

MUNICIPAL BUILDING
7:30 PM

TOWNSHIP MEETING
APRIL 14, 2016

The township meeting of the Township Committee took place on the above date, time and place with the following being present: Mayor Eugene Kobryn, Deputy Mayor Dave Schlick, Committeeman Ray Gormley, Committeeman John Kehm, Committeewoman Lisa Stevens, Township Administrator Garrett Loesch, Township Attorney Robin LaBue, Township Engineer Jason Worth, Recording Operator Linda Cicco and Township Clerk Diana McCracken

Township Clerk Diana McCracken read the Open Public Meeting Statement and opened the meeting.

Flag Salute - Moment of Silence

Committeewoman Lisa Stevens read a proclamation designating the week of April 10, through April 16, 2016 as "National Library Week." We encourage all residents to visit the library this week and explore what is new in our library.

Library Branch Manager Kelly-Ann Pennell thanked the committee, staff and community for their continued support of the library and the services they provide. She spoke about upcoming events at the Little Egg Harbor Branch Library and invited residents to attend.

Committeewoman Lisa Stevens presented the Proclamation to Ms. Pennell.

Mayor Gene Kobryn read a proclamation designating the week of April 10, through April 16, as "National Volunteer Week". Volunteers are vital to our future as a caring and productive community. The Little Egg Harbor Township Committee values the importance of the countless hours provided by the many devoted men, women and children for helping our community grow in a positive way. He personally thanked Committeeman John Kehm for his volunteer work at the community center.

Committeeman John Kehm thanked Dan "Boone" Wegman and the many volunteers for their hard work and dedication at the community center.

Old Business: Anticipated Action for this evening

Ordinance #2016-02 (Second Reading and Final 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 2016 and to establish a Cap Bank Pursuant to N.J.S.A. 40A:4-45.14 [final appropriations to be increased by 3.5% amounting to \$635,991.00]

Motion to Open: Stevens Second: Schlick All in favor

Ms. Pat Johnson: Asked for clarification on this ordinance and how it will affect the budget.

Township Administrator Garrett Loesch explained the COLA Cap Bank is an ordinance recommended by the state and considered proper due diligence. It is not cash money, its paper/depreciation. We have not used the cap bank under any leadership in this committee since I have been here.

Ms. Pat Johnson: Asked if it would be used if there was an emergency.

Township Administrator Garrett Loesch explained we had the emergency of Super Storm Sandy and financial lay-offs and did not use it because it would have raised taxes more than needed. We made the necessary cuts to get through.

Ms. Pat Johnson: Asked since it is not surplus money does the state require this just in case the town needs to ask the taxpayers for more money.

Township Administrator Garrett Loesch explained the Cap Bank can be used in future years to exceed the 2% cap. It was not needed this year and was actually reduced.

Ms. Pat Johnson: Asked Mr. Loesch to make an analogy to better understand what the cap bank is.

Township Administrator Garrett Loesch stated it's like depreciation on a car, if someone had a business and was depreciating their car in their taxes; it doesn't really reduce by \$2,000 that year but it depreciates and you're allowed to take the deduction from your IRS taxes.

Mr. Art Mooney: Asked what the budget increase will be.

Township Administrator Garrett Loesch stated there is no increase. Explained the COLA Cap Ordinance allows 3.5% to be utilized and banked. The tax levy was reduced this year by over \$500,000.

Mr. Art Mooney: Asked if the cap bank lasts for three years why is it done every year.

Township Administrator Garrett Loesch explained it is a requirement of the state.

Mr. Art Mooney: Stated he understands once the cap bank is established you can utilize the bank up to three years from the year it is established.

Township Administrator Garrett Loesch explained when we add 2016 we drop 2013 so we have 2014, 2015 and 2016 in the cap bank.

Mr. Art Mooney: Mentioned with the 2% hard cap there are certain variables you are allowed to increase above the 2% for health benefits and such, therefore that is a cushion built into the 2% cap so it is not really a hard cap. He asked if the administrator feels comfortable re-issuing it every year.

Township Administrator Garrett Loesch stated he is comfortable recommending to the governing body that the cola cap ordinance be done every year.

Mr. Art Mooney: That is not physical money coming out of this year's budget.

Township Administrator Garrett Loesch stated it is not.

Mr. Peter Ferwerda: Asked if the Cap Bank is a tool used to avoid having budgets go out to the voters to decide if the spending is excessive.

Township Administrator Garrett Loesch explained if the governing body needed to produce a budget that exceeded the 2%, they could use the bank amounts they have saved.

Mr. Peter Ferwerda: Then the residents could not vote it unacceptable.

Township Administrator Garrett Loesch stated he believes the committee accepts input on the budget every year.

Motion to Close: Gormley

Second: Kehm

All in favor

Motion to Approve: Schlick

Second: Kehm

Roll Call:

Gormley	<u>Yes</u>
Kehm	<u>Yes</u>
Stevens	<u>Yes</u>
Schlick	<u>Yes</u>
Kobryn	<u>Yes</u>

New Business

Ordinance #2016-03 (First Reading and Introduction)

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 establish a "No Knock" Registry [owners and/or occupants that do not permit canvassing, peddling, itinerant vending, and door-to-door sales at their home]

Township Attorney Robin LaBue explained there were resident concerns regarding solicitors in some of the developments. A registry will be available at the Township Clerk's office for residents to sign up and the solicitors will receive a copy and will not be permitted to call on their house.

Motion to Introduce: Gormley	Second: Kehm	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Motion to Open to Public: Schlick Second: Kehm All in favor

Mayor Kobryn read the following resolutions and asked for public comment.

Resolution #2016-93

Acknowledging the resignation of and compensation for accumulated time to Patrick Donnelly [90.5 hours of unused vacation time and 5.75 hours of unused personal time for a total payout of \$5,142.85 in one lump sum payment]

No public comment.

Resolution #2016-94

Appointing Committeewoman Lisa Stevens as Liaison to the Little Egg Harbor Township Board of Health

No public comment.

Resolution #2016-95

Appointing Anne Armitage as a member to the Little Egg Harbor Township Board of Health

No public comment.

Resolution #2016-96

Authorizing the Administrator to interview and hire a per-diem Inspector for the Construction Office [inspector to be utilized for on-call employment]

Township Administrator Garrett Loesch explained the town will be losing two state inspectors that have worked with us since Sandy, at no charge to the township. Our incoming permit applications for January, February and March are about 40% over what they were last year for those months. We want to get residents in their homes as quickly as possible and these inspectors are per diem and used on an as-needed basis.

