

ACTION MAY BE TAKEN BY THE TOWNSHIP COMMITTEE

June 19, 2012

AGENDA

Regular Meeting of the Hazlet Township Committee held at 8:12 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.

<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 Executive Session Minutes – April 17, 2012, April 24, 2012 and May 1, 2012.

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 Hearings:

1. CAPITAL ORDINANCE OF THE TOWNSHIP OF HAZLET, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING AN APPROPRIATION OF \$787,500 FOR VARIOUS ROAD IMPROVEMENTS AND VARIOUS PARK IMPROVEMENTS, APPROPRIATING \$562,500 FROM THE CAPITAL IMPROVEMENT FUND AND \$225,000 FROM A NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANT FOR THE IMPROVEMENTS TO LAUREL AVENUE

Introduced: June 4, 2012.

Published in The Asbury Park Press, issue of June 8, 2012. Proof on file.

Posted in Town Hall – June 5, 2012.

Hearing scheduled for June 19, 2012.

Hearing:

No one spoke at hearing.

Motion to close hearing:

Offered Deputy Mayor Sachs

2nd Committeeman Aagre

Voice vote: Yes

Action of Committee: (Adopt X)

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

Correspondence

A letter was received from Bill Shewan resigning from his positions on the Environmental Commission, Open Space and the Planning Board.

Offered Mayor Tinker

2nd Committeeman Brady

Voice vote: Yes

Attorney Gorman- The minutes will reflect Bill Shewan resigned from Environmental and Open Space and Mr. Shewan was terminated from the planning board.

Resolutions, Motions and Appointments:

Resolutions #147 through #150 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.

147. Issuance of Alcoholic Beverage Control Licenses for the 2012-2013 license term.

148. Refund of the overpayment of health insurance premiums.

149. Refund of CCO fees to Brookside Mobile Estates LLC.

150. Issuance of Raffle License RL-3040 to Hockey in Middletown.

Offered Deputy Mayor Sachs

2nd Committeeman Belasco

Roll Call: Committeeman Aagre Yes

Committeeman Belasco Yes

Committeeman Brady Yes

Deputy Mayor Sachs Yes

Mayor Tinker Yes

151. Award of bid to Down to Earth Landscaping, Inc. for the HYAL Football Field Improvements.

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

152. Appointment of Frank Kneipher as a temporary plumbing subcode official.

Offered Deputy Mayor Sachs

2nd Committeeman Belasco

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

153. Appointment of part time temporary hourly Violations Clerks.

Offered Mayor Tinker 2nd Committeeman Brady

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

154. Authorizing the purchase of an Asphalt Hot Patcher.

Offered Committeeman Brady 2nd Committeeman Aagre

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

155. Authorizing the acquisition of two (2) 2012 Ford Police Interceptor Sport Utility Vehicles and six (6) 2012 Police Ford Interceptor Sedans.

Offered Mayor Tinker 2nd Committeeman Belasco

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

156. Authorizing the acquisition of a 2013 Chevrolet Tahoe 4X4 for the Office of Emergency Management.

Offered Committeeman Brady 2nd Mayor Tinker

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

157. Appointment of Brad Levitzki and Nicolas Logothetis as part time Public Safety Telecommunicator Trainees.

Offered Deputy Mayor Tinker 2nd Deputy Mayor Sachs

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

158. Amending the schedule of sewer charges to decrease rates by 10 percent.

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

159. Authorizing the Mayor and Clerk to sign the application for State Aid for the Reconstruction of Lynn Boulevard, Phase I.

