

Regular Meeting of the Hazlet Township Committee held at 8:02 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. (A) On January 3, 2012, advance written notice of this meeting was posted at: 1766 Union Avenue, Hazlet, New Jersey.

A. 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.

A. 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.

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<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 - Workshop Meeting, May 15, 2012.

Offered Committeeman Brady 2nd Committeeman Belasco

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

Mayor Tinker Yes

Ordinance Hearings:

1. BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, AND APPROPRIATING \$360,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$321,000 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF, AUTHORIZED IN AND BY THE TOWNSHIP OF HAZLET, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

Introduced: May 15, 2012.

Published in The Asbury Park Press, issue of May 18, 2012. Proof on file.

Posted in Town Hall - May 16, 2012.

Hearing scheduled for June 4, 2012.

Hearing:

No one spoke at hearing.

Motion to close hearing:

Offered Mayor Tinker 2nd Deputy Mayor Sachs

Voice vote: Yes

Action of Committee: (Adopt X)
Offered Mayor Tinker 2nd Deputy Mayor Sachs

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

2. AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 181-410 (SIGN) OF THE DEVELOPMENT REVIEW ORDINANCE
Introduced: May 15, 2012.
Published in The Asbury Park Press, issue of May 19, 2012. Proof on file.
Posted in Town Hall - May 17, 2012.
Hearing scheduled for June 4, 2012.

Hearing:

No one spoke at hearing.

Motion to close hearing:

Offered Deputy Mayor Sachs 2nd Committeeman Belasco
Voice vote: Yes

Action of Committee: (Adopt X)
Offered Deputy Mayor Sachs 2nd Committeeman Belasco

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

Reports:

TAX COLLECTOR - April 2012 - Received and read.

MUNICIPAL JUDGE - April 2012 - Total fees collected - \$26,914.86.

CONSTRUCTION CODE OFFICIAL - April 2012 - Total fees collected \$19,812.00.

DEPARTMENT OF PUBLIC WORKS - April 2012 - Received and read.

POLICE DEPARTMENT - April 2012 - 1,259 activities reported.

Resolutions, Motions and Appointments:

Resolutions #138 through #142 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.

138. Release of the maintenance guarantee for Bayshore Shopping Plaza Associates, Block 223, Lot 1.

139. Authorizing the Tax Collector to prepared estimated tax bills for the third quarter of 2012.

140. Issuance of Raffle Licenses RL-3037 to Hockey in Middletown, Inc. and RL- 3038 to Rainbow Foundation, Inc.

141. Insertion of an item of revenue for a Clean Communities Grant.

142. Authorizing the Hazlet Township Recreation Commission to hold a fireworks display on July 3, 2011 with a rain date of July 6, 2011.

Offered Committeeman Brady 2nd Mayor Tinker

Roll Call: Committeeman Aagre Absent Committeeman
Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

143. Award of bid to Mid Atlantic Trucks Centre, Inc. for a Dump Truck with a Plow and Spreader.

Offered Deputy Mayor Sachs 2nd Committeeman Belasco

Roll Call: Committeeman Aagre Absent Committeeman
Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

144. Issuance of Alcoholic Beverage Control Licenses for the 2012-2013 license term.
Offered Deputy Mayor Sachs 2nd Committeeman Belasco

Roll Call: Committeeman Aagre Absent Committeeman
Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

145. Award of bid to Down to Earth Landscaping for HYAL Football Field Improvements. **Pulled**

146. Appointment of Court Personnel.

Offered Deputy Mayor Sachs 2nd Mayor Tinker

Roll Call: Committeeman Aagre Absent Committeeman Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

Ordinance Introduction:

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, PHASE I

Title read by Committeeman Belasco

Hearing Date: June 19, 2012.