No public comment.

Resolution #2016-97

Authorizing the interviewing process of three laborers for the Department of Public Works

Mr. Peter Ferwerda: Asked who will monitor this company to ensure they are providing services on the townships equipment.

Township Administrator Garrett Loesch explained it will be handled through Public Works since they are responsible for buildings and grounds. This was developed after Super Storm Sandy for emergency situations such as an electrical outage in the building where we would need someone immediately.

Mr. Peter Ferwerda: Asked if there is a cap on this company.

Township Administrator Garrett Loesch stated the cap is \$17,500.00.

Resolution #2016-99

Authorizing the execution of a Schedule "C" Agreement with the County of Ocean for 2016 [roadways to be included are Nugentown Road (Hay Road to Forest Edge Drive); Danbury Drive (Hancock Drive to Lexington Drive); Juniper Drive (Juniper Place to cul-de-sac); Intersection of Stage Road and Otis Bog Road; and Intersection of Stage Road and Giffordtown Lane]

Mr. Ed Gautier: Asked for clarification on Schedule "C."

Township Administrator Garrett Loesch explained it is an agreement with the county to do roadwork such as millings and paving at a savings of about 40% over traditional bidding.

Township Engineer Jason Worth explained we try to look at appropriate roads for the county to pave and perform various types of work. This agreement allows the township to utilize their services.

Mr. Peter Ferwerda: Asked if there will be a public information session for the residents on these streets regarding how their land will be impacted.

Township Engineer Jason Worth explained it is required under township ordinance that residents are notified of upcoming work so they can get any utility connections re-done if they need however the work is typically includes the milling of the road and re-paving.

Mr. Peter Ferwerda: Asked if residents can review plans before the work is done.

Township Engineer Jason Worth explained in this case it is just remove and replace the roads at the same elevation; there are typically no plans prepared for this type of project.

Resolution #2016-100

Authorizing the advertisement for and receipt of bids for the 2015 Streetscape Improvement Project – Radio Road and Mathistown Road

Deputy Mayor Dave Schlick asked if the bus stop residents requested was done.

Township Engineer Jason Worth explained there was not the available right-of-way at the area by the bank to put in a cut-in at this time.

Township Engineer Jason Worth stated the plans are complete for the Streetscape Improvement Project which includes sidewalks, benches, lighting and things of that nature on Mathistown Road from Center Street up to Radio Road and on Radio Road from Basswood Lake to Country Club Boulevard. We have our approvals from the county and the EDA who are providing the funding on the project so we are ready to go out for bid.

Mayor Kobryn mentioned there was a presentation on this item at a previous meeting.

Mr. Peter Ferwerda: Stated with the amount of work to be done on this project he hopes the residents get an opportunity to review the plans and offer their comments before the bid process.

Township Engineer Jason Worth explained we had a public information session at the end of January and plans were available. All property owners and businesses along the routes were sent notices and a copy of the plans.

Mr. Art Mooney: Mentioned there were discussions regarding more lighting along the Streetscape.

Township Engineer Jason Worth explained we do have an alternate bid depending on the total amount of money to include lighting at the intersection of Radio Road and Mathistown Road for decorative street lights and poles.

Mr. Art Mooney: Asked if the funding will be in addition to the grant money the town is receiving.

Township Engineer Jason Worth explained we are looking to include it in the grant money and will see how it works out.

Resolution #2016-101

Authorizing the execution of a Qualified Private Community Services Agreement with the Inlet Point Homeowners Association [state statute requires municipalities to reimburse qualified private communities for certain services or to provide those services to the qualified private communities in the same fashion as the municipality provides those services on public roads and streets]

Township Administrator Garrett Loesch explained the Municipal Services Act went into place around 2004. If a community qualifies itself and meets all its standards through our attorney and engineer they may seek reimbursement or if it is feasible for the township to do it, they can elect to do so. These services may include snow plowing, road maintenance and sanitation collection and other items of that nature.

No public comment.

Resolution #2016-102

Authorizing the contribution of an additional \$2,000.00 for the Municipal Shared Service Defense Agreement

Deputy Mayor Dave Schlick asked for an explanation on this agreement.

Township Attorney Robin LaBue explained this is for the Affordable Housing Litigation. Last year the Supreme Court decided due to COAH not doing its job the courts would decide whether or not towns Affordable Housing Agreements were up to par. Little Egg Harbor along with other towns throughout the state filed a Declaratory Judgment Action in the Superior Court to have our Affordable Housing Plan declared valid. There is opposition from Fair Share Housing Center and New Jersey Builders Association and their experts are saying what the town's fair share obligations should be. So rather than having each town hire their own expert to prepare an expert report about 283 municipalities got together in the shared services municipal defense agreement and hired one expert to prepare a methodology on behalf of the towns to save a considerable amount of money, the additional \$2,000 is needed to keep our defense going. Depositions are coming up, preparation of more expert reports, and a Trial on the methodology is scheduled for July.

Mr. Art Mooney: Asked if this money is to cover the prior cost regarding the COAH case.

Township Attorney Robin LaBue stated the money is for prior and future costs and she explained the litigation process and this additional money should be enough to keep going through trial.

Mr. Art Mooney: Asked if this is a pro-rated figure.

Township Attorney Robin LaBue explained everyone contributed \$2,000 at first and this additional money is to cover us to the end. If there is anything left over it will be refunded.

Resolution #2016-103

Authorizing tax refund for 105 North Spinnaker Drive [refund is due to a payment made by the mortgage company on an exempt property] and 12 Chatham Road [refund is due to a duplicate payment made by the prior owner]

No public comment.

Mayor Kobryn asked if the public had any comments regarding township expenditures.

No public Comment

Mayor Kobryn stated at the last meeting he read a prepared statement which he will repeat again.

I directed the town administrator to prepare a request for proposal for outside counsel to advise and direct a full investigation of all matters related to employee complaints, charges, conflicts of interest and other items deemed relevant to this investigation. In that regard we have now employed an attorney, Mark Stein. He introduced Mr. Stein and invited the public to ask questions.

Ms. Pat Johnson: Asked Mr. Stein if he could speak about the charges in question.

Mr. Stein explained there is very little he can say. He does not want to pre-judge anything until he knows something.

