

ACTION MAY BE TAKEN BY THE TOWNSHIP COMMITTEE

December 4, 2012

AGENDA

Regular Meeting of the Hazlet Township Committee held at 8:00 p.m.

Salute to the flag and moment of silent prayer called by 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 3, 2012, advance written notice of this meeting was posted at:
1766 Union Avenue, Hazlet, New Jersey.
- B. On January 3, 2012, advance written notice of this meeting was forwarded to
the Independent and published in the Asbury Park Press on January 6, 2012.
- C. On January 3, 2012 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, 2012.

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>
Committeeman Aagre	_____	<u> X </u>
Committeeman Belasco	_____	<u> X </u>
Committeeman Brady	<u> X </u>	_____
Deputy Mayor Sachs	<u> X </u>	_____
Mayor Tinker	<u> X </u>	_____

Approval of Minutes – Regular Meeting, November 20, 2012.
Workshop Meeting, November 20, 2012.

Offered Deputy Mayor Sachs

2nd Committeeman Brady

Roll Call: Committeeman Aagre Absent

Committeeman Belasco Absent

Committeeman Brady Yes

Deputy Mayor Sachs Yes

Mayor Tinker Yes

Approval of Executive Session Minutes – November 20, 2012.

Offered Deputy Mayor Sachs

2nd Committeeman Brady

Roll Call: Committeeman Aagre Absent

Committeeman Belasco Absent

Committeeman Brady Yes

Deputy Mayor Sachs Yes

Mayor Tinker Yes

Reports:

POLICE DEPARTMENT – September 2012 – 1,464 police activities reported.

MUNICIPAL JUDGE – September 2012 – Total fees collected - \$22,788.84.
October 2012 – Total fees collected - \$23,629.43.

CONSTRUCTION CODE OFFICIAL – September 2012 - Total fees collected - \$27,438.00.
October 2012 – Total fees collected - \$17,582.00.

DEPARTMENT OF PUBLIC WORKS – September & October 2012 – Received and read.

ZONING OFFICER – August 2012 – Total fees collected - \$17,843.22.
September 2012 – Total fees collected - \$5,295.55.
October 2012 – Total fees collected \$5,625.05.

Resolutions, Motions and Appointments:

Resolutions #263 through #271 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.

263. Amending Resolution #255 (Refund of the overpayment of taxes to Hazlet Hospitality Group).

264. Release of the maintenance guarantee for People's Plumbing, LLC, Block 156, Lot 5.

265. Refund of the overpayment of taxes made by QBE First.

266. Refund of the overpayment of taxes made by First American Real Estate Tax Service.

- 267. Refund of the overpayment of taxes made by Hudson City Savings Bank.
- 268. Refund of the overpayment of taxes made by Wells Fargo.
- 269. Refund of the overpayment of taxes for Block 39, Lot 13 and Block 213, Lot 17.
- 270. Refund of the overpayment of taxes due to State Tax Appeals.
- 271. Authorizing the disposal of Natco Park Fill Material.

Offered Committeeman Brady 2nd Deputy Mayor Sachs

Roll Call: Committeeman Aagre Absent Committeeman Belasco Absent
 Committeeman Brady Yes Deputy Mayor Sachs Yes
 Mayor Tinker Yes

- 272. Transfer of funds.-**Pulled**
- 273. 2012 Non Contractual Salaries.

Offered Mayor Tinker 2nd Committeeman Brady

Roll Call: Committeeman Aagre Absent Committeeman Belasco Absent
 Committeeman Brady Yes Deputy Mayor Sachs Yes
 Mayor Tinker Yes

Motion for payment of bills:

Advance bill lists having been supplied to each Committee Member.

Offered Deputy Mayor Sachs 2nd Committeeman Brady

Roll Call: Committeeman Aagre Absent Committeeman Belasco Absent
 Committeeman Brady Yes Deputy Mayor Sachs Yes
 Mayor Tinker Yes

Citizens Hearing:

Rosemary Mazza- I am here representing the Hazlet Environmental Commission. I am asking the Township Committee to support the Clean Ocean Zone. This initiative is being run by Clean Ocean Action. It is an initiative that proposes to stop pollution in an area that goes from New York to Maryland and 100 miles out. It is called New York/New Jersey Bight. I can provide backup documentation for you. The Environmental Commission has agreed that it is a worthwhile proposition and initiative. I am asking you take a look at it and write a statement of support.

Evelyn A. Grandi-Clerk- You can give that to me and I will get it to the Committee.

Ms. Mazza- I also represent the Environmental Commission with reference to the NATCO Fill. Can you expand on that a little bit? When will it start? How will it be done? Where will the fill end up?

Attorney Gorman- The Public Works Director has contacted a number of different private disposal places and whichever one gives them the best price on the per tonnage. It is going to be carted to one of those disposal sites.

Ms. Mazza- What is the criteria for removal? I know it has to go out to bid what does it say?

