

April 1, 2014

AGENDA

Regular Meeting of the Hazlet Township Committee held at 8:03 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	<u> X </u>	<u> </u>
Committeewoman Ronchetti	<u> X </u>	<u> </u>
Committeeman Sachs	<u> X </u>	<u> </u>
Deputy Mayor Belasco	<u> X </u>	<u> </u>
Mayor DiNardo	<u> X </u>	<u> </u>

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

Offered Committeewoman Ronchetti 2nd Deputy Mayor Belasco

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes
(abstain 3/18/14)

Mayor DiNardo Yes

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

Offered Committeewoman Ronchetti 2nd Deputy Mayor Belasco

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes
(abstain 3/18/14)

Mayor DiNardo Yes

PROCLAMATION – Alcohol Awareness Month

Accepted by: Barbara Hilliard

1. HEARING ON THE 2014 MUNICIPAL BUDGET

Introduced: March 4, 2014.

Published in the Asbury Park Press, issue of March 7, 2014. Proof on file.

Posted in Town Hall – March 5, 2014.

Hearing scheduled for April 1, 2014.

Hearing:

Bill Shewan- I would like a clarification with regard to the summary of appropriations on the general budget having to do with the capital improvement wherein there is a 113% increase from \$666,690.00 to \$1,421,000.00. Can you explain what we are going to spend the money on?

Tom O’Hara, CFO- The biggest component of the increase in the Capital Improvement fund was the past two years we put aside \$500,000.00 that was going to be designated for road improvements. This year we have one million dollars designated for road improvements in the capital improvement fund.

Mr. Shewan-These monies are transferred out then from your surplus?

Tom O'Hara, CFO-To say it is part of the surplus would be inaccurate. It is a line item in the budget that gets transferred to the capital fund and then is used there for capital purposes.

Mr. Shewan- What are we spending it on not every detail but the major component?

Tom O'Hara, CFO- The biggest component is one million for road improvement. We have park improvements ear marked for \$62,500.00 and we are looking at some improvements down at the police station facility. We have a couple of pieces of DPW equipment and an ambulance we have partial funding for. Other municipal vehicles as well.

Mr. Shewan- I think we all agree we need road improvement. With regard to the dedicated swim club budget I am pleased to see that we have \$133,000.00 surplus. Congratulations to the people that run the pool John & Kathy and I know Dennis worked with them. There is an ordinance with regard to \$240,000.00 for improvements to the pool which of course improvements are going to help out. However, if we look at the budget as a strong we will come out \$118,000.00 short fall if you include the \$240,000.00 where is the money coming from?

Tom O'Hara, CFO- The \$240,000.00 is already cash that is a combined amount of what is set aside in the Capital Improvement fund line item in the 2014 budget.

Mr. Shewan- It is says \$122,000.00.

Tom O'Hara, CFO- As well as Capital Improvement Funds from 2013 budget. Once monies are moved to the Capital Improvement Fund they stay there until they are used for a capital purpose. We accumulated two years of funds.

Mr. Shewan- I don't follow you. There was \$133,000.00 surplus, correct?

Tom O'Hara, CFO- Yes.

Mr. Shewan- So the appropriations \$451,000.00, correct?

Tom O'Hara, CFO- Correct.

Mr. Shewan- Where does the other \$118,000.00 come in if you only have \$133,000.00 surplus?

Tom O'Hara, CFO- We have \$122,000.00 line item which is an appropriation in the swim pool budget. We also had \$121,500.00 appropriated in the 2013 budget those funds accumulate in the capital fund until they are used. Basically we did not do any improvements last year with our capital improvement fund money in the swim pool so we had two years' worth of those funds.

Mr. Shewan- How come the Capital Fund monies aren't listed as an asset?

Tom O'Hara, CFO- We have to report the operating budget. There are pages in the budget that the State calls the Capital Budget where we have to outline perspective improvements and these improvements to the pool club are listed there.

