

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL, HELD IN THE
MEETING ROOM, MUNICIPAL COMPLEX
WEDNESDAY, JUNE 9, 2004**

The meeting was called to order by Mayor Peters at 7:30 P.M. Present were Mayor Robert D. Peters presiding, Deputy Mayor Edward H. Thomson, 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 Peters read the sunshine statement.

Roll-call was taken by Lorraine Kubacz.

A Proclamation was read honoring Ronald Regan. June 11th is set as a day of mourning.

A Proclamation was read honoring Myasthenia Gravis Month. No one was present to accept this year, but a copy will be sent to the Foundation.

Ocean First Bank presented each Volunteer Organization a check in the amount of \$500. Nina Anuario stated that she was very pleased to be a part of the committee. Each fire squad and first aid squad will receive a check in recognition of their efforts as volunteers in the community. Each organization thanked Ms. Anuario. Committeewoman Burne thanked Ms. Anuario for the generosity and for thinking of the volunteers.

This being the advertised time for the vote on **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. Committeeman Tobia moved that Ordinance No. 12-2004 be carried to July 14, 2004. Deputy Mayor Thomson seconded the motion and on roll-call members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Yea

There being five yeas and no nays the Mayor declared the Ordinance carried to July 14, 2004.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 13-2003** - Amending Salary Ordinance No. 1-2004 entitled, "AMENDING SALARY ORDINANCE #1

FOR THE COMPENSATION OF THE SUPERIOR OFFICERS, DUE TO FINALIZATION OF CONTRACT NEGOTIATIONS." Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Peters 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	Yea

There being five 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.

With reference to Introduction of **ORDINANCE NO. 15-2004** - Amending Chapter 140 - Land Use and Development Regulations Pertaining to the HB Zones 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 140-138, "SCHEDULE OF PERMITTED AND CONDITIONAL USES," PERTAINING TO THE HB (HIGHWAY BUSINESS) ZONES." Mrs. Kubacz read the Ordinance by title only, as required by law. Deputy Mayor Thomson 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	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Deputy Mayor Thomson moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held July 14, 2004 at 7:30 P.M. Committeeman Tobia seconded the motion and all members voted yes. Deputy Mayor Thomson moved to refer Ordinance No. 15-2004 to the Wall Township Planning

Board for review and recommendations. Committeeman Tobia seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 16-2004 - Further Amending the Zoning Map - Route 34** 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 moved that the Ordinance be adopted as to first reading. Committeeman Brosnan seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Deputy Mayor Thomson moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held July 14, 2004 at 7:30 P.M. Committeeman Brosnan seconded the motion and all members voted yes. Deputy Mayor Thomson moved to refer Ordinance No. 16-2004 to the Wall Township Planning Board for review and recommendations. Committeeman Brosnan seconded the motion and all members voted yes.

Consent Agenda

With reference to Items 9 A - JJ 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. Mayor Peters 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 Tobia and seconded by Deputy Mayor Thomson to adopt the following Resolutions, and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomson	Yea
Peters	Yea

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

#04-601 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL PERTAINING TO THE BOARD OF EDUCATION REVIEW PROCESS (RATIFY)

#04-602 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL CONCERNING THE REPLACEMENT OF ROOFS ON SCHOOL BUILDINGS (RATIFY)

#04-603 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL CONCERNING THE RELIEF OF OVERCROWDING AT CENTRAL SCHOOL (RATIFY)

#04-604 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL PERTAINING TO THE BOARD OF EDUCATION'S PROPOSED "TRANSPORTATION COMPLEX" (RATIFY)

#04-607 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ACCEPTANCE OF A DONATION

#04-608 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE FILING OF AN APPLICATION FOR GRANT FUNDS WITH THE MONMOUTH COUNTY BOARD OF ALCOHOL AND DRUG ABUSE SERVICES

#04-609 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING EXECUTION AND SUBMITTAL OF A APPLICATION FOR GRANT FUNDS AND AUTHORIZING EXECUTION OF A CONTRACTUAL AGREEMENT WITH THE MONMOUTH COUNTY BOARD OF ALCOHOL AND DRUG ABUSE SERVICE FOR D.E.D.R./ALLIANCE FUNDS

#04-610 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING CHANGE ORDER NO. 1 (FINAL) FOR THE NJ ROUTE 34 - ALLENWOOD - ALLAIRE ROAD SANITARY SEWER EXTENSION - CONTRACT 2, PUMP STATIONS #1 AND #2

#04-611 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF AN APPLICATION FOR UTILITY OPENING AND UTILITY OPENING PERMITS FOR ASHTON WOODS, BLOCK 80, LOT 12.01

#04-612 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A LANDSCAPE RESTORATION BOND POSTED BY CARE ONE, LLC. IN RELATION TO BLOCK 745, LOTS 3, 4, & 19

#04-613 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF WHITE TRUFFLES CAFÉ, INC.

#04-614 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF BILL & MELL, LLC

#04-615 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF MUDDY RIVER CORP.

#04-616 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF BUDDY'S BLINKER INN

#04-617 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE LICENSE OF JONATHAN RON CORP.

