

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL, HELD IN THE  
MEETING ROOM, MUNICIPAL COMPLEX  
WEDNESDAY, DECEMBER 8, 2004**

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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 John Tobia, Township Administrator Joseph L. Verruni, Township Attorney Roger J. McLaughlin and Township Clerk Lorraine Kubacz. Committeeman Mark J. Brosnan was not present.

Deputy Mayor Thomson read the sunshine statement.

Roll-call was taken by Lorraine Kubacz.

Committeewoman Burne made a motion to approve the Vouchers for November 2004, in the amount of \$9,371,669.61. Deputy Mayor Thomson seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

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

Mrs. Kubacz swore in Police Officers - John Galvin, Charles Clark, John Brockriede and Greg Carpino. Mayor Peters congratulated the officers on their promotions and stated that Wall Police are the best of the best. Mayor Peters thanked the men for their dedicated service. Committeeman Tobia stated that he had the opportunity to attend the police graduation for the three new officers. Wall Township Police Department is the most respected in the State and in this County. Mr. Tobia thanked the men and congratulated them.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 31-2004** - Amending and Supplementing Chapter 215 - Traffic 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. Mayor Peters declared the Public Hearing open. There being no comments or objections, Committeeman Tobia moved that

the public hearing be closed. Committeewoman Burne seconded the motion and all members voted yes. Committeeman Tobia moved that the Ordinance be adopted as to its second reading and final passage. Committeewoman Burne seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 32-2004** - Amending OP Zone to Permit the Use of Physical Occupational Speech Therapist and Audiologist 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 OP (OFFICE PARK) 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 Thomson moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Deputy Mayor Thomson 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	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Deputy Mayor Thomson 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. 33-2004** - Amending Chapter 36-4 - Videotapes and Other Materials 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 36 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WALL

ENTITLED "POLICE DEPARTMENT" and **ORDINANCE NO. 35-2004** - Amending Chapter 14 - Municipal Court - Fees 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 14 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WALL ENTITLED "COURT, MUNICIPAL." Mrs. Kubacz read the Ordinances by title only as required by law. Mayor Peters declared the Public Hearing open. There being no comments or objections, Deputy Mayor Thomson moved that the public hearing be closed. Committeewoman Burne seconded the motion and all members voted yes. Deputy Mayor Thomson moved that the Ordinances be adopted as to its second reading and final passage. Committeewoman Burne seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 36-2004** - Vacation of Old Bridge Road 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 OLD BRIDGE ROAD." 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 Thomson moved that the public hearing be closed. Committeewoman Burne seconded the motion and all members voted yes. Deputy Mayor Thomson moved that the Ordinances be adopted as to its second reading and final passage. Committeewoman Burne seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

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

Ordinance be advertised according to law. Committeewoman Burne seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 37-2004** - Amending Chapter 62 - Alcoholic Beverages 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 62, "ALCOHOLIC BEVERAGES", OF THE CODE OF THE TOWNSHIP OF WALL, PERTAINING TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN UNLICENSED PUBLIC PREMISES." Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Peters declared the Public Hearing open.

Ed Morgan, Magnolia Avenue, stated that he has no personal interest in this other than that he frequents the restaurant, but asked if the introduction of the Ordinance was unanimous, what was the basis of the fees and how did the Committee come up with these figures. Mr. Morgan also asked about Section F, if the taxes are not paid, they cannot have a license. Mr. Morgan asked if this discriminated against someone who doesn't own the land, someone who rents.

Attorney McLaughlin replied that it is the Township's overall policy not to issue any permits on any property unless taxes have been paid on that property. This doesn't discriminate; it just ensures that taxes are paid. Mr. Morgan asked about liens on the property. Mr. McLaughlin replied that as a tenant, the tenant pays the landlord taxes and if the tenant wants a license, he will have to make sure the landlord pays the taxes on time. That is exactly why this section is in the Ordinance.

Mr. Morgan stated that he had no problem if the restaurant owns the land. Mr. McLaughlin replied that if a landlord is renting to a restaurant, and the restaurant is successful, the owner benefits.

Mr. Morgan questioned Section G6 and asked if it was for this BYOB only. Mr. McLaughlin stated that it is State law. Mr. Morgan asked if the restaurant could put a service fee on the check. Mr. McLaughlin replied that this has nothing to do with gratuities or tax, the language states this. Mr. Morgan asked about advertisement. Mr. McLaughlin stated that this is also State law that they cannot advertise.

