MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL, HELD IN THE
MEETING ROOM, MUNICIPAL COMPLEX
WEDNESDAY, JULY 14, 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 Mrs. Kubacz.

Mrs. Kubacz swore in the three new Police Officers – Frank Kuhl, Christopher Gallagher and Justin Hudson. The Committee welcomed them to the force and wished them the best.

Deputy Mayor Thomson made a motion to approve the Vouchers for May, 2004 in the amount of $6,967,714.65 and June, 2004 in the amount of $6,181,651.11. Committeewoman Burne seconded the motion and on roll-call, members voted as follows:

Brosnan	Yea
Tobia	Yea
Burne	Yea
Thomson	Yea
Peters	Yea

There being five yeas and no nays, the Mayor declared the Vouchers approved.

Committeewoman Burne made a motion to approve the minutes of December 2003 and May 2004. Deputy Mayor Thomson seconded the motion and all members voted yes.

Committeeman Tobia presented a Proclamation to Tracey Connellan honoring her work with Emergency Medical Services. Mr. Tobia thanked Mrs. Connellan and stated that Mrs. Connellan is truly an asset to the citizens of Wall Township. Mayor Peters added that Mrs. Connellan is an exceptional young lady. Committeewoman Burne stated that the Committee’s congratulations are well deserved.

Committeeman Brosnan presented a Proclamation to the Boys State Champions from Wall High School and stated that this is

the greatest feat in Wall High School history. The team won five championships. The Township is very proud of the young

men and their parents. The Coach thanked the Committee for their support throughout the season and presented each member with a souvenir baseball. A baseball was also presented to Gordan Fisher to thank him for his support because he attended all the games.

8:52 p.m. Meeting recessed.

8:57 p.m. Meeting resumed.

This being the advertised time for a 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 made a motion to **defeat** Ordinance No. 12-2004. Committeewoman Burne 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 defeated.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 15-2004** – Amending Chapter 140 Land Use Pertaining to HB Zones – Home Centers 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. Mayor Peters declared the Public Hearing open. There being no comments or objections, Deputy Mayor Thomason moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Deputy Mayor Thomas 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. Deputy Mayor Thomas 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. 16-2004 –** Amending Land Use Regulations – 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." Deputy Mayor Thomas made a motion to **carry** Ordinance No. 16-2004 to August 11, 2004, 7:30 P.M. Committeeman Brosnan seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Yea
Burne	Yea
Thomason	Yea
Peters	Yea

There being five yeas and no nays, the Mayor declared the Ordinance carried to August 11, 2004 at 7:30 P.M.

With reference to Introduction of **ORDINANCE NO. 18-2004** – Conveyance of Title Pursuant to Private Sale – Block 723, Lot 3 – The Mill entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING CONVEYANCE OF TITLE TO CERTAIN LANDS OWNED BY THE TOWNSHIP OF WALL PURSUANT TO A PRIVATE SALE IN ACCORDANCE WITH N.J.S.A. 40A:12-13(B)". Mrs. Kubacz read the ordinance by title only, as required by law. Committeeman Brosnan moved that the Ordinance be adopted as to first reading. 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 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 August 11, 2004 at 7:30 P.M. Deputy Mayor Thomson seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 19-2004 –** 2004 Establishing Crosswalk for Regional Bike Path – Atlantic Avenue/CR524 entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE

OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 215 “TRAFFIC” OF THE CODE OF THE TOWNSHIP OF WALL, SECTION 215-52, SCHEDULE XX ENTITLED “MIDBLOCK CROSSWALKS.” Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Tobia moved that the Ordinance be adopted as to first reading. Committeewoman Burne 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. Committeeman Tobia moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held August 11, 2004 at 7:30 P.M. Committeewoman Burne seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 20-2004 –** Vacation of Sycamore Street entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF ALL OF THE PUBLIC RIGHT, TITLE AND INTEREST OF THE TOWNSHIP OF WALL IN A PORTION OF SYCAMORE STREET.” 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 August 11, 2004 at 7:30 P.M. Committeeman Brosnan seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 21-2004 –** Establishing Fees for Certified Birth, Marriage and Death Records entitled, “AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF

THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 175 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WALL ENTITLED “RECORDS INSPECTION AND