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

Ordinance Introductions:

1. AN ORDINANCE OF THE TOWNSHIP OF HAZLET, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$199,000.00 FOR THE PREPARATION AND EXECUTION OF A COMPLETE REVALUATION THROUGH A HYBRID REASSESSMENT PROJECT OF REAL PROPERTY FOR THE USE OF THE LOCAL ASSESSOR OF THE TOWNSHIP OF HAZLET, IN THE COUNTY OF MONMOUTH, NEW JERSEY

Title read by Deputy Mayor Sachs

Hearing Date: July 2, 2012

Offered Deputy Mayor Sachs 2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes Committeeman Belasco No
 Committeeman Brady Yes Deputy Mayor Sachs Yes
 Mayor Tinker Yes

2. AN ORDINANCE TO AMEND THE DEVELOPMENT REVIEW ORDINANCE OF THE TOWNSHIP OF HAZLET TO CHANGE THE ZONE DESIGNATION FOR BLOCK 68, LOT 8

Title read by Mayor Tinker

Hearing Date: August 7, 2012

Offered Mayor Tinker

2nd Committeeman Brady

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 Committeeman Belasco

2nd Deputy Mayor Sachs

Roll Call: Committeeman Aagre Yes

Committeeman Belasco Yes

Committeeman Brady Yes

Deputy Mayor Sachs Yes

Mayor Tinker Yes

Citizens Hearing:

Joe Marques- In our conversation the other day you said there was going to be a resolution about the Hazlet 5K.

Administrator Valentino- When I spoke to you, you mentioned everything was worked out with the Chief of Police. When I spoke to the Chief he said apparently everything is not yet worked out. He emailed you today with the things that are still open. Some of it is on their end and the PBA has to agree to work the school rate. They haven't had their meeting to do that yet. He also has some concerns about public safety. Until those issues are resolved as I told you they can't pass a resolution.

Mr. Marques- I left a message with him on Friday and I checked my email about 10AM and I haven't heard anything. I wanted to make sure you were aware that as far as the insurance for the race going forward Hazlet Recreation is going to be responsible or take over for the Hazlet 5K which is the way I always thought it should be. I live near HYAL and the first thing I wanted to do when I got elected was pave Hazlet Avenue and graciously you guys paved it this year. I am very happy with that. The sewer rates I see you guys followed up on that. Very good thank you.

Rosemary Mazza- Can these minutes reflect I attempted to introduce this at the workshop meeting and I was denied the opportunity to speak. Even though I am not a member of the public even though I share a subcommittee appointment with Committeeman Aagre. That was your appointment Mayor Tinker. Even though I am the appointed chair of the Hazlet Environmental Commission I was still denied the opportunity to speak. Even though I asked the Township Administrator for a few minutes at the workshop meeting through email.

Administrator Valentino- The Committee will have to back me up. We did have email problems nothing else came through until very late in the day today. I apologize.

Ms. Mazza- Regardless I was treated as a member of the public and I am not a member of the public Mayor Tinker.

Mayor Tinker- We do not take public testimony at a workshop meeting. Probably the topic you wish to discuss would have to be discussed in executive session.

Ms. Mazza- Why?

Mayor Tinker- Because of pending litigation and we do not allow public in the executive session.

Ms. Mazza- I don't understand how you would know that if you did not afford the opportunity for me to speak as an appointed chair of an advisory committee.

Mayor Tinker- We do not allow citizens or appointed chairs. The purpose of a subcommittee is for you to deliver your ideas to the township committeeman and they bring it back to the committee in workshop. That is the purpose of the subcommittee.

Ms. Mazza- I am a member of the subcommittee.

Mayor Tinker- Was there not a subcommittee meeting?

Ms. Mazza- Yes there was.

Mayor Tinker- Then Committeeman Aagre or Committeeman Brady could have brought that information back to the Committee.

Ms. Mazza- However it did not end up with the Committee. My protest here is that I was treated as a member of the public and I am not. I would like to see the By-Laws but that is a separate question to the administrator that governs on workshop meetings. Since none of you protested, I assume you agree with the way Mayor Tinker spoke to me, which was not polite Dave and what he said to me.

Mayor Tinker- We have never allowed anyone to speak at a workshop meeting. You are not treated any differently than any other person. Unless they were invited to the workshop we do not allow public comment at the workshop meeting.

