

# Eagleswood Township Regular Meeting Minutes July 28, 2014

**CALL TO ORDER**

The Regular Meeting of the Township Committee of the Township of Eagleswood was called to order by Mayor Debra Rivas at 07:00 p.m. Mayor Rivas led in the Salute to the Flag.

**ROLL CALL:** Roll Call was administered by Acting Municipal Clerk as follows:

COMMITTEE	PRESENT	ABSENT	LATE
Committee Member Pasternak	X		
Deputy Mayor Thomas	X		
Mayor Rivas	X		

Also present was Attorney Tom Monahan, Acting Municipal Clerk Lisa H. Hand and Acting Chief Financial Officer Kristen Manning

**STATEMENT - PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT**

“Provisions of the Open Public Meetings Act have been met. Notice of this meeting, Resolution 2014-07, has been published in the Asbury Park Press, the Times Beacon and the Sandpaper, given to those having requested and paying for same, and posted on the Bulletin Board in the Municipal Building on January 07, 2014.”

**PRESS IDENTIFICATION**

Liam McKenna- The Sandpaper

**APPROVAL OF MINUTES**

June 23, 2014 Regular Meeting

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

June 23, 2014 Executive Session

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

**PRESENTATION-**

None

**PUBLIC COMMENT- Five Minute Limit (Please state name and address)**

MOTION- To Open Public Comment

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

**Mae Wagner-Dock Road**

Ms. Wagner has concerns with hunting on Dock Road. A duck blind is being used on Township property, recently she found a hunting arrow in her tree and she has concerns that there could be a safety issue. She stated that hunters are drifting over to her property. Ms. Wagner is going to repost her property.

Deputy Mayor stated that she should contact Fish and Game if she has hunters trespassing on to her property. Deputy Thomas stated this is something we would have to have the Township Attorney look into.

**Mr. Gordon-**

How is the bulkhead coming along? He wants to know if the ends are going to be open. If it's going to be the same thing that we have now, this is not going to stop the flooding.

Deputy Thomas stated we are currently working on this project and we will be going out to bid in the near future.

**Sandy Morris- Dock Road**

Ms. Morris thanked Mr. Monahan for sending a representative to the meeting with Senator Connors regarding the dredging of the Westecunk creek. Ms. Morris said it was sad that the ball was dropped and hopefully we will be getting a letter to keep this moving. Ms. Morris asked about Grants is there a place where she can look to see where grants are posted and see what is available. Mr. Pasternak is going to look into and he will get information to Ms. Morris.

**MOTION** to close Public Participation was made by Deputy Mayor Thomas and seconded by Committee Member Pasternak and unanimously carried.

**RESOLUTIONS:**

**2014-091**

**RESOLUTION 2014-091**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE REFUND OF ESCROW MONIES  
POSTED BY APPLICANT EAGLES NEST AIRPORT TO THE  
LAND USE BOARD**

**WHEREAS**, the Township of Eagleswood required the posting of escrow monies in regard to applications before the Land Use Board; and

**WHEREAS**, the Land Use Board Professionals have determined that all work has been completed, and that all billing has been submitted and paid and no further billing is anticipated; and

**WHEREAS**, the Municipal Engineer has recommended the refund of escrow monies posted for the following Blocks and Lots, in the amounts so noted:

- Eagles Nest Aero LLC (T-15-56-284-000-114) \$49.57  
Blocks 34 & 36 Lots 1,2,3,3.01,13.01,16-22

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Eagleswood, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby authorize the refund of escrow monies in the amounts so noted.
2. That a certified copy of this resolution be provided to the Chief Financial Officer.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

**2014-092**

**RESOLUTION 2014-092**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE REFUND OF ESCROW MONIES  
POSTED BY APPLICANT EAGLES NEST AIRPORT TO THE  
LAND USE BOARD**

**WHEREAS**, the Township of Eagleswood required the posting of escrow monies in regard to applications before the Land Use Board; and

**WHEREAS**, the Land Use Board Professionals have determined that all work has been completed, and that all billing has been submitted and paid and no further billing is anticipated; and

**WHEREAS**, the Municipal Engineer has recommended the refund of escrow monies posted for the following Blocks and Lots, in the amounts so noted:

- Eagles Nest Aero LLC (T-15-56-284-000-109) \$8.02  
Blocks 34 & 36 Lots 1,2,3,3.01,13.01,16-22

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Eagleswood, County of Ocean, State of New Jersey, as follows:

- That the governing body does hereby authorize the refund of escrow monies in the amounts so noted.
- That a certified copy of this resolution be provided to the Chief Financial Officer.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

