LITTLE EGG HARBOR TOWNSHIP COMMITTEE MEETING MINUTES JUNE 9, 2022

Deputy Mayor Blaise Scibetta calls the Little Egg Harbor Township Committee Meeting to order and leads the Pledge of Allegiance. Time: 7:30 p.m.

OPEN PUBLIC MEETING STATEMENT

Deputy Township Clerk Susan Farrell 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 June 9, 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. Gormley, Mr. Laney, Mr. Maxwell and Mr. Scibetta

Absent: Mr. Kehm

PROCLAMATION

Committeeman Laney read the proclamation for Gun Violence Awareness Day (1st Friday in June)

APPROVAL OF MINUTES

May 12, 2022

May 12, 2022 Executive Session

Motion to Approve: Gormley Second: Maxwell

All in Favor

Mr. Gormley noted for the record he was excused from a portion of the May 12, 2022 Executive

Session.

ORDINANCE 2022-05 [SECOND READING AND ADOPTION]

An Ordinance of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, authorizing the increase of final appropriations to exceed the municipal budget appropriation limits for CY 2022 and to establish a cap bank pursuant to N.J.S.A. 40A:4-45.14

Motion to Open to Public: Maxwell

Second: Gormley

All in Favor

Mr. Art Mooney, 1 Windstar Drive asked what is the amount of the bank cap.

Township Administrator/CFO Rodney Haines explained the law allows us to increase up to 3 1/2% of the budget from the previous year's final appropriations so the ordinance is asking for a 1% increase over what we were allowed from the State CBI of \$207,712.45.

Mr. Art Mooney asked the cap bank is normally 2% and now we are exceeding it by an additional 1 ½%. Township Administrator/CFO Rodney Haines explained the 2% cap is the tax cap, this is an appropriations cap. The appropriations cap is banked for a future need.

Mr. Art Mooney asked what the need is for this increase.

Township Administrator/CFO Rodney Haines explained this ordinance allows us to bank it and if it is not done you are not allowed to bank anything.

Mr. Art Mooney asked why is it increased to 3 1/2%?

Township Administrator/CFO Rodney Haines explained it allows the township to bank that amount for a possible need in the future. This amount is not being raised in taxes and the reason it is done is to

cover an actual revenue that may come up in the future. To further explain it allows the township to make a one-time expense or increase in the budget without a referendum.

Motion to Close to Public: Laney

Second: Gormley

All in Favor

Motion to Adopt: Maxwell

Second: Gormley

Roll Call:

All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

ORDINANCE 2022-06

[SECOND READING AND ADOPTION]

An Ordinance of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 212, Land Development, of the Township Code of the Township of Little Egg Harbor so as to create Chapter 215, Land Use and Development

Township Attorney Melanie Appleby asked to carry this second reading and adoption to the July 14 meeting to give the planning board time to review it.

Motion to Carry: Gormley

Second: Maxwell

Roll Call:

All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

ORDINANCE 2022-07

[FIRST READING AND INTRODUCTION]

An Ordinance of the Township of Little Egg Harbor, County of Ocean, State of New Jersey, Providing for Road Improvements to Various Roads Located in the Township and Appropriating \$1,500,000 therefor and providing for the issuance of \$1,425,000 in Bonds or Notes of the Township of Little Egg Harbor to finance the same

Deputy Mayor Scibetta mentioned the roadways include but are not limited to the Mystic Shores Development - Hancock Drive, Shenandoah Drive, Madison Avenue, Danbury Drive, Mohican Lane and Valley Forge Drive; also Stage Road, Revolutionary Road, Jefferson Lane and Revere Drive.

Motion to Introduce: Gormley

Second: Maxwell

Roll Call:

All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

RESOLUTION 2022-135

Authorizing the 2022 Municipal Budget be Read by Title Only [This resolution is to save time prior to opening of the public hearing by permitting the budget be read by title as opposed to reading every line item. 1

Motion to Approve: Gormley

Second: Laney

Roll Call:

All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

PUBLIC HEARING 2022 MUNICIPAL BUDGET

CFO Rodney Haines explained the budget we have up for public hearing tonight is \$26,268,729.61. He explained taxes to fund that are \$19,912,620.09. There is a 1.8 cent tax increase staying within the 2% levy cap and equates to \$530,356. The increase is needed for an increase of loss of revenue from Cares Act money that was in the 2021 budget, for contractual obligations for retiree payouts, for additional fuel costs for police and public works vehicles and for estimated health care costs and to cover increases employees received this year.

