

April 5, 2016

AGENDA

Regular Meeting of the Hazlet Township Committee held at 8:01 p.m.

Salute to the flag and moment of silent prayer called by the 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 4, 2016, advance written notice of this meeting was posted at:
1766 Union Avenue, Hazlet, New Jersey.
- (B) On January 7, 2016, advance written notice of this meeting was forwarded to the Independent and Asbury Park Press. It was also published in the Asbury Park Press on February 10, 2016.
- (C) On January 4, 2016, 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, 2016.

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 DiNardo	_____	_____X_____
Committeewoman Ronchetti	_____	_____X_____
Committeeman Sachs	_____X_____	_____
Deputy Mayor Kiley	_____X_____	_____
Mayor Aagre	_____X_____	_____

Approval of Minutes – Workshop Meeting - March 15, 2016.
Regular Meeting – March 15, 2016.

Offered Deputy Mayor Kiley

2nd Committeeman Sachs

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

Approval of Executive Session Minutes – March 15, 2016.

Offered Deputy Mayor Kiley

2nd Committeeman Sachs

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

Ordinance Introductions:

1. AN ORDINANCE OF THE TOWNSHIP OF HAZLET, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, FOR THE DEDICATION AND ACCEPTANCE OF DUTCH LANE AS A PUBLIC RIGHT-OF-WAY

Title read by: Deputy Mayor Kiley

Hearing Date: April 19, 2016

Offered Deputy Mayor Kiley

2nd Committeeman Sachs

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

2. AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) FOR THE 2016 CALENDER YEAR

Title read by: Mayor Aagre

Hearing Date: April 19, 2016

Offered Mayor Aagre

2nd Deputy Mayor Kiley

- 114. Authorizing the Mayor to execute a Right of Entry Agreement for the Monmouth County Mosquito Extermination Commission.
- 115. Issuance of Raffle Licenses RL-4076 and RL-4077 to the Hazlet Middle School and RL-4079 Vietnam Veterans of America Inc. NJ State Council.
- 116. Refund of the overpayment of construction permits to Vivant Solar for various properties in the town.
- 117. Refund of the overpayment of residential CCO fees for 3 Meadow Court.
- 118. Release of the performance guarantee for 3153 Route 35, LLC, Block 181.02, Lot 1.
- 119. Release of the performance guarantee for CVS Pharmacy (First Hartford Realty Corporation-CVS), Block 165, Lots 1, 2, 3 and 4.
- 120. Release of the performance guarantee for Cinemark USA/RAVE SL Tenant/1st Choice Industries, Block 192, Lot 4.

Offered Deputy Mayor Kiley

2nd Mayor Aagre

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

PUBLIC HEARING

Anyone who would like to address the Township Committee regarding the below listed Resolutions on the Agenda, please come up, print your name and address on the sign in sheet and then state your name and address for the Committee.

Charles Hoffman- There was something in the paper about 32 communities being on the naughty list for not doing reevaluations and so forth, property taxes. I don't understand why Realty Data Systems is not going to do any inspections in 2016 I thought we are supposed to do 10% every year.

Attorney Gorman- We are supposed to do 20% every year. Because we are in the assessment demonstration program it provides for inspections not reevaluations or reassessments but inspections 20% a year for five years. In one year we did 40% because of the controversies that are surrounding the program right now and controversies that involve allegations about Realty Data Systems, whether they are true or not I don't know. I think the Committee thought it was in the best interest to not have them do any inspections this year and then we can catch up the year after.

Mr. Hoffman- In other words it is just a hiatus.

Attorney Gorman- Yes so instead of it being 40, 20, 20, it is going to be 40, 0, 40, 20 and they will do all the inspections within the required 5 years. Right now the county tax board had sent a memo saying that towns could opt out of the Assessment demonstration by April 30 after that the State Steering Committee which is made up the majority of the State Steering Committee that supervises the program are government officials from Trenton. The State Steering Committee has yet to say whether or not the County Tax Board has the legal authority to suspend or allow towns to opt out of the Assessment Demonstration Program. No one knows the answer to that and I have written letters to both the State and County Tax Board saying could you please give us all the available information so we can make an informed decision.

Mr. Hoffman- In other words it was our County that opted to test this program correct?

Mayor Aagre- Yes.

Mr. Hoffman- We really didn't have anything to say about it right?

Township Committee- Correct.

Bill Shewan- I did read in the Star Ledger with regard to the appraisals that a state official made a statement that we cannot withdraw.