Ms. Pat Johnson: Questioned what he has been given at this time.

Mr. Stein stated he has some documents such as townships contracts, employee complaints against other employees and things of that nature.

Committeeman Ray Gormley asked Mayor Kobryn if he is correct in saying the town has hired Mr. Stein.

Township Administrator Garrett Loesch stated when he followed the mayor's directive he explained an RFP would require a resolution and vote by the governing body. He explained he went out for quotes for professional services and received three qualified quotes in which he gave the mayor the financial portion of and had him select from there. The contract will have a maximum of \$17,500.00 which is within our quote threshold.

Committeeman Ray Gormley stated this has not come before the governing body and he does not believe it is proper. He referred to the township attorney for input.

Township Attorney Robin LaBue stated no one has been privy to this.

Committeeman Ray Gormley stated this is the first he is hearing of this and believes the same for the governing body. To his knowledge the town has not hired anyone nor has a resolution come before this governing body.

Committeeman John Kehm believes to hire any attorney there should be a resolution stating the firm's name and the fee's involved.

Township Administrator Garrett Loesch asked the township attorney under contracts law can we seek quotes between our quote thresholds for the professional services of an attorney.

Township Attorney Robin LaBue explained on the agenda is a resolution for professional services for an electrician which is along the same lines, it is no different.

Committeeman Ray Gormley stated this is highly inappropriate and advised the mayor there should have been a discussion with the governing body members and at least three must be in agreement.

Committeeman John Kehm asked who the third member was that agreed to have this approved.

Township Attorney Robin LaBue stated we cannot have an agreement in a public session.

Committeeman Ray Gormley stated the mayor announced this is an agreement and hired Mr. Stein therefore if we hired someone there has to be a signed contract. Now we really have an issue.

Mayor Gene Kobryn questioned if a quote system is legal to hire an attorney and doesn't require concurrence by others then is it a legal step or is everything now no matter who you hire for any amount requires a committee appointment and a resolution. His understanding is a quote system is a legal way of doing it by entering into a contract for this type of service with a maximum amount of \$17,500.00. However, if this process is illegal he will need to weigh in on it and consult with the township attorney.

Township Administrator Garrett Loesch explained we use quote thresholds throughout many departments within the township which is standard practice under contracts law.

Committeeman Ray Gormley explained this is a governing body that is elected by the people as a township committee of five. He is not an elected mayor and does not have the authorization to make this call. That resolution has to come before this governing body and at least three members have to approve it. This is absolutely inappropriate and should not be before us tonight, we have not had an opportunity to review it.

Committeeman John Kehm believes Mr. Stein as the attorney would have advised the mayor he needs something in writing stating the governing body consented to this. There are at least three members that have no idea who he is.

Committeeman Ray Gormley added we do not know of Mr. Stein's credentials or background.

Attorney Mark Stein: Explained it is his understanding that at the direction of the mayor Mr. Loesch went out for quotes because the municipality does not have a qualified purchasing agent. The amount is not to exceed \$17,500.00 and was done by contract and not the bid process. From what he understands the mayor signed the contract in regard to the quotes that were obtained by Mr. Loesch.

Committeeman Ray Gormley stated so we are clear the mayor signed those quotes without consulting with his governing body.

Attorney Mark Stein: Explained the mayor asked Mr. Loesch to go out for quotes. He then received a call indicating his quote was acceptable and provided the municipality in addition to a contract other documents, and that document was then signed.

Committeeman Ray Gormley asked by whom the document was signed.

Attorney Mark Stein: Stated it was signed by the mayor.

Committeeman Ray Gormley stated the mayor does not have the authorization to do so.

Deputy Mayor Dave Schlick mentioned he believes it is Mr. Gormley's opinion and it should be left up to lawyer.

Township Attorney Robin LaBue explained past practice of this governing body regarding request for proposals and professional service contracts has been awarding by resolution. This is very irregular for this town.

Deputy Mayor Dave Schlick asked if it is it irregular or illegal.

Township Attorney Robin LaBue stated irregular for this town.

Mayor Gene Kobryn mentioned this is not a request for proposal and never was. It was a quote submitted by three people with a maximum of \$17,500.00. That's completely different than an RFP.

Committeewoman Lisa Stevens mentioned when the mayor read his prepared statement at the last meeting unbeknownst to the governing body, there was mention of \$5,000.00 which was not included in a resolution. The discussion was not brought to the governing body in her opinion.

Committeeman Ray Gormley asked Committeewoman Stevens if the mayor is correct and Mr. Stein submits a bill and three governing body members do not approve the bill, then what happens.

Committeewoman Lisa Stevens stated then Mr. Stein will not get paid.

Committeeman Ray Gormley stated it is very clear this is improper.

Deputy Mayor Dave Schlick asked the township attorney if she agrees this is illegal.

Township Attorney Robin LaBue explained there is a bid threshold of \$17,500.00 and the Local Public Contracts Law states you need a resolution past that amount therefore it is not illegal.

Mayor Gene Kobryn stated therefore the procedure is not illegal.

Township Attorney Robin LaBue stated she does not know the details of the procedure at this time and has not seen or reviewed the contract.

Committeewoman Lisa Stevens suggested they break for executive session to discuss the matter.

Resident: This is not a discussion about the contract it is a discussion about the process that is in question.

Township Attorney Robin LaBue stated it is a proper topic for executive session since it is a contract.

Same Resident: This is not a discussion about the contract it is a discussion about the process that is being questioned.

Committeeman John Kehm stated there is no contract at this time.

Mayor Gene Kobryn reminded the public that transparency is paramount. There can't be any closed door review of these things as far as he is concerned. The public needs to know what is going on and be involved in all these things. We can't close the door and go upstairs and make our own discussions. According to the law of quotes as long as we are not above the \$17,500.00 threshold this is not illegal to do. People may not like it.

Committeewoman Lisa Stevens believes this should be tabled or carried.

Committeeman John Kehm explained to the mayor we are not a Faulkner committee and he is one member of a committee of five. The governing body must give the authorization and work together. So basically a resolution would have to be in place.

Township Attorney Robin LaBue explained under the Local Public Contracts Law a contract can be awarded by a purchasing agent or other employee so designated by the governing body when authorized to do so by ordinance or resolution.

Committeewoman Lisa Stevens asked if a resolution or ordinance was done.

Committeeman John Kehm asked the mayor when a resolution or ordinance was done.

