

ACTION MAY BE TAKEN BY THE TOWNSHIP COMMITTEE

February 21, 2012

Regular Meeting of the Hazlet Township Committee held at 8:01 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. Thank you. I direct the Municipal Clerk to enter into the minutes of this meeting these announcements.

ROLL CALL	PRESENT	ABSENT
Committeeman Aagre	X	_____
Committeeman Belasco	X	_____
Committeeman Brady	X	_____
Deputy Mayor Sachs	X	_____
Mayor Tinker	X	_____

Approval of Minutes - Reorganization Minutes - January 1, 2012.

Regular Meeting - January 17, 2012 and January 24, 2012.

Workshop Meeting - January 17, 2012 and January 24, 2012.

Special Meeting - January 21, 2012 and February 4, 2012.

Offered Deputy Mayor Sachs 2nd Committeeman Belasco

Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes (abstain 1/17/12)

Committeeman Brady Yes Deputy Mayor Sachs Yes

Mayor Tinker Yes

Executive Session Minutes - January 17, 2012 and January 24, 2012.

Offered Deputy Mayor Sachs 2nd Committeeman Belasco

Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes (abstain 1/17/12)

Committeeman Brady Yes Deputy Mayor Sachs Yes

Mayor Tinker Yes

STARS Presentation

Andy Bace - Trustee of the STARS Organization of Hazlet Township and past President of the organization. Our organization supports the Special Olympic Athletes of Hazlet Township. We are here tonight to present some awards to the people who have helped us over the past few years with the 5K Race we have had here in Hazlet Township which is our major fund raiser for the year. We greatly appreciate all of those who support and help us. We show our support by presenting the following with plaques:

Mayor David Tinker

Hazlet PBA

Barbara Ronchetti and the Hazlet Recreation Commission

Steve Schmidt, President Hazlet First Aid Squad

Tom Horner, OEM Coordinator

Brian & Marie Valentino

I would like to thank the Township Committee on behalf of the STARS Organization.

Resolution S-1 - Appointment of Ted Wittke as Sergeant.
Offered Committeeman Aagre 2nd Deputy Mayor Sachs
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

Proclamation - Read Across America

Accepted by: Board of Education

Ordinance Hearing:

1. BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$100,000 FOR THE ACQUISITION OF SPORT UTILITY VEHICLES FOR THE POLICE DEPARTMENT BY AND FOR THE TOWNSHIP OF HAZLET IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$90,000 IN BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

Introduced: January 17, 2012.

Published in The Asbury Park Press, issue of January 20, 2012 and February 9, 2012. Proof on file.

Posted in Town Hall - January 18, 2012.

Hearing scheduled for February 7, 2012 and rescheduled to February 21, 2012.

Hearing:

No one spoke.

Motion to close hearing:

Offered Committeeman Aagre 2nd Committeeman Brady

Voice vote: Yes

Action of Committee: (Adopt X)

Offered Committeeman Aagre 2nd Committeeman Brady

Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes

Mayor Tinker Yes

Correspondence

A letter was received from Robert Faye resigning from his position as plumbing subcode official.

Offered: Deputy Mayor Sachs 2nd Committeeman Aagre

Voice Vote: Yes

Resolutions, Motions and Appointments:

Resolutions #43 through #51 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.

43. Authorizing the Administrator to enter into an agreement with T&M Associates for a Preliminary Assessment for the Natco Park Trails Project.

44. Authorizing the Administrator to enter into an agreement with T&M Associates for an Environmental Site Assessment for Block 146, Lots 13, 14 and 14.01.

45. Release of the performance guarantee for Baytul-Iman Academy, Block 36, Lot 1.

46. Release of the maintenance guarantee and escrow posted with the Sewer Utility for Brookdale Community College, Block 194.01, Lot 76.

47. Release of escrow fees for Costco Wholesale, Block 192, Lots 1, 1.01 and 3.

48. Refund of the overpayment of taxes made by Bank of America.

49. Refund of the overpayment of taxes due to a Veteran/Widow tax deduction.

50. Issuance of Raffle License RL-3027 to Keyport Senior Citizens Advisory Committee and RL-3028 and RL-3029 to Middle Road PTO.