Attorney Gorman- It does not have to go out to bid it is going to be under the bidding threshold. \$17,500.00 is under the bid threshold and it will be under that.

Ms. Mazza- There still needs to be some kind of description of the job so what are you asking these people to do?

Attorney Gorman- They are not going to be doing the work they are going to be receiving the fill.

Ms. Mazza- Who does the work then?

Attorney Gorman- From my understanding it is going to be township employees.

Ms. Mazza- Public works and will they be thoroughly briefed on how to handle the sensitive area that they will be working in?

Administrator Valentino- They will only be working in the disturbed area.

Ms. Mazza- Which is still part of a sensitive open space area Brian. If you are in the high school parking lot and go ten feet off the path it doesn't matter. If you are walking in Natco Park and go ten feet off the path you can destroy something important. Can you make sure they know where they are and what they are supposed to be doing?

Administrator Valentino- Yes.

Ms. Mazza- Who is going to be the one to do that orientation?

Administrator Valentino- The Superintendent of Public Works and the township engineer is coming up with the means and methods to be used.

Ms. Mazza- Would that be something that is public record that we could look at and share with us as the Environmental Commission?

Deputy Mayor Sachs- The procedure that will be taken will be discussed between the Superintendent of Public Works and the engineer. It will be laid out specifically so they know exactly what has to be done as not to go any which way off the roadway to disturb any other areas.

Ms. Mazza- Committeeman Sachs don't you think that is something that I should or the Environmental Commission could have access to. The discussion or the work plan. There has to be some kind of work plan written.

Deputy Mayor Sachs- I don't think it has to be detailed out. I think the supervisor goes out there and instructs them as to what needs to be done that should be sufficient.

Ms. Mazza- I am sure you can understand why the Environmental Commission would like that kind of reassurance.

Attorney Gorman- My meetings with the DEP they wanted to know where it is going. The Superintendent of Public Works has investigated and found disposal sites. The work is going to be done in house. I don't think it is going to be written down, formalized in specifications as you are suggesting.

Ms. Mazza- It wasn't formalized when the road was cut either and you see what happened.

Committeeman Brady- There was an emergency sewer problem.

Ms. Mazza-Even emergencies have plans Committeeman Brady.

Administrator Valentino- Mr. Mayor I don't think any of us have the full answers so why don't I ask Mr. Rooke what his plans are and I can report back to you.

Ms. Mazza- When is this going to start?

Administrator Valentino- The biggest hurdle that has to be overcome before we start is notifying DEP of what site we are going to take the material to and that has yet to be determined.

Ms. Mazza- I am asking you to create a plan. To put it down on paper what people are supposed to do and not do. This also protects the public employees from people criticizing them.

Mayor Tinker- We will reach out to DEP and see what their standards are.

Ms. Mazza- I would like to have access to that on behalf of the Environmental Commission. Can someone please let me know?

Attorney Gorman- In the two meetings I was at I don't think DEP was looking for or is expecting detail written standards on the removal list material. They want to know it is getting picked up and taken out. If you want more than that written down that is between Mr. Rooke, administrator and the engineer to try and come up with standards. In layman's terms it is pick up what was put down. Don't go to the left don't go to the right and don't pick up too much dirt.

Bill Shewan- Resolution #271 that has to do with the NATCO Fill specifically can you outline where the fill material is that you intend to remove? Is it an existing area?

Attorney Gorman- On Bart Place and Helen.

Mr. Shewan- Just the two areas?

Attorney Gorman-Not the road that extends from the High School parking lot, not at this time.

Mr. Shewan – As I understand a site remediation plan is required by the DEP.

Attorney Gorman- I was at the two meetings with DEP and I don't think that is the case. I think DEP basically wants to know what are you going to do with it. They want to know where it is going.

Mr. Shewan- I think you better check further. Also a soil erosion plan is required to be filed with Monmouth County Soil.

Administrator Valentino- You are both correct in some respects. We filed a remediation plan at the beginning of this. The DEP didn't file a formal yes it is accepted, they didn't say no it is rejected. What they did was they responded and said fine get it out of there. What we are doing is complying with the order to get it out of there. In that compliance there may be permits that are required from DEP. Maybe permits that are required from Freehold Soil. Those permits would have to be obtained before we started, which is why we can't say what day this is starting. There are other hurdles that need to be overcome before that can be done.

Mr. Shewan- I understand that. Before the township makes another mistake that may be very costly to the township and the citizens, you better check thoroughly that a site plan is not required.

Administrator Valentino- Anything that we need to have before we start will be done.

Mr. Shewan-What about Monmouth County Soil there was a request that it was supposed to be filed by April 30, 2012. Obviously there was some reason for postponing that. Previous meetings I have brought that to the attention of the Township that it hadn't been filed. What is the status to that?

Administrator Valentino- The blanket answer I can give you is that anything that would be required before we begin will be done by the township engineer prior to a start date.

