

March 4, 2014

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 6, 2014, advance written notice of this meeting was posted at:  
1766 Union Avenue, Hazlet, New Jersey.
- (B) On January 6, 2014, advance written notice of this meeting was forwarded to the Independent and published in the Asbury Park Press on January 8, 2014.
- (C) On January 6, 2014, 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, 2014.

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	_____	___X___
Committeewoman Ronchetti	___X___	_____
Committeeman Sachs	___X___	_____
Deputy Mayor Belasco	___X___	_____
Mayor DiNardo	___X___	_____

Approval of Minutes – Regular Meeting – February 4, 2014 and February 18, 2014.  
Workshop Meeting – February 4, 2014, February 18, 2014 and  
February 25, 2014.

Offered Committeeman Sachs

2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent  
(abstain 2/25/14)

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

Approval of Executive Session Minutes – February 4, 2014, February 18, 2014 and  
February 25, 2014.

Offered Committeeman Sachs

2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent  
(abstain 2/25/14)

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

### **Ordinance Introductions:**

1. ORDINANCE TO EXCEED THE MUNICIPAL BUDGET LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14) FOR THE 2014 CALENDAR YEAR

Title read by: Mayor DiNardo

### **Hearing Date: March 18, 2014**

Offered Mayor DiNardo

2<sup>nd</sup> Committeeman Sachs

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

2. AN ORDINANCE OF THE TOWNSHIP OF HAZLET, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 305 OF THE TOWNSHIP CODE ENTITLED “VEHICLES AND TRAFFIC” TO INCLUDE A NEW

SECTION ENTITLED "PROHIBITION OF UNREGISTERED  
VEHICLES IN PARKING YARDS AND PARKING PLACES"

Title read by: Deputy Mayor Belasco

Hearing Date: March 18, 2014

Offered Deputy Mayor Belasco 2<sup>nd</sup> Committeeman Sachs

Roll Call: Committeeman Aagre Absent Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

**Resolution S-1 – Introduction of the 2014 Municipal Budget**

**Hearing Date – April 1, 2014**

Offered Mayor DiNardo 2<sup>nd</sup> Committeewoman Ronchetti

Roll Call: Committeeman Aagre Absent Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

**Reports**

TAX COLLECTOR – September, October, November & December 2013 – Received and read.

MUNICIPAL JUDGE – January 2014 – Total fees collected - \$16,624.30.

POLICE DEPARTMENT – January 2014 – 1,143 police activities reported.

DEPARTMENT OF PUBLIC WORKS – January 2014 – Received and read.

CONSTRUCTION OFFICIAL – January 2014 – Total fees collected - \$21,429.75.  
February 2014 – Total fees collected - \$36,397.00.

**Resolutions, Motions and Appointments:**

Resolutions #75 through #82 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.

- 75. Sale of an ambulance to the 911 Fund, Inc. (For a nominal fee)
- 76. Amending Resolution #14 (Appointment of Public Defender). (Correcting salary)
- 77. Appointment of Robert Friesendorf to the Safety Committee.
- 78. Amending Resolution #36 (Blue Collar Salaries). (Correcting salary)
- 79. Issuance of Raffle License RL-4008 Middle Road PTO.
- 80. Authorizing the Mayor to execute an agreement with the Monmouth County Mosquito Commission. (Yearly spraying for mosquitoes)
- 81. Refund of the overpayment of taxes for Block 23, Lot 4.
- 82. Appointment of Leon Avakian as Consulting Engineer.

Offered Committeeman Sachs 2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

- 83. Confirming the appointment of Mary Trapani as a Violations Clerk in the Joint Municipal Court.

Offered Committeewoman Ronchetti 2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

- 84. Confirming the appointment of Madeline Dispenziere as a Violations Clerk in the Joint Municipal Court.

Offered Committeewoman Ronchetti 2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

- 85. Appointment of Annie Eng as a Keyboarding Clerk I. (To maintain the Community Rating System – CRS).