51. Authorizing the submission of an application for the Hazlet Alliance to Prevent Alcoholism and Drug Abuse Municipal Alliance Grant.

Offered: Committeeman Brady 2nd Mayor Tinker

Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes

Mayor Tinker Yes

52. Temporary Emergency Appropriations.

Offered----- Committeeman Belasco 2nd Deputy Mayor Sachs
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

53. Appointment of Scott Nicholl to the Zoning Board of Adjustment.

Offered----- Deputy Mayor Sachs 2nd Committeeman Brady
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

54. Appointment of Thomas O'Donnell as a substitute Crossing Guard.

Offered----- Deputy Mayor Sachs 2nd Committeeman Aagre
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

55. Authorizing the Administrator to enter into an agreement with T&M Associates to conduct an Initial Receptor Evaluation for the Pflieger Property, Block 68, Lot 3.

Offered----- Committeeman Aagre 2nd Deputy Mayor Sachs
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

56. Authorizing the Administrator to enter into an agreement with T&M Associates to perform Contract Administration and Inspection Services for the Beers Street Sidewalk Extension Project.

Offered----- Deputy Mayor Sachs 2nd Committeeman Brady
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

57. Authorizing the Administrator to enter into an agreement with Realty Appraisal Company for the 2012 Tax Appeals.

Offered----- Mayor Tinker 2nd Deputy Mayor Sachs
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

58. Authorizing the Administrator to enter into an agreement with T&M Associates to conduct a Revised Preliminary Assessment for the Pflieger Property, Block 68, Lot 3.

Offered----- Committeeman Brady 2nd Deputy Mayor Sachs
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

59. Appointment of Joseph Penevolope as a Temporary Plumbing Subcode Official.

Offered----- Mayor Tinker 2nd Committeeman Belasco
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

60. Confirming the appointment of Frank Finnerty as a Part Time Code Enforcement Officer.

Offered----- Committeeman Brady 2nd Committeeman Belasco
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

Ordinance Introduction:

1. ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR THE 2012
CALENDAR YEAR

Title read by Deputy Mayor Sachs

Hearing Date: March 6, 2012.

Offered Deputy Mayor Sachs 2nd Committeeman Aagre
Roll Call: Committeeman Aagre Yes Committeeman Belasco Yes
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 Yes Committeeman Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes

Mayor Tinker Yes

Citizens Hearing:

Joanne Stern Jefferson- I am curious about the extent, dimension and conclusion of the renovations at the park. What is going on? What is being done? When will it be finished?

Administrator Valentino- I can assume you are talking about the Veteran's Park Improvements. They are in their final phase of a three phase project for multiple years. The current phase has improvements to the field just outside the building where the playground equipment is. There will be an installation of a Gazebo, sprinklers, sod, walking trails and other improvements around the area of the park. The walking trail we are installing is so that the summer camp children will be able to walk across the grass without killing it when they are avoiding the parking lot. I am also going to assume the next words out of your mouth are going to be what are we doing for summer camp this year?

Ms. Jefferson- My question is to the plains. The driveway the plains is in the area just below the play ground between the pond and the play ground as well as the driving way going to the bridge to the picnic area as well as the work that is going to be done to the pond. I am curious about the entire thing.

Administrator Valentino- We are installing sod in the plains area. There are walking trails and handicapped parking they are going to be installed where the pedestrian bridge is all the way through the park up to the pool club corner up to the property where the summer camp participants currently cross the J Drive. The bridge is not part of that phase of Veteran's Park. It is a different project. It had to be replaced. The bridge you see there now will eventually be finished and replaced. There will be gratings so it is handicapped accessible on both sides.

Ms. Jefferson- When will it be completed?

Administrator Valentino- I do not know what the estimated date of completion is. I know the sod alone must be left alone for one year so it can knit so it does not get destroyed when people start walking on it. That is true of sod wherever you put it.

Walter Szczuplak- I saw some print today on Recreation which was very positive for the citizens of our town. I wanted to get your feed back on that so the rest of the audience might be up to speed on the print that I read today.

Deputy Mayor Sachs- I am not sure of the print you are talking about.

