

February 19, 2019

AGENDA

Regular Meeting of the Hazlet Township Committee held at 8:05 p.m.

Salute to the flag and moment of silent prayer called by the Mayor.

Mayor's Statement – Open Public Meetings Act & Emergency Fire Exits.

In Compliance with the "Open Public Meetings Act" of the State of New Jersey, adequate notice of this meeting of the Township Committee was provided in the following manner:

- (A) On January 2, 2019, advance written notice of this meeting was posted at:
1766 Union Avenue, Hazlet, New Jersey
- (B) On January 3, 2019, advance written notice of this meeting was forwarded to the Independent and the Two River Times. On January 4, 2019 advanced written notice of this meeting was published in the Asbury Park Press.
- (C) On January 2, 2019, copies of advance written notice of this meeting were mailed to all persons who requested and paid for such notices on or before January 1, 2019.

Time will be allotted for public comment at this meeting. Each speaker will be allotted a 5 minute time limit when recognized by the Mayor. Individuals wishing to address the Committee, shall give their name and address. Although the Township Committee encourages public participation, it reserves the right, through the Mayor, to terminate remarks to and/or by an individual not in keeping with the conduct of a proper and efficient meeting. The Township Committee will not, during the public portion of this meeting, discuss matters involving any specific, prospective or current employee.

FIRE EXITS are located in the directions I am indicating: Farther down at the end of the room, through the doors and down the stairs, directly out the front door.

To my right is the door, make a right down the hallway which leads to the stairs and directly out the rear of the building.

If you are alerted for fire, please move in a calm and orderly manner to the nearest exit. Finally, let the record reflect that the minutes of this meeting will accurately reflect the topics addressed during this meeting but will not be a verbatim transcript of tonight's proceedings. Thank you. I direct the Municipal Clerk to enter into the minutes of this meeting these announcements.

<u>ROLL CALL</u>	<u>PRESENT</u>	<u>ABSENT</u>
Committeewoman Clark	<u> X </u>	<u> </u>
Committeeman McKay	<u> X </u>	<u> </u>
Committeeman Sachs	<u> X </u>	<u> </u>
Deputy Mayor Glackin	<u> X </u>	<u> </u>
Mayor Aagre	<u> </u>	<u> X </u>

Approval of Executive Session Minutes – January 15, 2019.

Offered Committeewoman Clark 2nd Committeeman McKay
Roll Call: Committeewoman Clark Yes Committeeman McKay Yes
Committeeman Sachs Abstain Deputy Mayor Glackin Yes
Mayor Aagre Absent

Correspondence:

A letter was received from Sal Coppola resigning from his position as a Maintenance Repairer in the Department of Public Works effective February 15, 2019.

Offered Deputy Mayor Glackin 2nd Committeewoman Clark
Voice Vote: Yes

Mayors Appointment:

Resolution S-1 - Appointment of Michael Sachs as a Class I Member to the Land Use Board.

Resolutions, Motions and Appointments:

Resolutions #63 and #64 are by Consent Agenda. All matters listed under Consent Agenda are considered to be routine by the Township Committee and will be enacted by one motion. There will be no separate discussions of these items. If discussion is desired by the Mayor or any member of the Township Committee, that item will be removed and will be considered separately. Advance copies of each resolution have been given to each Committee Member. The original resolutions are with the Municipal Clerk for inspection as listed below.

- 63. Authorizing a public auction to dispose of obsolete equipment and service vehicle.
- 64. Refund of the overpayment of taxes for Block 15, Lot 6.

Offered Deputy Mayor Glackin 2nd Committeeman McKay
Roll Call: Committeewoman Clark Yes Committeeman McKay Yes
Committeeman Sachs Yes Deputy Mayor Glackin Yes
Mayor Aagre Absent

PUBLIC HEARING

Anyone who would like to address the Township Committee regarding the below listed Resolutions on the Agenda, please come up, print your name and address on the sign in sheet. There is a five (5) minute time limit. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard.

