

ACTION MAY BE TAKEN BY THE TOWNSHIP COMMITTEE

February 5, 2013

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 8, 2013, advance written notice of this meeting was posted at:
1766 Union Avenue, Hazlet, New Jersey.
- B. On January 8, 2013, advance written notice of this meeting was forwarded to
the Independent and published in the Asbury Park Press on January 10, 2013.
- C. On January 8, 2013 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, 2013.

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>	_____
Committeewoman Ronchetti	<u> X </u>	_____
Committeeman Sachs	<u> X </u>	_____
Deputy Mayor DiNardo	<u> X </u>	_____
Mayor Belasco	<u> X </u>	_____

Approval of Minutes – Regular Meeting, January 5, 2013 and January 14, 2013.

Offered Committeeman Sachs

2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

Ordinance Hearing:

1. ORDINANCE ESTABLISHING JOINT LAND USE BOARD, IN THE TOWNSHIPOF HAZLET, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Introduced: January 14, 2013.

Published in The Asbury Park Press, issue of January 17, 2013. Proof on file.

Posted in Town Hall – January 15, 2013.

Hearing scheduled for February 5, 2013.

Hearing:

Charles Hoffman- Have you gotten approval from the State on this yet?

Attorney Cucchiaro- You do not need authority from the State. There is a process under the Municipal Land Use Law for municipalities over 15,000 people that the ordinance is subject to a public referendum. Adoption tonight will not put this into immediate effect it is still subject to a referendum.

Mr. Hoffman- When do you plan on holding this referendum?

Attorney Cucchiaro- We are looking into a regular election or a special election. All the notices that are common with an election will take place. There will be a newspaper publication and a sample ballot in the mail. It will be well publicized. We are looking at some cost options as to when it is most economical to hold it.

Bill Shewan- I have to assume that the idea is cost effective and I would say that it would take an approved approach not a myopic approach with that said I would assume a queue analysis was done with regard to the planning board and with regard to the zoning as well. I would go on to bring to your attention that this is the NJ State League of Municipalities and this was written by the NJRM Staff Attorney Matthew Wang. He indicates while keeping in mind that most of the municipalities that combine the two boards are under 15,000 in population. Our population is about 22,000.

Committeeman Aagre- Our population is 20,500.

Mr. Shewan- The statement that they made and it has to do with the studies that they made. In difficult times every penny counts for smaller towns may be significant. However, larger towns may face a budget deficit many times this amount it is unlikely that a combined Land Use Board by itself would generate much savings. I think that should be a serious consideration before you make your judgment that we should go to that in terms of what the cost are going to be to even initiate this and what the costs savings are going to be. Further statement that he goes on to say is that as far as efficiency the perceived benefits may not exist either because again all the work still exist and the combined Land Use Board must still issue decisions. All the work would have to be done by less people this could lead to less deficiency. The combined Land Use Board further consolidates decision making into fewer hands less any prejudice or obscene found in two members or three would be multiplied out through the entire Land use process.

What they are basically saying is you have one board that could be stagnated in a certain direction whereas you have two boards and different opinions if you have two or three people that are fixed in their thought process. I would say all those considerations should be made not just by the voters but by the Mayor and Township Committee

Motion to close hearing:

Offered Deputy Mayor DiNardo

2nd Committeewoman Ronchetti

Voice vote: Yes

Action of Committee: Adopt X

Offered Deputy Mayor DiNardo

2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre No

Committeewoman Ronchetti Yes

Committeeman Sachs No

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

Mayors Appointments

Resolution S-1 – Open Space, James DiNardo, Annie Eng, Joseph Pobega, Christopher Cullen and Mary DeAngelo.

Reports:

MUNICIPAL JUDGE – November 2012 – Total fees collected - \$23,221.84.
December 2012 – Total fees collected - \$31,060.20.

DEPARTMENT OF PUBLIC WORKS – November and December 2012–Received and read.

CONSTRUCTION CODE OFFICIAL - November 2012 - Total fees collected - \$34,053.00.
December 2012 - Total fees collected - \$32,556.00.

ZONING OFFICER – 2012 year end report – Total fees collected - \$105,660.96.