#04-618 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF BRICK LANES LOUNGE, INC.

#04-619 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF SEVEN CUISINES, INC.

#04-620 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF APPLE FOOD SERVICE OF WALL, LLC

#04-621 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF RAMSHORN CORPORATION

#04-622 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE OF ATLANTIC CLUB, INC.

#04-623 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC CONSUMPTION LICENSE OF RICHARD BAHADURIAN

#04-624 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REGARDING THE APPLICATION FOR RENEWAL OF THE PLENARY RETAIL ALCOHOLIC BEVERAGE DISTRIBUTION LICENSE OF LTF, INC.

#04-625 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC ADVERTISEMENT OF BIDS FOR JANITORIAL SERVICES

#04-626 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC ADVERTISEMENT FOR BIDS FOR THE SUPPLY AND DELIVERY OF A 2005 AMBULANCE FOR USE BY THE WALL TOWNSHIP POLICE DEPARTMENT

#04-627 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARING A CONTRACT FOR BITUMINOUS CONCRETE - WALTER R. EARLE CORPORATION

#04-628 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARING A CONTRACT FOR A PRE-ENGINEERED METAL BUILDING - GAVAN GENERAL CONTRACTING, INC.

#04-629 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARING A CONTRACT FOR THE REHABILITATION OF THE IMPERIAL PARK WATER TANK - U.S. TANK PAINTING, INC.

#04-630 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC AUCTION SALE OF VARIOUS ITEMS

#04-631 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#04-632 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#04-633 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING PAYMENT OF 11 VACATION DAYS AND 412 HOURS SICK TIME PAID @ HALF RATE - Robyn Palughi

#04-634 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

#04-635 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ISSUANCE OF A FIREWORKS DISPLAY PERMIT TO THE WALL TOWNSHIP RECREATION DEPARTMENT

One Day Liquor License - Wall Township PBA #234 - Pine Grove Day Care Camp - June 19, 2004 - 1:00 - 6:00 P.M. - Benefit

Open Your Heart to Children, Inc. (Children with Cancer)
(Ratify)

One Day Liquor Permit - Monmouth County Police Chiefs Association - Pat's Thirty Acres - August 8, 2004, 12 noon - 8:00 P.M.

Street Closing - Hill Avenue - Block Party - June 10, 2004 (rain date July 21, 2004) - 11:00 A.M. - 3:00 P.M.

End of Consent Agenda

Comments from Township Committee

None

Audience Participation

Michael Karpoff, representing Allaire Country Club Estates, asked the Township Committee about releasing the Bonds for Allaire. Mr. Karpoff asked if there was an Agreement that the Committee reached as to what items need to be corrected and asked if there is such an Agreement, could he receive a copy. If not, Mr. Karpoff asked why not. Mr. Karpoff stated that he asked for a copy of the request from the developer to release the bonds but has not received this yet. Mr. Karpoff stated that in March he was advised that the Township staff would provide a written report in response to the issues and he has not received a copy.

Mr. Karpoff stated that there is a sinkhole or pothole that was brought to the attention of the Township. Mr. Karpoff stated that this is a bond-related item and has requested to have this fixed, but there is no information if this is being done. Mr. Karpoff stated that he has made a number of attempts to receive the minutes of the December 2003 meeting but has been advised that they have not yet been approved. Mr. Karpoff asked when they would be approved and when he could get a copy.

Attorney McLaughlin responded to the questions. There is no written report prepared by the staff at this time and it will be provided as soon as it is available.

At the meeting that was held on May 24th with the Board of Trustees, Mr. Verruni did state that they would have an answer for the sinkhole and as-built plans that the developer was required to provide as part of the Agreement. The Township did tell them it would be as quickly as possible. The Township has received several letters demanding the information and they have been trying to find that information. Today, the Township was provided a copy of the

plans. The sinkhole is an item of maintenance or lack

thereof. It is not a design defect. The Engineer is working on this.

The minutes of the 2003 meeting will be approved at the July meeting.

Mayor Peters stated that there will be a response to all the items. Mr. Karpoff stated that he didn't understand why he would have to wait for the answers. Mr. McLaughlin and Mr. Verruni stated that these answers will be sent along with the as-builts.

John Durst, Board of Allaire Country Club Estates, stated that in the past, the Committee has been very cooperative, but the atmosphere has become adversarial, and the Board is attempting to find out why. The Committee should be the Board's advocate and not the builder's or anyone else's. Mr. Durst discussed the settlement of \$150,000. Mr. Durst stated that if the Township will not be advocates for the Board, then the Board has no other choice than to seek someone else who can do something about this.

Mr. Karpoff stated that there is discontent because they have not received responses to questions. Mayor Peters responded that there will be a response within two or three weeks to every household.

Louise McInerney, Cherry Street, commended the governing body for maintaining the residential nature of Wall. Ms. McInerney stated that the Master Plan was done wisely and asked the Committee not to change the plans when it comes to Sunnyside. This belongs on Route 34 or 35 and the Committee should not allow this building in a residential section of town. If the Township allows this, it will also have to allow Tower Lodge to expand. This will cause more traffic problems. Ms. McInerney stated that the traffic that would have been generated by the drive-in theater would only have occurred for two or three hours, one or two times a week, but Sunnyside is 24 hours a day. The drainage proposal is a new concept which has not been used in areas with sandy soil. Ms. McInerney asked that Sunnyside not be allowed to expand.