**2014-093**

**TOWNSHIP OF EAGLESWOOD  
RESOLUTION 2014-093**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING APPOINTMENT FOR THE EAGLESWOOD VOLUNTEER FIRE COMPANY #1**

**WHEREAS**, volunteers are the backbone of the Township of Eagleswood; and

**WHEREAS**, the Chief of the Eagleswood Volunteer Fire Company #1 has submitted an application for membership into the N.J. State Firemen’s Association.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Eagleswood, County of Ocean, State of New Jersey, does hereby approve the appointments of the following application to the N.J. State Firemen’s Association:

Michael J. Higman

**BE IT FURTHER RESOLVED** that the Eagleswood Township Committee hereby thanks these necessary volunteers for dedicating their time to such a worthy cause; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized to sign such application and forward same to the Eagleswood Volunteer Fire Company #1.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

**2014-094**

**RESOLUTION 2014-094**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ASSESSMENT OF A LIEN AGAINST 136 DINNER POINT ROAD, ALSO KNOWN AS BLOCK 4, LOT 295.02, IN THE TOWNSHIP OF EAGLESWOOD**

**WHEREAS**, in accordance with Chapter 41 of the Township of the Township of Eagleswood, entitled "Brush, Grass and Weeds, Removal of," and N.J.S.A. 40:48-2.27, the Township shall remove brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris, from lands lying within the Township of Eagleswood, within ten days after notice to the owner or tenant of said property from the designated official of the Township of Eagleswood to remove same; and

**WHEREAS**, if the owner or tenant who has received such notice fails to remove from said lands the brush, weeds, dead and dying trees, stumps, roots, obnoxious growth, filth, garbage, trash and debris or fails to cut any brush, hedges, shrubs or other obstructions for which said person was cited within ten days of notice to remove the same, then, and in that event, the Township shall have the right to provide for the removal of the same by, or under, the direction of an officer of the municipality; and

**WHEREAS**, it has been represented that the owner or tenant of 136 Dinner Point Road, also known as Block 4, Lot 295.02, was provided with proper notice under Chapter 41 of the Township Code of the Township of Eagleswood, and N.J.S.A. 40:48-2.27, for overgrowth at 136 Dinner Point Road; and

**WHEREAS**, the Supervisor of the Department of Public Works has submitted a work order of \$150.85 for work performed by the Township at 136 Dinner Point, also known as Block 4, Lot 295.02, in accordance with the provisions of Chapter 41 of the Township Code of the Township of Eagleswood, and N.J.S.A. 40:48-2.27; and

**WHEREAS**, the Supervisor of the Department of Public Works has represented that the provisions of the Township Code of the Township of Eagleswood, and N.J.S.A. 40:48-2.27, have been satisfied; and

**WHEREAS**, the Township of Eagleswood desires to have the amount of \$150.85 become a lien again 136 Dinner Point Road, also known as Block 4, Lot 295.02, and to add said costs to, and become and form part of, the taxes next to be assessed and levied upon said lands, same to bear interest at the same rate as the other taxes, and to be collected and enforced by the Tax Collector of the Township.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Township of Eagleswood, County of Ocean, State of New Jersey as follows:

1. That the amount of \$150.85, as shown on Township of Eagleswood Work Order dated July 21, 2014, shall be assessed as a lien against 136 Dinner Point Road, also known as Block 4, Lot 295.02, in the Township of Eagleswood for work performed by the Township pursuant to Chapter 41 of the Township Code of the Township of Eagleswood and N.J.S.A. 40:48-2.27, and that the cost of the removal shall be caused to be a "lien," in accordance with § 41-4 of the Township Code. A copy of said work order is attached hereto as Schedule A.
2. That the Township Supervisor of the Department of Public Works represents that the requirements of Chapter 41 of the Township Code of the Township of Eagleswood, and N.J.S.A. 40:48-2.27, have been satisfied.
3. That a certified copy of this resolution shall be forwarded to the Supervisor of the Department of Public Works and the Tax Collector of the Township of Eagleswood.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

**2014-095**

**RESOLUTION 2014-095**

**A RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE 2013 MUNICIPAL AUDIT**

**WHEREAS**, N.J.S.A. 40:A5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transaction, and

**WHEREAS**, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body, and

**WHEREAS**, the Local Finance Board has promulgated a regulation requiring that the Governing Body of each municipality shall by Resolution certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, as a minimum, the sections of the annual audit entitled:

General Comments  
Recommendations

and,

**WHEREAS**, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled:

General Comments  
Recommendations

As evidenced by the group affidavit form of the Governing Body, and

**WHEREAS**, such Resolution of Certification shall be adopted by the annual audit, as per the regulations of the Local Finance Board, and

**WHEREAS**, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgation's of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52-27BB-52 to wit: R.S. 52:27BB-52 – "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office".