Mr. Shewan- I had previous contacts with DEP while I was on the Environmental Commission and they said it would be removed by hand.

Deputy Mayor Sachs- Mr. Valentino just stated to you numerous times that before anything starts that we will have the full consent and approval from the DEP. If there are permits that have to be had they will be had. If there is a site plan that has to be in place it will be in place. It will not be touched until the DEP gives us their blessing that is why we can't give you a start date.

Mr. Shewan- With regard to crushed concrete I suggest you look into how to handle crushed concrete. If you create dust while you are moving the concrete it can cause cancer. It is a matter of fact. I will provide the sheets to the township.

Phil Laudati- When you finally get started is there any anticipation on how long it will take?

Administrator Valentino- It will be multiple months.

Mr. Laudati- How will the park be different from September 2011? Are they going to put trails in certain places that are not there?

Administrator Valentino- The direction that we have right now, which admittedly is only good until December 31, 2012 is to remove the materials from the trails and leave it in its natural state at that point.

Mr. Laudati- I heard a figure of \$17,500, is that the anticipated cost of removing everything?

Attorney Gorman- Approximately. That is the bid threshold number and there is approximately 940 tons and the estimated cost for disposal is \$18.00 a ton. When you do the math it comes out to about \$16,900.00.

Mr. Laudati- What about paying people to do it? Don't we pass \$17,500.00 with that.

Attorney Gorman- We are talking about outside contracts. If it is over \$17,500.00 with an outside vendor then you have to go through the process.

Mr. Laudati- Is the township pursuing any lawsuits to help to pay the costs of the damage in NATCO Park? The material that was put in I don't think someone ordered crushed concrete and asphalt. I think the wrong stuff went in.

Attorney Gorman- Potential litigation has been discussed in closed session. At this point no litigation has been filed.

Charles Hoffman- Has there been an accounting for our assistance to Union Beach?

Administrator Valentino- Yes and no. We have tracked all our costs as they went out of town. We are in the process of everything for FEMA reimbursement and for billing to Union Beach where appropriate. It is ongoing because we are still providing services to Union Beach. Yes we have kept track but I could not tell you the running total.

Mr. Hoffman- I am not complaining about the fact that we did. It is just an informational question. Have the BRSA Commissioners brought any information back to you on what this is going to cost us rate payers?

Deputy Mayor Sachs- No.

David Kestner- The \$17,500.00 is that the total cost of the removal or is that the annual cost?

Deputy Mayor Sachs- That is the Bid Threshold.

Mr. Kestner- That is not the question I asked. Is the total cost of removing everything over a period of more than one year or is it \$17,500.00 this year and next year another \$17,500.00? If it is not finished the following year do we pay another \$17,500.00?

Mayor Tinker- I think that is a question for the Committee that takes control on January 1, 2013.

Mr. Kestner- No I think it is a question for you.

Administrator Valentino- Based upon the estimated volume of material that we know went in we can estimate how much is going to come out. We know about how much it is going to cost us to dispose of it and it is below the bid threshold.

Mr. Kestner- So you are going to pay \$17,500.00 this year and \$17,500.00 next year?

Deputy Mayor Sachs- No we are going to pay out whatever gets taken out this year.

Mr. Kestner- The total cost is going to be under \$17,500.00 to remove everything.

Administrator Valentino- If the volumes that we know went in or what comes out, yes.

Patricia Laudati- That \$17,500.00 is the disposal cost?

Mayor Tinker- No the \$17,500.00 is the bid threshold. They are estimating that the material to be removed is less than \$17,500.00.

Ms. Laudati- You are talking about the cost of taking it away. You are not talking about what it is going to cost to have people or machines or whatever remove the debris.

Administrator Valentino- We are already bearing that cost as they are regular employees and we already own the equipment.

Ms. Laudati- We are going to pay them their regular salary. It is not going to cost the town anymore additional money other than the disposal costs.

Administrator Valentino- Yes.

Ms. Laudati- You said the plan we are to follow is only good until December 31, 2012.

Administrator Valentino- The direction that we follow as administration is only good as long as this Committee is in office. On January 1, 2013 we will have a new township committee and they can change that direction, amend it tell them to stop or go another way.

Ms. Laudati- Even though that is something that you agreed to do with the DEP?

Mayor Tinker- The DEP is aware of this as part of our discussions.

Ms. Laudati- They will still have to follow the guidelines of the DEP?

Deputy Mayor Sachs- Yes.

Mr. Hoffman- Are you going to keep track of the man hours being expended?

Administrator Valentino- Yes we always do that.

Motion to close hearing:

Offered Deputy Mayor Sachs_____

2nd Committeeman Brady

Voice Vote: Yes

Motion to adjourn:

Offered Deputy Mayor Sachs

2nd Committeeman Brady

Voice Vote: Yes

Time: 8:35 PM