

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL, HELD IN THE
MEETING ROOM, MUNICIPAL COMPLEX
WEDNESDAY, MAY 12, 2004**

The meeting was called to order by Deputy Mayor Thomson at 7:30 P.M. Present were Deputy Mayor Thomson presiding, Committeewoman Mary L. Burne, Committeeman Mark J. Brosnan, Committeeman John Tobia, Township Administrator Joseph L. Verruni, Township Attorney Roger J. McLaughlin and Township Clerk Lorraine Kubacz. Mayor Robert D. Peters was absent.

Deputy Mayor Thomson read the sunshine statement.

Roll-call was taken by Mrs. Kubacz.

Mrs. Kubacz and MaryLynn Morris, Alliance Chairperson, presented the awards to the Joseph L. Kubacz Alcohol & Drug Awareness Poster Contest Winners. The winners were: Allenwood School - 1st Place Amy Erbe, 2nd Place Jill Lurch, 34d Place Samantha Keynton; Central School - 1st Place Adriana Oresko, 2nd Place Alyssa Dvorak, 3rd Place Jessica Wagner; Old Mill School - 1st Place Andrew Carlsson, 2nd Place Amanda Sweeney, 3rd Place Lauren Roche; West Belmar School - 1st Place Monse Barrantes, 2nd Place Kelsey Miller, 3rd Place Amanda Foster.

Committeewoman Burne made a motion to approve the Vouchers for March, 2004, in the amount of \$6,637,657.29 & April, 2004, in the amount of \$7,097,858.23. Committeeman Brosnan seconded the motion and on roll-call, members voted as follows:

Tobia	Yea (except #9515)
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, the Deputy Mayor Thomson declared the Vouchers approved. Committeeman Tobia questioned why the Township uses an outside contractor for this work.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 8-2004** - Amending and Supplementing Chapter 33 - Personnel Policies Pertaining to Payment of Sick Leave and Purchase of PERS System Credit entitled, "AN ORDINANCE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER 33, "PERSONNEL POLICIES," OF THE CODE OF

THE TOWNSHIP OF WALL PERTAINING TO THE PAYMENT OF SICK LEAVE
AND PURCHASE OF PUBLIC EMPLOYEES RETIREMENT SYSTEM CREDIT UPON

THE RETIREMENT OF A TOWNSHIP EMPLOYEE." Mrs. Kubacz read the Ordinance by title only as required by law. Deputy Mayor Thomson declared the Public Hearing open. There being no comments or objections, Committeeman Brosnan moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Committeeman Brosnan moved that the Ordinance be adopted as to its second reading and final passage. Committeeman Tobia seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Committeeman Brosnan moved that the Ordinance be advertised according to law. Committeeman Tobia seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 9-2004** - Amending and Supplementing Chapter 222 - Water and Sewer entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER 222, "WATER AND SEWER," OF THE CODE OF THE TOWNSHIP OF WALL, SECTIONS 222-8, "EXCESS USE CHARGES" AND 222-9, "FIRE SPRINKLER SYSTEMS." Mrs. Kubacz read the Ordinance by title only as required by law. Deputy Mayor Thomson declared the Public Hearing open.

Bill Myrtetus, Laurel Avenue, asked if this Ordinance will even out the payments at the end of the year. Administrator Verruni replied yes, overages will be credited at the end of the year.

There being no further comments or objections, Committeewoman Burne moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Committeewoman Burne moved that the Ordinance be adopted as to its second reading and final passage. Committeeman Tobia seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Committeewoman Burne moved that the