Offered Committeewoman Ronchetti

2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs No

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

86. Appointment of Louis DiLorenzo as a full time temporary Laborer in the Department of Public Works.

Offered Committeeman Sachs

2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

87. Authorizing CME Associates to perform (LSRP) Licensed Site Remediation Services for the Hazlet Township Police Station property. (Cleanup from underground storage tank)

Offered Mayor DiNardo

2<sup>nd</sup> Committeeman Sachs

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

88. Appointment of Patrick Zebro as a Truck Driver Heavy in the Department of Public Works.

Offered Mayor DiNardo

2<sup>nd</sup> Committeewoman Ronchetti

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

89. Appointment of Salvatore Coppola as a Truck Driver Heavy in the Department of Public Works.

Offered Committeeman Sachs

2<sup>nd</sup> Committeewoman Ronchetti

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

90. Appointment of Dennis Pino as the part time Municipal Administrator.

Offered Mayor DiNardo 2<sup>nd</sup> Deputy Mayor Belasco

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

91. Emergency Temporary Appropriations. (Allowing the Township to pay bills until the 2014 budget is adopted)

Offered Committeewoman Ronchetti 2<sup>nd</sup> Committeeman Sachs

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

92. Award of an RFP to Rogut McCarthy as COAH Affordable Housing Counsel.

Offered Mayor DiNardo 2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent Committeewoman Ronchetti Yes  
Committeeman Sachs No Deputy Mayor Belasco Yes  
Mayor DiNardo Yes

93. Appointment of Scott Whalen as a temporary full time Laborer in the Department of Public Works.

Offered Deputy Mayor Belasco 2<sup>nd</sup> Committeewoman Ronchetti

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

94. Authorizing the Clerk to advertise for the receipt of bids for Cleaning Services.  
(Cleaning for all Township buildings)

Offered Committeeman Sachs

2<sup>nd</sup> Committeewoman Ronchetti

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

95. Requesting the combined Land Use Board to review a resolution designating the entire Township as an area in need of rehabilitation.

Attorney Cucchiario- Jennifer Beahm from CME is here tonight who can provide the members of the public and the Governing Body with a brief description of what the designation is and what the contents of the report are.

Jennifer Beahm- Director of Planning for CME Associates. We have put this draft study area determination report together for you. There a number of reasons why the designation would help stimulate economic development as well as provide opportunities for different housing stock types throughout the community. It also has the ability to preserve green space, open space those types of things. Basically you would traditionally have created an area in need of redevelopment that is what most people know. We have designation as a little bit different. There are two distinct differences between the two. The first being under a rehabilitation area designation there is absolutely no ability for the governing body to utilize eminent domain. Under this designation you would not be entitled to do that. The second difference would be under a traditional redevelopment designation the opportunity for a long term 30 year tax abatement would be a possibility. Here you are not entitled to enter into a long term tax abatement however, a five year or short term tax abatement is still able to be entered into using this designation. Those are two extinct differences between the two processes. The second is that the determination itself is different under a traditional redevelopment designation you would need to find of blight and there is a serious of statutory criteria that a property or properties can meet to meet that blight designation. A rehab designation is a far lesser burden there are three prongs one of which needs to be meet. The first is 50% or more of your housing stock is 50 years old or older; the second is whether or not properties have gone into tax arrears and the third is whether or not your infrastructure is substandard or in need of improvement. Here in Hazlet we did a determination and about 52% of the housing stock as of 2012 was 50 years old or older. In 2013 that number went up to over 60%. Meeting that prong of the statute would enable the township to realize this rehab designation. This is just a designation it is not an actual redevelopment plan that piece of it comes next. You would still be able to prepare a redevelopment plan and/or plans depending upon the economic development and housing objectives of the community and they can range in size from several lots to blocks if that is what the desire of the governing body is. This is really stage one of the process the designation from which a series of plans can be prepared to help stimulate economic development and generate additional housing opportunities throughout the community.

