



*Committeewoman Lisa Stevens explained we are in favor of this however we need to clean it up.*  
 2017-10 An Ordinance of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, amending and supplementing Chapter 269 of the Township Code to regulate the practice of real estate solicitations and establish a "No Knock" Registry

Motion to Carry: Schlick                      Second: Stevens                      Roll Call:

Schlick	Yes
Kehm	Yes
Stevens	Yes
Crea	Absent
Gormley	Yes

2017-12 An Ordinance of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, amending Chapter 29 of the Township Code of the Township of Little Egg Harbor, entitled "Economic Development Advisory Board" *[increase numbers of members from seven members to nine members]*

Motion to Open to Public: Kehm                      Second: Stevens                      All in favor  
 Mr. Art Mooney: Stated he did not see any meeting minutes for the Economic Development Advisory Board on the township's website and asked if there were any.  
 Mayor Gormley explained there are minutes however they are not on the website yet.  
 Mr. Art Mooney: Asked if they are required to take minutes of their meetings.  
 Township Attorney Jean Cipriani explained it is required if it is the bylaws of the committee or township.

Motion to Close to Public: Schlick                      Second: Kehm                      All in favor  
 Motion to Approve: Kehm                      Second: Stevens                      Roll Call:

Schlick	No
Kehm	Yes
Stevens	Yes
Crea	Absent
Gormley	Yes

#### 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.*

2017-227 A Resolution appointing Wayne Gibson as per diem Building Inspector for the Township of Little Egg Harbor *[at the rate of \$35/hour]*

2017-228 A Resolution rescinding Resolution No. 2017-205 and authorizing the purchase of vehicles for the Township motor pool *[two base model 2018 Ford Explorer utility vehicles - total cost \$24,862. purchased through State Contract]*

2017-229 A Resolution authorizing an amendment to the 2017 budget to allow for the insertion of a special item of revenue and appropriation pursuant to N.J.S.A. 40A:4-87 *[\$3,794.15 from the FY2017 Body Armor Replacement Fund]*

2017-230 A Resolution urging the Governor and the State Legislature to approve legislation to permanently extend the 2% cap on interest arbitration awards



## MISCELLANEOUS APPROVALS

- Raffle application for the Little Egg Harbor Tuckerton PBA Charity Inc. 50/50 raffle on November 18, 2017 at Parkertown Fire House
- Raffle application for St. Theresa Church 50/50 raffles on various dates 2018

Motion to Approve: Schlick

Second: Kehm

All in favor

## TOWNSHIP ADMINISTRATOR/CFO – Best Practices

*Township Administrator Garrett Loesch gave a brief summary of the townships Best Practices.*

## TOWNSHIP ENGINEER COMMENTS

*Jim Oris reported on the preconstruction meeting for the townships roof projects, the MUA's project on Twin Lakes Boulevard and NJDOT 2018 Municipal Aid Road Program application. Committeeman John Kehm spoke about the poor condition of the road on Radio Road by Playhouse Drive.*

*Township Administrator Garrett Loesch explained there is a 60 day resting period required by the county which is almost up and paving should begin sometime in November.*

## PUBLIC COMMENTS – any topic

Motion to Open to Public: Stevens

Second: Kehm

All in favor

*Township Administrator Garrett Loesch – It's a rare event that I come to the podium and speak to you as a tax paying resident but I ask to be allowed to express my concerns without interruption and welcome any comments from the committee when I am done. I also feel this is between the residents and the governing body therefore that township's professionals don't have to intervene. At the last meeting the governing body passed a resolution to amend an existing dredging permit that the DEP issued to the residents of Osborn Island. From the contents of the resolution you're exploring sites within the township to stockpile dredge spoils. At the same meeting you passed a resolution to draft and accept bids for tipping fee charges and these are the fees these sites would charge to accept dredge spoils on their property. In essence creating a landfill for dredge spoils. When questioned during that meeting the mayor would only commit to naming the public works yard as a potential site. There are very few potential township locations that can accommodate such spoils. Without disclosing these sites the township has already moved towards seeking bids for the tipping fees to accept these spoils. My family owns a tract of land in the proximity of one of these unnamed potential locations. All of our homes and the other homes in our area rely upon well water. If this unnamed location is indeed accepted by the DEP it would be an open game to receive spoils from anywhere in the State. If this unnamed site is approved by the governing body as the successful bidder the impact on our lifestyles will be drastically reduced. Aside from the potential of our wells being contaminated we will face countless numbers of trucks running in and out of the site. These potential unnamed sites exist as preexisting non-conforming sites and do not need to be altered. Does the township plan to require these unnamed sites and the owners of such sites to apply for a change of use variance in the same way any other application would be handled. Will they go before the Planning Board or Zoning Board of Adjustment. Will the adjacent homeowners be noticed of a hearing prior to any local or state approvals so they can voice their concerns, will there even be any hearings.*