Ordinance be advertised according to law. Committeeman Tobia seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 10-2004** - Amending Chapter 140 of the Land Use and Development Regulations Pertaining to Sign Regulations entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING CHAPTER 140, THE "LAND USE AND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF WALL," OF THE CODE OF THE TOWNSHIP OF WALL, SECTION 140-226 AND 140-227 PERTAINING TO SIGN REGULATIONS." Mrs. Kubacz read the Ordinance by title only as required by law. Deputy Mayor Thomson declared the Public Hearing open. There being no comments or objections, Committeeman Brosnan moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Committeeman Brosnan moved that the Ordinance be adopted as to its second reading and final passage. Committeeman Tobia seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Committeeman Brosnan moved that the Ordinance be advertised according to law. Committeeman Tobia seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 11-2004** - Amending Chapter 140 of the Land Use and Development Regulations Pertaining to CR-10 Zone entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING CHAPTER 140, THE "LAND USE AND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF WALL, " OF THE CODE OF THE TOWNSHIP OF WALL, SECTION 140-189, "SCHEDULE OF ZONE REGULATIONS," PERTAINING TO THE CR-10 (COMMERCIAL RECREATION)ZONE." Mrs. Kubacz read the Ordinance by title only as required by law. Deputy Mayor Thomson declared the Public Hearing open. There being no comments or objections, Committeewoman Burne moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Committeewoman Burne moved that the Ordinance be adopted as to its second reading and final passage. Committeeman Tobia seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Committeewoman Burne moved that the Ordinance be advertised according to law. Committeeman Tobia seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 12-2004** - Further Amending the Zoning Map entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, FURTHER AMENDING THE ZONING MAP OF THE TOWNSHIP OF WALL." Mrs. Kubacz read the Ordinance by title only as required by law. Deputy Mayor Thomson declared the Public Hearing open. There being no comments or objections, Committeeman Brosnan moved that the public hearing be closed. Committeewoman Burne seconded the motion and all members voted yes. Deputy Mayor Thomson advised that the vote on this Ordinance will be carried to the next meeting of June 9, 2004, at 7:30 p.m. Committeeman Brosnan made a motion to carry the vote to June 9, 2004. Committeewoman Burne seconded the motion and on roll-call members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, Deputy Mayor Thomson declared that the vote on Ordinance No. 12-2004 be carried to June 9, 2004.

With reference to Introduction of **ORDINANCE NO. 13-2004** - Amending Salary Ordinance No. 1-2004 entitled "AMENDING SALARY ORDINANCE NO. 1 FOR THE COMPENSATION OF THE SUPERIOR OFFICES, DUE TO FINALIZATION OF CONTRACT NEGOTIATIONS." Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Brosnan moved that the Ordinance be adopted as to first reading. Committeeman Tobia seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea

Peters

Absent

There being four yeas and no nays, the Deputy Mayor declared the Ordinance adopted as to its first reading. Committeeman Brosnan moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held June 9, 2004, at 7:30 P.M. Committeeman Tobia seconded the motion and all members voted yes.

Consent Agenda

With reference to Items 11 A - K was announced that all matters will be adopted or approved collectively by a single motion and roll-call vote by a majority of the Township Committee. All items on the consent agenda have been made available in advance of the meeting for public inspection and are also available for public inspection in the office of the Township Clerk. There will be no separate discussion of these items. If discussion is desired on any item, it will be considered separately. Deputy Mayor Thomson asked if any member of the Township Committee wished to consider any item separately. There being no further comments, a motion was made by Committeeman Brosnan and seconded by Committeeman Tobia to adopt the following Resolutions, and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Absent

There being four yeas and no nays, the Mayor declared the following Resolutions adopted:

#04-503 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT PERTAINING TO THE ROSCHEN PROPERTY

#04-504 - A RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT FOR CONSULTING SERVICES

#04-505 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING EXECUTION OF A DISCHARGE OF MORTGAGE ON PREMISES KNOWN AS 1724 "I" STREET, WEST BELMAR, NJ

#04-506 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL SUPPORTING AN APPLICATION FOR A DAM RESTORATION LOAN PERTAINING TO THE OLD MILL POND DAM

#04-507 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL ESTABLISHING A SPECIAL MEETING OF THE
TOWNSHIP COMMITTEE

#04-508 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CANCELLATION OF TAXES

#04-509 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#04-510 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#04-511 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

One Day Liquor Permit - North Wall Little League - June 5, 2004, Oak Tree Lodge

Street Closing - Vincent Court - June 12, 2004 (rain date June 13, 2004) - 3:00 - 11:00 P.M. - Block Party

End of Consent Agenda

Comments from Township Committee

Committeewoman Burne announced that the Environmental Advisory Committee will award prizes to the poster contest winners on May 23, 2004, at 1 p.m. The contest was open to students from first to fifth grades.