Ms. Mazza- I am talking about the way you spoke to me it was abrupt and rude. I don't like it and I am telling you in public because that is the way you spoke to me in public. There would have been a better way to say that to me. I am very supportive of this town and of the various Committees. For the way the Environmental Commission to be treated the way it has been treated since the whole sewer issue arose and the way you spoke to me the way you did is uncomfortable for me. I would like us to have a better relationship but I do not see it coming. I am here as a courtesy because the Environmental Commission asked me as the chair to present this list to you. We had hoped that this list would have gone to the DEP with Hazlet's response to the DEP. However it did not. Noting that there was a response from the DEP that is dated June 1, 2012, I don't remember getting a copy of that. Did I miss that email Brian? Did you all get the letter from the DEP dated June 1, 2012.

Administrator Valentino- They emailed a copy of it to a Commissioner, I assumed you had it.

Ms. Mazza- I suppose for some reason it could not be mailed to both of us. There is not a lot on there that the Environmental Commission asked for. That is being consistent about the way you have been treating us since the beginning. I would say let's have a better relationship. Here is our wish list, I am passing it out. Rules were asked to be taken into consideration. Do not set up an adversarial relationship with us or

with me. That is not what I want. I want a relationship I want to support you. This is what I want you to look at nothing in here is unreasonable and nothing on here exceeds the \$200,000.00 trail grant that we got and nothing on here exceeds what the DEP asked for in its letter. I am giving a copy to Evelyn and there is a copy there for everyone.

Phil Laudati- I have received a report from the DEP. A couple of things in the report is a foot trail not more than 6 feet may be maintained within a disturbed area. Assuming the roads are about 15 feet long it doesn't say Hazlet needs to put back in plantings but it looks like he is going to leave it up to Hazlet Township. Does Hazlet know are they going to just put a 6 foot trail in the middle of the road and leave everything else or are they going to fill in with all shrubbery?

Attorney Gorman- We are in an awkward position. You were in here last time and your prior letter said you were going to sue the town. It puts the township committee and it's professionals and staff in a tough spot. We have to be cautious and reserved in what we discuss. We certainly do not want to be in a position where statements would be made that can wind up in a law suit. You said you were going to sue and maybe it was a threat but that is what it said. On my recommendation I said to the Committee that these matters should not be discussed in public in the debate style. You are free to make any comment you want. The situation you have created is somewhat unique it is not the Committees doing. You have threatened the town and it is my advice to the Committee that we not engage in a back and forth debate with you in public.

Mr. Laudati- It says however at our May 5th meeting Assistant Commissioner Sacco agreed to accept some improvements to NATCO Park subject to Hazlet Environmental Committee in rule of a penalty assessment. Basically I guess he is given Hazlet a free ticket for what they did by saying there is no fine. Since the Township has refused to answer my questions and it seems like the DEP hasn't gone my way I want to put this on public record that my law firm will be in contact with the Federal EPA. The violation of Green Acres may open Hazlet Township to a larger remediation fees plus fines that could be extremely large. Are you willing to take this chance that EPA fines you excessively and it will affect Hazlet's future finances? No one wants to talk so you left me no choice besides suing you for damages to my property value and the aggravation and stress I have been going through. I am now going to see if the EPA and Federal Government will get involved in this and if the Court system will. Thank you for your time.

Charles Hoffman- Alcoholic Beverage Control Licenses issues. Poole and Route 36 there is a new bar going in there, is that a transfer of a license or issue of new one?

Deputy Mayor Sachs- That is a transfer.

Mr. Hoffman- What are Violations Clerks?

Administrator Valentino- A Violations Clerk is not the Court Administrator and is not the Deputy Court Administrator but they are the people who work the window at the Court and assist the Judge and staff and the operations of the court. They take the fines and penalties.

Mr. Hoffman- I had a discussion a couple of meetings back about the police vehicles. All of sudden six brand new cars show up. Does the work agreement with the PBA dictate replacement of vehicles by age or anything like that.

Administrator Valentino- No sir.

Mr. Hoffman- I am kind of wondering why we are spending that much money this year. Is the Tahoe 4x4 bids or is it coming from the State?