Offered Committeeman Belasco 2nd Deputy Mayor Sachs

Roll Call: Committeeman Aagre Absent 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 Brady 2nd Mayor Tinker

Roll Call: Committeeman Aagre Absent Committeeman
Belasco Yes

Committeeman Brady Yes Deputy Mayor Sachs Yes
Mayor Tinker Yes

Citizens Hearing:

Charles Hoffman- I want to discuss the display of flags in our township and although I have not seen them yet the previous display of the township incorporation banners on the poles. I often joke about living on the other side of the tracks which is across Route 36 but it is past the joking stage now. There is no reason why there should not be township incorporation flags and American Flags on those parts of Florence and Poole Avenue that are in Hazlet. If you are to display a flag at night a United States flag should be lighted. You should only put flags up on poles that have street lights on them. That is not the case you have many on poles that do not have lights on them. The ordinance you adopted it is about signage?

Mayor Tinker- Yes.

Mr. Hoffman- I believe the amount of signage in Airport Plaza is over bearing. I agreed with the business men when they came before you last year and said they have to have a more friendly interface with the township and I agreed with that. I also believe you only need one sign.

Mayor Tinker- The Hazlet Business Owners sat down and looked at our signage ordinance and I believe met with our zoning officer and banged out the current version that we approved tonight. It was with their input and our zoning officer reaching a compromise somewhere in there that we were able to put together this new sign ordinance.

Administrator Valentino- I think the Business Owners Association agrees with your assessment that the highway looks cluttered. There are some businesses that abuse the privilege. The business owners that are trying to do the right thing are paying a price by not playing against the rules.

Mr. Hoffman- Any news on our vacant businesses?

Administrator Valentino- We did discuss it with the HBOA because we do want to make them partners in this and they said they were going to set up a subcommittee to deal with that. We said that we would advertise it on our website. As far as I am concerned that is really a Chamber of Commerce issue.

Mr. Hoffman- The Wind Turbine Ordinance from my understanding the only thing you have on the books is a height restriction. I know HAQLA can get their hands on ordinances that were passed by Mid-West Communities like Ohio and so forth. That would be a great help to you if you were to decide that you should have an ordinance against Industrial Wind Turbines. Are you going to do anything?

Attorney Gorman- At the end of 2010 the Legislature amended the Land Use Law and basically gave status to wind and solar operations to some extent they are protected by State Law. The State is encouraging them and they took away some of the power of the local zoning ordinances to regulate Wind and Solar. Right now they are governed by Height requirements but I think they are overruled by the State Law.

Mr. Hoffman- Basically what we have is height restriction so you are saying it won't stand up.

Attorney Gorman- Yes it won't stand up. I think there are probably very few spots in the township where you can locate a wind turbine to have enough land to be able to do it.

Phil Laudati- I am assuming that everyone on the board knows there was a second fire in the woods at NATCO in the past few weeks.

Deputy Mayor Sachs- There have been many fires over the course of years.

Mr. Laudati- This one got a little closer to my house so I am a little more upset about this one then the first one. The township has made a roadway there and it has become an attractive nuisance. It is used a lot more but when I think when the town was thinking about putting in a new road they did not anticipate that the only people who are really using it are the kids. I have no problem with the kids but as the fires get closer to my house the town should come up with a way to stop it.

Deputy Mayor Sachs- If we take the road out and it is our full intention to comply with DEP and put a foot path in there we will have the same result.

Mr. Laudati- Why would a foot bath go back in there?

Attorney Gorman- You wrote a letter and threatened litigation over these issues so my advice to the Committee is to not discuss these issues with you in public where the comments made by myself, the township committee or administrator might be used in your subsequent litigation. Right in your letter it says you are contemplating suing the town. This is not a method to depose anyone and get discovery and the town has the right not to engage in litigation discovery or tactics in open public session. That is what your letter said and we are taking you at your word.

Mr. Laudati- We had two fires in there has either one been investigated?

Attorney Gorman- Again, under the statute you can make any comment you want. Since you threatened litigation about the issues you are bringing up that give and take has to be constrained. You are free to make any comments you want but it is not fair to ask the Committee to comment on matters that you threatened to sue them on.

Mr. Laudati- I don't think the fires have anything to do with the litigation. Are they going to be investigated? In the future if we have fires can someone talk to the fire marshall.

Attorney Gorman- It is related to your litigation.

Mr. Laudati- If I ask any questions about NATCO you can't answer?