Audience Participation

Bill Myrtetus, Laurel Avenue, asked Committeeman Tobia why he did not vote on the one item in the Vouchers. Committeeman Tobia replied that the bill was in the amount of \$1,300 for landscaping around town hall. Mr. Tobia stated that he felt that the Public Works Department should do the mulching around the building instead of a separate contractor.

Rich Capparelli, Ramshorn Drive, asked why the Township decided to provide 1 ½ acres of land to make it easier for the developer of Sunnyside to build a bigger building. Deputy Mayor Thomson replied that a lawsuit was brought against the Township which was sent to federal court. As part of that settlement, their original proposal was scaled down and they needed to reposition the building further away from the residential area and the road. In order to reposition the building, they needed to use a different portion of the property. The only way to meet the bulk requirements was to use this property. Attorney McLaughlin added that the Township hasn't given anything.

Mr. Capparelli asked couldn't the developer build on the existing land and go back to the existing plan. Deputy Mayor

Thomson replied that he can, but he would end up with a facility that is larger. Mr. Capparelli asked if the present proposal would be smaller than what was originally proposed. Mr. McLaughlin stated that it would be the same as far as the number of beds. Mr. Capparelli stated that the bed size does increase and also the square footage. Mr. McLaughlin said he couldn't answer that, but there would be 130-135 beds.

Deputy Mayor Thomson stated that as part of the settlement, thirty will be committed to the Township's Mount Laurel obligation. There was another project that was not completed that lost the Township twelve required units for Mount Laurel. Eight have already been replaced. The Township will get the additional four units and possibly another twenty-six which will be credited toward Round 3. This is all part of the overall settlement.

Mr. Capparelli asked if the Township is aware that that 1 ½ acres might be environmentally sensitive. Deputy Mayor Thomson replied that they would have to have this as part of their application. Mr. Capparelli stated that this has not been done. Mr. Thomson said that he could not speak to that meeting. Mr. Capparelli asked who the Board of Adjustment reports to. Mr. McLaughlin replied that they do not report to anyone. Mr. Capparelli asked if the members were appointed. Mr. McLaughlin said they are appointed by the Township Committee but they are independent and they don't report to anyone.

Mr. Capparelli asked if the Board of Adjustment can make any decision they want. Mr. McLaughlin said they make decisions based on the Municipal Land Use Law. Mr. Capparelli asked why the Township Committee would be part of a settlement that demolishes an existing facility on top of a hill that no one can see and allow a three-story building at the corner of Ramshorn and Lakewood where everyone can see it and where it will hurt real estate values. Mr. McLaughlin responded that the Township participated in the settlement to permit Sunnyside to bring a different application to the Board of Adjustment. The application is before the Board of Adjustment and it is up to them to decide if it should be granted. The Committee is part of this because they are part of the litigation.

Mr. Capparelli asked if the two associations file a law suit against the town to consider this, how will the Board respond to that. Attorney McLaughlin said that he couldn't comment on what the Board of Adjustment would do. It is not appropriate for the Committee to comment on a building

application. Mr. Capparelli stated that he was shocked at the last meeting at the demeanor of the entire Board and asked if

there is anyone who regulates this Board. Mr. Capparelli asked how he would know that this Board isn't being paid off.

Attorney McLaughlin stated that he couldn't comment on what happened at the last meeting because he wasn't there. The Board of Adjustment is known for allowing latitude. This hearing has been going on for a long time and this is probably the sixth time they have heard this. Mr. McLaughlin stated that Mr. Capparelli should think twice before he implies at a public meeting that fellow residents of this town are being paid off. These people are volunteers and unless there is some evidence that they are being paid off, it is horrendous that Mr. Capparelli suggest that. All decisions are being done honestly by citizens who are doing their job.

Mr. Capparelli stated that he raised a hypothetical question and that he is asking who should be regulating this Board. Mr. Capparelli said the Township would be hearing from his attorney on this.

There being no further comments, Committeeman Brosnan made a motion to adjourn. Committeeman Tobia seconded and all members voted yes. The meeting adjourned at 8:02 p.m.

TOWNSHIP CLERK

MAYOR