Attorney Cucchiario- From our procedural stand point what is happening tonight the governing body is directing the combined Land Use Board to consider the designation and provide any

comments that they may have. Once those comments come back this body will have another meeting and it will determine whether or not it wants to adopt the resolution declaring the entire area in need of rehabilitation . There are two more steps in this part of the process but we wanted both members and the public and members of the governing body to be aware of what the process was and what the documents were and how Jennifer reached her conclusions. What I recommend before we vote on the resolution is that we open up this resolution to the members of the public who want to ask any questions or raise any issues that might exist.

Charles Hoffman- The lady said the number of homes over 50 years old is now 52%?

Ms. Beahm- in 2013 it is now 60%.

Mr. Hoffman- Of that 60% what has been upgraded or expanded? For instance, my home is 50 years old but it was expanded twice before I even purchased it in 1984. We are leaning towards saying we have a rundown community and I believe that is not the case. Many of the homes that are older and fall into this group have in fact been upgraded over the years. There are a few and there is one on Florence Avenue that has never been upgraded. I think we need to put this into the equation.

Attorney Cucchiaro- The law takes into account when the structure was originally put together and it is not a determination that all of the units within that 60% are run down or dilapidated. It is just that they are 50 years or older. It provides the municipality with tools other than traditional zoning that can help to induce development that can help rehabilitation of some homes that need it. The rehabilitation designation does not equate to depilation or some kind of other run down nature. It is just simply a calculation of age of units. This has been used increasingly in what I would call mature, suburban municipalities.

Good evening Mr. Mayor, Township Committee and Business Administrator Pino. My name is Joe Pobega and I am the Vice Chairman of the Hazlet Open Space Advisory Council. I am here tonight on behalf of the Open Space Advisory Council to express our support in the Township's desire to develop a conceptual study for the rehabilitation of certain areas in Town. It is our understanding that due to the age of the housing stock in town, Hazlet qualifies as a town in need of rehabilitation providing us with certain benefits including the opportunity to make large scale improvements on various properties which are in need of rehabilitation while at the same time potentially preserving open space which likely could not be done without a plan such as this.

The Open Space Advisory Council understands that the Land Use Board will need to review the resolution proposed tonight regarding this matter for consistency with the Township Master Plan. We believe that this rehabilitation plan could be extremely beneficial to the residents of our township and the Open Space Advisory Council is open-minded to move forward with the conceptual plan and look forward to seeing the actual plan in the near future.

Cliff Moore- I am the co-chair of the Hazlet HBOA Economical Development Committee and I want to commend the Committee for taking this step. I think it is a tremendous thing to try and help get some businesses in here and get some ratables up.

Bill Shewan- I would agree I do think it is a good move on the part of the Township to initiate such a program particularly for the commercial standpoint. However, the word rehabilitation does bother me and I do think the Township Committee should make a marketing effort to advise the citizens of our town what rehabilitation is really about. I would ask also have there been any studies made of townships our size with regard to the short term and long term results. Hazlet does not have the commercial activity that you have in Woodbridge area. If there are any studies made with regard to this program that now exist that the citizens could look.

Attorney Cucchiaro- The Statute isn't really old enough for there to be a study on long term results. It just simply hasn't been utilized. What had previously been done is most every

municipality was just going down the redevelopment route and declaring everything in need of redevelopment. I don't think you are going to see any municipalities with a 10 year experience with the rehabilitation zone designations. There is some information on short term redevelopment and successes with it. The statute and the utilization of it has not been at the point where you can see over the long term.

Mr. Shewan- I bring it up again in terms of rehabilitation just the work because in theory I think it is an excellent idea. Our town is based more on the resale of homes.

Attorney Cucchiaro- I do not disagree with you and unfortunately we are forced to use a word that is in the statute. Where I do agree with you is that there needs to be a vigorous effort to educate everyone on what it means.