REPRODUCTION OF." Mrs. Kubacz read the Ordinance by title only, as required by law. Committeewoman Burne 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. Committeewoman Burne moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held August 11, 2004 at 7:30 P.M. Committeeman Brosnan seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 22-2004 –** Authorizing an Amendment to the Existing Treated Water Purchase Contract – Manasquan Reservoir Water Supply entitled, "ORDINANCE AUTHORIZING AN AMENDMENT TO THE EXISTING TREATED WATER PURCHASE CONTRACT BETWEEN THE TOWNSHIP OF WALL, NEW JERSEY AND THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY PROVIDING FOR AN RELATING TO THE TREATMENT OF WATER SUPPLIED TO THE TOWNSHIP OF WALL FROM THE MANASQUAN RESERVOIR WATER SUPPLY SYSTEM AND PROVIDING FOR THE PAYMENT OF THE COST AND EXPENSE OF SUCH TREATMENT" Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Tobia 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. Committeeman Tobia moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held August 11, 2004 at 7:30 P.M. Committeeman Brosnan seconded the motion and all members voted yes.

Consent Agenda

With reference to Items 16 A – CC it 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 Deputy Mayor Thomson and seconded by Committeeman Brosnan 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:

#04-701 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE REMOVAL OF DEBRIS FROM BLOCK 763, LOT 11 (Ratify)

#04-702 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC ADVERTISEMENT OF BIDS FOR THE ROUTE 71 CURB AND SIDEWALK PROJECT (Ratify)

Street Closing – Chalet Drive – Block Party – July 10, 2004 (rain date July 11, 2004) 3:00 – 10:00 p.m. (Ratify)

One Day Liquor Permit – South Wall Fire Company – July 25, 2004, 1:00 – 7:00 p.m. (Ratify)

#04-636 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS (Ratify)

#04-637 – A RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO THE MANASQUAN RESERVOIR WATER SUPPLY SYSTEM WATER PURCHASE CONTRACT DATED AS OF MAY 28, 1987 WITH THE NEW JERSEY WATER SUPPLY AUTHORITY (Ratify)

#04-638 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL CONCERNING WITHDRAWAL FROM THE MONMOUTH COUNTY HEALTH DEPARTMENT (Ratify)

#04-705 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING ENFORCEMENT OF TRAFFIC REGULATIONS – ORCHARDS AT WALL, LLC – BLOCK 319, LOT 13

#04-706 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A CONTRACT FOR SALE OF REAL ESTATE – BLOCK 723, LOT 3

#04-707 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING SOIL REMOVAL PERMIT FOR BLOCK 80, LOT 12.01

#04-708 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING CHANGE ORDER NO. 1 (FINAL) CAPITAL IMPROVEMENTS – 2003 ROAD IMPROVEMENTS – MECO, INC.

#04-709 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING CHANGE ORDER NO. 3 (FINAL) IMPROVEMENTS/EXTENSION OF REGIONAL BIKE PATH – GREEN CONSTRUCTION, INC.

#04-710 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL COUNTY OF MONMOUTH STATE OF NEW JERSEY REJECTING ALL BIDS RECEIVED FOR THE PUBLIC SAFETY BUILDING

#04-711 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARDING A CONTRACT FOR SIDEWALK AND CURB IMPROVEMENTS FOR ROUTE 71

#04-712 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARDING A CONTRACT FOR CLEANING SERVICES FOR THE 2004-2006 PERIOD – UNITED CLEANING CONTRACTORS

#04-713 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC RE-ADVERTISEMENT OF BIDS FOR THE LEASE OF A PORTION OF BLOCK 314, LOT 1

#04-714 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC ADVERTISEMENT FOR BIDS FOR THE BICYCLE PATH EXTENSION AND IMPROVEMENTS

#04-715 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING THE TOWNSHIP’S ENGAGEMENT OF AN EDUCATIONAL FINANCE CONSULTANT – HUTCHINS, FARRELL, MEYER AND ALLISON, PA

#04-716 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ACCEPTANCE OF AN AMENDED DEED OF SEWER EASEMENT – BLOCK 930, LOT 51.03