Attorney Gorman- If you want to ask questions about your road or curbs no problem. You can make any comment you want about any subject you want to but the Committee should involve discussions

concerning the matter that you threatened litigation on and the matter is NATCO Park. You put the Township Committee in a position where other people got up to ask questions about NATCO Park the response can be and probably should be we can't discuss it Mr. Laudati has threatened litigation on it. Because of this anything we say can be used in court.

Bill Shewan- I am coming forward as part of the subcommittee on the NATCO plan. I will assume that I will not be told not to talk because of litigation.

Attorney Gorman- Mr. Shewan you are free to say anything you want about NATCO Park.

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Mr. Shewan- I had requested that a workshop meeting be held to discuss the aspects of the plan that was submitted. This was sent back as one of the HAC representatives to the subcommittee. I am requesting that you allocate time at the next township meeting workshop to discuss aspects past, current and future of the plan as submitted to the DEP. If I do not receive a reply I will consider the request has been denied. I have written other things and have not received a reply. Thank you in advance for your consideration. This went out to everyone on the Committee including the Mayor. I did get a response within the same day. Due to time constraints that the next workshop as a recommendation sometime in June. My response to that on the same day was thanks for your proper reply. My commitments for the latter part of June are tenuous at best based on vacation coupled with business. My thrust of discussion will not only be questions but input that I feel the township committee and Mayor should be privy to. I have received repeated calls from newspaper reporters to interview for statements. I have deferred from making statements and continue to do so. Anything that has appeared in print is a direct result of the publically held HEC meetings to which I am sure we will agree I and Rosemary have a responsibility to report to the Commission. The DEP Official reviewing the plan has been in touch with me and has requested my continuing input and the input of the HEC Commission. For this reason alone I would submit that the Mayor and Township Committee should be briefed on the input rendered and to establish a full understanding of the direction the township is pursuing. I believe it would be productive to discuss and present to the township committee at the next township workshop. However I understand the constraints of time. I would be willing to remain after the public portion to discuss as a workshop or if acceptable I can present this as a public portion. That was written on May 25 and I received a response today from the Township Administrator. He let me know that the sewer emergency is being addressed by the subcommittee on behalf of the whole committee. Scott will return from vacation late next week and perhaps Rosemary and him can find a mutually agreeable night next week. I find this counter intuitive. Here I am telling you that I have substantive information to give and you don't want to hear it direct you want to hear it from a subcommittee. There have been statements made and this is one from a township official. The two subcommittees met the following week and a report sent. In order to expedite we had to submit the report and everything that was there was discussed on the Committee's side and we sent it forward. A briefing having to do with reports that were made to the Hazlet Environmental Commission. This was a meeting that was held on May 7 and there were statements that were printed in the Independent having to do with NATCO. Was this the general consensus of the Committee and Mayor that they would prefer not to speak to me as a representative?

Mayor Tinker- We have been put into a position where we have been threatened with litigation. We have to be very careful as to any discussions that take place in public.

Attorney Gorman- As a member of or representative of the Environmental Commission you are part of the township and those discussions don't have to be in public. They do not have to be at a public meeting. They are deemed to be and could be part of attorney, client privilege. I recognize that you did not threaten litigation and the HEC is not suing the town but Mr. Laudati did threaten to sue the town. That continued discussion in public about issues that are going to wind up in court could have a detrimental effect upon the townships ability to defend itself in a lawsuit if the Laudati's sue.

Mr. Shewan- When was the vote taken that I would not be able to attend a workshop.

Mayor Tinker-It was not that you could not attend the workshop it was that we had a very full agenda tonight. As you know our workshop agendas are usually full and very fluid in and due to the fact that Committeeman Aagre who is on the subcommittee is on vacation.

Mr. Shewan- What is stated now is the subcommittee will report to the Committee it eliminated on choice on workshop.

Administrator Valentino- I gave you that answer so I will explain. The extended discussions of topics that take more than five or ten minutes to resolve at the Committees direction we have at the last workshop of the month. You said that you were going to be traveling.

Mr. Shewan - That is correct.