*It is my understanding that a dredging plan has been a major component in the reelection campaign of Ray Gormley and John Kehm. When this plan has the potential to place dredge spoils next to my home I become suspect as to the true intentions, is this meant to be retaliatory. Will endangered species studies and environmental impact studies be required. I must stand corrected on something I said; stating the governing body would grant any of these approvals is a false statement, the governing body when they approved the resolutions transferred their authority in the matter directly to the mayor; allowing the mayor to execute these permits with no further discussion of the committee and no residential input. He alone will decide the fate that affects our lifestyles in the area of this unnamed landfill. That in itself complicates and enhances the current state of affairs between myself and Mayor Gormley if a site in the proximity of my property is granted his approval. I question his true intention or deliberate actions to further his personal agenda against me for the legal actions I've commenced against him and others. I demand that Resolution 2017-219 allowing the permit amendment for the additional dredge sites and Resolution 2017-218 seeking bids for tipping fees be rescinded and withdrawn until a proper application hearing and the input of the residents is included. I would encourage the governing body to take back their individual authority, to remain actively involved and to be included in all decisions surrounding these matters moving forward.*

*Township Attorney Jean Cipriani – If I may Mayor, Mr. Loesch referenced pending litigation and it is my advice that since many members of the governing body are involved in the same litigation that was referenced no statements should be made on the dais. I suggest that anyone who wants to make a statement consult with the counsel that is representing them in this matter. There is clearly a reference to already pending litigation and it is not appropriate. I cannot advise you but I think you should speak to the counsel that is advising you before any statements are made.*

*Committeeman Dave Schlick attempted to ask a question*

*Township Attorney Jean Cipriani advised Committeeman Schlick since you are also involved and was represented I strongly suggest you speak to the counsel that represented you. It is not up to me to say that you cannot speak but it is my strong advice that you speak to the counsel that represented you before you comment on that matter in public which references pending litigation.*

*Committeeman Dave Schlick Okay, I am asking for some clarification on resolutions 218 and 219 is what Mr. Loesch stated a correct interpretation?*

*Township Attorney Jean Cipriani stated no I do not think that is a correct assertion as to the import of those resolutions. Obviously Mr. Loesch was speaking as a member of the public though certainly referencing information that he appears to have garnered in his official capacity. I would have to see the document in terms of what he is actually saying and what he thinks the individual resolutions do. I do not believe that that is a correct recitation as the import of those resolutions.*

*Committeeman Dave Schlick asked if Resolution 2017-218 gives sole responsibility to the Mayor to make those decisions.*

*Township Attorney Jean Cipriani stated No*

*Committeeman Dave Schlick Okay*

*Township Attorney Jean Cipriani stated the resolution that was done gave the authority to the Mayor to execute the permits which I presume will be prepared by T&M Associates. As for the resolution for tipping fees any award of any contract always has to come back you as a group. That is not something that in this form of government, really in any form of government in New*

Jersey, that the mayor can execute without further authority from the committee or governing body. There is no other way to enter into a contract.

Committeeman Dave Schlick asked why did we even write that resolution then, I don't understand the purpose.

Township Attorney Jean Cipriani responded the resolutions as I understand and certainly Mr. Oris is well able to explain it is that they were going to become a part of the dredging project; an opportunity or suggestion of going out for bid to get tipping fees established so that when we the dredge project goes out for bid, which is a separate bid, that there would be an established amount for all potential bidders. The permit for the overall dredging project, or any of the special dredging projects, has not been granted, the scope is not known, and those projects are not out to bid.

Committeeman Dave Schlick stated Okay

Ms. Debbie Allen – Asked if the town is looking for fees and allowing people in the community to put out bids to be chosen as a dumping ground for dredge. Once chosen, then dredge material from any area can be dumped there?