RESOLUTION 2022-136

Resolution Adopting the 2022 Municipal Budget [The budget has total general appropriations of \$26,268,729.61. The amount to be raised by taxation to support the budget will be \$19,912,620.09]

Motion to Open to Public: Laney

Second: Gormley

All in Favor

Mr. Art Mooney, 1 Windstar Drive asked if there was a line-item meeting to explain the budget.

Township Administrator/CFO Rodney Haines stated the public hearing is tonight.

Mr. Art Mooney asked why there was no preliminary budget meeting.

Township Administrator/CFO Rodney Haines explained it is not a requirement to hold such meeting and in the past there was very little public participation.

Mr. Art Mooney asked if any of the items in the budget are covered under the American Rescue Plan. Township Administrator/CFO Rodney Haines stated the American Rescue Plan is in the budget authorizing the Grant and some of the projects will be discussed later tonight.

Mr. Mooney asked can we see the budget.

Township Administrator/CFO Rodney Haines stated the introduced budget is on the website or you can get a copy from the Clerk's office.

Motion to Close to Public: Gormley

Second: Laney

All in Favor

Motion to Approve: Maxwell

Second: Gormley

Roll Call:

All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

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.

2022-137	Authorizing the Chief of Police to Interview and Make Recommendations Regarding Hiring a Police Sergeant
2022-138	Authorizing the appointment of Bryce Hayek as Laborer 1, Clean Communities (Seasonal) for the Department of Public Works
2022-139	Authorizing the appointment of Jayme Ahart as Laborer 1, Clean Communities (Seasonal) for the Department of Public Works
2022-140	Authorizing the promotion of Barbara Jeffrey to the position of Account Clerk/Clerk 2
2022-141	Authorizing the promotion of Monica Johnson to the position of Clerk 3

2022-142 Accepting the resignation of and authorizing the compensation of vacation time to Vincent Grosso

2022-143 Authorizing the appointment of members to the Floodplain Management Plan Committee

2022-144 Authorizing the Renewal of Plenary Retail Consumption and Plenary Retail Distribution Licenses for the 2022-2023 Licensing Year

2022-145	Authorizing the Renewal of Club Licenses for the 2022-2023 Licensing Year
2022-146	Authorizing the Renewal of an Plenary Retail Alcoholic Beverage Consumption License (Inactive) to Sea Oaks Country Club, LLC in Accordance with a State, Division of Alcoholic Beverage Control Special Ruling for the 2022-2023 License Term
2022-147	Authorizing the Township to Cooperate with the County of Ocean to Conduct a Public Hearing as to the exchange of property held as Open Space and to satisfy the requirements of N.J.S.A. 40A:12-13.5 and N.J.A.C. 7:36-25.5
2022-148	Authorizing the execution of a Shared Services Agreement with the County of Ocean for the FY22 Traffic Enforcement Program Grant
2022-149	Authorizing the filing of an application for the NJDOT Municipal Aid Road Program FY 2023 for Improvements to Oak Lane
2022-150	Authorizing the preparation of specifications for upgrading, expanding and repairing of existing security surveillance systems at various township property locations
2022-151	Authorizing the preparation of specifications for Skate Park Improvements at the Community Center
2022-152	Awarding a contract for a skate park from American Ramp Company under the National Cooperative Sourcewell Contract #112420-ARC
2022-153	Authorizing the purchase of Taser Units and Accessories Under State Contract T0106/17-FLEET-00738 (American Rescue Plan Act Funding)
2022-154	Authorizing the purchase of a replacement New Jersey Transit bus shelter on Radio Road (American Rescue Plan Act Funding)
2022-155	Authorizing Special Projects Engineer, T&M Associates, to perform Survey, Plan and Specification Preparation, Bidding Assistance, Construction Administration, and Inspections relating to 2022 Drainage Improvement Project (American Rescue Plan Act Funding)
2022-156	Authorizing the purchase and installation of a Township Phone System Under State Contract A80802, T1316
2022-157	Authorizing the release of Maintenance Guarantee posted for Route 539 Business Park to Commercial Enterprises
2022-158	Authorizing the release of Performance Guarantee posted for the Road Opening – 109 East Dory Drive by Carvalho Property Management LLC

- Authorizing the execution of an Indemnification and Hold Harmless Agreement and execution of a General Permit 6 and 15 CAFRA Application, as to Block 326.219, Lot 7.01
- Authorizing the circulation of a preliminary official statement and final official statement in connection with the sale of the Township's Bond Anticipation Notes in an aggregate amount not exceeding \$9,463,000 and approving a continuing disclosure certificate with respect to said notes of the Township, and authorizing and/or ratifying other actions in connection therewith

Township Attorney Melanie Appleby read Resolution No. 2022-161 in full.