NO ONE SPOKE.

Offered Deputy Mayor Glackin

2nd Committeewoman Clark

Voice Vote: Yes

65. Authorizing the Final Pay Estimate and Close Out Change Order for S. Brothers, Inc. for the 2016 Road Improvement Program.

Offered Committeeman McKay

2nd Committeeman Sachs

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

66. Appointment of Charles Sickles as a full time Laborer with a CDL in the Department of Public Works.

Offered Committeeman Sachs

2nd Committeeman McKay

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

67. Authorizing the payment of Accumulated Compensatory and Sick Buy Out as per P.B.A. Local 189 Contract for Michael Duncan.

Offered Committeewoman Clark

2nd Deputy Mayor Glackin

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

68. Authorizing the payment of Accumulated Compensatory and Sick Buy Out as per P.B.A. Local 189 Contract for Gerard Laurino.

Offered Committeeman Sachs

2nd Committeeman McKay

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

69. Authorizing the Township to assess a Municipal Lien on various properties for property maintenance.

Offered Committeewoman Clark

2nd Deputy Mayor Glackin

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

70. Authorizing relief from tree replacement requirements for Hazlet Route 36, LLC (Wawa) Block 63, Lots 1, 1.01, 2, 3, 7 and 8.

Offered Deputy Mayor Glackin

2nd Committeeman McKay

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

71. Appointment of Denise Drovon as a School Crossing Guard.

Offered Committeewoman Clark

2nd Deputy Mayor Glackin

Roll Call: Committeewoman Clark Yes

Committeeman McKay Yes

Committeeman Sachs Yes

Deputy Mayor Glackin Yes

Mayor Aagre Absent

Payment of Bills:

Advance bill lists have been supplied to each Committee Member.

Offered Committeeman Sachs 2nd Committeeman McKay
Roll Call: Committeewoman Clark Yes Committeeman McKay Yes
 Committeeman Sachs Yes Deputy Mayor Glackin Yes
 Mayor Aagre Absent

Ordinance Introductions:

1. AN ORDINANCE FIXING AND ESTABLISHING THE SCHEDULE OF SALARIES, SALARY RANGES, INCREMENTS, WAGES AND FEES FOR CERTAIN OFFICIALS AND EMPLOYEES OF HAZLET TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY FOR 2019

Title read by: Committeeman Sachs

Hearing Date: March 5, 2019.

Offered Committeeman Sachs 2nd Committeeman McKay
Roll Call: Committeewoman Clark Yes Committeeman McKay Yes
 Committeeman Sachs Yes Deputy Mayor Glackin Yes
 Mayor Aagre Absent

2. AN ORDINANCE FIXING AND ESTABLISHING THE FEE SCHEDULE FOR HAZLET TOWNSHIP RECREATION PROGRAMS FOR 2019

Title read by: Deputy Mayor Glackin

Hearing Date: March 5, 2019.

Offered Deputy Mayor Glackin 2nd Committeewoman Clark
Roll Call: Committeewoman Clark Yes Committeeman McKay Yes
 Committeeman Sachs Yes Deputy Mayor Glackin Yes
 Mayor Aagre Absent

Citizens Hearing:

There is a five (5) minute time limit. No participant may speak more than once on the same topic until all others who wish to speak on that topic have been heard.

Roseann Brooks: Roseann Brooks. As you can see, there is a representative from each residence that lives in our development that's still currently under construction and we just have major concerns and we are looking for guidance and help from the Township for all the issues that we have going on. I was in Court on Monday with this gentleman to appeal our taxes and I am just going to read you a statement where we put our thoughts together.

Deputy Mayor Glackin: Can I just ask you for a copy of that so we can have it for our records? Thank you.

Ms. Brooks: Yes I will give you a copy.

Committeewoman Clark: Can I just ask what is your development again?