Mr. Szczuplak- On the Face Book page from the Township of Hazlet talking about the agreement being reached with the Recreation Commissioners.

Deputy Mayor Sachs- There has been an agreement reached between the Township Committee and Recreation Commission to extend the time frame for Barbara's employment. It will be extended out to the end of September.

Mr. Szczuplak- It looks like it has been taken care of.

Deputy Mayor Sachs- It has been taken care of there will be summer camp for sure. I know there were discussions of putting together Hazlet Day also and keep the other programs. It has been discussed with the Recreation Sub Committee so to speak agreed upon and a letter forth coming from the Township Administrator. Spoke to the Chairman today we will in turn very soon within the next couple of weeks putting out an advertisement for the position over there. Our intention is to have someone in place prior to Barbara leaving so they have ample enough time to work with Barbara.

Mr. Szczuplak- Good it is definitely a good position to keep Recreation and having them become self sustaining as it was presented in the write up. I am glad the Committee moved on this issue and did not let it fester out there because there were a lot of parents worried about summer camp.

Marcy Ward- I pay a sewer bill like everyone else. December it came out and a lot of people not only me did not get there bill. When I finally got a bill I called for a reason and they said I have to pay a

double bill. Before Christmas I sent \$500.00 they give me an \$11.00 late fee. I know it is petty to everyone here but it is the point. Why did I not get the bill?

Mayor Tinker- We understand that and it was not just you it was a lot of people around town. We will refund your late fee for both accounts all you need to do is stop down stairs in the sewer office and fill out a form and you will be credited for your late fees.

Ms. Ward- Thank you that was easy. When I bought the house it was a two family house. About 5 or 6 years ago I have to pay a double sewer bill. There is three people in this whole two family house. The house next door to me has four families, four bathrooms. I don't understand why I am paying for two sewer bills when there was only one sewer line in my house.

Deputy Mayor Sachs- I will look into it and get back to you.

Ms. Ward- Thank you.

David Kestner - I have a question with regard to the 175 foot Cell Tower at the County Yard on Union Avenue. There was a notice put in the paper that they are going to extend it an additional 25 feet apparently without any additional zoning requirements. The only correspondence they are accepting on the tower is whether or not it interferes with historical sites. Is anyone aware of this it is a published article in the paper?

Administrator Valentino- I was told months ago when we were receiving many phone calls about it that it is not a cell tower it is a radio tower.

Mr. Kestner- The article states they are going to open it up to commercial cells.

Administrator Valentino- They may mean commercial radio sites. We got offered to put our equipment up there.

Mr. Kestner- Didn't the Zoning Board put a restriction on the height?

Attorney Gorman- Government Agencies do not have to comply with local zoning ordinances.

Mr. Kestner- They did apply for the zoning to get started I was at the meeting.

Attorney Gorman- What they have to do for Capital Expenditures is they have to show the planning board what they are going to do for the Capital Expenditure. They are not governed by our zoning regulations, nor is the school district or any other governmental agency.

Mr. Kestner- My other question is in regards to the sod you are putting down. Is Green Meadows Farms coming back this year?

Administrator Valentino- Yes.

Mr. Kestner- How are you going to keep 1,500 to 2,000 kids off that grass five days a week for two months?

Administrator Valentino- That is one of the reasons why we installed the walking trail. It is going to be a durable trail so they are not supposed to be walking on the grass. Green Meadows has been an excellent tenant, they are a good neighbor while they are here and the people who come tend to follow the rules. If we start to have problems we may have to erect snow fencing.