- Authorizing the Township Attorney to take any and all necessary action to initiate a formal complaint to the Board of Public Utilities regarding street light tariffs and equipment upgrades
- 2022-162 Authorizing the Issuance of a Duplicate Tax Sale Certificate
- 2022-163 Certifying Tax Liens for Costs Incurred in Accordance with the Property Maintenance Code

Committeeman Ray Gormley asked Attorney Appleby to clarify Resolution 2022-146 is not a transfer resolution to the new owner.

Township Attorney Melanie Appleby confirmed it is not for the transfer it is to allow for a special ruling from the ABC to keep the license active.

PUBLIC COMMENT - Consent Agenda Only

Motion to Open to Public: Gormley

Second: Maxwell

All in Favor

Mr. Phil Curtain, 19 Mayflower Drive questioned Resolution 22-137 and asked if it's a new practice to have the Chief of Police involved in hiring or interviewing sergeants?

Deputy Mayor Blaise Scibetta explained the Chief calls for the list of eligible candidates and makes a recommendation to the governing body.

Mr. Phil Curtain asked for clarification on Resolution 22-149 Oak Lane improvements.

Township Engineer Jason Worth stated the work is from Center Street to Great Bay Boulevard and the preliminary improvements include repaying of the roads, additional curbing, sidewalk improvements, new striping and necessary drainage improvements.

Mr. Art Mooney, 1 Windstar Drive asked for clarification on the Sea Oaks resolution Township Attorney Melanie Appleby explained the liquor license is inactive and a special ruling from the ABC is required to keep the license in an active state.

Mr. Art Mooney asked if the LBI Golf Course has applied for their liquor license yet.

Township Attorney Melanie Appleby stated not yet.

Mr. Art Mooney asked if the township has heard from the new owners.

Township Attorney Melanie Appleby stated she has not been made aware of anything.

Mr. Art Mooney asked if they have to go before the planning board.

Township Attorney Melanie Appleby confirmed they do not have to go before the planning board unless they are making improvements.

Township Administrator/CFO Rodney Haines stated this special ruling is required for Sea Oaks to keep the liquor license active. The process for the transfer of the liquor license can now commence. The new owners have proposed changes to the buildings/operations and if so they will be required to go before the planning board.

Mr. Art Mooney asked about resolutions 153, 154 and 155 funding through the American Rescue Plan do they all fall within the restrictions and what are the amounts?

Township Administrator/CFO Rodney Haines stated 153 is for \$76,000 for Taser units for the police department, our PD does not have Taser units as a non-lethal force.

Mr. Art Mooney asked how does this fall within the restrictions of the "Plan"

Township Administrator/CFO Rodney Haines stated a ruling came out that municipalities that received less than \$10 million in American Rescue Funds can use it as needed and public safety is one of the items; Resolution 154 is for a bus shelter in the amount of \$8,965, its been ordered from NJ Transit's preferred vendor and our public works department will assemble it and maintain it; Resolution 155 is for drainage improvements with an estimated cost of \$450,000.

Township Engineer Jason Worth confirmed it falls within the budget assigned and within the guidelines.

Mr. Art Mooney asked what about small business in Little Egg Harbor

Committeeman Ray Gormley stated we are working on ways to help our local businesses.

Deputy Mayor Blaise Scibetta stated based upon the amount of money we have through the American Rescue Plan there is money allocated for small businesses.

Mr. Art Mooney asked if the two million dollars is only the first installment.

Township Administrator/CFO Rodney Haines stated the \$2.2 million is the total allocation with \$1.1 million received last year and he expects to receive \$1.1 million this year.

Mr. Ed Andrews, Maryland Road asked for more information on resolutions 2022-151 & 152. Township Engineer Jason Worth explained there is green space at the community center and that is where we will put the skate park. We are working under state contract with Schaffer Recreation to look at the asphalt area and American Ramp Company for the equipment.

Mr. Ed Andrews asked how does the township handle liabilities for something like this? Township Administrator/CFO Rodney Haines stated the Ocean County JIF has five-pages of guidelines on how the park has to be built and premiums will not go up if it is built under their approved guidelines.

Mr. Phil Curtain, 19 Mayflower Drive asked the cost of maintenance on the skate part? Deputy Mayor Blaise Scibetta explained maintenance is simple the ramps are coated with paint that will last 5-7 years and can be reapplied by our public works department. The contractor will supply the township with the special paint. There is also a 20-year warranty on the ramps.