#04-717 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING AND ACKNOWLEDGING THE ACCEPTANCE OF A DONATION OF PROPERTY TO THE TOWNSHIP – BLOCK 914, LOT 10

#04-718 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING A RESOLUTION PERTAINING TO THE TOWNSHIP COMMITTEE'S REVIEW OF THE ANNUAL SCHOOL BUDGET FOR THE 2004/2005 SCHOOL YEAR

#04-719 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A CASH GUARANTEE AND ESCROW POSTED FOR BLOCK 816, LOT 10

#04-720 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING EXECUTION OF A DISCHARGE OF MORTGAGE ON PREMISES KNOWN AS 2102 SHORE DRIVE, WALL, NJ

#04-721 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING EXTENSION OF GRACE PERIOD FOR PAYMENT OF TAX BILLS TO 25 DAYS FROM THEIR DATE OF MAILING

#04-722 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#04-723 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#04-724 – A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

One Day Liquor Permit – Manasquan Elks – Oak Tree Lodge – August 14, 2004 – 12:00 – 6:00 P.M.

One Day Liquor Permit – Democratic Club of Wall Township – Oak Tree Lodge – July 22, 2004 – 5:00 – 9:00 P.M.

Street Closing – Block Party – Tangier Drive, August 28, 2004 (rain date August 29, 2004) 2:00 P.M. – 12 Midnight

Street Closing – Block Party – Bellewood Avenue, August 7, 2004 (rain date August 8, 2004) 12 noon – 10:00 P.M.

End of Consent Agenda

Mayor Peters announced that there are two further Resolutions to release performance guarantees for Allaire Country Club Estates and asked if there was anyone who wished to comment.

Michael Karpoff, representing Allaire Country Club Estates Association, objected to the release of the bonds. Mr. Karpoff requested that an evidential hearing be held in order that he might present evidence to demonstrate that there

are still bonded items that have not been corrected which need to be done before the releases. Mr. Karpoff stated drainage

and grading are bonded items and there are significant problems with these throughout the entire project.

Mr. Karpoff stated that he was informed that the Township reached an agreement with the bonding company and the Association was not notified of this. Mr. Karpoff stated that these items affect all the residents and the Association should have been part of the negotiations. Mr. Karpoff stated it is inappropriate of the Committee to release on the basis of the Township Engineer without letting the Association state its objections.

Mr. Karpoff continued that there are a number of problems regarding construction, such as foundations being built contrary to the plans which were discovered to be code violations. There are also roof problems. Mr. Karpoff stated that the Township let the residents down and will be doing this again if the bonds are released and urged the Committee to deny releasing the bonds at this time to give the Association an opportunity to present a full case.

Mayor Peters asked Attorney McLaughlin if the Township is in compliance with the Land Use Law relative to this. Mr. McLaughlin replied yes. It is not required under Land Use Law to require a hearing. Mr. Karpoff asked if there were any prohibitions to having an evidential hearing. Mr. McLaughlin replied no, but the Township Committee’s policy is not to do that because everyone would have to be noticed including the bonding company.

Mr. Karpoff stated that the Township Committee has a right to request an evidential hearing and suggested that the Committee schedule one. Mr. McLaughlin stated that he understood Mr. Karpoff’s position.

Joe Panza, President of Allaire Country Club Estates read a statement addressed to the Mayor and Township Committee (see attached.)

John Durst, Tennis Court, asked each Committee member if they were familiar with the issues of Allaire Country Club Estates and to what extent. Mr. Durst asked the Committee if they were ready at this point to make a decision. Mayor Peters asked if these were appropriate questions because the Committee members are not experts. Attorney McLaughlin stated that the Committee could answer.

Mayor Peters stated that he is familiar with the problems. Committeeman Tobia stated that he has read all

correspondence given to him and he visited the site this afternoon and numerous times during the last six months. Mr. Tobia stated that he feels he could make a decision.

Committeewoman Burne stated that she didn’t know if she was 100% familiar, but that she is quite familiar with the concerns at Allaire Country Club Estates. Mrs. Burne stated that she has read all the material that has come back and forth and has discussed the issues with Mr. Verruni. Mr. Verruni has advised that 90% of the bonded work was completed and that he is doing everything with the staff members in Wall Township to get all things taken care of. Mrs. Burne stated that she has never been on the opposite side of the Association or the residents. As residents of Wall Township the Committee is looking to help the residents.