Patricia Laudati- I moved with my family to 94 Bart Place here in Hazlet in 1977. The only reason my parents bought this house was because it was next to NATCO Park. My father was the assistant director of the Brooklyn Botanic Garden at that time and recognized the beauty and uniqueness of the plant and wild life in the park. When the park was acquired by the town with Green Acres funding in 1979 my family breathed a sigh of relief because now the beauty of the park could never be destroyed or so we thought. It remained a pristine wood land with lots of wild life until this past January when the town bulldozed through the park to lay a half mile of rubble to what they called an emergency access road coming in from the end of Bart Place. The sewer line they needed to access lies on an old Right of Way that runs from the high school to the back of Angela Circle and the end of Helen Lane. I remember when this was a grassy trail that students used to walk through to the high school when they were late for school. However the new access road does not follow this path and cuts through woodlands and over several streams to connect to the original Right of Way. There are no sewer man hole covers along this new road and all the man hole covers on the original Right of Way can be accessed from the road coming in from the high school parking lot. This new road is composed of ground up concrete and debris including bits of plastic, old PVC pipe, pieces of metal, ground up gloves, pieces of plumbing, asphalt and most any other garbage you can think of. I understand the need for access to the sewer line and realize that this has to be a priority for the town but the way this project was carried out was disgraceful. There was no regard for the environmental sensitivity of this park nor for the long term affects of the debris that was dumped there. NATCO Park is a jewel and one of the things that makes

Hazlet a special place to live. Whether you live next to the park as we do or across town this is your park and it affects the quality of life in your town.

Phil Laudati - When this project started at Helen Lane they went back away and then stopped. Now what happens is they painted lines through the middle of the woods and someone looked at that and did not like that project. Then they decided lets go to Bart Place. One of the problems when they went from Helen Lane to Bart Place they decided to take the bull dozers, chain saws and chippers and went right through the woods. He could of went around the block he chose not to. If you go through there the park is ripped up and trees are cut down. Everything is just left there. He went through a lot of shrubbery and just destroyed it all for no reason at all. All he would have had to do to protect the park a little bit was go around the park. Last Thursday they are going to put the gates up. A gate comes to Helen Lane and they drop off one gate truck drives around the block and he dropped off the other gate. He goes once again right through the woods with his bull dozer and runs over more things. I spoke to the gentlemen he told me he has an easement and can do anything he wants. He left wood for the kids to burn. It is not too much work to clean up the park but no one chose to do that. We were not told the truth from the very beginning but that is another point. We were told they would use rip-rath in the steams by members in this building people who work for the town. Obviously no one planned on using rip-rath because they don't even know what it is if they think that is what is in the stream. I would like a total itemized bill of what this project costs. I would also like in the future to find out where that money is not going to go now. What part of the town just lost almost \$100,000.00? Who is not getting that money this year or next year because you decided to put this rubble through the park? We are talking about caps and not spending money and here you are taking away from a useful cause to put a road in. I see the town uses T&M for their consulting stuff. I have seen it a lot tonight. I also scene on the website they donated an awful lot of money to this town for the Republican Party in 2010-2011. It is on line you can find it, it is not well hidden. Sort of like a conflict of interest to a regular person. Basically it does not pass the sniff test at all. They get a lot of work people get a lot of money. In the future you should look at these people who have given money to the Republic party they shouldn't be able to work here after they contribute thousands of dollars a year. Whoever is in control they shouldn't use these people who contribute to them.

Bill Shewan- I feel compelled to come up because the subject of NATCO Park came up. Basically I want the public to know that the Environmental Commission was not advised of any of the work that was going to be transpired in the park at any given time. This started in late October so we are talking, November, December and January without any notification to the Environmental Commission. They were not involved at all with regard to NATCO which we consider ourselves the keeper. We were told we were not the keeper the township is. I did attend the agenda meeting and I don't think everyone on this committee realized the intensity of what occurred. Mr. Brady gave a briefing and he said the Hazlet Commission was upset. We were more then upset. Not being informed it is not a question of being tree huggers which was mentioned. It was a derogatory named mentioned in that sense. We were told originally that we would have to OPRA any information. At the end Mr. Valentino said we have the right to get the information. It almost seemed like there was a road block going up. As far as what occurred at the agenda which I sat at, it seemed to be rushed over very quickly with regard to what transpired in the park. An emergency is clearly an emergency. At what level the emergency is that is another question. I read the report over which was referred to which was a late October report. It stated that there was no danger to humans and it was low lying area. Therefore, on a 1-10 and 10 being the worst I would consider that to be a number 2. No number 2 was coming out it was clear liquid that is what the report stated. As far as proceeding there was plenty of time to consult with others with regard to what would be transpired over a period of time. I personally walked through there on Saturday and I will give testimony I found rubber hose from a car which was wet on the inside. It could have anti freeze or water. Tile and broken asphalt contains oil. Chromed Faucet handles and concrete with rebar in it. Chunks and chunks of concrete on the road and off to the side of the road. Sneakers, insoles of sneakers that is part of the road. When an emergency occurs I hope nothing like this ever occurs again anywhere. Not just NATCO but any of the parks. Access that could be questioned as far as easements and so on. As far as the easements go it should be in the area of where the sewers are that would be the emergency type of approach that should be taken. I walked the entire length one area from the school and it runs the entire length of where the new sewers were put in. I did not see any sewers on Bart Place when I walked through in that area. Again, it went through wet lands and in some