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Township of Eagleswood, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said audit.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Committee Person Pasternak		x	x				
Deputy Mayor Thomas	x		x				
Mayor Rivas			x				
		VOTE	3				

2014-096

**TOWNSHIP OF EAGLESWOOD**

**RESOLUTION 2014-096**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE APPROVAL OF AN OFF PREMISE  
50/50 RAFFLE LICENSE  
NO. RA-2014-C-003**

**WHEREAS**, application has been made to the Township Committee of the Township of Eagleswood, by Eagleswood Elementary PTA for off premise 50/50 Raffle License; and

**WHEREAS**, the Township of Eagleswood has waived the application fee for the municipality and the applicant has completed all requirements of the New Jersey State Gaming Commission;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Eagleswood, having made an investigation and satisfied themselves that all requirements, rules and regulations have been complied with, now order that Raffle License, No. RA-2014-C-003, Identification No. 111-5-32864 be approved.

**BE IT FURTHER RESOLVED**, that the proper officials be authorized to sign all necessary papers on behalf of the Township of Eagleswood and certification be made to the Legalized Games of Chance Gaming Commission.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT
Committee Person Pasternak		x	x			
Deputy Mayor Thomas	x		x			
Mayor Rivas			x			
		VOTE	3			

2014-097

**TOWNSHIP OF EAGLESWOOD**

**RESOLUTION 2014-097**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE APPROVAL OF RAFFLE LICENSE  
NO. RA-2014-R-003**

**WHEREAS**, application has been made to the Township Committee of the Township of Eagleswood, by Eagleswood Elementary PTA for a Merchandise Raffle License; and

**WHEREAS**, the Township of Eagleswood has waived the application fee for the municipality and the applicant has completed all requirements of the New Jersey State Gaming Commission;

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Eagleswood, having made an investigation and satisfied themselves that all requirements, rules and regulations have been complied with, now order that Raffle License, No. RA-2014-R-003, Identification No. 111-5-32864 be approved.

**BE IT FURTHER RESOLVED**, that the proper officials be authorized to sign all necessary papers on behalf of the Township of Eagleswood and certification be made to the Legalized Games of Chance Gaming Commission.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT
Committee Person Pasternak		x	x			
Deputy Mayor Thomas	x		x			
Mayor Rivas			x			
		VOTE	3			

2014-098

**TOWNSHIP OF EAGLESWOOD  
RESOLUTION 2014-098**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD, COUNTY OF OCEAN STATE OF NEW JERSEY  
IMPLEMENTING THE CORRECTIVE ACTION PLAN – 2013 AUDIT**

**WHEREAS**, the 2013 audit was received by the Mayor and Committee of the Township of Eagleswood; and

**WHEREAS**, certain comments & recommendations were made in the 2013 audit and are attached hereto and made part hereof as Finding #2013-1 & 2013-2; and

**WHEREAS**, a corrective action plan has been submitted to the Mayor and Committee of Eagleswood Township and is attached hereto and made part hereof as Finding #2013-1 & 2013-2; and

**WHEREAS**, it is the desire of the Mayor & Committee of the Township of Eagleswood to implement the corrective action plan in response to comments & recommendations contained in the 2013 Audit Report;

**NOW THEREFORE BE IT RESOLVED** by the Municipal Committee for the Township of Eagleswood, County of Ocean and State of New Jersey as follows:

1. That the Mayor & Committee have implemented the corrective action plan filed by the Acting Chief Financial Officer in order to comply with the comments & recommendations as set forth in the 2013 Audit.
2. That a certified copy of this resolution shall be forwarded to the Division of Local Government Services, Acting Chief Financial Officer and the Township Auditor.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT
Committee Person Pasternak		x	x			
Deputy Mayor Thomas	x		x			
Mayor Rivas			x			
		VOTE	3			

2014-099

**TOWNSHIP OF EAGLESWOOD  
RESOLUTION 2014-099**

**RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING APPOINTMENT FOR THE EAGLESWOOD VOLUNTEER FIRE COMPANY #1**

**WHEREAS**, volunteers are the backbone of the Township of Eagleswood; and

**WHEREAS**, the Chief of the Eagleswood Volunteer Fire Company #1 has submitted an application for membership into the N.J. State Firemen’s Association.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Eagleswood, County of Ocean, State of New Jersey, does hereby approve the appointments of the following application to the N.J. State Firemen’s Association:

Zachary M. Tomczyk

**BE IT FURTHER RESOLVED** that the Eagleswood Township Committee hereby thanks these necessary volunteers for dedicating their time to such a worthy cause; and

**BE IT FURTHER RESOLVED** that the Municipal Clerk is hereby authorized to sign such application and forward same to the Eagleswood Volunteer Fire Company #1.