Deputy Mayor Thomson stated that he has seen everything and was a homeowner so he was intimately involved.

Committeeman Brosnan stated that he read at length everything related to this issue and spoke with both Mr. Verruni and Attorney McLaughlin.

Mr. Panza asked to read a statement into the record. Attorney McLaughlin stated that this is not a hearing where things are read into the record and nothing will be marked. Everyone has the information.

Mr. Panza stated that an Engineer’s letter of September 6, 2001, said that all items that are bondable items must be started immediately and completed by October 15, 2001, or his office should be contacted. The Township Attorney recommended that the bonding company also be contacted if items were not completed. Mr. Panza asked what happened between September, 2001, and now. Attorney McLaughlin stated that the Board of Trustees has been aware throughout the process of what was happening, what the Engineer was doing and what the status was with the bonding company. There has been correspondence and e-mails between the Board of Trustees. A punch list was given to the Board as to what items were going to be completed and what was not. A fifteen page report was given and everyone knew what the Township was doing and why.

Mr. Panza stated that he requested as-built plans. The Township has as-built plans of everything except the drainage, which the Association does not consider complete. Mr. Panza asked why the Committee would consider releasing the bonds if the drainage is not complete.

Mr. McLaughlin replied that there have been many meetings talking about the drainage. Everyone recognizes that there is a problem. The question is whether or not the problems are caused by failure to complete and correct bonded improvements.

Allaire Country Club Estates was too dense a project for the way it was designed. It was approved in the 1980’s. It would never be approved today.

Mr. McLaughlin continued that the fact that roof leaders empty onto splash pads was as designed and approved. This has nothing to do with the bonds. It was explained that when the engineers go through a punchlist, they try to check every single problem. There are a number of drainage items on the punchlist that have been taken care of. When this was first started with the Association, at that time, the Association was in litigation, but had no analysis or list of things that should have been done. The Township Engineer went through the project and came up with non-bonded drainage problems for the Association's benefit. There was $150,000 in non-bonded drainage problems that should have been done. This was given to the Association and the Township tried to get a settlement. There were drainage problems covered by the bonding company that were done.

The Committee decided to compromise rather than go to court and have nothing done in the meantime. This resulted in virtually all the punchlist items being done. The Committee thought this was a good decision.

Mr. McLaughlin stated that he read Mr. Karpoff's letter dated July 13, 2004. One issue deals with Racquet Road. The Committee is not dealing with this issue at this meeting because there are no bonds for Racquet Road. The second issue is the sinking of pavement at 220 Club Drive. The Committee feels that this is a bonding company responsibility. The Committee has decided not to release the bond for Section III until that is done. This has nothing to do with releasing the bonds for Sections II and IV. A compromise was made that certain things on the punchlist did not have to be done. It was a matter of judgment.

Mr. Karpoff stated that he realizes that the Committee members are not experts, but he again asked for a hearing so the Committee could hear from the experts. There were major items released by the Township and major items waived by the Committee. There are no items of drainage issues in the Association's claim because they were assured that these would be taken care of by the developer or the Township. The Township has reneged on that. Now they will be included unless the Township takes care of it. The Association never said compromise, but wanted to be consulted because it has issues that it wants addressed and the Committee needs to address them. If the Association was consulted, maybe a compromise would have been made.

Attorney McLaughlin stated that there would not be a hearing. The Committee considers the information available to

it, Township Engineer and staff reports, and several written of the Association’s position. The Committee will make the decision. If the Association doesn’t like it, they can appeal

it. Several hundreds of thousands of dollars of items on the punchlist have been done by the bonding company and some work has been done by the Township. Finally, the Association was consulted and they did know what was going on and what settlement was proposed with the bonding company.

Administrator Verruni stated that the Township did try to keep the Association informed as to how it was dealing with the developer and the bonding company. There were forty-one meetings with the Association to try to meet and solve the problems. At the first few meetings, most of the items were not brought to the Township's attention. The problems started with the gates. We made sure the developer did the project completely and totally. Some of the decisions made were to sit down with the bonding company and work through it. The Association was aware of this. To say that the Association was not aware is not right.