Ms. Brooks: Green Tree Circle. Bobby Devino is the builder. Our taxes first and foremost are a major issue to all the residents of this development. Prior to purchasing our homes in Green Tree Circle, we were all advised by the builder that our taxes would be in the \$5,000 - \$6,000 range. Some of us at time of closing were taken aback when we had pay additional money to bring our taxes current in the sum of \$8,000. We were not only taken aback by the increase but either had to pay the difference in full or it was added to our monthly mortgage payment due to having our taxes escrowed. This caused a hardship to many, some who are on fixed income. We feel by the builder advising us on the incorrect amount is what was most if not all to purchase within a GTC association. We were coming from private homes with taxes in the same amount that we are now paying. We are very concerned that some of us may not be able to stay within this community after we were very excited that this was going to be our final home. So in essence we were lied to and misinformed. We did not feel a need or even thought to research this as we put our trust in our builder. What we are coming to the Township for today again we need some guidance on the taxes and if anyone from the Township is looking into the adult community, I know we can't go by what in other Townships and how some of their tax rates are, or if they are getting an abatement or something for being a 55 or older community. Honestly, we still don't know if we are declared an adult community? We are looking to the Township since we are a private road, we are paying for our own services such as lights, snow removals and I did hear that we are paying rental fees on fire hydrants. We are actually being charged twice since we paid for these services in our monthly maintenance fee, along with, being included in our taxes for the services that are not provided by the Township. Hazlet is not providing any of the services for us due to the GTC being a private road. We are asking for your help and support and offering us a credit on our taxes due to these circumstances. After doing a little bit of research, the tax rate in Hazlet is so much higher than other cities. Is Hazlet in trouble? We are not utilizing the school and of course, that is the biggest tax of all. Who is overseeing the construction site?

Deputy Mayor Glackin: Dennis Pino oversees the construction of projects. If you are in Court for tax abatement, we can't speak about that because it is ongoing litigation. Again, for all your questions, Dennis is also our Township Administrator and he loves to get back to everybody. Please leave him your contact information.

Ms. Brooks: Okay. I also left him a message on his phone so let's see how long it takes him to get back to me.

Administrator Pino: Is there anything I can help with right now?

Ms. Brooks: I think it's a safety hazard...don't know if you've been there. There are mounds of debris. When I went for the tax appeal in Freehold, they asked me if my house was worth \$321,000 and I said absolutely not. Who stays in line with the builder? Every single person in this room has major issues going on in their house and I'm talking mold. This is a brand new house. We all have machines now in our basements for mold. We have a swamp in the back and a swamp in the front. We live with all that debris on the side of Stone Road and Poole Avenue. Who oversees this? This has been going on for so long. When it rains the whole front of our development is a huge puddle. The swamp in the front is not draining. He has it draining to the street which causes a flood. How is he allowed to get away with all of this and what's going on in our development?

Administrator Pino: There's two parts to this. One you have the actual site which is followed up by our engineering. They go out at different points in time to make sure the site is habitable even though it still is as you mentioned a construction site. He's got two buildings. One under construction and one left to go. Unfortunately, those activities until they are done, they don't finalize some of the other elements like the final pavement. I know we had some connections with the storm sewer. There were some issues about a pole that needs to be removed. A telephone or utility pole of some sort. They're just not done at the moment. The retention pond/detention pond whatever it may be, they typically...

Ms. Brooks: Is the Township holding him up from continuing finishing this building? That's what he keeps telling us. The new development that they are just putting up behind Walgreens is going to be done before our development. That's how quickly they are moving and we just don't understand what the tie up is? He keeps telling us it's the Township that won't give him the permits to continue.

Committeeman Sachs: That's for the final building I think is an issue ...

Ms. Brooks: The most important thing we need to find out as an association, when do you give him his bond money back? What is the procedures so that everything is addressed before his bond money is returned?