Township Attorney Jean Cipriani explained any site must be acceptable to the DEP. If any site in town wished to apply to the DEP to be deemed appropriate they could do so without any involvement from the township. This just establishes a fee and does not give anyone the right to do anything separate from the dredging project which has not gone out to bid.

Ms. Debbie Allen – Questioned if any of these areas are approved by the DEP, then residents that live near the sites will have no say in what's getting dumped there.

Township Attorney Jean Cipriani referred to the Township Engineer.

Township Engineer Jim Oris explained one of the resolutions was with regard to modifying the Osborn Island permit.

Ms. Debbie Allen – Stated she read in the paper that it was denied.

Township Engineer Jim Oris stated no and explained the first resolution authorizes the township to apply to modify the Osborn Island permit from the DEP to dredge their lagoons and the material would be brought to a specific location. The second resolution is with regard to potential sites the material could be brought to. We need to look at which sites may be suitable in a certain geographic radius from where the material will come from.

Ms. Debbie Allen – Asked who inspects and determines that the sites are appropriate for dumping dredge material.

Township Engineer Jim Oris explained he believes the permit process will include a public comment period.

Mayor Ray Gormley explained we will try to look for additional sites to eliminate any potential impact on homeowners. He discussed a site off the Atlantic City expressway purchased by the DEP earmarked just for spoils.

Ms. Debbie Allen – Mentioned she does not believe anyone in this community would want that in their area.

Mayor Ray Gormley explained all opportunities have to be explored. He discussed a landfill in West Deptford that is looking for dredge materials

Ms. Debbie Allen – Fears once a site is open in town then other areas will dump their dredge here.

Mayor Ray Gormley explained he would encourage the governing body members to restrict dumping to Little Egg Harbor only. We are trying to find a creative way to get rid of this material so it doesn't impact everyone in our community.

*Ms. Debbie Allen – Expressed her concerns regarding how the dumping sites could negatively impact residents.*

*Mayor Ray Gormley explained we have to explore every opportunity in our community and do what is fair for the waterfront and everyone. He spoke of an upcoming meeting with the DEP, the four towns involved and the possibility of putting berms on the islands out on the bay.*

*Ms. Debbie Allen – Believes the berms on the bay will affect the livelihood of fishermen and clambers.*

*Mayor Ray Gormley stated so the question then is where.*

*Ms. Debbie Allen – Stated she has no idea.*

*Mayor Ray Gormley explained that's the problem.*

*Ms. Debbie Allen – Asked if the public can be assured that they will be given an opportunity to speak on this matter.*

*Mayor Ray Gormley explained he believes public comment is part of the DEP process. Even with the dredging the DEP and the Army Corp of Engineers should have public comment; however, to get that permit they have to name a site, its part of the permit process.*

*Ms. Debbie Allen - Thanked the governing body.*

*Mr. Peter Ferwerda – Discussed his views and concerns regarding lagoon dredging, the environmental impact and locations for the spoils.*

*Mr. Robert Daulton – He is following up on a letter given to the mayor from Ed Andrew at the last meeting.*

*Mayor Ray Gormley spoke to Mr. Andrew after the last meeting and was under the impression he would be reaching out to set up a meeting. He will contact him to discuss it.*

*Mr. Robert Daulton – Stated the DEP funding was denied, not the permit as the paper is reporting.*

*Mayor Ray Gormley explained it was not denied but asked to be scaled down.*

*Mr. Robert Daulton – Discussed special assessments and the cost of the dredging project.*

*Mr. James Pasterack – Spoke about the hazardous condition of the school and its impact on the students and staff. He asked if the township can get involved in this situation.*

*Township Attorney Jean Cipriani explained the township does not have oversight over the schools but can request information.*

*Mayor Ray Gormley explained with the governing body's permission we can have the Township Engineer look at the issue and maybe we can offer assistance.*

*Mr. Robert Daulton – Mentioned all the documents are on the website including the air quality test. He stated the work was to be completed no later to August 30, and asked why they were working with students in the school.*

*Mayor Ray Gormley will contact him with any information he gets.*

*Mr. Robert Daulton – Asked if the town plans to continue the sidewalks down Radio Road.*

*Mayor Ray Gormley discussed some plans the township is looking into regarding sidewalks.*

*Mr. Art Mooney – Believes the school is in violation of township codes.*

*Township Engineer Jim Oris stated it is not a code enforcement issue and explained the School Board awarded a contract to a contractor.*

*Township Attorney Jean Cipriani explained the time of day the work is done and if it poses a potential hazard is a Board of Education issue.*

*Mr. Art Mooney – Asked for an update on appointing a Liaison to the schools and the status of the town since Super Storm Sandy.*

Mayor Ray Gormley explained at this time there is no liaison to the school board and he will look into a post Sandy update.