Administrator Valentino- At the township attorney's direction we weren't going to be able to invite non-members of the township committee into an executive session after the discussion. The only place we could have it at a workshop would be in open public session and for the reasons of litigation you heard we cannot do that either. The only way we can communicate your issues to the full committee in a way that will protect us from litigation and still allow it to be heard in executive is for it to be held at the subcommittee level and that the subcommittee will then carry the full notes back to the full committee. If you can think of another way to do it and the attorney agrees I don't think we are opposed to it but we are trying to accommodate you not being here at the end of the month.

Mr. Shewan - I could have been told that in a phone call and I wasn't. I was told basically no workshop. I volunteered my time to stay late tonight at a workshop tonight to cover it. Is it unanimous that this is the way it is supposed to work? Joseph do you agree with this.

Committeeman Belasco- Everything that we do we do have a subcommittee for. Basically we can't be at all places at one time. Even at my job if we did not have committees doing that and coming back and then meeting with the whole committee at one time we would never get anything done.

Mr. Shewan- I agree with that but the subcommittee has to have some teeth. Other words I am going to go over now what has not been transpired. I went back to the HEC Commission and told them that our first meeting on the subcommittee was very productive. However what we discussed was not transferred in any shape or form even in an addendum form to the DEP.

What we sent in eventually was a list that had been sent into the township way ahead of time. First off it was sent to T&M Associates and I had spoken to Dennis Dayback on April 10. The plan had not been formulated up to that date. On April 19, 2012 it still had not been formulated. The detail of the conversation and everything that had been stated in the conversation with T&M was spelled out in writing. It was sent to Brian and on April 22, 2012 it was also sent to the entire Committee and Mayor. With that said we were forced as members of the subcommittee and we thought it was the prudent thing to do to submit directly to the DEP, which we did. If it is not going to be put in the plan then submit it as an addendum and it is up to the DEP to reject it not the township to reject it. I thought we were equal partners apparently we weren't.

Attorney Gorman- The town has been threatened with litigation and the Environmental Commission has been involved in the process now maybe to the extent or the result that you wanted. It was submitted to DEP in the time frame that they required. It is at DEP and the Environmental Commission and/or members thereof don't like the plan that was submitted. You have commented to DEP that is fine. It lies with DEP right now they have the comments, the report and we are waiting for their response.

Mr. Shewan- That has nothing to do with it. We were members of the subcommittee two people from the Environmental Commission. The recommendations were made as part of the subcommittee. It was agreed it would be submitted.

Attorney Gorman- DEP right now has the Township's report and your comments and the DEP is various people and departments within the DEP they are formulating their response to the township report. I don't know what more to tell you.

Mr. Shewan- The reason I wanted to come to the workshop was to share the fact that the DEP is in touch with the two people on the Environmental Commission who are on the subcommittee. I did not contact them they contacted me.

Attorney Gorman- You are free to discuss it with them.

Mr. Shewan- We should be on the same train. I should know where you are going with it and you should know what we are going to send in. When I asked about the submission to Freehold Soil that was part of the package that was given to us at the subcommittee meeting. I asked twice going back a month ago what is the status to protect the township. This has nothing to do with political motivation. According to this it said we had to submit it and I asked the question did we submit it. A couple of

things you should consider. One is the gate on Bart Place. If there is going to be no trail there the trail would be approximately 40-50 feet back, if there is growth the gate you have there is an entrance gate to stop vehicles. If the road exists then a gate should be there but supposedly a road is not going to exist and that is part of the township plan as well. The fact that you spent the money already is a factor. I see this as something where if you have a gate you can still get around it. A coral fence should be considered. As far as the 20 foot wide road going in I would ask why a 20 foot wide road.

Attorney Gorman- That was submitted to DEP and the township engineers office laid out the reason why he thought in his engineering opinion why we needed to have a road of that width and length. There is a sewer pipe that runs through there and that is what caused all the problems.

Mr. Shewan- Right now they are getting through with it being 12 foot wide. Any truck according to regulations is 102.5 inches which is 8.5 feet. I do believe when it comes to sewer easements that it is 10 foot on the easement and not 20 feet.

Attorney Gorman- We have no easements on that lot because we own the property.