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

Motion to Approve: Maxwell Second: Laney

Roll Call: All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

BILL RESOLUTION 2022-164

A Resolution Authorizing the Payment of Bills in the Amount of \$5,430,839.73

Motion to Approve: Maxwell Second: Gormley

Roll Call: All Yes - Mr. Gormley, Mr. Laney, Mr. Maxwell, Mr. Scibetta

Absent - Mr. Kehm

Mr. Laney abstained on items 22-00449, 22-00474 and 22-B06024

MISCELLANEOUS APPROVALS

➤ Raffle Application No. 2022-20 for the Sunshine Foundation, On Premise Gift Raffle, at American Legion Post 493 Mystic Island, 420 Radio Road on July 10, 2022

Motion to Approve: Maxwell

Second: Gormley

All in Favor

PUBLIC COMMENT - Any Topic

Motion to Open to Public: Gormley

Second: Laney

All in Favor

Mr. Anthony Redzicki, 15 Danbury Drive stated he is the Association President for the Board of Trustees for Mystic Shores and asked when will the road work begin in the Mystic Shores Development.

Township Engineer Jason Worth stated we are looking at a fall project, Shenandoah & Hancock will be repayed first before the other repairs are done.

Mr. Anthony Redzicki stated last fall he showed township representatives over 20 damaged sites and nothing has been done.

Township Engineer Jason Worth stated last fall the township committee asked him to gather estimates for repairs and repaving which he has, he has also spoke with several residents; the DPW has done some repairs on Mohican Lane.

Mr. Anthony Redzicki handed Mr. Haines a petition/letters from 322 residents regarding the road conditions.

Township Administrator/CFO Rodney Haines stated the ordinance introduced tonight is for funding the project, next month will be the public hearing and adoption. Once that is in place and the money is authorized we can go out to bid for the work. Also the public works department has cleared some of the areas of concern.

Mr. Robert Matthews, 125 Mohican Lane mentioned a guy from public works fixed the road next to him and said there is clay and the water that is not going anywhere he suggested rock to help with drainage. He gave an example of an incident with the speed bump in front of his driveway that a guy went over it with a front end loader and the speed bump went down and came right back up. Township Administrator/CFO Rodney Haines stated public works will continue to be out until the major fix is done.

Erica Napolitano, 14 Hannah Place mentioned she is the acting Chairperson for the Environmental Commission and gave an update on what they have been working on. They are working with the township engineer on their Sustainable Jersey Actions so under Community Partnership and Outreach we are having the 2nd annual township yard sale July 16 & 17 and we are trying to coordinate with folks from Save Barnegat Bay to host a rain barrel workshop. Upcoming projects for Sustainable Jersey include requesting the township to use at least 25% recycled paper. We will continue our efforts on getting the word out on terrapin safety; we have attended many area fairs and events and would like more information on bulk recycling that they can get out to the public. Finally the Environmental Commission fully supports Resolution No. 2022-161.

Dr. John Edmunds, 2 Spruce Drive expressed his thanks for repairing the grate at the end of Spruce & Oakleaf and thanked the committee for Resolution 2022-155. He would like a copy of the drainage plan budget.

Township Administrator/CFO Rodney Haines stated it's a preliminary estimate not a formal plan. Dr. John Edmunds asked if the zoning on the south side of Route 9 can be changed from General Business to Neighborhood Business.

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

TOWNSHIP ENGINEER COMMENTS

Safe Routes to School Program – after several attempts the Township was awarded a \$815,000 grant for the area of the junior high school including Nugentown Road, Giffordtown Lane & Stage Road for new sidewalks, curbs, handicap ramps and crosswalks connecting the junior high to Route 9 and surrounding neighborhood.

Center Street – Ocean County installed weight limit signs and they bid and awarded the project. They are waiting for the NJDOT approval to make the section of Center Street in Tuckerton one-way. Residents will be notified prior to the beginning of construction and we will attend the preconstruction meetings.

Mystic Beach and Parkertown Beach – received the Army Corp of Engineers approval for Mystic Beach waiting for their approval for Parkertown Beach. Once received we will go to bid hopefully this summer for fall construction.

Mystic Island Phase 1 Dredging – The contractor has removed approximately 46,000 cy and by the end of this month they should be at about 59,000 or 60,000 yards; there is a total of 110,000 cy to take out there. The contractor will be taking off the months of July and August because they are busy months on the water with recreational boating. They will be back in September which was always the plan and will work September, October, and November and complete Phase 1.