Resolutions, Motions and Appointments:

Resolutions #49 through #54 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.

49. Appointment of Ray Raya as Public Defender.

50. Release of the performance guarantee for New Cingular Wireless PCS LLS, Block 120, Lot 64.

51. Issuance of Raffle License RL-3067 to HYAL and RL-3071 & RL-3072 to the Holmdel Kiwanis Foundation.

52. Release of the performance guarantee for Atlantic Polymers Group, Inc, Block 120, Lots 13, 13.01 and 14.

53. Authorizing the Township to assess a Municipal Lien on a property.

54. Authorizing the Interim Administrator to execute agreements with Dynamic Testing Services and Interstate Mobile Care.

Offered Committeeman Sachs

2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

55. Amending Resolution #82 Appointment of Thomas O'Hara as Chief Financial Officer.

Offered Deputy Mayor DiNardo

2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

56. Authorizing a medical leave of absence for Tara Theis.

Offered Committeewoman Ronchetti

2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

57. Authorizing the Interim Administrator to implement special user rates for the Hazlet Swim and Tennis Club.

Offered Committeeman Sachs

2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

58. Appointment of Dennis Pino as the representative for the Monmouth County Community Development Program.

Offered Committeeman Aagre

2nd Deputy Mayor DiNardo

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

59. Authorizing the Mayor to execute Change Order #1 for Lucas Construction for the Replacement of Two Temporary Pedestrian Bridges along Union Avenue.

Offered Committeeman Sachs

2nd Deputy Mayor DiNardo

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

60. Authorizing the Mayor to execute Change Order #1 for Precise Construction for the Replacement of Two Pedestrian Bridges along Union Avenue.

Offered Committeeman Sachs

2nd Deputy Mayor DiNardo

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

61. Appointment of Daniel McCarthy as special COAH Counsel.

Offered Deputy Mayor DiNardo

2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre No

Committeewoman Ronchetti Yes

Committeeman Sachs No

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

62. Salaries for Edward Schmidt and Joseph Fabian now that they have graduated from the police academy.

Offered Committeeman Aagre

2nd Committeeman Sachs

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

63. Refund of the overpayment of parking fees at the Hazlet Train Station for Matthew Buhse.

Offered Committeeman Sachs 2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes
Committeeman Sachs Yes Deputy Mayor DiNardo Yes
Mayor Belasco Yes

64. Refund of the overpayment of parking fees at the Hazlet Train Station for Julio Gutierrez.

Offered Committeeman Sachs 2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes
Committeeman Sachs Yes Deputy Mayor DiNardo Yes
Mayor Belasco Yes

65. Transfer of Appropriation Reserves.

Offered Committeeman Aagre 2nd Deputy Mayor DiNardo

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes
Committeeman Sachs Yes Deputy Mayor DiNardo Yes
Mayor Belasco Yes

Ordinance Introduction:

1. HAZLET TOWNSHIP MONMOUTH COUNTY, NEW JERSEY ORDINANCE NUMBER 1513-2013 AN ORDINANCE AUTHORIZING THE MAYOR AND CLERK OF THE TOWNSHIP OF HAZLET TO EXECUTE AN AGREEMENT WITH THE BAYSHORE REGIONAL SEWERAGE AUTHORITY

Title read by Committeeman Sachs

Hearing Date: February 19, 2013

Offered: Committeeman Sachs 2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes
Committeeman Sachs Yes Deputy Mayor DiNardo Yes
Mayor Belasco Yes

Payment of Bills:

Advance bill lists having been supplied to each Committee Member.

Offered Mayor Belasco

2nd Deputy Mayor DiNardo

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor DiNardo Yes

Mayor Belasco Yes

Citizens Hearing:

Richard Wilhelm- I live over off of Union Avenue and there is a creek that runs in the back and an easement and there are a bunch of trees that went down in the creek. There are trees on the easement in the back and they are pretty thick and tall. There are a lot of trees down and these trees are not far from coming down. Is the town going to do anything to alleviate this situation?

Committeeman Sachs- We will have the Superintendent of Public Works go look at them.

Mayor Belasco- If you could leave your name and number with Mr. Pino he will be in contact with you.