Mr. Morgan asked about the difference between Nos. 9 and 12. Mr. McLaughlin replied that No. 9 involves storage. No. 12 states that no large parties are allowed to BYOB. A party is

four or more persons. Mr. McLaughlin stated that if there were six people, they would have to bring their own bottle. Mr. Morgan asked if this was State law also. Mr. McLaughlin

said no, this is what the Committee wanted. Mr. Morgan stated that the restaurant would end up with more liquor than if you didn't do this. Mr. McLaughlin said this is the first time this is being done in forty-eight years and the Township will see how it goes and if changes are required they would be made.

Mr. Morgan asked who would report violations. Mr. McLaughlin said the owner would be responsible or they would lose their license. Mr. Morgan asked what their right of appeal would be. Mr. McLaughlin said they could sue the Township Committee. Mr. Morgan asked if children would be considered part of the party of four. Mr. Verruni said no.

Bill Myrtetus, Laurel Avenue, questioned E3, and asked why the names, addresses and telephone numbers of the managers were not required. Mr. McLaughlin stated that this was a good point and that it should be done at the annual filing.

Mr. Myrtetus questioned the times that alcohol will be permitted and asked why it will not be allowed until the legal time of 2 a.m. Mr. McLaughlin replied that the Township Committee thought they would allow this only during dinner hours and only dinner hours. Wall Township has had a history of problems with after-hour clubs and the Committee does not want this. Mr. Myrtetus stated that the dinner hour is different for different people and felt this was discriminatory. Mr. McLaughlin stated that people who have late dinner hours can go to an establishment that has a regular alcoholic beverage license because they are open until 2 a.m. The Township committee feels that these are reasonable hours.

Mr. Myrtetus questioned G12, and stated that this is pretty restrictive for the owner. Mr. Myrtetus asked about penalties. Mr. McLaughlin stated that there are general penalties in the Township Ordinances. These will apply to this also.

Mr. Myrtetus asked about the occupancy and asked if there was any place in Wall with more than 125. Mr. McLaughlin said not that he was aware of.

Committeeman Tobia stated that, before he voted on this Ordinance, he cautioned all individuals with BYOB that this Committee will not tolerate violations and will be taken serious.

There being no further comments or objections, Deputy Mayor Thomson moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Deputy Mayor Thomson moved that the Ordinances 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	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Deputy Mayor Thomson 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. 38-2004** - Amending Chapter 140 Land Use - OP-10 and OR10 to Include Sports Training Facilities 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 SPORTS INSTRUCTION FACILITIES IN THE OP (OFFICE PARK) - 10 AND OR (OFFICE RESEARCH) - 10 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, Committeeman Tobia moved that the public hearing be closed. Committeewoman Burne seconded the motion and all members voted yes. Committeeman Tobia moved that the Ordinances be adopted as to its second reading and final passage. Committeewoman Burne seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Burne	Yea
Thomson	Yea
Peters	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 39-2004** - Amending Zoning Map - Block 271, Lot 6 - R-60 to R-30 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. Mayor Peters declared the

Public Hearing open. There being no comments or objections, Committeeman Tobia moved that the public hearing be closed. Deputy Mayor Thomson seconded the motion and all members voted yes. Committeeman Tobia moved that the Ordinances be adopted as to its second reading and final passage. Deputy Mayor Thomson seconded the motion and on roll-call, members voted as follows:

Tobia	Yea
Burne	Yea
Thomson	Yea
Peters	Yea

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

**Consent Agenda**

With reference to Items 13 A - DD 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 Tobia to adopt the following Resolutions, and on roll-call, members voted as follows:

Tobia	Yea
Brosnan	Absent
Burne	Yea
Thomson	Yea
Peters	Yea

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

#04-1201 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL PROVIDING FOR THE APPOINTMENT OF SPECIAL COUNSEL (Ratify)

#04-1202 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING THE REDEMPTION OF A TAX LIEN  
PERTAINING TO LOT 25 IN BLOCK 805 (Ratify)

#04-1203 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL ESTABLISHING A SPECIAL MEETING OF THE TOWNSHIP COMMITTEE (Ratify)

#04-1206 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL CONCERNING A VACANCY ON THE BOARD OF ADJUSTMENT

#04-1207 - MUNICIPAL RESOLUTION REQUESTING EXTENDED SECOND BOUND JUDGMENT OF REPOSE

#04-1208 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING THE PERSON-TO-PERSON TRANSFER OF A PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE FROM BILL & MEL, L.L.C. TO SJB LIQUORS, L.L.C.