Attorney Gorman- I will tell you that I have called and written letters, there may have been a statement but there is nothing official from the Steering Committee as to whether towns can withdraw from this program or not.

Mr. Shewan- Good move on that resolution. Resolution #125 Emergency Temporary Appropriations and #127 Establishing a Dedicated Trust for Rider for Swim Club donations.

Mayor Aagre- #125 is because we do not have an adopted budget at this time.

Mr. Shewan- I couple this with Resolution #127 having to do with the Swim Pool Operating Fund. To me what this does to a certain extent puts these monies for the swim pool operating fund within the general budget from the tax payers perspective.

Committeeman Sachs- Absolutely not.

Mr. Shewan – It is the way it looks when it is in here like that and it self-funding. Having to do with establishing the Dedicated Trust by Rider for Swim Pool donations and the way I read this and I would like it explained it would appear to qualify for that you have to have a Dedication By Rider listing and there are various approvals are given and one or two that would qualify that is going through here would be the Board of Recreation Commission so that would not qualify and then donations. How do we qualify on donations being made to the pool club in order to receive monies from the Director of Division of Government Services. (DLGS)

Tom O'Hara, CFO- That resolution is to get the approval to expend the monies. We are not getting any money from the DLGS.

Mr. Shewan- It is based on anticipated donations not anticipated revenue.

Tom O'Hara, CFO- Correct a Dedication By Rider allows us to expend monies that have been received for a specific purpose. You can always receive the money we cannot expend it until we have an Approved Dedication By Rider from the State. The way this is written up is in accordance with the State Statute which is a sample Resolution on the DLGS website.

Mr. Shewan- I read that over and it would indicate in most cases it is based on income, revenue but here it is stating that is based on donations.

Tom O'Hara, CFO- That would be the income. We are applying for a Dedication By Rider for Swim Club donations there is a number of different Dedications By Rider, we have for Accumulated Absence Trust Fund, Storm Recovery Trust Fund, Police Off Duty Trust Fund this is one the State allows us to accept donations and expend them for a specific purpose.

Mr. Shewan- Is the pool club membership considered a donation?

Tom O'Hara, CFO- No there have been entities that have expressed interest in sponsoring events at the swim club. Absent of a Dedication By Rider those donations would just go into the general swim club revenues not for a specific purpose, their intent is to sponsor specific programs and this would allow those monies to be used to be expended for those specific purposes.

Mr. Shewan- That would be the specific purposes as outlined salaries and wages \$20,000.00 other expenses \$30,000.00.

Tom O'Hara, CFO- You are combining two things that have nothing to do with each other. You are taking one resolution and applying it to a completely separate resolution.

Mr. Shewan- I understand what I am doing.

Tom O'Hara, CFO- You are incorrect in doing that.

Mr. Shewan- Thank you for telling me that. Does that give you then with regard to establishing a Trust Rider a certain amount to pull down a specific amount at a given time?

Tom O'Hara, CFO- No only to the extent of what is in the Trust Fund. If someone donates a \$1,000.00 we can spend \$1,000.00.

Offered Deputy Mayor Kiley

2nd Committeeman Sachs

Voice vote: Yes

121. Permanent appointment of Ken Lind to the position of Sewer Repairer Supervisor.

Offered Committeeman Sachs

2nd Mayor Aagre

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

122. Notifying Realty Data Systems to not perform any inspections in 2016.

Offered Deputy Mayor Kiley 2nd Committeeman Sachs

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

123. Appointment of Andy Bace as a part time Messenger for the Joint Municipal Court.

Offered Mayor Aagre 2nd Committeeman Sachs

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

124. 2016 Recreation Summer Camp Salaries.

Offered Deputy Mayor Kiley 2nd Committeeman Sachs

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

125. Emergency Temporary Appropriations.

Offered Committeeman Sachs 2nd Mayor Aagre

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

126. Authorizing the Municipal Administrator or the Qualified Purchasing Agent to enter into an agreement for Hazlet Township's participation in the NJPA Cooperative Purchasing System.

Offered Mayor Aagre

2nd Deputy Mayor Kiley

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

127. Establish a Dedicated Trust by Rider for Swim Pool Donations.

Offered Committeeman Sachs

2nd Deputy Mayor Kiley

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

128. Authorizing the settlement of tax appeals for Lot 1.01, Block 66, JSM Poole Avenue LLC and by Walgreens Eastern Co., Inc.