Mr. Art Mooney – Asked for the status of the veteran's park.

Committeewoman Lisa Stevens gave an update on the progress of the park.

Mr. Art Mooney – Asked for an update on the dog park.

Committeeman Dave Schlick gave a brief update on the status of the dog park.

Mr. Steven DeSimone – Stated a committee member came to his business and addressed an issue with a handicap ramp. He asked if a committee member has the right to do that.

Township Attorney Jean Cipriani explained to answer that she will need more information.

Mr. Ed Geniton – Spoke about an unpleasant encounter he had with a committee member in his place of business on Saturday. He feels he was harassed and bullied and asked if the township has a Code Enforcement Officer and why a committee member would be addressing a handicap ramp.

Township Attorney Jean Cipriani explained either Code Enforcement or the police would handle code violations. If he feels a committee member acted improperly or the situation arose to a criminal level then he should go to the police.

Mr. Ed Geniton – Stated he is in the process of filing a police report.

Township Attorney Jean Cipriani explained if there is a pending police investigation then it would be inappropriate for the committee to comment, if not, a complaint can be made through the Local Finance Board.

Mr. Steven DeSimone – Asked Committeeman Schlick if he is a resident of Little Egg Harbor.

Committeeman Dave Schlick stated I am not. He explained due to his house fire he has a two year hardship to get his affairs in order.

Mr. Ed Geniton – Asked Committeeman Schlick why he came into his place of business.

Committeeman Dave Schlick explained he came in as a courtesy to a resident to address an ADA violation with a handicap ramp.

Mr. Peter Ferwerda – Spoke about the laws regarding handicap ramps.

Ms. Debra Allen – Asked where the dredge dumping sites are located.

Township Engineer Jim Oris explained there has been no site selection; they are in the site investigation process.

Committeewoman Lisa Stevens asked if the spoils will be monitored after they are placed in the dump location.

Township Engineer Jim Oris explained the materials have been tested and will be tested again at the receiving site.

Mr. Gus Lauer – Asked why the spoils will be dumped on land and questioned the environmental impact. He spoke about the Hudson Canyon dump site for spoils.

Committeeman John Kehm spoke about sites that were discussed after Super Storm Sandy that were deemed unacceptable.

Township Engineer Jim Oris will look into the information Mr. Lauer provided.

Mr. Steven DeSimone – Stated he is not comfortable having a committee member that is not a resident of Little Egg Harbor and would like action to be taken on the matter.

Mr. Ken Miller – Discussed an accident at the intersection of Otis Bog Road and Route 9 at the new traffic light and spoke about the dangers of the intersection.

Township Engineer Jim Oris explained since an accident occurred, we can work with the Police Chief and the DOT on the matter.



Motion to Close to Public: Stevens

Second: Kehm

All in favor

TOWNSHIP COMMITTEE COMMENTS

Schlick: No comment.

Kehm: No comment.

Stevens: No comment.

Gormley: No comment.

EXECUTIVE SESSION

2017-236 A Resolution authorizing the convening of an Executive Session in accordance with the Open Public Meetings Act, Matters of discussion are:

- Employment Contracts
- Formal Action May Be Taken

Motion to Approve: Stevens

Second: Kehm

Roll Call: Schlick	<u>Yes</u>
Kehm	<u>Yes</u>
Stevens	<u>Yes</u>
Crea	<u>Absent</u>
Gormley	<u>Yes</u>

Motion to Close

Executive Session: Stevens

Second: Kehm

All in favor

Being no further business,

Motion to Adjourn: Stevens

Second: Schlick

All in favor

Respectfully submitted,

Diana K. McCracken, RMC  
Township Clerk