Mayor Gene Kobryn stated this was done under the bid process based on the quote threshold we spoke about. We are either right or wrong in what we did and it's up to the attorney to confirm whether we did something illegal. And according to what she said we did not.

Committeewoman Lisa Stevens stated this is no different than the resolution we have to hire three laborers to the Public Works Department.

Township Administrator Garrett Loesch explained hiring the three laborers would not have fallen into the quote threshold realm.

Committeewoman Lisa Stevens stated her point is it is still done by resolution and asked why this was not done by resolution.

Committeeman John Kehm stated if you're changing the way this committee wants to be Mr. Loesch or the mayor then that has to be done by ordinance; we are not that kind of committee. We are not a Faulkner committee and the mayor is not elected by the people but appointed by the governing body. Mr. Loesch I know you received your directive from the mayor but it is very inappropriate for the administrator not to contact every one of us to let us know that we were hiring an attorney.

Township Administrator Garrett Loesch explained he followed Contracts Law.

Committeeman Ray Gormley stated every single thing this governing body has ever done has always come before the governing body. It takes three out of five for

something to be approved and passed. He is not in favor of this tonight and states it is highly inappropriate as well as the mayor's actions.

Mayor Gene Kobryn disagrees and mentioned there was an investigation targeting certain employees that was ongoing without his knowledge. He is now being cross examined for investigating that action.

Committeeman Ray Gormley presented Resolution #2015-246 and invited the public to review it. He explained last year there were issues with certain contracts and so forth. This resolution was approved by all four governing body members at the time, Mayor Art Midgley was absent for that meeting. It was signed by Mr. Kobryn who was then Deputy Mayor. What subsequently followed was an agreement for professional services prepared by our counsel Robin LaBue and signed by Deputy Mayor Kobryn. I don't know how the mayor can say he did not know about this because he signed the legal documents. His actions are inappropriate.

Deputy Mayor Dave Schlick asked what the contract was for.

Committeeman John Kehm explained the contract was for conflict legal services.

Mayor Gene Kobryn explained he was "mayor-for-the-day" at that time and this resolution was slipped in under the rug, prepared in advance for a resolution by title. And he signed it because he was "mayor-for-the-day". So now where do we go, I should have read it.

Mr. Art Mooney: Recommended this matter be deferred to the Department of Community Affairs because don't they have an office that can assist a municipality when they get into a situation like this. It would be worth it so the committee can move on with the business of running the town.

Mayor Gene Kobryn Asked Ms. LaBue for comment.

Township Attorney Robin LaBue stated she is not aware of what division that would be, and asked if he is referring to the Ethics Board.

Committeewoman Lisa Stevens commented State Board of Ethics would be the most appropriate.

Mr. Art Mooney: Commented there must be a department that could assist us.

Ms. Pat Johnson: Asked Mrs. LaBue to reread the information on Public Contracts Law and bid threshold.

Township Attorney Robin LaBue read N.J.S.A. 40A:11-3 which states when the cost or price of any contract does not exceed in a contract year a total sum of \$17,500.00, the contract may be awarded by a Purchasing Agent or other employees so designated by the governing body when so authorized by ordinance or resolution without advertising for bids.

Ms. Pat Johnson: Asked if there is no purchasing agent then it would be done by the administrator by ordinance.

Township Attorney Robin LaBue explained an ordinance or resolution is needed authorizing someone to sign contracts.

Township Administrator Garrett Loesch asked the township attorney if there was a resolution done on January 1st authorizing him or the acting purchasing agent to award contracts.

Township Attorney Robin LaBue stated she will look into it.

Mr. Peter Ferwerda: Supports Mr. Mooney's suggestion for outside assistance with this matter.

Ms. Lucille Terpian: Asked the mayor why he did not discuss what he was doing with the governing body.

Mayor Gene Kobryn read his prepared statement again. He asked the Administrator to prepare requests for outside council to advise and direct a full investigation of all matters related to employee complaints, charges, conflicts of interest and other items deemed

relevant to his investigation. That is where we are going. We put out a bid and engaged someone. That is where we are now, this was not hidden.

Ms. Lucille Terpian: The public is under the impression the attorney has already been hired.

Committeewoman Lisa Stevens requested this be carried until the full governing body has an understanding of what this contract says. She expressed her displeasure with this behavior. The amount of money taxpayers are paying, not only the taxpayers but the township employees who are also taxpayers and it's time we put this all aside and work at what we are supposed to be doing. We are elected officials we should answer to the community not to each and everyone's individual personal attorney because one person cannot get along with another person and then that person feels they have to have an attorney and pretty soon this building is going to be filled with workers, employees and their attorneys and we will not have enough room in this building.

Committeeman John Kehm stated the governing body did not give the mayor the authorization to go out for quotes. Going out for quotes should have been a decision made by the entire governing body.

Committeeman Ray Gormley asked the township attorney if there is an inter-local government service agency in Trenton they can refer this matter to for clarification.

Township Attorney Robin LaBue explained not through shared services however we can try the DCA.

Mayor Gene Kobryn stated the bottom line is did we do something illegal or not by employing Mr. Stein. There needs to be an investigation on what is going on because certain employees were targeted by a prior conflict of interest attorney. This was pushed through by certain committee members and I signed as mayor-for-the-day. They had their investigation targeting employees and it is time to bring all of it to the surface. This will not be settled behind closed doors.

Committeewoman Lisa Stevens asked if that means we need to bring up how this past week went.

Mayor Gene Kobryn stated the best suggestion was from Mr. Mooney's to get an outside agency involved regarding what was legal or illegal and how we go about doing this.

Committeewoman Lisa Stevens stated that does not answer her question, and if we are going to be open and transparent should we discuss with the public what happened this week.

Township Administrator Garrett Loesch stated that is a matter of personnel and not open for discussion.

Committeewoman Lisa Stevens mentioned an employee was terminated Tuesday.

Township Attorney Robin LaBue stated it can be discussed because he is not a current employee.

Committeewoman Lisa Stevens stated since he was terminated there is no reason for a Rice Notice so we should be able to discuss the matter.

Township Attorney Robin LaBue stated yes.

Mayor Gene Kobryn asked the administrator to explain.

Deputy Mayor Dave Schlick asked Committeewoman Stevens to explain her question.