Offered Mayor Aagre

2nd Committeeman Sachs

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

129. Appointment of Crossing Guards.

Offered Committeeman Sachs

2nd Deputy Mayor Kiley

Roll Call: Committeeman DiNardo Absent

Committeewoman Ronchetti Absent

Committeeman Sachs Yes

Deputy Mayor Kiley Yes

Mayor Aagre Yes

130. 2016 Swim Club Salaries.

Offered Mayor Aagre

2nd Deputy Mayor Kiley

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

131. Appointment of Michael Glackin to the Land Use Board.

Offered Mayor Aagre 2nd Deputy Mayor Kiley
Roll Call: Committeeman DiNardo Absent Committeewoman Ronchetti Absent
 Committeeman Sachs Yes Deputy Mayor Kiley Yes
 Mayor Aagre Yes

132. Appointment of Michael Donnelly, Barry Fisler and Joseph Nelson as Permanent Laborers in the Department of Public Works.

Offered Committeeman Sachs 2nd Deputy Mayor Kiley
Roll Call: Committeeman DiNardo Absent Committeewoman Ronchetti Absent
 Committeeman Sachs Yes Deputy Mayor Kiley Yes
 Mayor Aagre Yes

Payment of Bills:

Advance bill lists have been supplied to each Committee Member.

Offered Committeeman Sachs 2nd Deputy Mayor Kiley
Roll Call: Committeeman DiNardo Absent Committeewoman Ronchetti Absent
 Committeeman Sachs Yes Deputy Mayor Kiley Yes
 Mayor Aagre Yes

Citizens Hearing:

Charles Hoffman- The idea of this housing development road becoming a thru road, that means that we are assuming the responsibility for maintaining it correct?

Mayor Aagre- Yes.

Mr. Hoffman- Why?

Attorney Gorman- Recognize that the public hearing on this is going to be at the next meeting.

Committeeman Sachs- My opinion is that this ordinance should not be talked about until the hearing.

Attorney Gorman- If you read that ordinance I have put in everything I could possibly think of to protect the town's interest so that it is not going to be a problem, expense or some legal quagmire down the road.

Mr. Hoffman- You know that there is a piece of property next to it that needs to be redeveloped.

Attorney Gorman- You are talking about Shop Rite?

Mr. Hoffman- Yes and I just thought that maybe we were talking about going back for more development or going across for more development that is all.

Attorney Gorman- That road will remain the same.

Bill Shewan- I don't recall the name of the road but by the ball field that was made into a one way at one point.

Deputy Mayor Kiley- Van Mater Terrace.

Mr. Shewan- It turned out to be a good move, I use that road quite a bit it is a lot safer and I am not talking for the drivers I am talking for the people who live there. Hopefully it is working out well. I want to address the Ordinance to Exceed the Municipal Budget Appropriation Limit and Establish a Cap Bank.

Committeeman Sachs- This is something that is done every year.

Mr. Shewan- I know what the Cap Bank is but according to what you are doing here the ordinance authorizes a 3.5% increase which amounts to \$574,003.50 so you have a Cap of 2% and you are going 1.5% over so we are not even holding the budget this gives me an opportunity to talk about the budget even though there is a hearing because it is on hear.

Attorney Gorman- With all due respect Mr. Shewan there is a public hearing on this as well on April 19, 2016.

Tom O'Hara, CFO- If the Committee would like I can address this because there is a very strong chance I will not be at the next meeting. This is different than the Levy Cap this is the Appropriation Cap in place to prevent towns from expanding their budget at too great a rate regardless of the source of revenue that you are going to use to pay for that. The way the law is written there are certain appropriations that are within the Cap. On the official budget documents it is everything up to sheet 19. You are allowed to from the prior year's budget increase the amount of the Index Rate automatically and then if you do the ordinance we are doing it allows you to establish a Cap Bank for any unused portion and go up to 3.5%. For 2016 the Index Rate was established at zero so basically we are in a position where we can't increase our appropriations that are considered within the cap at all without doing this ordinance. Most years the Index Rate has traditionally been 2% and the Cap Rate Ordinance allows you an additional 1.5% to get to the 3.5% total. This year the Index Rate was zero so in affect the Cap Ordinance

gives you an additional 3.5% to get to the total allowable of 3.5%. This is the normal day to day part of the budget that allows for the vast majority of salaries, benefits and department operations. With absolute an increase and utilization from prior Cap Banks that are established we wouldn't even be able to put this budget together with a zero percent tax increase with a tax levy that is exactly the same as last year. If these ordinances haven't been done this year and in prior years we would still be cutting more out of this budget just to make it work within the framework of the State.