Mr. Shewan- The discussion at the meeting was not for a 25 foot wide road they were going to leave the road as it was. Again, another surprise to the two people that were on the subcommittee. Again, I will make myself available for any meeting. That does not mean I will not participate in a subcommittee. I do hope you still accept me on the subcommittee. I do hope our input will be conveyed to the Township Committee. If there is going to be further subcommittee meetings I will again request the conversation that comes up at a later date at a workshop that at least the two people from the HEC are informed that it is going to occur so we can attend those meeting to make sure that what we said is being transferred word for word. Not what apparently happened where it was not transferred and we were forced to go to the DEP direct which I feel very uncomfortable doing that. I also feel somewhat uncomfortable where I have to converse with the DEP without consulting someone from the Township. Anyone wish to comment on that?

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Attorney Gorman- I have a general comment. As the HEC you are part of an agency of the Township. The Township has been threatened with litigation. From my view the HEC and members thereof who are acting on behalf of the HEC should be, you may have respectful disagreements as to what the townships position may be, but all those discussions and disagreements should be confidential. You are placing the town at risk by saying we don't like it.

It seems that so far it is becoming an adversarial relationship between the HEC and at least the township engineer's report. As the attorney for the township I do not want to be put in a situation where we are discussing things that are going to be used and litigation against the municipality.

Mr. Shewan- That is why I said when I first started out if you felt I shouldn't talk as part of the subcommittee.

Attorney Gorman- We do not have to respond.

Mr. Shewan- I understand that. I have to make it clear Mr. Gorman it is not a conflict, it is a question of up front you discuss something and you are told it is going to happen. It would be different if you were told it was not going to happen.

David Kestner- I would like to make a comment to the gentleman who was here before asking about fires and whether they are not being investigated. All fire departments are required to investigate any fire regardless of what kind. Someone in the fire department is assigned that task and the reason for it is for period reviews of fire and safety codes and if we did not have these reviews there would be a lot less building and safety codes for our houses. If they do determine during their investigation that there has been a criminal act they are required to turn that over to the police department. Any question as to whether or not there is or will be an investigation to any fires that have happened I would be very surprised that somebody with the fire department we have here the caliber of people in it that there wasn't an investigation done. I know this is an open session but you should limit each person to five minutes and if they have more than five minutes of talking they should be allowed to do it at the end after they do their first five minutes. They should come back later after everyone else has had a turn at speaking.

Karen Bahrenberg- I am president of the Friday Cullen Center Seniors. I have been president for eight years and I am going on my ninth year now. In years past we have had a van for our members for meeting days. We are a senior group and we have approximately 115-120 members attending meetings

every two weeks. Not all of them are as agile as myself and my executive board. We do have some members who find it very difficult to walk in the parking lot down to the Cullen Center. On any given day we have the parking lot pretty much filled between the mothers for the Pre-School, people going to the park and mothers taken their children to the playground. Our meeting is at 1PM in the afternoon. Members start coming anywhere from Noon on. A lot of the parking places are taken and the members have to park over here in the building area. It is a walk not for you or myself but for our older members to walk from their cars or whoever brings them to get down to the Cullen Center. Myself and the executive board are asking if we could have a van that would pick up our members and bring them to the building and stay for a few hours. Our meeting is over by 2:30 and some do stay until 3:30 playing bingo, if someone can bring them back to their cars.

Administrator Valentino- When I arrived here two years ago there was a driver that the Township paid for but the driver left. It was decided at that time that the township was not going to employ another driver for that purpose. I was under the impression that both clubs have a volunteer who drives but you are saying it only one club. I can see if that volunteer would be interested in doing the second group as well. If that does not happen maybe we can look for someone to do that. I think the other club handles it themselves. I don't know if Mr. Brady knows if they do.

Deputy Mayor Sachs- You are from the Friday club?

Mrs. Bahrenberg- Yes.

Deputy Mayor Sachs- I know for a fact that the Wednesday Club does not have a driver.

Committeeman Brady- Yes they do they pay him \$50.00.

Mrs. Bahrenberg- Who pays him the township or the club?

Committeeman Brady- The club.

Deputy Mayor Sachs- They have him now?

Committeeman Brady- Yes.

Deputy Mayor Sachs- I know for a while they did not have anyone. I guess they got someone to do it.