Committeewoman Lisa Stevens explained an employee was given an hour and a half to clean out his desk and was escorted out of the building. This was not in accordance with Civil Service rules and regulations. When she was informed of this she immediately questioned Mr. Loesch and emailed the township attorney and mayor. She requested all performance reviews and evaluations to better understand why an employee was terminated with no advance notice. His supervisor was not even aware of his dismissal.

Committeeman Ray Gormley asked Mayor Kobryn to explain why this employee was relieved of his duties since we are in the spirit of transparency.

Committeewoman Lisa Stevens asked members of the governing body to please put their cell phones away during this discussion.

Mayor Gene Kobryn explained this individual was given a one-year, temporary employment per the request of the Freeholders of Ocean County. His contract was up on April 12, one year to that day. This was never Civil Service but an accommodation by request. The previous administration voted for that I did not and neither did a prior elected official. He was brought back on a three to two vote.

Committeeman John Kehm explained three votes are needed to terminate an employee. He was a full-time Code Enforcement Trainee. After one year the department head evaluates his performance and the governing body has the authorization to hire and fire or accept him as full-time code enforcement. At this time the mayor inappropriately terminated him and I am asking the governing body to reinstate Mr. Michael J. Fromosky to full-time Code Enforcement.

Committeeman Ray Gormley seconds that request.

Committeewoman Lisa Stevens explained according to Civil Service records an update from his appointment from 4/2/2015 he is a regular appointment effective date 4/3/2016 with a start working test period date of 4/3 according to civil service rules and regulations this was approved with twelve months training period however given Civil Service Rules and Regulations it is an automatic update.

Committeeman John Kehm explained past practice with trainees the department head would give an employee evaluation to the administrator who would then come to the governing body to decide if the employee would be a good candidate for the position.

Deputy Mayor Dave Schlick asked the mayor if he spoke to the labor attorney before terminating Mr. Fromosky.

Mayor Gene Kobryn stated yes. The Labor Attorney Mr. Greitz submitted a three page letter advising us of our options. We followed his direction and acted accordingly. Lisa Stevens has a copy of the labor counsels decision. If anyone has a question it is up to labor counsel to be here and articulate what he said and the choices we had. After that, we can all go to court and appeal each other's position, what we did was proper and legal. I will not make any more comments on this matter.

Committeeman John Kehm explained he believes Mr. Greitz advised the mayor this was the wrong thing to do because there will be litigation.

Mayor Gene Kobryn stated that is your opinion.

Committeeman Ray Gormley stated the mayor failed to share the letter he received from labor counsel with the governing body members however he obtained a copy and provided it to the residents.

Township Administrator Garrett Loesch stated there are items of personnel that should not be public information.

Committeeman Ray Gormley withdrew the letter and stated nothing in that letter gives the mayor the personal authority to do what he did. A motion was made by Committeeman Kehm and he seconded it and requests a roll call on the two motions made at this time.

Committeeman John Kehm stated he believes the mayor was not alone in this termination and information request and believes there was another governing body member involved however there is a motion and a second to reinstate Michael J. Fromosky back to work either tomorrow or Monday.

Committeeman Ray Gormley added any damages due to his loss of time made back to him in full. We have a motion and a second, now bring it before your governing body.

Deputy Mayor Dave Schlick asked the township attorney if it is legal to hire someone on the spot like this.

Township Attorney Robin LaBue explained we need to close the public session and then make a motion.

Motion to Close to Public: Stevens

Second: Kehm

All in favor

Mr. Ray Schubert: Asked if the township cannot hire an attorney without a resolution how can they hire someone who is a past employee.

Committeeman John Kehm explained he was inappropriately fired Tuesday and we want to reinstate his employment.

Mr. Ray Schubert: Stated he is not an employee today.

Committeeman John Kehm explained that is why we are reinstating him and taking a vote.

Ms. Pat Johnson: Asked if Mr. Fromosky was a trainee during his employment and what his salary was.

Township Administrator Garrett Loesch explained he was hired back at \$55,000.00.

Ms. Pat Johnson: Asked if it is unusual for a Code Enforcement Trainee to make \$55,000.00.

Mayor Gene Kobryn stated it is highly unusual.

Township Administrator Garrett Loesch explained the prior Code Enforcement Officer made \$45,000.00.

Ms. Pat Johnson: Questioned why a trainee was making \$55,000.00.

Township Administrator Garrett Loesch explained Trainee was a new title established by Civil Service early last year.

Mayor Gene Kobryn asked how much Mr. Fromosky was making before he left for a job he was promised in the Ocean County Correctional Facility, which didn't work out.

Township Administrator Garrett Loesch stated he believes about \$57,000.00.

Mr. Peter Ferwerda: Suggested the town find someone that is impartial to arbitrate and resolve the differences of this committee. He does not agree with the immediate re-hiring of Mr. Fromosky, there should be a procedure.

Committeeman John Kehm reminded Mr. Ferwerda that Mr. Fromosky was inappropriately fired and we are just reinstating him.

Mayor Gene Kobryn stated if we can do a resolution to hire an employee tonight then we should do the same for Mr. Stein.

Ms. Madelina Shemshen: Stated Mr. Fromosky is the only person that helped her with all her building problems. She asked why an employee in training at the MUA is making \$57.00 an hour.

Ms. Laney Andrelli: Praised Mike Fromosky for helping her with an ongoing issue. He did what the town couldn't do for two years. Something is wrong here.

Mr. Art Mooney: Recommends the committee contact the DCA for assistance and commended Mr. Fromosky for his work over the years.

Mayor Gene Kobryn recommended an outside agency weigh in on this before we hire anybody back for any reason.

Committeewoman Lisa Stevens stated Mr. Fromosky was let go under his trainee title however his updated appointment on 4/3/16 was for Code Enforcement Officer. He is technically a Code Enforcement Officer.

Township Administrator Garrett Loesch explained he did not sign off on anything that went to Civil Service and is not sure how it could have gotten updated and will look into it.

Mr. Paul Shemshen: Advised the committee to get together and on the same page.

Motion to Close to Public: Kehm	Second: Gormley	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Committeeman John Kehm stated we need a motion to reinstate Mr. Michael J. Fromosky as full-time code enforcement.

Committeeman Ray Gormley seconds that motion. He should be reinstated in full with no loss of time.

Deputy Mayor Dave Schlick asked the township attorney if this is a legal action.

Township Attorney Robin LaBue explained under township committee form of government the committee as a whole is the only one that can remove an officer of the municipality. The unilateral termination is not legal.