Mayor Peters stated that this is a matter for the Board of Adjustment and the Committee has a legal restriction on discussing this. Mayor Peters said that the points are well taken and he appreciated the accolades to the Committee. Ms. McInerney asked the Committee not to let the law suit change things.

Edward Brown, Lakewood Road, asked about Mount Laurel and Sunnyside. Attorney McLaughlin replied that the Township is in compliance with Mount Laurel with the first two cycles.

The third cycle has not yet been adopted. At that time, the Township will have a new obligation. In anticipation of the third cycle, with respect to Sunnyside, about twenty of those units will be set aside for low or moderate income.

Mr. Brown asked about various tax agreements in lieu of taxes. Mr. McLaughlin replied that when you have a situation like this, a nursing home or assisted living, if a developer is offering to provide low or moderate units as part of that facility, it is typical to enter into an agreement for payment in lieu of taxes. Rather than paying taxes based on an assessment of the value of the property, there is a fixed percentage of the facility that gets paid in taxes. This benefits both parties. The developer gets to know exactly what number they will pay in taxes and the Township gets a direct payment which helps the tax rate. The town gets about eighteen or nineteen percent of regular taxes. In this instance, the town gets to keep it all.

Mr. Brown asked if the twenty units were for the elderly or any low income residents. Mr. McLaughlin stated that these would not be apartments, they are assisted living facilities. Mr. Brown asked about the Disability Act and Veterans Act. Mr. McLaughlin stated that this is the Fair Housing Act. Mr. Brown asked if the Township really needs these units. Mr. McLaughlin stated that the Township will have an obligation in the third cycle of probably more than thirty units. These would count toward that.

Attorney McLaughlin explained that when Sunnyside was originally turned down by the Board, rather than appeal to the Superior Court of New Jersey they filed action in federal court and alleged that we violated the Fair Housing Act. The Township denies that because Wall Township has many different types of housing. The Township will defend that law suit if it gets to that point. Sunnyside came up with another concept which is before the Board of Adjustment now. They have a right to do this. While they are there, the litigation is stopped. If the Board approves Sunnyside, the litigation will end. If the Board denies this, we will be back before the courts.

Mr. Brown stated that he read in the Coast Star newspaper that Tom Hirsch stated that if the Board refused the application, there would be a fair chance of Sunnyside not being successful in their litigation against the Township. Mr. McLaughlin stated that Mr. Hirsch did not say that. The Township has a strong case in the federal litigation. At this

point, there is a hearing before the Board just like any other case.

Mr. Brown stated that he had concerns about several things including ospreys and woodpeckers in the area. Mr. McLaughlin advised Mr. Brown to bring these issues up with the Board of Adjustment because they will make their decision based on evidence presented.

Mr. Brown asked, if the Board of Adjustment does pass Sunnyside, what will happen to the piece of property near Autumn Drive, near the existing facility. Mr. McLaughlin said that the facility would be demolished and 90,000 square feet would be dedicated to open space. As a matter of policy, when the Township gets a donation, the property is put on an open space inventory and doesn't allow the property to be used for anything other than open space.

Mr. Brown asked Committeewoman Burne if the Environmental Committee did an inventory of wildlife in the area because there is some very valuable wildlife in the area such as ospreys, eagles and woodpeckers. Mrs. Burne said that the Committee has not gotten to that yet, but would mention it to the Environmental Advisory Committee. Committeeman Tobia added that the Wildlife Master Plan adopted that all environmental impact statements must include a statement as to wildlife displacement. This is done through the applicant's engineer then Planning Board engineer reviews it.

Gloria Zuber, Deuce Drive, Allaire Country Club, stated that she was new to the area and questioned why it was taking six months to have the minutes completed for December. Mrs. Kubacz replied that the minutes would be completed and approved in July.

Lynda Tebbs, Club Drive, Allaire Country Club, asked if someone builds a house, shouldn't they expect to have the inspections done properly so that the home is safe. Attorney McLaughlin responded that home inspections are covered under the UCC adopted by the State and applies in every municipality in New Jersey. This code tells the inspectors what to inspect. Ms. Tebbs asked what happened in this case. How could there be so many problems if the buildings were inspected. Attorney McLaughlin stated that all the answers will be given in a report in a few weeks. After reading the report, if there are still questions, then residents can come back to another meeting or call Mr. Verruni. Ms. Tebbs asked if she could be assured that the next home she builds in Wall will be safe. Mr. McLaughlin stated that the inspections would be done and code would be satisfied and she could assume it is safe based on the State codes. These issues will be covered in the report which will be completed in a few weeks.

June 9, 2004

Page 11

There being no further comments, Deputy Mayor Thomson made a motion to adjourn. Committeeman Brosnan seconded and all members voted yes. The meeting adjourned at 8:35 p.m.

TOWNSHIP CLERK

MAYOR