Kathryn Borkowski- I am here for the same reason these people are here. I spoke to Mr. Pino on the phone the other day. It seems like the flow from Middle Road until it gets to Kim Court and then it is just stopped. Most of the trees at the end of Kim Court have fallen because the water is so deep. When we get an inch of rain the storm drain at the end of the cul-de-sac backs up to water and sits in front of my driveway. It is coming over the sidewalk into my street. It has no place to go because the woods are under water. I have pictures here of all the trees. I called Mr. Valentino and Mr. Pino did returned my call and public works did come and they did clear it out they put the debris on the side of the creek because I was told the DEP can't take it. It does not make any sense to me that these things are sitting there. When we get a sudden flow it is back in to the creek again. I took it upon myself to call DEP and I spoke to a woman named Margaret and I don't know who she contacted or spoke with but she said she was going to contact someone from the Committee and get back to me at the end of the week to let me know what the township is saying to her so this way there is no conflict between anyone. I have her number and extension if you need it. I am tired of being told that the township cannot do anything. I was told a couple of years ago that Union Beach does not clear their side and it could be a problem after you raised the highway. With Hurricane Sandy Union Beach is not the way it was. There is a definite issue in which way the creek is flowing into Union Beach. The only time the township comes out to clear that creek is when I call. (Showing pictures to the Committee).

Committeeman Sachs- I think if we set up a meeting with our representative from DEP a representative from the County Mosquito Commission and I think they need to take a walk the whole creek line back there and find out what they can do on their part not just on the townships part. We are not allowed to go in and clean it out the County can do that with their machines. I will reach out to our former engineer who is also the engineer for Union Beach to see if he knows anything about the Flat Creek on their side if it was compromised in any which way.

Mrs. Borkowski- I have been doing my own research and talking with this lady Margaret and she has been more help than the township. She said it is not true that you can't remove certain things.

Committeeman Sachs- I am going to beg to differ with her because I have stood next to them when they said this is what we are allowed to do. I could probably have 4-5 other people attest to that. This is what we have been told because we have other problems on the other side of the highway. We are allowed to clear the debris out and throw it to the side. We are not supposed to be taken it out.

Mrs. Borkowski- Since you did Middle Road bridge and cleared it out you caused a disaster for the people on the other side of that bridge.

Committeeman Sachs- That was not us it was the County. That is a DEP issue and that is why I said we will get our DEP representative and let him walk back there and walk the creek and see what is going on back there.

Mrs. Borkowski- If he does it now during the winter time, I took the pictures today, I was able to walk back there and see what is going on. There is nothing left back there now. With the mosquitos you have a school there and you can't go out during the day. This is going to become a health issue with the kids in the school unless this is taken care of. I also have a problem with the end of the my street and the water is coming from both directions. When it comes down Kim Court it just stops in front of my driveway it does not reach the drain. We go out there and shovel it. I maintain that so well you have no idea how hard it is to get the water to keep going. I need something done so the water flows directly into the drain. I would really like to be kept in the loop for anything that might get done.

Mayor Belasco- Once we decide what approach to take we will contact you.

Mrs. Borkowski- How long do you think it will take? Did they come in and clear the creek but it is still not flowing. Please come out to my property and look at it. I give permission for anyone of you to come onto my property if I am not there.

David Kestner- Where does the reevaluation of this property stand? Is it going to be implemented with the evaluation as bad as it has been on my house and everyone I have talked to? I have a problem with Hazlet having every piece of property in this town devaluated by in excess of 10%. While the rest of the nation has an increase in value of plus 10% to the point where the stock markets are now saying that they are responding to that increase in property. The survey was authorized because there were too many appeals on property taxes. I think right now with the situation the way it is especially after Sandy because properties are going to change again that it should be put on hold or totally dismissed. It should allow the existing evaluations to continue and let the appeals process which is a legal process to take place for those who do have a problem with it. My property tax is going to go up more than the 2% cap. You are going to find a lot of the homes in the \$300,000.00 price range they are the ones who are going to get the increase in property tax. What this is going to do is take from the poor and give to the rich. Where does it stand?

Committeeman Sachs- The reassessment has been completed already. It was completed months ago.

Mr. Kestner- I got my notice the day the new township committee took over. It has totally destroyed my credit. I cannot get a home equity loan now because of that pending.