Mr. Shewan- There would be another set of documents that would show the \$133,000.00 surplus plus the \$118,000.00 or more of a capital fund?

Tom O'Hara, CFO- You are confusing surplus with a Capital Improvement Fund line item. They are two different things that you are mixing. You have to look at the line item capital improvement fund and you will see the \$122,000.00.

Mr. Shewan- I have always depended on you for the facts so I will take your word for it for sure that the monies are there and we don't have to worry about it. I see our bond is no longer outstanding.

Tom O'Hara, CFO- Hazlet Swim and Tennis Club is currently debt free.

Mr. Shewan- Do we have any bonds that we have yet to pull down?

Tom O'Hara, CFO- There are no bonds. There are prior improvements on the books that are fully funded in cash that are being in used that are part of this.

Mr. Shewan- What is the total amount of that?

Tom O'Hara, CFO- I believe it is approximately \$25,000.00 left from prior years.

Motion to close hearing:

Offered Mayor DiNardo 2nd Deputy Mayor Belasco

Voice vote: Yes

Action of Committee: Adopt X

Offered Mayor DiNardo 2nd Deputy Mayor Belasco

Committeeman Aagre Yes Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

Resolution S-2 - Designating the Township to be in need of Rehabilitation.

Attorney Cucchiaro- This process began sometime ago but in terms of committee action, the Committee asked this planner to put together a report to assess whether the municipality qualified to be declared an area in need of rehabilitation under the Local Redevelopment and Housing Law. The designation permits the municipality to exercise certain planning and incentive tools that normally are not available. The town can engage in the adoption of redevelopment plans for specific areas of the municipality using zoning and building techniques that you normally would not be able too. Essentially, through the use of tax abatements, through the use of enlightened zoning and building techniques, builder and homeowners can be incentivized to develop and previously undeveloped area along Route 36 and Route 35. We can also help use these techniques to rehabilitate some of our older housing stock. In order to do it there has to be incentives and this provides us those incentives. From a procedural stand point

the Open Space Committee took a look at this and they adopted a resolution endorsing the designation. Pursuant to statute the proposed resolution was referred to the planning board, they reviewed it and opened it to the public and voted to endorse the designation with one recommendation that any future redevelopment plan take into account the envisioning plan and Master Plan of the municipality. Which of course the Township Committee would. Pursuant to Statute we are here as the final step which is the actual designation. Trevor Taylor is here from CME if there are any questions.

Hearing:

Cliff Moore- As all of you know I am the Co-Chair of the Economic Development Committee for the HBOA and once again I want to publically commend you. I know this has been in the works for a while and we are finally crossing a bridge that we waited a very long time to come to and we are very excited to work with the township to get some of these areas cleaned up. Thank you very much.

John McCarthy- I am the 2nd VP HBOA thank you.

Jim Pallito- HBOA and Economic Development Committee and a business owner in town. I certainly like to thank you for going through all the effort to get this done.

Nick Mariolis- I am also a business owner in town and a member of the HBOA and on the development committee. I want to thank you very much that myself and other business people in town are very grateful for the work that the Committee is doing to help us. Thank you very much.

Ted Koszen- President of HBOA and owner/operator of Perkins Restaurant on Route 36 in Hazlet. Again, I want to thank you all for the efforts to make this happen.

Diane Arnold- I am the secretary to the HBOA and owner/operator of JAM Apparel in Airport Plaza. Thank you.

John Pallutto – Forum Tuxedos in Airport Plaza and I want to thank you very much Mr. Mayor and Township Committee.

Bill Shewan- I am also for this. I am not negative at all with regard to initiating such a plan particularly with regard to certain corridors and commercial facilities. However, I am really looking at how it works and how it was written out. For example it indicates whereas the township combine a land use board receive a report from the township planner that more than half of the housing stock of the township is at least fifty years old and that a program of rehabilitation is expected to prevent further deterioration to promote overall development. I think I that wording could be changed. The way it was indicated on the first report you had a few choices on how to classify this. One of the choices was clearly more than 50% of the housing stock in a delineated area is at least 50 years old not necessarily in need of rehabilitation. It is just a statement about the housing is 50 years old makes it qualify.