Kevin Lavan- I think the rehabilitation word could be very clear. Monmouth County uses it about Route 36. On Route 36 we take one step forward and two steps back. We lost Shop Rite and Holy Family both empty. We have to do something with these properties and they have to be rehabilitated. How can anyone get up and say rehabilitation is not a word to be used. Take Route 36 and look at it. Route 35 is being rehabilitated. Route 36 is a sore thumb.

Offered Mayor DiNardo

2<sup>nd</sup> Deputy Mayor Belasco

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

Attorney Cucchiaro- This matter will be going to the Land Use Board at its next meeting and it will come back up and we will do something similar to actually formerly vote on the actual designation. I want to be clear that tonight we did not designate anything we voted to send it to the Land Use Board for their comments and then there will be another night where this will be on our agenda where we will consider those comments and take a vote on the actual designation. Again, it is an open and transparent process and everyone will have an opportunity to come back up if they wish and provide us with any comments.

96. Authorizing the Clerk to advertise for the receipt of RFP's for Payroll Services, Time and Attendance and Human Resource Information System.

Offered Mayor DiNardo

2<sup>nd</sup> Committeewoman Ronchetti

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

**Payment of Bills:**

Advance bill lists having been supplied to each Committee Member.

Offered Committeewoman Ronchetti

2<sup>nd</sup> Committeeman Sachs

Roll Call: Committeeman Aagre Absent

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

**Citizens Hearing:**

Jodi Moreno- I am currently president of the PTO at Middle Road School. All of us girls volunteer our time for our children and we spend countless hours doing that. We put a request in to support our schools and donation was denied. It said something about legal ramifications and I am trying to decipher what are the legal ramifications that you are speaking of?

Attorney Cucchiaro- This is the pool club pass?

Ms. Moreno- Yes.

Attorney Cucchiaro- We started getting a lot of requests in from various groups which the Committee then asked me to take a look at. I looked at the rules and regulations that are in place for the pool and that is in section 315-4 of our Hazlet code and it specifically provides in that section that only members who pay the fee and as well as them bringing a guest who also pays a fee can have access to the pool. We do not have a provision in our code to allow it. I understand in the past it was done. Due to the volume of requests that we received there was a request that I look into it.

Ms. Moreno- This is the thing I do not understand it is a local school so when you get numerous request shouldn't the Hazlet Township schools be put on top of that request because it is our children who are using that school.

Attorney Cucchiaro- Numerous organizations within our town have asked and when they asked me to look into it they have all been denied.

Ms. Moreno- Cove Road had two passes at their auction.

Attorney Cucchiaro – That was prior to me looking into it.

Ms. Moreno- There auction was two weeks ago.

Attorney Cucchiaro- There request was before that.

Ms. Moreno- We feel we are one community and if you are allowing it in one school it should be allowed in all the schools. I would be perfectly O.K. if I got an apology not a nasty email. I am sorry I am not anyone's friend don't ever sign it DP I don't know who that is. I am not anyone's best friend be professional. I used the right forum and then I went to Face Book have you seen the facebook have you seen how many people supported us. What is the right thing to do for our children?

Natalie Minervini- Are you saying the legal ramification is that you need to be a member to enter? Are you saying that you can't give out passes to just anyone because the stipulations state that you have to be a member to enter the club?

Attorney Cucchiaro- You have to be a member or the member can have a guest who pays.

Pam Russo- Last year you opened it up to anyone in the township can pay a fee and get into the swim club.

Ms. Moreno- Not to mention the PTO does purchase a party at the end of the year and numerous schools in town do that. A lot of those people who do go to the pool that day are not members. Why because we pay \$1200.00 so that is ok that everyone can come but they are not members. Where is that in the provision that everyone has to be a member or paid guest member. I am not following the logic.