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT
Committee Person Pasternak		x	x			
Deputy Mayor Thomas	x		x			
Mayor Rivas			x			
		VOTE	3			

2014-100

**RESOLUTION 2014-100  
RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING PAYING OF THE BILLS**

**WHEREAS**, The Chief Financial Officer has certified and submitted a consolidated bill list for the payment of claims; and

**WHEREAS**, all vouchers listed herewith have been encumbered and sufficient funds are available for payment; and

**WHEREAS**, the required signatures of the Department Head and/or the Finance Chairperson, the Vendor, and the Chief Financial Officer, have all been obtained on each voucher on the attached list.

**NOW, THEREOFRE, BE IT RESOLVED**, by the governing body of the Township of Eagleswood, County of Ocean, State of New Jersey that the voucher list submitted is hereby approved for payment in the total amount of:

**Current Fund \$722,538.43**  
**Sewer \$1,445.66**  
**Grants \$23,688.43**  
**Escrow \$2,632.00**  
**Dog \$3.60**  
**General Capital \$4,394.53**  
**Sewer Capital \$19,131.00**  
  
**Grand Total \$773,833.65**

Bill Number 43 - P.O. 14-00451

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT
Committee Person Pasternak	x		x			
Deputy Mayor Thomas		x			x	
Mayor Rivas			x			
		VOTE	2			

Remainder of the Bill List

COMMITTEE	MOTION	2 <sup>nd</sup>	AYES	NAYS	ABSTAIN	ABSENT
Committee Person Pasternak		x	x			
Deputy Mayor Thomas	x		x			
Mayor Rivas			x			
		VOTE	3			

**2014-101**

RESOLUTION 2014-101

A RESOLUTION OF THE TOWNSHIP OF EAGLESWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING EXECUTIVE SESSION PURSUANT TO N.J.S.A. 10:4-12

BE IT RESOLVED by the Township Committee of the Township of Eagleswood, County of Ocean, State of New Jersey, the pursuant to the Open Public Meeting Act, N.J.S.A. 10:4-6 st seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12(b) specifically:

(A) \_\_\_\_\_

(B) \_\_\_\_\_

NOW, THEREOFRE, BE IT RESOLVED that the Township Committee of the Township of Eagleswood, County of Ocean, State of New Jersey as follows:

1. Public session be ended from a session concerning the hereinafter-specified subject matter
2. Any discussion that is conducted in closed session may be disclosed to the public unless the Township Committee determines that the public interest will no longer be served by such confidentiality, and if not then legally privileged.

**COMMITTEE REPORTS**

Deputy Thomas stated the Bulkhead will be going to bid. He has been working with Frank with Owen and Little on getting the grinder pumps out to bid. The Trash contract is up and we will be opening the bids on the 9th. Public works is doing a good job, we are working on getting some repairs done on some the of trucks.

Mr. Pasternak stated that three Volunteer Fireman recently graduated from the Fire Academy. Mr. Pasternak gave a report for Zoning and Assessor Office.

Mayor Rivas stated that we made our donation to the USO. We are working on the Country Fair, the mugs were ordered for the Country Fair. The CFO is looking at getting some quotes for IT. The Gazebo is also included in the bulkhead bid.

Mayor Rivas asked Attorney Monahan if using the Schedule C from the County legal for the rates. We use the hourly rate for our employees and we use the County Schedule C for equipment rates. Mr. Pasternak asked if we should have our own rates? Mr. Monahan stated he is fine with the Township using the County rates. A Resolution has to be done after each time to establish a lien.

Mayor Rivas advised we have received a letter regarding the donation of property on 219 Rt.9. After discussion it was advised that the Clerk send a letter to the DEP to make sure that they have no interest on this property. The Clerk will send a letter requesting no interest on this property.

Mayor Rivas discussed with the Governing Body the posting of property along the Power lines on Cox Road. The Clerk is going to draft a letter and send to all the owners in the area to post their property.

Mayor Rivas has requested a date change for the September meeting. After discussion the Governing body will change the September meeting to September 29th.

The Chief Financial Officer Kristen Manning is working on getting the fixed asset list completed.

Codification is moving along, Mr. Monahan advised the Clerk to have General code contact him with any questions.

**NEW BUSINESS:**

None

**ADJOURNMENT**

Without further comment and no more action necessary for this evening, Mayor Rivas called for a motion to adjourn. Deputy Mayor Thomas made a motion to adjourn at 07:38 p.m., seconded by Committee Member Pasternak and unanimously carried. The meeting was adjourned.

Submitted By:

Lisa H. Hand, Acting Municipal Clerk