Attorney Cucchiaro- The language that is used is out of the statute 40A:12A-13 so I would say it is pro-forma. That is the actual language that has to be used by the planning board. It doesn't indicate that because more than 50% of the housing stock is 50 years or older and we are up beyond 60% right now. Certainly some of the housing stock is in need of rehabilitation.

Mr. Shewan- I am not saying that but when you pass a resolution the way this comes across is that we are a town in need of rehabilitation. That is not the thrust of this I didn't think.

Attorney Cucchiaro – I understand and I agree with you but unfortunately we are compelled to use the language of the statute.

Mr. Shewan- From what I read here there can be a tax abatement, but also for homeowners according to statute so is that going to apply?

Attorney Cucchiaro- We have not put together a redevelopment plan yet.

Mr. Shewan- The statute calls for that.

Attorney Cucchiaro- No it calls for a redevelopment plans and in a course of redevelopment plans you can employ those techniques. This was the first step to designation. The second step would be actual redevelopment plans and those have to be adopted through ordinances and be referred back to the Land Use Board. Those things are on the table but they are not by virtue of this tonight.

Mr. Shewan- Also with regard to the statute I go back to what was written here on rehabilitation and then I will question the way it was written out. It states that "however the findings work a little differently such that a rehabilitation where it can be designated by resolution of the governing body without the prerequisite of an investigation and a public hearing by the planning board". Does that mean as you move along, according to the statute you have the right to do that?

Attorney Cucchiaro- No, what Ms. Beahm is saying when you declare an area in need of redevelopment what has to happen is the matter gets referred to the planning board and they have what is called a preliminary investigation and they have a public hearing and make a recommendation up to the Committee. It has nothing to do with the future it has to do with the actual designation. The area in need of rehabilitation does not require that investigation by the planning board. What I will tell you is that this Committee made a conscious decision to go above and beyond the statutory requirements. The planning board was not required to actually open it up to the public but it did. That is what the is governing body wanted, we want a transparent process. This governing body could of adopted this resolution without opening it up to the public. Ms. Beahm was saying the process to get to the designation only is less onerous for rehabilitation because there is no blight designation and the municipality does not have the eminent domain power that is why it is a less rigorous process.

Mr. Shewan- Any future changes will follow the same format or go before the Land Use Board.

Attorney Cucchiaro –Anything in the future is going to have to be done via ordinance.

Mr. Shewan – Does this come in conflict at all with the State Strategic Plan or the County Strategic Plan?

Attorney Cucchiaro- Actually under the State Strategic Plan this municipality has been designated largely as planning area 1 and planning area 2. Those are the urban planning areas and those are the areas that state plans specifically encourages development.

Mr. Shewan- Good luck with it.

Attorney Cucchiaro- As we move forward there is going to be every opportunity for you to participate in every step of the process.

Motion to close hearing:

Offered Committeeman Sachs 2nd Deputy Mayor Belasco

Voice vote: Yes

Offered Committeeman Sachs 2nd Deputy Mayor Belasco

Committeeman Aagre Yes

Committeewoman Ronchetti Abstain

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

Resolution S-3 – Mayors Appointment, Library Commission – Helen Erven.

Ordinance Hearing:

1. ORDINANCE OF THE TOWNSHIP OF HAZLET, COUNTY OF MONMOUTH, AND STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 5 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF HAZLET IN ORDER TO ESTABLISH A DEPARTMENT OF ZONING

Introduced: March 18, 2014.

Published in The Asbury Park Press, issue of March 21, 2014. Proof on file.

Posted in Town Hall –March 19, 2014.

Hearing to be held April 1, 2014.