Deputy Mayor Dave Schlick stated Mr. Fromosky's contract was not renewed.

Township Attorney Robin LaBue explained it is past practice of this township committee to continue to employ people even if their term of employment has expired otherwise it would be a vacant building.

Deputy Mayor Dave Schlick stated he was hired as a trainee by resolution for a twelve month period which was up. No one fired him.

Committeewoman Lisa Stevens stated it was carried over under Civil Service and is an automatic update.

Deputy Mayor Dave Schlick stated not according to the labor lawyer.

Township Attorney Robin LaBue explained she spoke to labor counsel and his opinion was only about the Civil Service title and as to whether or not the authority was there to terminate someone, he did not want to get involved.

Committeeman Ray Gormley stated we have a motion and a second on the floor and asked the mayor to call for roll call.

Mayor Gene Kobryn stated there is now also a contested opinion by the labor counsel as to whether his position was ever under civil service regulations, that's still going forward and that still needs to be litigated.

Township Attorney Robin LaBue read the following resolution by title.

Resolution #2016-105

Reinstatement of Code Enforcement Officer Michael J. Fromosky

Deputy Mayor Dave Schlick asked if this is a resolution by title.

Township Attorney Robin LaBue stated yes.

Committeeman John Kehm stated it will be for a full-time Code Enforcement Official not a trainee.

Deputy Mayor Dave Schlick does not believe they can vote on it without seeing the actual contract.

Committeewoman Lisa Stevens stated if that's the case then we don't have any contracts and technically nobody's hired except the governing body.

Township Administrator Garrett Loesch asked Committeewoman Stevens how that would work with Civil Service.

Committeewoman Lisa Stevens explained from her understanding he was already promoted on 4/3/16 which was before he was terminated without even the township attorney's knowledge.

Mayor Gene Kobryn asked how Mr. Fromosky was automatically promoted.
 Township Administrator Garrett Loesch stated he does not know and is very curious on that.

Township Attorney Robin LaBue explained in our time in a Civil Service municipality it is very hard to get rid of someone and as the administrator, he should know that. There have been people not at work for six months and we still have to go through hearings to get an employee terminated. It is not that easy to have a year lapse and they quietly go away. He has protection under Civil Service.

Mayor Gene Kobryn asked about the litigation that was filed to question that he was never part of Civil Service.

Township Administrator Garrett Loesch explained he was listed in Civil Service as a Code Enforcement Trainee.

Committeeman John Kehm asked to begin the resolution by title.

Resolution #2016-105

Reinstatement of Code Enforcement Officer Michael J. Fromosky

Motion to Approve: Kehm	Second: Gormley	Roll Call	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Abstain</u>
			Kobryn	<u>No</u>

Committeeman John Kehm suggested the township administrator or attorney send a letter to Mr. Fromosky regarding his reinstatement.

Mayor Gene Kobryn requested a motion to hire Attorney Mark Stein to investigate employee complaints, charges and conflicts of interest and other items deemed relevant to his investigation. Since we made a motion to hire someone, he is making a motion to employ Mr. Stein for the purpose of investigating the issues noted. Either we want to investigate things that are going on or we don't. We need a motion to allow him to be hired.

Committeeman John Kehm stated for the record these are two different issues.

Mayor Gene Kobryn stated it is still a resolution for the governing body. You had one now I have one. He asked the township attorney if this is a legal resolution to hire Mr. Stein to do an investigation.

Township Attorney Robin LaBue explained if we are disregarding the contract that has been signed, yes, you can make a motion.

Mayor Gene Kobryn stated he is making that motion in front of the public to hire Mr. Stein to do an investigation of items that pertain to what is going on in this town.

Deputy Mayor Dave Schlick seconded the motion.

Resolution #2016-106

Authorizing the appointment of special counsel for the investigation of all matters related to employee complaints, charges, conflicts of interest and other items deemed relevant to his investigation

Motion to Approve: Kobryn	Second: Schlick	Roll Call:	Gormley	- <u>No until the matter comes before the entire governing body</u>
			Kehm	<u>No</u>
			Stevens	- <u>Prefers to</u>

have this carried
until we can get the
contract, review it as
a governing body.
 Her vote is Abstain
 Schlick Yes
 Kobryn Yes

Attorney Mark Stein advised a legal opinion is needed in reference to the abstention. The abstention was not a negative abstention.

Township Attorney Robin LaBue stated it was not a positive either.

Committeewoman Lisa Stevens explained her abstention is because she has no knowledge of the contract and cannot make a fair and adequate decision until she knows the contents of the contract.

Attorney Mark Stein stated he has no objection to her decision and appreciates her comments. We have a two, two and one abstention and if we can move forward and have Committeewoman Stevens review the contract it would be best for everyone. If it is not a negative abstention, it goes with the vote not against it. He addressed Attorney Robin LaBue stating he believes she is familiar with the law of abstention.

Township Attorney Robin LaBue explained she is familiar with the law of abstentions, we have a two, two and it goes with the majority, not necessarily with the positive.

Attorney Mark Stein explained he does not have an ax to grind, he came in hoping to attempt to resolve the issues the town has. He asked the mayor to allow the committee the time to review the contract and bring it back before the committee.

Committeeman Ray Gormley stated if the mayor had done his proper job and provided the governing body with this information before tonight then maybe this would not be taking place. Have the mayor provide us with the information and perhaps we can address it at our next meeting.

Committeewoman Lisa Stevens explained she would like to carry this so the rest of the governing body can see the contract.

Attorney Mark Stein stated if the mayor and committee would like his attendance at every other meeting he would be happy to do so. He can be reached at his office for discussion and mentioned that Ms. Stevens vote is the one he needs.

Motion to Carry Resolution #2016-106

Motion to Carry: Stevens	Second: Kehm	Roll Call:	Gormley - <u>Yes, if the scope of work is included</u>
			Kehm Yes
			Stevens Yes
			Schlick No
			Kobryn Yes

Township Administrator Garrett Loesch asked if this will be carried to the April 28, meeting.

Township Attorney Robin LaBue stated yes.

Mayor Gene Kobryn explained we will now read the resolutions for the committee to vote on.