Administrator Valentino- It is under State Contract.

Mr. Hoffman- Public Safety Telecommunicator Trainees are they the fellows at the window in the police station?

Administrator Valentino- Yes.

Mr. Hoffman- Why is it only 10% and not 16%? You are still clearing 2%.

Mayor Tinker- We have only seen that reduction in rates. We have seen increases in benefits as far as salaries and health benefits.

Tom O'Hara, CFO- There is an additional component to the sewer utility other than just the fees from the BRSA. The fact is our entire budget is not going down 18%. That component theoretically is going down 18%.

Phil Laudati- Before this meeting started I addressed Committeeman Aagre about getting a meeting and head off these problems and he refused the meeting. I wanted the town to know I tried to solve the problem before it ended up in court but I was refused the chance to have a meeting.

Committeeman Aagre- My reason was pretty much what the attorney laid out.

Bill Shewan- I wish to thank the township for the appointments they bestowed on me and I hope I made a difference. However, with regard to the minutes I submit that it be changed as I submitted my resignation to the Environmental Commission and to Open Space but I did not submit a Letter of Resignation to the Planning Board. I understand that I cannot serve on the Planning Board because of section b in terms of membership that my membership would be terminated but that is different then a resignation I did not resign. I would like the minutes changed and the agenda changed to show that.

Attorney Gorman- As a matter of law, when you resign from the Environmental Commission you are resigning from the Planning Board.

Mr. Shewan- That is not what it states here. It states under the terms of membership paragraph 2: The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of your respective terms. Terminate it is terminated according to the law as written not a resignation. It is a completely different aspect I did not resign.

Attorney Gorman- Would you like the minutes to reflect you resigned from Environmental and Open Space and you were terminated from the planning board?

Mr. Shewan- Correct.

Attorney Gorman- O.K. that is not a problem.

Mr. Shewan- With regard to the plan that was sent back by the State of NJ outlining the remedial actions to be taken I won't go over that however I do feel it would benefit the Township if they would do more than what is shown on there. Obviously you can't do less but you can do more.
What is a Hybrid Reassessment?

Tom O'Hara, CFO- It is not full property evaluation.

Mr. Shewan-What are they doing specifically?

Tom O'Hara- A reval would encompass inspectors entering your property to look at improvements. A reassessment is not going to require unless specifically ordered by the state for us to enter the building.

Attorney Gorman- As I understand it they will be required to enter commercial buildings but not residential buildings.

Mr. Shewan- Basically on the sale of the other properties?

Tom O'Hara- That is going to be one of their primary factors yes.

Karen Bahrenberg- President of the Cullen Seniors and I live on Beers Street here in Hazlet. Last meeting I was here asking for a van or some kind of mobile to escort seniors down to the Cullen Center because it is to far for some of them to walk. We have a lot of handicapped people and I was wondering what has been done about it?

Committeeman Brady- We are still looking into it.

Ms. Bahrenberg- We have another meeting coming up.

Deputy Mayor Sachs- The other club has a member who does their driving is there anyone you know within your club that would be interested in doing the same?

Ms. Bahrenberg- I would have to ask.

Deputy Mayor Sachs- Would you do that?

Ms. Bahrenberg- O.K. Also I asked if the town could do some kind of a picnic or something with the swim club for the seniors. Is there anything on that?

Administrator Valentino- Because of the heat wave we are opening the pool club for limited hours 12-6 Wednesday through Friday and tomorrow I will have that conversation with the pool manager. We will see what we can do.

Charles Hoffman- I would like a speed restriction coming in the back way because of the park area and swim pool. At that time one of the ladies behind me had spoken to me about a speed restriction in front of the Cullen Center.

Motion to close hearing:

Offered Deputy Mayor Sachs

2nd Committeeman Belasco

Voice vote: Yes

Motion to adjourn:

Offered Deputy Mayor Sachs

2nd Committeeman Belasco

Voice vote: Yes

Time: 8:50 PM