Mayor Belasco- We will look into it and see where we can go and what we can do from here. I apologize I do not have concrete answer for you. That is the best answer I can give you right now.

Mr. Kestner- Take into consideration what it is doing to the senior citizens and the low income people in town. I am saying low income by working people. You are hurting more people then you are helping.

Sandy Addae- I am concerned about a puddle that has been in front of my house that has not been taken care of for a while now. They have been complaining for two or three years now and still nothing has been done. When you come into the mobile home park there is a big pot hole that you can turn into and damage your car. She is not keeping up with the maintenance work in the park. It is very dangerous. The electrical boxes got damaged from Sandy still have not been fixed they have over looked it. I am tired of it all.

Dennis Pino, Interim Administrator- As far as property maintenance issues anytime anyone makes a complaint or gives us information we always go out to that property or respond in a way to see if the township can do something from our stand point. Most of the time we try to talk to the property owner first. I know we have had a lot of electrical issues in the past and we have resolved all of them. The storm must have done some additional damage. Tomorrow we send out our electrical inspectors and they will go to try and find the boxes. We will go out and go through the whole process again. We will see if there is a code violation or there is a potential safety hazard we will address it with the property owner.

Ms. Addae- I would appreciate it if someone can take care of it. How many more years do I have to wait.

Deputy Mayor DiNardo- We will get out there I promise you.

Charles Hoffman- In reference to the BRSA I would strongly recommend that someone other than Deputy Mayor DiNardo explain everything to the community in where we started out in these negotiations and where we ended up. What is done to protect the individual rate payer? The BRSA says well the communities pay and I am a rate payer whether they like it or not. In any event what was done to protect us and why have you to a 25 year agreement instead of 5 or 10? Especially since if they win the argument with the Wind Turbine it probably will not last for 25 years and someone is going to have to bear the cost of removing it. In addition, have we been able to compile how much the financial cost has been for supporting Union Beach in their time of trouble. I am not complaining about it I am just wondering how much it cost us. I don't think there is anyone in this room who would not be willing to pay the cost in all honesty. I think with some pride what have we done.

Committeeman Agre- I think the cost was minimal with lending them equipment. Most of it was volunteer work. RAINE was a big volunteer during it. The actual costs were minimal.

Mr. Hoffman- How many hours did our DPW give to them? How many hours did our police give to them?

Dennis Pino, Interim Administrator – As far as I know there were not a lot of hours from DPW given to them. The construction department was very involved over there. They have a part time small department with employees who work like 2 hours a week and for the most part they all have full time jobs. Most of our officials went there and started the initial assessment and damage report with their engineers and it was mostly volunteers they worked days and nights there was no overtime or any expenditures for that. Union Beach did offer to reimburse them and they said no. I do not know of any other costs.

Mr. Hoffman- I raised an issue for the approvals for Shop Rite to move over in the old Food Town spot.

Committeeman Agre- That has been rumored and I think just recently I heard it was a sure thing but I have not seen anything on that.

Mr. Hoffman- I was there today and there was a big refuse in front of it.

Dennis Pino, Interim Administrator- That is the landlord doing roof work from a leak that has been leaking for a while.

Mr. Hoffman- If that goes through and it does in fact happen, I think there is going to be a serious problem on Hazlet Avenue where it intersects on Middle Road. If you are going to put more traffic that is going to be more of a natural channel for folks going back to Union Beach or going over to other sections of Hazlet. I am wondering if you should not start looking at this now to see if it is going to be a problem.

Mayor Belasco- We have had Foodtown there and other stores there.

Mr. Hoffman – If they move over there they are closing their store on highway 36. Now they are pumping that traffic back into that area.

Committeeman Ronchetti- I don't think they will have a problem because the local residents will know how to circumvent it.