Administrator Pino: I don't know what the swamp is...because I will tell you farmed forever. There's always been water there one way or the other. You are across the street from a major flood zone. Literally feet away...so there will be water at times when the rain is heavy. That's just a fact. That will never change. It's that part of the Town. It collects and holds water. Putting that aside, when the site is substantially done and meets certain standards from the engineer's perspective then they will release portions of the bonds but as far as any individual building items you may have, you mentioned mold. You have the homeowner's warranties with every one of your homes that was purchased. You can call them up...

Ms. Brooks: For one year. It's over. Most of us are there over two years.

Administrator Pino: Then it's a different story. I don't know what's causing mold. Mold is something that is not regulated by the Building Codes. We try to keep things to a certain extent for moisture control and barriers. But mold can come up from a lot of different reasons and maybe simply putting in a humidifier as you mentioned...

Ms. Brooks: This shouldn't be happening in a new home...

Administrator Pino: It happens all the time in new homes. You coming to us and asking what to do with mold. We don't regulate mold.

Ms. Brooks: And the bond money...who gets the final say on when? The engineers have the final say?

Deputy Mayor Glackin: It actually will go to a resolution where it will be brought to us and say the engineer makes a recommendation that they've met all of their requirements and they want to come off bonds. Then they will go to a maintenance bond, where for two years if anything fails that was completed during that time, they will have a two year period where they will still be held accountable for it.

Ms. Brooks: So is it in our best interest for the association, I know that we are going to have to hire an attorney at some point, but for all the issues that we have going on which to me are major issues. My next door neighbor has leaking windows for two years now that's coming into her home and they keep saying they're going to replace them. Is it in our best interest to just hire a lawyer and go after the builder?

Administrator Pino: That would be legal advice ...

Deputy Mayor Glackin: Please leave that list if there is anything we can address...

Administrator Pino: Yes.

Ms. Brooks: As to our taxes, is anything ever going to be done? Is anyone ever going to take the time to look at our tax assessment to see if anything can be done about lowering our taxes?

Deputy Mayor Glackin: Again that is a legal question, just because you said earlier you are in the middle of a tax appeal ...

Attorney Gorman: So a number of the homeowners filed tax appeals. I think there were 9 out of the 15 or so that had closed. So you had raised the issue, we will talk about tax abate and not your appeal or not what your house is worth. That's all in the hands of the County Tax Board right now. You had mentioned or someone did that there are tax abatement programs for seniors. There are...but they are all income driven. So there is a \$250 credit available if you are 65 or over and you have a certain income level. There's also a tax freeze for 65 and over for an income level of roughly \$88,000 a year right now. There are forms and that freezes the taxes in the year that you qualify and it remains there for as long as you keep on qualifying every year.

Ms. Brooks: Is there a certain amount of years that you have to live at the residence before you can freeze it?

Attorney Gorman: No but those forms you can get them from the collector's office. You have to show your income. For one program I think its \$88,750. Your total income if it's under that and if you are over 65 then you can freeze your taxes. The \$250.00 for low income seniors is available, but that income level is rather low. Basically, social security plus \$10,000.00.

Ms. Brooks: Will the Township give us a credit for the services that they are not rendering us and we are being charged for? As for as lighting...

Attorney Gorman: But that is on your private property. The law is that if it's on your private property, it is the association's responsibility. The Township doesn't snow plow driveways but they will do the street. But that's not a street. That is a private drive, parking lot...its equivalent to a driveway.

Ms. Brooks: What do we have to do as an association to change that?

Attorney Gorman: It's in your homeowner documents. It's private property. That is just the way it is for every condo association.

Bill Wentz: One thing as far as the water, the problem with the water is that it's just not a flood zone. It's that the property is not graded properly. It should be going away from our house on a down slope and it doesn't and I believe that's contributed to the mold issue that we have.

Administrator Pino: Let me be clear, your property is not in a flood zone. Its right next to one and it's collecting its own water on site which is not being drained and as you say blame is for grading or incomplection. Remember you are living in a construction site. There was a number of people probably in this audience who asked to be in the building sooner than later and we forced the CO process to move quicker so people could be in for the holidays and elsewhere. There are some individuals who even moved furniture and other items into these homes before we issued the CO. So the Town has always been trying to help and accommodate. So give us a little more time to go through this. The site will be finished. It's just the matter of when.