Resolution #2016-93

Acknowledging the resignation of and compensation for accumulated time to Patrick Donnelly

Motion to Approve: Stevens	Second: Schlick	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Resolution #2016-94

Appointing Committeewoman Lisa Stevens as Liaison to the Little Egg Harbor Township Board of Health

Motion to Approve: Kehm	Second: Gormley	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Resolution #2016-95

Appointing Anne Armitage as a member to the Little Egg Harbor Township Board of Health

Motion to Approve: Kehm	Second: Stevens	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Resolution #2016-96

Authorizing the Administrator to interview and hire a per-diem Inspector for the Construction Office

Committeewoman Lisa Stevens asked if this will be a civil service title and advertised as such.

Township Administrator Garrett Loesch stated no, not on a per diem. There is a civil service title that goes with it but it is a non classified title as a per diem.

Committeewoman Lisa Stevens asked for the salary range.

Township Administrator Garrett Loesch explained the salary range from the ordinance starts at approximately \$18.00 to \$20.00 and goes up to \$35.00 an hour. The state offered their inspectors at \$65.00 an hour so we are saving money.

Motion to Approve: Kehm	Second: Schlick	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Resolution #2016-97

Authorizing the interviewing process of three laborers for the Department of Public Works

Committeeman John Kehm mentioned this resolution states these laborers will be appointed and asked if they have been hired yet.

Township Administrator Garrett Loesch explained this should have stated to interview and hire three laborers. He needs the ability to interview them and do background checks.

Committeeman Ray Gormley mentioned before the laborers are hired, they should be present at the township meeting and introduced to the committee and public. He suggested amending this resolution to give the administrator permission to interview, come back with a recommendation and the laborers with their department head.

Mayor Gene Kobryn asked once they are interviewed if a second resolution will be needed to hire them or can it all be included in one resolution.

Committeeman Ray Gormley explained he is amending the resolution to interview the candidates with a recommendation from the acting department head, administrator, and governing body liaison then a second resolution to hire them.

Motion to Approve: Kehm	Second: Stevens	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>Yes</u>
			Kobryn	<u>Yes</u>

Resolution #2016-98

Awarding a Professional Services Agreement to JKuipers Electrical Contractor, Inc. for On-Call Electrical Services

Deputy Mayor Dave Schlick requested this resolution be tabled. The company is not following the prevailing rate rules.

Township Attorney Robin LaBue explained that is just the rate they are asking us to pay the company but the contractor is required by law to pay prevailing wage.

Deputy Mayor Dave Schlick we would know he would be breaking prevailing rate wages.

Township Attorney Robin LaBue explained we have the right to request his payroll records in order to ensure he is not.

Deputy Mayor Dave Schlick we know he is going to be in violation.

Township Attorney Robin LaBue explained under Public Contracts Law this is a bid and people can bid whatever they want and it may not be enough for them to make money on the project but they are held to it.

Deputy Mayor Dave Schlick recommended tabling this so it can be discussed further.

Committeeman John Kehm asked the mayor his feelings on this matter.

Mayor Gene Kobryn explained it is the contractor's responsibility to pay prevailing wage.

Motion to Approve: Gormley	Second: Kehm	Roll Call:	Gormley	<u>Yes</u>
			Kehm	<u>Yes</u>
			Stevens	<u>Yes</u>
			Schlick	<u>No</u>
			Kobryn	<u>Yes</u>

Resolution #2016-99

Authorizing the execution of a Schedule "C" Agreement with the County of Ocean for 2016

Motion to Approve: Kehm Second: Gormley Roll Call:

Gormley	<u>Yes</u>
Kehm	<u>Yes</u>
Stevens	<u>Yes</u>
Schlick	<u>Yes</u>
Kobryn	<u>Yes</u>

Resolution #2016-100

Authorizing the advertisement for and receipt of bids for the 2015 Streetscape Improvement Project – Radio Road and Mathistown Road

Deputy Mayor Dave Schlick asked if the bus stop residents requested was done.

Township Engineer Jason Worth explained there was not the available right-of-way at the area by the bank to put in a cut-in at this time.

Motion to Approve: Kehm Second: Stevens Roll Call:

Gormley	<u>Yes</u>
Kehm	<u>Yes</u>
Stevens	<u>Yes</u>
Schlick	<u>Yes</u>
Kobryn	<u>Yes</u>

Resolution #2016-101

Authorizing the execution of a Qualified Private Community Services Agreement with the Inlet Point Homeowners Association

Motion to Approve: Kehm Second: Stevens Roll Call:

Gormley	<u>Yes</u>
Kehm	<u>Yes</u>
Stevens	<u>Yes</u>
Schlick	<u>Yes</u>
Kobryn	<u>Yes</u>

Resolution #2016-102

Authorizing the contribution of an additional \$2,000.00 for the Municipal Shared Service Defense Agreement

Committeeman Ray Gormley asked Mayor Kobryn if he has planned a COAH public information session for the public because it will affect our town.

Mayor Gene Kobryn explained it is in litigation and until it is vetted by the Advocate for Public Housing and our obligations are clarified he does not feel comfortable moving forward at this time.

Committeeman Ray Gormley suggested adding a link to COAH on the township website so the residents can better understand it.

Mayor Gene Kobryn mentioned a final site plan will be submitted to the Zoning Board on April 20, regarding the existing approval of the COAH site if anyone is interested in attending.

Motion to Approve: Gormley Second: Kehm Roll Call:

Gormley	<u>Yes</u>
Kehm	<u>Yes</u>
Stevens	<u>Yes</u>
Schlick	<u>Yes</u>
Kobryn	<u>Yes</u>

Resolution #2016-103

Authorizing tax refund for 105 North Spinnaker Drive

Motion to Approve: Kehm

Second: Gormley

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

Mayor Kobryn asked for public comment on the Review of township expenditures
No public comment.

Resolution #2016-104

Bill Resolution

Current Account

\$2,762,762.36

Third Party

\$ 384,735.64

Total

\$3,147,498.00

Motion to Approve: Gormley

Second: Kehm

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

Miscellaneous Approvals

> Township meeting minutes of March 10 and March 24, 2016

> Raffle License: St. Theresa Church 50/50 various date for the year 2016-2017

> Bingo License: St Theresa Church on May 14, 2016

> Bingo License: Parent Teacher Organization of Little Egg Harbor on May 14, 2016

Motion to Approve: Kehm

Second: Schlick

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

Lieutenant Troy Bezak presented a report on the activities of the Police Department for the month of March.

Mr. Art Mooney: Commended the police department and asked about response time.