areas where the culverts are they are not at the right height. A couple of areas it is already starting to backup so it is going to create a new ecology in that area. In those areas the stone is already moving off the road. I wrote a letter to the Committee and I will not read it into the record as long as everyone has read it. Again, it goes to the sand pit area and then branches off and goes in two directions and stone is piled in both directions. Not to bring the Environmental Commission in on this was a terrible thing. Not to say that you would of done something completely different but I am sure we would have given you input. I understand that DEP has been there and what has happened with regard to that?

Administrator Valentino- We have had a number of DEP Investigators out and they have giving us some feed back. They have requested information and we have given them what we could while they were here and we will respond with additional information and I expect we will be having continuing conversations with them over the next week.

Mr. Shewan- Was everything done according to law?

Administrator Valentino- I think it is entirely too early to answer that question factually.

Mr. Shewan- There is a possibility that certain regulations have been broken.

Attorney Gorman- I think at this point the town is meeting with the DEP and beyond that it is mere speculation that I don't think the township committee is really in a position to answer that question.

Mr. Shewan- Usually when you meet with the DEP remedial action is required otherwise they would not meet with the town.

Attorney Gorman- Again, DEP is trying to set up a meeting with the township officials. There have been people out there for the DEP and some officials are trying to get down to Trenton to talk to people in Trenton. A meeting has not yet been established. To determine whether or not what can be done, should have been done all those things. Your questions are well put and we understand your concerns and the Township is meeting with DEP. Beyond that I don't think it would be proper for the town, administrator or anyone up here to say whether or not any laws have been broken or anything else.

Phil Laudati - Did anyone call the DEP? Did the DEP give anyone permission to go in through the wetlands and do this? Did the Township do it on their own?

Attorney Gorman- As I understand the DEP was notified of the sewer emergency pretty much contemporaneous with it when it was discovered. The DEP was told early on.

Mr. Laudati- Did anybody speak to someone in the DEP and DEP gave them permission to go in and build that road?

Attorney Gorman- I do not know that.

Mr. Laudati- Did anyone on the board talk to the DEP and they got permission to go in and build the road off Bart Place to the first man hole cover which is almost a half mile away?

Attorney Gorman - I am not even going to try and respond. The town is aware of the situation, gathering facts and we have outside consultants (not T&M) on this project.

Mr. Laudati- So you are not going to answer. No one is going to answer it is a yes or no answer.

Did they get permission is all I want to know.

Attorney Gorman- DEP was notified.

Mr. Laudati- That was in October when you had the liquid spill. They started that road off Bart Place in January.

Attorney Gorman- The township is gathering information, has been in constant contact with the DEP for the last week or 10 days. There is a meeting trying to be scheduled for next week no date has been set yet. The Township Administrator has taken a very active role trying to get to the bottom of it all. You are asking a question was DEP notified my understanding is yes.

Mr. Laudati- I did not ask that question, I asked did we get approval to go through wet lands in the park. Did DEP issue any stop orders to this town not to go in there and do any work?

Attorney Gorman- To my understanding DEP is just in the investigative stage. They have not issued any orders.

Mr. Laudati- I wondered why the guy did not finish.

Attorney Gorman- The work has been stopped because of the Township Administrator, based upon all the inquiries from DEP and from Environmental, your inquiries and people in the neighborhood

Mr. Laudati- So you are telling me DEP did not issue any orders?

Attorney Gorman- That is to my knowledge.

Mr. Laudati- O.K. that is all I wanted to know. Thank you very much.

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: 8:50 PM