#04-1209 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL PERTAINING TO THE TOWNSHIP'S MEMBERSHIP IN THE MONMOUTH COUNTY DEPARTMENT OF HEALTH

#04-1210 - BOND RESOLUTION PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$8,000,000 GENERAL OBLIGATION BONDS, SERIES 2004 AND THE SALE THEREOF TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY, AND DETERMINING THE FORM AND OTHER DETAILS OF SUCH BONDS, AUTHORIZED IN AND BY THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY

#04-1211 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING FINAL PAYMENT TO METRA INDUSTRIES FOR THE COMPLETION OF THE ALLENWOOD SANITARY SEWER EXTENSION CONTRACT 1

#04-1212 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A CERTAIN PERFORMANCE BOND POSTED FOR BLOCK 752, LOTS 48, 49 & 50

#04-1213 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PERTAINING TO ALLAIRE COUNTRY CLUB ESTATES

#04-1214 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A CERTAIN MAINTENANCE BOND POSTED FOR BLOCK 807, LOT 31

#04-1215 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A CERTAIN PERFORMANCE GUARANTEE POSTED FOR BLOCK 917.01, LOTS 28, 31 & 32, BELMAR BOULEVARD

#04-1216 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A PERFORMANCE  
GUARANTEE POSTED FOR BLOCK 876, LOT 14

#04-1217 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PERTAINING TO BLOCK 936, LOT 4

#04-1218 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF ESCROW FEES PERTAINING TO BLOCK 907, LOT 22

#04-1219 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF ESCROW FEES PERTAINING TO BLOCK 817, LOT 14

#04-1220 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH THE BOROUGH OF FARMINGDALE FOR WATER DIVERSION RIGHTS

#04-1221 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ACCEPTANCE OF AN AMENDED CONSERVATION EASEMENT

#04-1222 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL COUNTY OF MONMOUTH STATE OF NEW JERSEY REJECTING ALL BIDS RECEIVED FOR PROVISION OF HEATING, VENTILATING AND AIR-CONDITIONING SYSTEM SERVICE AND MAINTENANCE AND AUTHORIZING THE RE-ADVERTISEMENT OF BIDS

#04-1223 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC RE-ADVERTISEMENT OF BIDS FOR COLD WATER METERS

#04-1224 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARDING THE CONTRACT FOR THE SUPPLY AND DELIVERY OF BRASS GOODS AND WATER WORKS MATERIALS FOR THE USE BY THE WALL TOWNSHIP PUBLIC WORKS DEPARTMENT - WATER WORKS SUPPLY COMPANY, INC.

#04-1225 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE CANCELLATION OF TAXES - BLOCK 893.06, LOT 147

#04-1226 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE CANCELLATION OF TAXES - BLOCK 152, LOT 14

#04-1227 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#04-1228 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#04-1229 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

Raffle - Central Association of Parents & Educators - January 27-28, 2005 - 50/50

Raffle - Glendola Fire Company - January 1, 2005, 10:00 A.M. - 6:00 P.M. - Money Wheel

One Day Liquor Permit - Glendola Fire Company - January 1, 2005, Noon - 6:00 P.M.

**End of Consent Agenda**

**Comments from Township Committee**

Committeeman Tobia reflected on the event of Pearl Harbor and stated that September 11<sup>th</sup> can give a strong perspective on this event. Mr. Tobia wished everyone a happy holiday and Merry Christmas.

**Audience Participation**

Mr. Myrtetus stated that a year ago he asked about payment of bills on line and asked if the committee has looked into the matter. Also, the page on our website was unreadable. Mr. Verruni said he would look into the matter. Mr. Myrtetus asked if anything has been done to move away from charging fees for payments on line. Mr. Verruni stated that the Township is looking at electronic transfers and trying to get this for the water bills. Kate Elia has been working on this and hopefully by early in 2005 it will be available.

There being no further comments, Deputy Mayor Thomson made a motion to adjourn. Committeewoman Burne seconded and all members voted yes. The meeting adjourned at 8:15 p.m.

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TOWNSHIP CLERK

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MAYOR