Mr. Verruni continued that Performance bonds are replaced with Maintenance Bonds. The items that the bonding company fixes must be maintained for an additional two years. The Township tried to work hard at the Engineer's expense to mediate a solution to the problems. To say we didn't try is disingenuous.

Mr. Durst stated that first the Township told the Association what its options were and what it could do; and what it thought it could do was inept, not satisfactory.

Mayor Peters stated that there was a very constructive meeting where the deadline was set. But immediately after, the Township received a threatening letter. It was decided that any response was a pretentious legal action and it broke the meaning of the meeting. That is why it wasn't addressed until after the last meeting at which time the Township addressed all the community.

Mr. Karpoff stated that he did not send any letter and asked to see a copy.

David Tebbs, Club Drive, stated that his main concern is the issue of drainage. Attorney McLaughlin replied that the items that the Township compromised are relatively small areas. It does not impact on the drainage problem. There is an extensive list that the Township Engineer came up with that unquestionably has nothing to do with the bonds. That should be addressed by the developer and the Association is suing the developer. Some of the items are minor drainage items. If these items were done, it would not fix the drainage problems.

Mayor Peters stated that the Township developer offered to pay $150,000 for drainage work and this was rejected by the Association.

Attorney McLaughlin continued that he never asked to help settle the case with the developer. Mr. McLaughlin was asked to try to talk to the developer and get a responsible offer from him. Before this could be done, Mr. McLaughlin stated that he had to go to the Township Committee for their approval; and he did get the first substantial offer.

Mr. Panza stated that one of the items in all the punchlists is as-built plans for the remaining sections must be submitted after all the grading has been addressed and landscaping completed. The Association never received as-builts for the grading. How does the township know that this has nothing to do with the drainage if as-builts were not done? The Committee is taking a chance in releasing the bond when, according to the Township Engineer, there should be as-builts completed.

Attorney McLaughlin stated that as-built plans are done for the benefit of the town, not the benefit of Allaire Country Club. The township agreed to get the as-builts. This is not a requirement; the Township was trying to help. We cannot force them to be done.

When the Engineer does punchlists, he tries to pick up everything that is clearly bondable and arguably bondable. He knows that we want to benefit the homeowners and he tried to do this at Allaire. There were things on the list that were arguably bondable. In the end, the township compromised on things in the arguable category. We couldn’t get everything done.

Mr. Durst mentioned that there are 1.8 million gallons of water going into the sewer system that they have to pay for and asked why the Township shouldn’t require this to be fixed. Deputy Mayor Thomson replied that the Township wanted to fix this, but was told not to do it. Mr. Karpoff said that that issue would be discussed at another time. The downspouts are not bondable and have nothing to do with the release.

Tina Sasinowski, Tennis Court, stated that her driveway and front become non accessible. Ms. Sasinowki presented photographs to the Committee and stated that she is unable to get out of her home in the winter because of the ice. Ms. Sasinowski feels that the grading of the property is the problem. The water runs down from four or five homes and

pools in her driveway. The problem was addressed by digging up the driveway and asphalt, but now it’s sinking. There are

permanent puddles all four seasons. Ms. Sasinowski asked for the Township to offer a solution to this problem.

Attorney McLaughlin replied that this address is not one of the punchlist items, but on the non-bonded list that was done. Because it wasn't on the list of bonded items, it is not an issue tonight. The Association is suing the developer and, hopefully, will be successful.

Mayor Peters asked if Schoor Depalma could look into this matter to try to eliminate some of the problem that was created there.

Michael Torro, Deuce Drive, asked what items were not allowed to be taken care of because of the compromise. Mr. Verruni replied that he would give Mr. Torro a staff report.

Kelly Quabeck, Racquet Road, feels that there is a lot of animosity between the Committee and the Association and stated that her primary concern is the builder because he has other projects in Wall Township. Ms. Quabeck asked the Committee to hold the release of the bonds until further issues can be addressed.

Administrator Verruni replied that there is no animosity, rather disagreements. The Township has worked very hard for three years. The Township tries to follow up on developers who do things that have not turned out well. The Township has not issued any new permits to this developer.