Attorney Cucchiaro- As I said Section 315-4 sets forth the policies for members and guests of members and it is a payment policy. We have memberships that are paid for and guests are paid for. When they come in members take responsibility for the guests. This is not something that complied with the guest's policy that was in the ordinance so that was really what I stated. Furthermore, we never asked for coverage from our insurance carrier for a raffle for people that we really don't have control of or knowledge of that are coming to the pool and I don't know that those people are covered under the township's current insurance policy if there is an incident and someone gets hurt on the premises. It is based on those factors that I felt there are legal issues associated with the policy. Since that time there has been a denial for everyone that has asked and I guess that is why Raritan Valley purchased the family tickets.

Ms. Minervini- When we rent the swim club for parties your insurance company covers situations like that?

Attorney Cucchiaro- I assume so.

Committeewoman Ronchetti- So does the Board of Education.

Ms. Minervini- The Board of Education does not pay for the parties.

Attorney Cucchiaro- No their insurance policy covers it.

Committeewoman Ronchetti- The PTO's are under the Board of Education's insurance policy.

Ms. Moreno- This is why it is frustrating because I went to Cove Road auction two weeks ago and after I got denied and finding out they got a pass. We all represent the same children and it is not the matter of the \$20.00 it is the principal behind it. We should think of the children and

that's why we volunteer our time. I think it would make sense if people could come together even your board and donate something to the schools personally that somehow is covered by the insurance as a gift. I feel with the negative press that is going on right now on face book that would be nice thing to do.

Attorney Cucchiaro-There is actually a statutory provisions that deals with that. If you look on our agenda we were trying to donate an ambulance to the 911 fund and the statute actually requires us to get some kind of consideration, compensation for it. We actually had to get a nominal payment to donate the ambulance.

Dennis Pino, Administrator- You have to understand something someone had to be last to get the passes after the decision was made. It was being thought and discussed almost for several months about donations because we get request for donations for cash. We cannot give out tax payer dollars to organizations. Unfortunately, Cove Road did get the last two passes that we did approve. There was another organization before you in early February which we denied the same way with the same letter. Just to correct the record the email was not signed DP and it was not in any sort of way negative or derogatory. You called, you emailed and dropped off I believe two different written documents requesting it. The next day we responded in writing to you. There are times unfortunately that if I get five different people asking me to do something I have to respond to all five. You asked in five different ways. We took the time and responded to you in writing professionally as you are describing. I cannot answer you in every medium and forum that exists. I have other responsibilities to other tax payers not that you are any less or more important. I did what we needed to do. Unfortunately, you wanted that immediate answer which was not available and I wasn't going to give it to you any different than the last organization got it. We are treating everyone fair. Everyone here is for the kids and everyone here has served on Pop Warner and other organizations we have done for the children and we are with you we do understand. We cannot pick and choice, as I said in my email, who we give it too. It is not appropriate for municipalities to be given out gifts to organizations that is the bottom line. We cannot do what we have always done in the past just because we have done it and we know it's wrong that makes us now negligent, liable and irresponsible to the tax payers. That is the bottom line. I have two children and everyone here has children. You are making this something it is really not. Something's were said on Face Book that were not true. The reason why the post was deleted and just for the record because we do not accept anyone attacking any employee on this township on social media network. If you do you get deleted and you typically get banned. We did not ban you, I let you go on and you had your conversations, there were still things being said that were not 100%. We let it go on because it is not a forum for those kind of discussions. Face Book was meant for emergencies and for us to get the word out for certain things. It was not to have all these opinions and the mistruths that started from your initial posts. I saw people responding and I was not worried because I know what I said in the email was not what you put on face book. Putting that aside, we had to start somewhere we can't do things that are wrong. As a tax payer would you want us to do something that was wrong?

Ms. Moreno- I want consistency and as PTO Board one school gets it and one does not.

Dennis Pino- I can tell you right now there has been no more consistency that has been in the past six months to a year. We have straightened out more issues and made more issues right, wrong or otherwise and have gone down a single path. Anything that happened in past years we have changed. Someone had to be last and we apologize.

Ms. Moreno- Thank you all I wanted was an apology.