Mr. Wentz: I think that is the issue. I've there over two years at this point.

Administrator Pino: Understood and sometimes these things go on for years. That's just how construction is...

Mr. Wentz: For the longest time they brought up Mt. Laurel being an issue and not being resolved and that's why they couldn't complete all of the buildings. Is that true?

Attorney Gorman: Kind of...they sued the Town. So there was a case pending. Devino & Jackowitz sued the Town and that is not yet resolved. So because of that the Town has issued 20 out of the 24 building permits but not the last four. I don't know whether or not that actually is holding up his progress a little because I don't think he sold the last four units that he is building anyway. If he says that the Town is holding off on the last four building permits, that's true.

Mr. Wentz: So I guess our bottom line as citizens and I've gone up ...I understand legally that we probably are between a rock and a hard place but can you do anything for your citizens?

Deputy Mayor Glackin: We've been working on our Mount Laurel issue for many years but especially these last two years has been a pressing issue because of the change in the laws and I think that will come to a resolution soon.

Attorney Gorman: Under our settlement, we have to have everything adopted by April 25, 2019 to give you some idea as to where that is all going. Part of that is then to authorize a settlement with Devino whereby he is paying for some portion of Mount Laurel fees that we have been litigating about.

Deputy Mayor Glackin: That will be coming to a resolution in the near future. At least that portion will be over and if he was using that as an excuse for whatever reasons...gone.

Administrator Pino: The other suggestion I have is that if you have construction related issues, just email separately exactly what they are and when you notified the builder of the issue. At least I can reach out to them because they've been very good. His father built half of Aberdeen back in the day, so...I know Bob is a little under the weather but we can always bring it to them and sometimes they listen to us and sometimes they totally ignore us. We can at least do that for you.

Attorney Gorman: That property has been zoned for age restricted housing since before we can figure out. Right now, the whole block including the larger farm behind you has been zoned for age restricted housing and we don't know how it became 48 and over. We can't figure out how that ever was the law. We don't think it ever was but that's the way it's zoned right now. So when you builder came in, he had to comply with the current federal law which was 55 and over. But it's been zoned multi-family housing at about the same density as your property for at least thirty or forty years. The State of New Jersey requires that every piece of property to be assessed at fair market value. In Monmouth County we have a program where every year the properties are re-assessed to bring them up to fair market value or go down depending on what the market may be. Doesn't mean your taxes go up. It means the assessment goes up.

Kathy Flannelly: It's interesting to hear what's going on with the homes that were built on wetlands. My question is, is there any progress being done on the Shop Hazlet Program?

Administrator Pino: Yes.

Kathy Flannelly: Like what?

Administrator Pino: We've done some investigating. We've got some reports that we generated to review. I know Tara is going to get a little bit more involved as well because we just gave her administrative rights to the program.

Committeewoman Clark: We're looking into expanding that program and to making more residents aware of the benefits of it. The vendor of this that oversees it has reached out to the stores in Town who are using it to use a new hand device. So I have been going to different properties in Town that are offering the discounts on that program to see how it's working and to get their feedback right now. So once we get all that feedback from all the vendors we are going to see how we can improve that program and expand it to make more residents aware of it.

Ms. Flannelly: With the new businesses coming in, is there a way you can mention it before they open?

Committeewoman Clark: We think it's a great program and it is a great opportunity. That's why I am looking into it. There are so many different options for the business owners to use and we want to have something that is more user friendly. We are gathering that information right now.

Ms. Flannelly: Okay. Thank you so much.

Motion to close hearing:

Offered Committeeman Sachs

2nd Committeeman McKay

Voice vote: Yes

Motion to adjourn:

Offered Committeeman Sachs

2nd Committeeman McKay

Voice vote: Yes

Time: 8:40 p.m.