Spruce Drive spoke regarding several issues including the update of Center Street, requesting that the Township PEAC Committee consist of residents from the general public, a few amendments to Chapter 15, storm water drainage records for Spruce Drive and the drainage issues within the township and he would like the drainage pipes fixed.

Mayor Kehm requested that Mr. Edmunds make an appointment to discuss his issues with him, the Township Administrator and the Township Engineer to try and get his issues resolved.

Beverly Weed-Schertzer stated a lot of residents are against the dredging and more questions and answers should have been provided. She further stated the biggest issue is the exorbitant cost of the project versus Phase 1 and the lack of information that was provided to the residents.

Mayor Kehm stated there is no Ordinance or binding for the dredging project for Phase 2 and it is a poll that the Township has sent out to the residents to see if they are interested in dredging in their area.

Rocco Temesco questioned how the project was broken up into the different phases and who made that determination of those dividing lines.

Township Engineer Jason Worth explained how those lines were determined through surveys and permit plans. He further stated any lagoon with a depth less than 4.5 feet was determined that dredging needed to be done. He also stated the cost for Phase 2 is more because of the amount of homes and the amount of material that needs to be removed.

Mr. Peter Ferwerda of Warren Grove stated there are several areas in the Township with potholes and he would like the Township to do a Township-wide road improvement project.

Rocco Temesco questioned the bonds and notes for the various dredging phases and the properties that are included in those bonds and notes.

Township Business Administrator Rodney Haines stated there is an Ordinance for Phase 1 that was previously passed which states all the blocks and lots that are included in that phase of dredging.

Mayor Kehm stated when Osbourne Island started the dredging discussions happened regarding NJDEP, grants available and they discussed every aspect that the Township was able to in order to get the dredging done. He further stated after those discussions the only way that the dredging could get done was in phases. He stated after Osbourne Island was completed, the residents then asked when their area was going to get done and that is the reason for the poll to see what residents were interested in having dredging done in their area.

Rocco Temesco questioned why the dredging for the Township was not done as a whole project instead of phases.

Township Attorney Melanie Appleby and Township Engineer Jason Worth explained the purpose behind the phases and at this point there is no process that the Township could consolidate all the properties and bonds together.

Joan Richardson questioned if the no response votes will be counted as yes votes. She also asked Committee Members who does and does not live on the water.

Mayor Kehm stated if the vote is an overwhelming no vote then the no response will not be counted as a yes vote. He stated the purpose of that statement was to get people to vote.

Sandra Doda stated if Turtle Park was taken off a lot of money off a lot of money could possibly be saved.

Township Engineer Jason Worth stated that if Turtle Park was removed money would be saved but the mud could slide back down if it is not dredged out wide enough.

Elizabeth Barrett stated she has crabbed for 17 years and questioned if the dredging will destroy the wildlife.

Township Engineer Jason Worth stated there are timing restrictions which they must comply with all seasonal restrictions. He stated those restrictions are different in every area.

Rocco Temesco questioned how the phases were determined.

Township Engineer Jason Worth fully clarified how he determined the lines and provided the recommendation to the Township and the people who are spearheading the project, which they do not live on the water.

Motion to Close to Public: Scibetta

Second: Laney

All in Favor

TOWNSHIP ENGINEER COMMENTS

Township Engineer Jason Worth provided an update on the Soccer and Football Field reconstruction project with expectations of the project being complete by the Fall season. He also provided information to the Committee on two grants that are available. The first grant is offered by the Fish and Wildlife Foundation for a coastal resilience fund with \$140 million dollars available for funding. The second grant is a \$3 million dollar grant offered by Ocean Wind with a deadline submission of May 3. He further updated the Committee on the dredging projects that are currently taking place.

TOWNSHIP COMMITTEE COMMENTS

Committeeman Daniel Maxwell welcomed the two new police officers and congratulated them on their dedication to the Township. He also stated the Senior Center Advisory Board will be hosting the 18th Annual Senior Center Information Expo on Wednesday May 4 from 9am to 12pm at the Community Center. He also stated the Township shredding event will be on May 14 from 9am to 12pm at the Community Center. Committee Member Maxwell also wished everyone a Happy Easter and Passover.

Committeeman Kenneth Laney stated he is still awaiting estimates pertaining to the improvements to the Community Center. He further congratulated the two new police officers and wished everyone a Happy Easter.

Deputy Mayor Blaise Scibetta gave accolades to the Environmental Commission for the Township Wide Clean-up event and giving away over 300 trees for Arbor Day. He further wished everyone a Happy Easter and Resurrection Day.

Mayor John Kehm stated it was an honor to read the volunteer proclamation recognizing the volunteers of EMS, fire, Township Volunteers and PAL organizations. He stated Little Egg Harbor is a great community with people who have a lot of big hearts that volunteer their time to better the community. He also stated starting in June the Community Center will be open for open rec on Friday nights without food until the Township can get in more food donations. He wished all the Township Employees a very Happy Easter.

Township Business Administrator Rodney Haines requested that the Mayor keep his office in the loop with open rec on Friday nights so there are no conflicting organizations occupying the facility at the same time.

EXECUTIVE SESSION 2022-124

A Resolution Authorizing the Convening of an Executive Session in Accordance with the Open Public Meetings Act

Township Attorney Melanie Appleby stated the Committee needs to go into Executive Session to discuss pending litigation, personnel and Acquisition of Property, action is anticipated to be taken.

Motion to Approve: Scibetta

Second: Maxwell

All in Favor

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Motion to Close Executive Session and Reconvene Regular Township Meeting: Scibetta

Second: Laney

All in Favor

RESOLUTION 2022-125

Authorizing the Execution of a Settlement Agreement with K. Hovnanian at Little Egg Harbor Township II, LLC

Township Attorney Melanie Appleby read by title Resolution 2022-125.

Motion to Approve: Maxwell

Second: Scibetta


Roll Call: All Yes – Mr. Laney; Mr. Maxwell, Mr. Scibetta, Mayor Kehm

Motion to Adjourn: Scibetta

Second: Maxwell

All in Favor

I hereby certify the foregoing Minutes were formally approved by the Little Egg Harbor Township Committee.



Kelly Lettera, RMC
Township Clerk