Catherine Olivera, Club Drive, stated that she has several problems including drainage and foundation problems. Because of these problems, there is now a mold problem. Ms. Olivera asked that the bonds not be released. The builder has a responsibility and these issues are not acceptable. Ms. Olivera needs to push the rainwater into the street when it rains because she is afraid it will enter her front door.

Attorney McLaughlin asked Ms. Olivera to make sure that her address is on the list before she leaves the meeting.

Lorraine Halloch, Tennis Court, stated that she was concerned with the sinkhole on Club Drive which is getting larger. Ms. Halloch also feels that this is causing her foundation to crack. Committeewoman Burne stated that this problem is in Section III and the Township is holding off on this release. Mr. Durst stated that the problem is that water gushes up and carries sand with it.

Frank Traina, Club Drive, stated that his property is on the punchlist and he constantly has a puddle behind his house. Mr. Traina asked that the bonds not be released.

Attorney McLaughlin stated that this was on the original list and was supposedly corrected. The Township will get this done on the Maintenance Guarantee.

Mr. Traina asked for a date when this would be done. Mr. McLaughlin stated that he could not give a date until the Committee looks at it because they do not know if the work was done or not, but someone would get back to him.

Jack Kearney, Love Lane, stated that the front of his condo is below grade and every time it rains he has to keep his things over his neighbor’s basement. The splash pads and the grading move the water into the foundation. Mr. Kearney asked that the bonds not be released.

Joseph Eramo, Tennis Court, stated that he has experienced significant drainage problems in his basement, and at this very moment, his basement is flooded. Every time there is a significant rainstorm, the basement floods. There is now mold in the basement. Mr. Eramo lost a head board and thousands of dollars of books that were in the basement. The carpeting has also been removed. Homeowners insurance does not cover this. The water was literally cascading like a waterfall. Several days after a rainstorm, there are mosquitoes. His family must go out when it rains and do a bucket brigade to get rid of the water. Mr. Eramo invited the Committee to inspect his property. Mr. McLaughlin asked Mr. Eramo to make sure that his address is on the list.

9:30 p.m. Committee recessed.

9:40 p.m. Meeting resumed.

Mayor Peters resumed the meeting and stated that several residents have made appeals to not let the builder off the hook. This evening Sections II and IV will be released because they are bonding company issues. The builder issues are being taken care of in a lawsuit. Mayor Peters asked if it was fair to say that this was not about the builder, but about the release of the bonds.

Attorney McLaughlin said that was fair. The initial responsibility is to do all things required by the bond. This does not release the builder from his obligations for what he is being sued for. The Association is suing him. These are bonding issues.

There being no further comments, Mayor Peters asked for a motion to close the public hearing.

Mr. Torro asked the Committee, with respect to the releasing of the monies, if they were totally comfortable with

what the long-term ramifications of this would be and if there was any case history on these long-term things. Attorney McLaughlin stated that the Mayor has asked for a motion to close the public hearing.

With reference to the release of a performance guarantees for Allaire Country Club Estates Sections II and IV, Deputy Mayor Thomson moved that the public hearing be closed. Committeeman Brosnan seconded the motion and all members voted yes.

Attorney McLaughlin stated that after the release of the Bonds for Sections II and IV, Maintenance Bonds will be in place for two years. If there are difficulties within the two years, we have a bonding obligation. Section III is not being addressed tonight.

With respect to the Resolutions for the Release of Sections II and IV of Allaire Country Club Estates, Committeeman Brosnan moved to adopt Resolutions #04-725 and #04-726 together. Mrs. Kubacz read the resolutions both entitled, "A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PERTAINING TO ALLAIRE COUNTRY CLUB ESTATES." 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 resolutions adopted. Attorney McLaughlin stated that the Performance bonds will not be released until Maintenance Guarantees are posted.

Comments from Township Committee

None

Audience Participation

John Ginnane, West Pine Tree Way, stated that one of his neighbors has several junk vehicles on his property. This property owner has been locked up in Lakewood because of his problems with his junk yard business in Lakewood. Many of the Lakewood vehicles are now on the Wall Township Property. The

Township is taking care of this problem; however, Mr. Ginnane asked that Wall Township consider instituting an ordinance similar to Lakewood’s ordinance. Mayor Peters replied that

the Township is going to clean the Pine Tree property. A summons was served on July 7th and Mr. Smith has a short window of opportunity to do something himself before the Township acts on this.