Hearing:

No one spoke at hearing.

Motion to close hearing:

Offered Committeeman Aagre 2nd Deputy Mayor Belasco

Voice vote: Yes

Action of Committee: Adopt X

Offered Committeeman Aagre 2nd Deputy Mayor Belasco

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Abstain

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

Reports

MUNICIPAL JUDGE – February 2014 – Total fees collected - \$19,926.58.

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

Resolutions, Motions and Appointments:

Resolutions #108 through #112 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.

108. Refund of professional fees for International Flavors and Fragrances, Inc (IFF) Block 120, Lots 2, 3, 5, and 6.
109. Reduction of the performance guarantee for Dr. Mahmoud Aly, Block 183, Lot 2.01.
110. Adoption of a form required to be used for the filing of notices of tort claims.
111. Issuance of Raffle License RL-4010 to Kimisis Tis Theotokou Ladies Philoptochos Society and RL-4009 to Dante Alighieri Society of Central Jersey.
112. Authorizing the settlement of a tax appeal for Defined Alliance, LLC, Block 342, Lot 3.01.

Offered Committeewoman Ronchetti 2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes Committeewoman Ronchetti Yes

Committeeman Sachs Yes Deputy Mayor Belasco Yes

Mayor DiNardo Yes

113. Asking the Legislature to make permanent the 2% CAP on interest arbitration awards.

Offered Committeeman Sachs

2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

114. Supporting legislation returning energy tax receipts to municipal governments.

Offered Mayor DiNardo

2nd Committeeman Sachs

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

115. Appointment of Louis DiLaurenzio as a full time permanent Laborer with a CDL in the Department of Public Works.

Offered Committeeman Sachs

2nd Committeeman Aagre

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

116. Issuance of Raffle License RL-4007 to Vietnam Veterans of America Inc., NJ State Council.

Offered Mayor DiNardo

2nd Deputy Mayor Belasco

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

117. Amending the Developers Agreement between Hazlet Township and Devino and Jackiewicz LLC – Poole Avenue and Stone Road, Block 65, Lot 1.01.

Offered Committeeman Sachs

2nd Committeeman Aagre

Hearing Date: April 15, 2014.

Offered Mayor DiNardo

2nd Committeeman Sachs

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

4. CAPITAL ORDINANCE OF THE TOWNSHIP OF HAZLET, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING AN APPROPRIATION OF \$500,000 FOR VARIOUS SEWER UTILITY IMPROVEMENTS, APPROPRIATING \$500,000 FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND

Title read by: Committeewoman Ronchetti

Hearing Date: April 15, 2014.

Offered Committeewoman Ronchetti

2nd Mayor DiNardo

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

5. CAPITAL ORDINANCE OF THE TOWNSHIP OF HAZLET, IN THE COUNTY OF MONMOUTH, NEW JERSEY PROVIDING AN APPROPRIATION OF \$240,000 FOR VARIOUS SWIM POOL UTILITY IMPROVEMENTS, APPROPRIATING \$240,000 FROM THE SWIM POOL UTILITY CAPITAL IMPROVEMENT FUND

Title read by: Committeeman Aagre

Hearing Date: April 15, 2014.

Offered Committeeman Aagre

2nd Committeeman Sachs

Roll Call: Committeeman Aagre Yes

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 Deputy Mayor Belasco

2nd Committeewoman Ronchetti

Roll Call: Committeeman Aagre Yes

Committeewoman Ronchetti Yes

Committeeman Sachs Yes

Deputy Mayor Belasco Yes

Mayor DiNardo Yes

Citizens Hearing:

No one spoke at hearing.

Motion to close hearing:

Offered Committeeman Sachs

2nd Deputy Mayor Belasco

Voice Vote: Yes

Motion to adjourn:

Offered Committeeman Sachs

2nd Deputy Mayor Belasco

Voice Vote: Yes

Time: 8:38PM