James Derricks – Besides living at 41 Stanford Drive I own a home over on Laurel Avenue in West Keansburg. After Hurricane Sandy I was curious to know about my insurance rates with the flood insurance. I called my company Liberty Mutual and asked what the worst scenario is. I own two homes and right now I think I pay \$370.00 in flood insurance on a cape and small bungalow I pay \$270.00. They said the worst scenario is you will pay about \$6,000.00 a year for flood insurance. It is pretty scary and working with different groups of people around the area and flyers are saying that if you don't raise your house up 10 feet like you are supposed to it will cost \$10,000.00 a year. You have hundreds of tax payers in the West Keansburg area and a lot of them have mortgages and they are going to be locked into having to pay for this flood insurance which is really going to be a hurting on them. West Keansburg area of Hazlet is a proud area and it has always been that way. It also has another item during Hurricane Sandy it never got any water damage. Some of you off the bat probably know why and owning a house there I did not know why. I called the town and spoke to Frank DiRoma and he said it is probably the flood gates and sure enough then I called Keansburg and they said you better believe it is the flood gates. Today I called Lances Boat Basin and they reassured me that it was those flood gates that protected West Keansburg and she said in fact a couple of days after she went over the flood gate building and thanked them. As it turns out that is manned 24 hours a day but during Hurricane Sandy there was someone from the DEP that stayed overnight there. He made sure that the 4 diesel powered pumps were running and pumped the water out of the those two creeks that surround West Keansburg. The flood gates protected that area entirely. My reason for coming up to you is all this area is going to be highly taxed by this increase in flood insurance and you can help them. I called FEMA and asked what understanding do you have in regards to the flood gates and he said let me put you up on the screen and then he told me he did not see any flood gates. What I am saying there is a strong possibility that Hazlet is not getting any credit for the millions of dollars that we spent and the fact that there is a flood gate building there and this is manned 24 hours a day to protect the people in this area. If you look farther south or farther north you see the devastation and it is horrible. We should make it to our benefit and fight for the people of the town. I also called the map division of FEMA and I asked if our town could appeal the fact that the flood gates are not taken into consideration? She said the new maps are coming out and they will hit Hazlet this spring or summer. Who will get them is the good mayor and the flood plain manager. If you could please just keep your eye on those flood maps when they come across your desk I would appreciate it.

Dennis Pino, Interim Administrator- I can elaborate on a few things and one you are correct on a lot of what you are saying. We have been even before Sandy managing our flood plain management even though we are not in immediate danger like most shore towns. One of the items and I do not know all of the details but when we talk about the levy and the system with the flood gates it is my understanding that a few years ago it was determined that it would not stand up to a category 3 hurricane, I could be wrong I don't know the details specifically which is why we had a good 700-800 homes added into the flood zone previously because they could not rely upon that. One of the items we talked about tonight was bringing our engineers in every one else to evaluate this new data and see if we could make improvements somewhere. The state maintains and owns that levy system it is not the township. We could not even go

and do something but maybe with a joint venture or project there are ways we can do to improve that so it can withstand and then maybe get the credits because we are in a program called the CRS which gives discounts and credits based upon a lot of our actions that we take. The township is looking into it and we are probably weeks away from starting formal processes to review everything. It doesn't make sense but the storm came from a different direction and we had no rain behind it.

Mr. Derricks- True but if you look to the right and to the left they got it.

David Van Leer- I have a sidewalk to nowhere in front of my house and I just moved in a couple of years ago and my house has a sidewalk but none of the neighboring homes. Similar towns adopted an ordinance that says if you have a sidewalk to nowhere you do not have to take care of it. Does this town have anything for that? Could you guys maybe introduce something along those lines saying I won't be fined because if I am going to go out there and break my back for a sidewalk that goes nowhere it makes much sense?

Deputy Mayor DiNardo- We can't exempt you but I will come out and look at the area. We are going to look at your area this year. Your sidewalk might be removed.

Mr. Van Leer- I am a pet owner and I love pets but I just don't like the cat lady. It is a nuisance to me and to my house simply because I manicure and they use it as a litter box and there is nothing I can do about it. I have been talking with your animal control and since I have been talking to him things have changed a little bit. There is going to have to be the next step. There are a few foreclosed properties in my neighborhood. Is there anything the town can do to keep them maintained and possibly bill the mortgage company?

Dennis Pino, Interim Administrator-The township does that we have the Code Enforcement Officer who responds to a complaint or an issue that is raised and evaluates and enacts. Then he has a continuous path that he drives up and down neighborhoods at d