Parcher Smith, West Pine Tree Way, stated that most of the problems were corrected as soon as he was notified. Mr. Smith stated that he tried to talk to Code Enforcement and did talk to Public Works but has gotten no response from anyone. Mr. Smith stated that he is more than willing to work with the Township, if someone would just talk to him about it. Mr. Smith stated that the vehicles are not junk. Mayor Peters stated that there were at least twenty-six violations in Wall Township.

Mr. Smith replied that there were only three violations because all the others were addressed. Mayor Peters replied that, if they have to keep being addressed, then they are not addressed. Mr. Smith asked that the zoning officer talk to him about this.

Administrator Verruni stated that Mr. Smith has a window of opportunity that gives him several days to clean the property or abate the violations. Mr. Verruni advised Mr. Smith that if he needs a detailed list, he will provide one. Mr. Smith asked that it be sent to his home, and that someone also talks to him about the situation.

Matt Zahorsky, Code Enforcement Officer, stated that he did not receive any telephone calls after the violation was issued. Mr. Smith replied that he left a message on Monday and talked to Public Works, but there was no response.

Attorney McLaughlin stated that Public Works has nothing to do with this. Matt Zahorsky stated that he has no record of receiving a message from Mr. Smith. The only way the property was cleaned up was when there was an injunction against Mr. Smith. Mr. Smith replied that he has two jobs, but will get in touch with the Township as soon as he could; and asked that the Township work with him on this.

Alex Tsoukalis, Ramshorn Drive, stated that the Board of Adjustment application for Sunnyside is a very sensitive matter with the residents in that area. Mayor Peters stated that when a matter is before one of the Boards, it is extremely difficult for the Committee to have any dialogue of the matter and there are ongoing hearings on this now. Attorney McLaughlin stated that the Committee is very familiar with this matter. Several people came to the meeting last

month and Mr. McLaughlin asked the Committee not to address this. They are not supposed to influence that Board in any way. They will not comment.

Mr. Tsoukalis said that he gets the sense that the Board is very afraid of the applicant and asked why the Township would enter into a land swap deal which enables them to do what they want to do. That land has been vacant for many years and was never put up for sale; there was a behind closed door deal that gives them this land. Mr. Tsoukalis said that he called the Township and no one returned his calls.

Attorney McLaughlin stated that Mr. Tsoukalis' sense of the Board is not accurate. They are not afraid of Sunnyside or anyone else. They are trying to hear the application and will make the best possible decision they can make and they haven't swapped anything. During the litigation, they proposed a new application. The settlement was entered into in a public fashion, not a private session.

Mr. Tsoukalis asked if the land swap was based on if the Board of Adjustment grants the approval. Attorney McLaughlin replied that until the Board makes a decision, nothing will be done; and we never know what they will do. They will make a decision when they get to the end. They try to let everyone present their case and get as much information as they can.

Tom Ross, Ramshorn Drive, asked if the Board of Adjustment decision is final or does the Committee oversee this and address concerns. Mr. McLaughlin replied that the Township committee does not over see or review that decision. When the board decides, it is a final decision and anyone has forty-five days to appeal.

Mr. Ross stated that he spoke with Mr. Verruni about closing the opening at the end of the Route 70 Bridge. Mr. Verruni replied that the Township was able to get this closed, but the problem is that people are making a right turn and then making a u-turn in the driveway and going back onto Route 70 South. A formal jughandle was proposed there but Brielle opposed that when this area was developed. Now they want one there. The Township is opposed to any jughandle that would add more traffic. The Township is opposed to a turn-around in Brielle. Mr. Ross stated that there is a reduction of almost 977 cars per day since the wall was put up. Mr. Ross said that Mayor Nicol of Brielle is having the jughandle put in for the benefit of three businesses on the highway and asked that the Committee continue to battle against this. Mr. Verruni replied that the Township is on record opposing this.

Mr. Ross asked that the property between Lakewood Road and Holly Boulevard be cleaned up. The Township has already done some work there, but more needs to be done.