Attorney Cucchairo- We are putting together a letter to all the PTO's, sports clubs and other non-profit organizations in town with the Rules and Regulations of the Swim Club. This way everyone will be made aware of the policy moving forward.

Mayor DiNardo-Again, we are very sorry that you are unfortunately one of the last people that this happened to.

Charles Hoffman- Resolution #85 miss you need to check the transcript when you read you said it is a temporary promotion but that does not say so on the paper.

Mayor DiNardo- Part time.

Mr. Hoffman – Yes but is does not say that.

Evelyn Grandi, Clerk- I will correct that.

Mr. Hoffman – I noticed that the word COAH has surfaced again. Is this part of the rehabilitation?

Attorney Cucchiaro- No this is not part of our fair share plan.

Bill Shewan – I have my agenda from the internet and I would commend the township for the information that was put up giving more information that is normally available to the public. Resolution #88 is authorizing CME to perform LSRP. What is the reference to the historic farm fields on the Pfleger Property?

Attorney Cucchiaro- When you have a historic farm field when you do a phase one it kind of assumes that there were pesticides and other contaminates that were used. It is something that we are required to investigate in order to close Title on the property. We do not want to buy a piece of property that has further contamination. They are required to remediate it.

Mr. Shewan- Where does the designation Historic Farm Fields come from?

Committeeman Sachs- That was a farm many, many years ago a good portion of this town was a farm.

Mr. Shewan- With regard to awarding an RFP to Rogut, McCarthy for COAH Affordable Housing Council, so I would assume based on that there is an intention to file plans. What are the plans?

Attorney Cucchiaro- Right now we are considered a Court Municipality because there is a Builder's Remedy that was filed against the town. There is no plan as of yet, the plan is being developed. Part of the plan was to develop what they call a vacant land adjustment where the overall responsibility of the town will be reduced because we have less land to devote to it. The Special Master has approved vacant land adjustment so now that is approved and our Affordable Housing Council is on board working with our planner they will come together and put a draft Fair Share Plan together.

Mr. Shewan- Is the Fair Share plan part of COAH?

Attorney Cucchiaro- The Fair Share Plan is a term of art. The Fair Share Plan is a part of our housing element of the master plan. We are not a COAH town and we are not going back to COAH. We are a court town because we were sued. COAH will not be approving our plan we go to court and the Court and the Special Master of the Plan.

Mr. Shewan- Why does it say COAH if it is not going to be COAH?

Attorney Cucchiaro- That is a term that refers broadly to affordable housing.

Mr. Shewan- The Ordinance to Exceed Municipal Budgets and it refers to N.J.S.A. 40A and under N.J.S.A. 40A aside that the attachment by order of such increase to 3.5% over the previous year. It is my understanding that the Cap is 2% with the exceptions to be made on certain functionary processes. So why is it cited at the 3.5%?

Tom O'Hara, CFO- The 2% is the tax levy cap and this provision applies to the appropriation cap and it is also referred to as the 1977 Cap. This limits how much a size of your budget can increase from year to year regardless of your sources of revenue to pay for it. It is separate from the tax levy cap it applies only to your level of appropriations.

Mr. Shewan- My understanding is that the budget can still go up 3.5% and you can apply for another cent as long as the tax does not go up more than 2%. Your budget can increase as long as your revenue increases.

Tom O'Hara, CFO- Correct.

Charles Hoffman- The Foodtown site on Route 36 are we going to keep the pressure on the guy to clean that place up over there.

Committeeman Sachs- Yes they had to stop because of the weather. When they are finished you won't see anything left over there.

**Motion to close hearing:**

Offered Committeeman Sachs 2<sup>nd</sup> Deputy Mayor Belasco

Voice Vote: Yes

**Motion to adjourn:**

Offered Committeeman Sachs 2<sup>nd</sup> Deputy Mayor Belasco

Voice Vote: Yes

Time: 8:55 PM