Mr. Shewan- The bottom line is it does represent an increase of the previous year's budget of \$574,000.00

Tom O'Hara, CFO- It allows for an increase in appropriations that are considered within the Cap. Last year's appropriations within the Cap were just over \$16,400,000.00 this year are just under \$16,600,000.00. We have not used the full amount of the allowable increase that last for 2 years before it expires. Right now with the approval of this ordinance, we are \$1.2 million dollars below the Appropriation Cap.

Mr. Shewan- Then this \$574,000.00 based on what you said would not reflect per home \$100.00 tax increase.

Tom O'Hara, CFO- It has nothing to do with taxes. This is independent of the tax levy.

Mr. Shewan- Thank you that is what I wanted to hear.

Dan Nothstein- I came here about 3 years ago and proposed to plant trees in all the Jug Handles in our town I know Mrs. Kiley and Dennis Pino know that. I got the run around from the State for about 2 years and then I went to the town hall and spoke with Governor Christie and that got me nowhere but Senator Kyrillos and gave me his card and said see me with any problems. He came up with \$60K of some state beautification funds and made it all happen. Now that it is done three years later a few trees need to be replaced. If anything can be done by the town or DPW if a tree blows over or pick up the sticks or I can call the State on see if they can get in there and keep as nice as we can. I got rid of the telephone pole that was on the Jug Handle next to Walgreens and it took about 5 months but JCP&L took care of it. They fixed some storm drains over there that were a disaster. I appreciate everyone that helped with that whole project. Franciscan Drive is the worst pot hole street in this town. This town used to be called Raritan it was an Indian name and there is a Bronze plaque in front of the Post Office that says Raritan. We changed the name of the town to Hazlet, this is not an April fool's joke maybe fifty years later its time to change the name of the town.

Mayor Aagre- Changing the town name why?

Mr. Nothstein- It was changed from Raritan to Hazlet.

Committeeman Sachs- It is actually a conflict because there is a town up north named Raritan.

Mr. Nothstein- There is not much about our town maybe I can write something up and put it on the website that says something about our history.

Deputy Mayor Kiley- There is a book written about Hazlet that you can buy and it has a lot of great history about the town.

Administrator Pino- Thank you for all that you have done.

Charles Hoffman- As you know Mr. Pino HAQLA has spoken to you before about a lot of the documentation of the history of this community and how we could preserve it. I guess nothing has been done so far.

Administrator Pino- Just about 3 weeks ago the man who just left Mr. Shewan is getting us much closer to getting to some of those documents.

Mayor Aagre- The original administrator has all this documentation and we have offered to put it all in town hall.

Mr. Hoffman- I also understand that the fellow who runs the school system has offered not only a space but also a student project to categorize and organize all this. I think it is a good idea. I want the gentleman to know there are things going on in relation to this. On a new subject any progress on LED Street Lightening.

Administrator Pino- No there is nothing new on the LED.

Mayor Aagre- As they replace the lightening they are replacing it with a better light then the old ones.

Mr. Hoffman- We got Pennsylvania outfit in the old Dunkin Donuts, Friendly's is still vacant and the old Shop Rite is still an eye sore. I am trying to put a mural up on the Bradlees building.

Mayor Aagre- You have to understand that is private property and you would have to go the owners with that.

Administrator Pino- We did reach out to them they are interested in allowing us to do it and we are just trying to figure out who can do something like this. All these buildings you mentioned that are vacant we have been meeting with different property owners for different scenarios.

Mr. Hoffman- One of these thoughts are that maybe the business community can sponsor some type of a contest for someone to come up with a design and once we got a design we would have to get someone who actually does this work to do it. I thought this might be a good way to get the community involved.

Mayor Aagre- One of the programs that we currently work with is the business owners have the students basically come out and paint the windows in a contest so something you just mentioned the Board of Education the kids work on the designs and have a contest.

Deputy Mayor Kiley- The Economic Committee is aggressively talking to those owners and trying to push the envelope a little bit to make something happen on Highway 36.

Motion to close hearing:

Offered Committeeman Sachs

2nd Deputy Mayor Kiley

Voice vote: Yes

Motion to adjourn:

Offered Committeeman Sachs

2nd Deputy Mayor Kiley

Voice vote: Yes

Time: 8:45 PM