Dredging – Committeeman Ray Gormley commented we were asked to investigate a dredging project Brick is undertaking and asked Mr. Worth to elaborate.

Township Engineer Jason Worth reported they (Brick) have approached dredging pretty much exactly the same way Little Egg Harbor has. They received a town-wide dredging permit and are going through their waterfront section by section to complete dredging. The project we were asked to investigate is the Nejecho Beach area off Mantoloking Road. It is one lagoon with 25 homes, they are dredging 2,200 cy of material from, it's actually 90 percent sand so right away it has reuse ability. They put it out there to the residents for a special assessment and asked them to vote on it; they had 16 yesses out of 25 properties so they moved to bid the project. There estimate was approximately \$100 a cubic yard so \$220,000 for the overall project. If you recall we have been estimating \$90 a cubic yard. The bids actually came in with the cheapest bid at \$298,000 all the way to \$653,000. It's a small quantity of material and it averages about \$135 a cubic yard for that project and they are not disposing of the material. Whereas in our projects we are paying to dispose of the material at a quarry, landfill or somewhere. There they are trucking the material to Windward Beach on the Metedeconk River and placing the sand right on the beach and grading it out. So there is less cost involved and less action than in one of our projects. So in actuality they are paying somewhere in the

neighborhood of \$150-\$155 a cubic yard and it's going to result in an assessment of approximately \$12,000 to those 25 homes but they did vote for it to move forward. Tuckerton Borough just did their project for the Tuckerton Beach area and they have more material and received a better price than what Brick received. Brick is following the same process as Little Egg Harbor they put it out to the residents, they said yes so they bid the project and are moving forward with it even at the increased cost.

Committeeman Ray Gormley commented he thinks what is pretty amazing to note is that Brick's low bidder was \$135 per cubic yard where our low bidder was \$75, that's quite a difference when you're talking about a lot of material. Tuckerton Borough just got about \$72 a cubic yard so that's a really good price and I hope if we are able to go out for this project we are able to get in the area of \$72-\$75 a cubic yard.

Township Engineer Jason Worth stated Tuckerton has about 16,000 yards to take out, a significantly smaller project than ours. The low bidder is the contractor that is working in Mystic Islands right now and he is expecting to go from one spot to another locally without a large mobilization cost so that is why it's about \$72 a yard. The next bidder was at \$91 and the third bidder was at \$96. So in line with what we had been thinking but the fact that they are here, they have all their equipment here, the opportunity is here for a very competitive price.

Committeeman Ray Gormley stated he thinks they have a very close proximity to dispose of the material, obviously with fuel costs and everything associated they have a very close place to dispose of the material which is a very big factor.

Township Engineer Jason Worth stated they did mention that several times.

Committeeman Ray Gormley also mentioned we want to try and help our marinas and figure out ways to get them help because they are also shoaling in pretty badly.

TOWNSHIP COMMITTEE COMMENTS

Mr. Maxwell — On May 21, 2022 the Mystic Island Fire Company celebrated their 50th Anniversary serving Little Egg Harbor. He joined the VFW and the American Legion for their Memorial Day Services and happily reported we are in the preliminary planning stage for the 2023 Memorial Day Parade. The Little Egg Harbor Board of Health scheduled a free rabies clinic on November 12 at the Community Center. The next Senior Citizen Advisory Board meeting is Monday, June 27 at the Cranberry Creek Club House, guest speakers include weatherman Joe Martucci and Chief Hawkins.

Mr. Laney – Attended the 10th Grade Driving Safety Program at the high school. Wished all a Happy Father's Day and this year's fireworks will be on Saturday, July 2.

Mr. Gormley – Wished everyone a Happy Father's Day and recalled how times have changed our fire companies now receive over 1000 calls a year and there is a need for volunteers.

Mr. Scibetta – Fireworks are July 2 with a rain date of July 9. The parade will be on the 4th of July. The township-wide garage sale is July 16-17. National Night Out is August 2 and that will also be the grand reopening of the soccer and football fields at the Rec complex. The Little Egg Harbor Chamber of Commerce will be hosting the annual Harvest Festival on Saturday, October 22.

EXECUTIVE SESSION RESOLUTION 2022-165

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 contractual matters, no formal action will be taken.

Motion to Approve: Gormley

Second: Laney

All in Favor

Motion to Close Executive Session and Reconvene

Regular Township Meeting: Laney

Second: Maxwell

All in Favor

Motion to Adjourn: Maxwell

Second: Laney

All in Favor

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

Susan M. Farrell, RMC/CMR

Deputy Township Clerk