Mr. Ross asked if curbing could be installed on the corner of Holly Boulevard and Ramshorn Drive because the

drainage pipe on the corner is a hazard. Curbs will allow people to make proper turns.

Mr. Ross said that he discussed with the Board of Adjustment, with the new office complex being built, the possibility of making Holly Boulevard a one way street. Deputy Mayor Thomson stated that there are several streets that they want to make one way. It took three years to have Ridgewood Road made a one way. The Township needs to get Department of Transportation approval and they have a resistance to one way streets coming out into major highways. The Board could try, but Mr. Thomson said he wasn't sure how successful they would be.

Mr. Ross said that the Township and police should be involved to see if there is a need for arrows and lines in the road because people make left hand turns from both lanes. Mr. Thomson said he believes Chris Wilcox, developer, is supposed to put these in. Matt Zahorsky, Director of Planning and Engineering, stated that there will be restriping of the jughandle. Mr. Ross asked that there be more police patrols along Ramshorn Drive because the last three weeks he has had beer cans thrown on his property. Deputy Mayor Thomson said the Committee would look into the matter.

Louis Grella, Ramshorn Drive, asked if there were other ways to slow traffic on Ramshorn Drive because his mailbox has been hit twice by speeding cars. Mayor Peters said that there will be more patrols in the area.

Mr. Grella asked, since the Sunnyside application does not come back to the Committee, who from the township approves that they can swap the land. Mr. McLaughlin responded that the Township Committee has already made that decision. If the Board of Adjustment approved this the way it is proposed, the Committee would be willing to swap the land. Mr. Grella asked why this is being done.

Attorney McLaughlin replied that the expansion of Sunnyside was originally denied by the board of Adjustment. They challenged the denial by filing a Fair Housing Act Claim. They claimed that the Township does not have enough options for various types of housing. That is how the Committee got involved. During the course of this, they proposed tearing down the old and building something new. They need some of the Township property to do this. The Township Committee and the Board of Adjustment considered this and said, if they bring a new application to the Board of Adjustment to knock down the old and give the Township that property, then, if the

Board of Adjustment approves the new application, the Committee is willing to make the swap.

Mr. Grella stated that he feels this will be a lot worse than what they had before and giving the land makes it easy. Mr. McLaughlin replied that if the town said no, they would still bring it up before the Board of Adjustment. They would still build but leave it down in the front.

Lorette Cramer, Pine Road, stated that 807 Pine Road is in Wall Township, but is taxed by Brielle. When this property requested a variance for lot coverage and side setbacks, Ms. Cramer said she objected. This went before the Brielle Board of Adjustment but there is a tax assessor's agreement that they cannot issue variances and permits. These residents needed to come to Wall Township. Wall Township granted variances with conditions. Ms. Cramer said that she appealed to the Superior Court and the Court sided with Wall Township. Ms. Cramer went to the Appellate Division and it was approved again with conditions. This was completed in 2003 without the conditions being met. There should be plantings and the CO should not have been issued. Ms. Cramer stated that she spoke with Bryan Dempsey and now Matt Zahorsky. Mr. Zahorsky met with the property owner, but only after Ms. Cramer spoke with Mr. Verruni. This should not have taken this long. Ms. Cramer said that practices should be established so that CO's are not issued until conditions are met.

Mr. Verruni replied that the CO was issued but should not have been because the conditions were not met. Mr. Zahorsky has advised them that they need to comply with the conditions. The Resolution was very clear where the plantings were to be located. Mr. Zahorsky stated that he is also preparing procedural changes in his department.

Alex Tsoukalis, Ramshorn Drive, stated in reference to the Fair Housing Act, what is reasonable in one circumstance, may not be reasonable in another. A fifty-bed nursing home is not necessarily considered an appropriate use in a single family neighborhood. This will surely change the neighborhood from single family to commercial. Attorney McLaughlin stated that it was never agreed that there was any real case against the town on the Fair Housing Act. That is how the Township got into the case. The decision to make the new application was their position and they have the right to do that. The Board of Adjustment has to make the decision.

Mr. Tsoukalis stated that he gets the sense that we are accommodating them. They don't want to knock it down, they want to be able to build and maintain their cash flow.

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 10:30 p.m.

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TOWNSHIP CLERK **MAYOR**