Committeeman Ray Gormley asked Lieutenant Bezak if he could add an average response time to his monthly report

Lieutenant Troy Bezak explained response times depend on the nature of the call and he will look into it.

Mr. Peter Ferwerda: Spoke about response times and cardiovascular events.

Mr. Ed Gautier: Complimented the Police Department on the job they are doing. He asked if the Police Department has a record of incidents regarding texting and cell phone use while driving. It is a safety hazard.

Township Engineer

Jason Worth reported he recently attended a DEP workshop on the townships Tier A Stormwater General Permit. They are updating that permit which was originally issued in 2004 again in 2009, it has been a little lax lately however they should have a draft ready in August and implement it next year. There are a few grants we have been discussing with the administrator, another round of recreation trails grants as well as a Safe Routes to School grant which we have applied for in the past and received some funding. Lastly, we received notification from the DOT that the Municipal Aid Application for Otis Bog Road last year was successful and the town will receive \$325,000.00 toward the project.

Township Committee Comments

Gormley: Congratulated the township engineer on a job well done in receiving the grant money. It really helps the taxpayers.

Kehm: For clarification he asked how Mr. Fromosky will be notified of his reinstatement so the Clerk can have it in writing.

Loesch: Stated it will be proper to write a letter.

Stevens: Thanked the public for bearing with the committee this evening. She is disheartened by what has been going on and wants what is best for the community.

Schlick: There will be a community cleanup on May 7, beginning at 9am at the community center. Spoke about issues of residents in Tavistock not recycling and asked if we could pass an ordinance imposing fines for not recycling. He addressed Committeeman Gormley regarding his requirements for the scope of work on the vote for hiring Mr. Stein. He asked if he did that when he passed the resolution to hire the conflict attorney.

Gormley: Stated yes.

Schlick: Asked if he could see it.

Gormley: It is a public document and Mr. Schlick can have it any time he wishes.

Kobryn: Promises transparency which we had this evening.

Motion to Open to the Public: Stevens Second: Kehm All in favor

Public Comments

Mr. Ed Gautier: Does not agree with the Energy Aggregation Program and stated he does not feel the township has the right to infringe on his energy bill.

Township Engineer Jason Worth explained State Law allows municipalities to aggregate energy for the residents not already on a third party supplier which is the only part of the bill affected. This is a fixed guaranteed rate.

Mr. Ed Gautier: Believes they give you a real nice rate for only a certain period of time and after the 16 month period the program just keeps going on.

Township Engineer Jason Worth explained that is not correct. At the end of the 16 months the township goes out to bid again, if not, TriEagle goes away and you go back to the Atlantic City Electric rate.

Mr. Ed Gautier: Does not agree with this program.

Township Attorney Robin LaBue explained these rules were made by the Board of Public Utilities designed to save residents money.

Mr. Keith Wolf: Threw his in the trash and asked why the town is doing this. He wants to opt out and asked how.

Township Engineer Jason Worth offered to take his information after the meeting.

Mr. Richard Longshore: State Regulations LFN2015-27 dated December 22, 2015 require municipal budgets be introduced by March 18. The Little Egg Harbor budget

was introduced on March 24, but not available to the public until Monday afternoon on March 28. He asked why the budget was not available for ten days beyond the state imposed deadline.

Township Administrator Garrett Loesch explained that same finance notice he is referring to states the budget is to be introduced on March 18, or on the next regular scheduled meeting.

Mr. Richard Longshore: Stated that is for approval, not introduction. The same regulation required on introduction and publication. On two occasions he asked Mr. Loesch for information required by state regulation however he never received it. He also asked Mr. Loesch to share his requests with the mayor and committee and would like to know if he did so.

Mayor Gene Kobryn explained the committee was made aware and asked Mr. Loesch if he responded to Mr. Longshore.

Township Administrator Garrett Loesch explained he believes he gave him some information initially however it was incorrect. He then followed up and provided Mr. Longshore with the information he requested.

Mr. Richard Longshore: Mentioned he received the user friendly budget on April 9th however it was not available on the website until just before the budget workshop. He asked why the 2015 user friendly budget was not on the website as required.

Township Administrator Garrett Loesch explained it is on the website.

Mr. Richard Longshore: Stated it was not available in a timely fashion for public review. This governing body failed to provide timely and accurate information to evaluate the budget.

Township Administrator Garrett Loesch explained the budget workshop is not required under state law and the budget hearing would give ample time for review and comment on the budget.

Mr. Richard Longshore: The budget was late getting it to members of the community and there was a failure to provide the public with essential information. State regulations were not complied with.

Mr. Art Mooney: Urged the committee to move the meeting time to 7:00. Thanked the township engineers for bringing the Energy Aggregation Program forth, it is a good program.

Mr. Mike Polito: Stated he does not agree with Ordinance #2016-03 and believes most residents do not want solicitors knocking on their doors. He thinks the registry should only include residents that will allow solicitors to knock on their doors.

Township Attorney Robin LaBue explained that is unconstitutional and would be a restriction of Freedom of Speech. There is Case Law, we would go to court and loose.

Committeewoman Lisa Stevens asked if vendors have to register with the township.

Township Attorney Robin LaBue stated that is correct.

Mr. Mike Polito: Asked how the public will know if they are legitimate.

Township Attorney Robin LaBue explained they will have a license issued by the Township Clerk.

Mr. Mike Polito: Advised that information be posted on the website so residents know what to look for.

Mr. Peter Ferwerda: Suggested the solicitors carry identification including their picture and fingerprints.

Ms. Gail Latona: Due to the issues and disagreements at tonight's meeting, she asked the committee to work together in the future and keep each other informed.

Mr. Joel Mahr: Asked if the Board of Public Utilities is still representing the residents in the Energy Aggregation Program.

Township Engineer Jason Worth stated yes.

Mr. Joel Mahr: Asked if TriEagle is a private company.

Committeeman Ray Gormley explained it is a private company and is utilized only if their rates are cheaper than Atlantic City Electric.

Mr. Joel Mahr: Stated he believes what occurred at this evenings meeting is not a negative thing. It shows the town is working towards transparency.

Motion to Close: Kehm

Second: Schlick

All in Favor

Being no further business

Motion to Adjourn: Schlick

Second: Gormley

All in Favor

Respectfully submitted,

Diana K. McCracken, RMC

Diana K. McCracken, RMC

Township Clerk