

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL, HELD IN THE
MEETING ROOM, MUNICIPAL COMPLEX
WEDNESDAY, MAY 11, 2005**

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

Mayor Thomson read the sunshine statement.

Roll-call was taken by Lorraine Kubacz.

Committeewoman Burne read the Proclamation honoring Older Americans Month.

Vouchers were approved for April, 2005.

Minutes were approved for April, 2005.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 15-2005** - Authorizing the Vacation of Cherry 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 CHERRY STREET." Mrs. Kubacz read the ordinance by title only as required by law. Mayor Thomson declared the Public Hearing open. There being no comments or objections, Deputy Mayor Brosnan moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Deputy Mayor 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
Peters	Absent
Burne	Yea
Brosnan	Yea
Thomson	Yea

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Deputy Mayor 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. 16-2005** - Authorizing the Vacation of Virginia Avenue entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF May 11, 2005

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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 VIRGINIA AVENUE." Mrs. Kubacz read the ordinance by title only as required by law. Mayor Thomson declared the Public Hearing open. There being no comments or objections, Deputy Mayor Brosnan moved that the public hearing be closed. Committeeman Tobia seconded the motion and all members voted yes. Deputy Mayor 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
Peters	Absent
Burne	Yea
Brosnan	Yea
Thomson	Yea

There being four yeas and no nays, the Mayor declared the Ordinance adopted. Deputy Mayor 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. 17-2005** - Amending 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," AS AMENDED AND SUPPLEMENTED, SECTION 215-48 "SPEED LIMITS" Mrs. Kubacz read the ordinance by title only as required by law. 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
Peters	Absent
Burne	Yea
Brosnan	Yea
Thomson	Yea

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.

Consent Agenda

With reference to Items 9 A - Z it was announced that all matters will be adopted or approved collectively by a single

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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 Thomson asked if any member of the Township Committee wished to consider any item separately. Committeeman Tobia recused himself from item 9 I & J Authorizing Advertisement of Bids for Lease of Township Owned Property for Farming. There being no further comments, a motion was made by Committeeman Peters and seconded by Committeewoman Burne to adopt the following Resolutions, and on roll-call, members voted as follows:

Tobia	Yea (except 9 I & J)
Peters	Absent
Burne	Yea
Brosnan	Yea
Thomson	Yea

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

#05-502 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE PERTAINING TO BLOCK 893, LOT 5 - RAMSHORN DRIVE

#05-503 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL ESTABLISHING THE TIME, DATE AND PLACE OF A SPECIAL MEETING OF THE TOWNSHIP COMMITTEE

#05-504 - A RESOLUTION OF THE TOWNSHIP OF WALL, NEW JERSEY, AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE NEW JERSEY WATER SUPPLY AUTHORITY'S MANASQUAN RESERVOIR WATER SUPPLY SYSTEM REVENUE REFUNDING BONDS, SERIES 2005 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO

DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

#05-505 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE TRANSFER OF OWNERSHIP OF A POLICE K-9

#05-506 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ACCEPTANCE OF A DONATION OF BLOCK 917.01 LOTS 21 AND 22 - WYCKOFF ROAD

#05-507 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC AUCTION SALE OF VARIOUS ITEMS

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#05-508 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, OPPOSING SENATE BILL 2118

#05-509 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL OPPOSING ASSEMBLY BILL 3335

#05-510 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF TOWNSHIP OWNED FARMLAND, BLOCK 275, LOT 3 AND A PORTION OF BLOCK 805 LOT 7.01

#05-511 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASING OF A PORTION OF BLOCK 314 LOT 1 FOR PURPOSES OF FARMING

#05-512 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING CHANGE ORDER NO. 1 (FINAL) FOR ROUTE 34 DEVLIN GYM AREA SANITARY SEWER EXTENSION

#05-513 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ISSUANCE OF A SOIL REMOVAL PERMIT PERTAINING TO LOT 68 IN BLOCK 831

#05-514 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARDED A CONTRACT FOR BITUMINOUS CONCRETE

#05-515 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE CANCELLATION OF TAXES

#05-516 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#05-517 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#05-518 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING PAYMENT OF 126 HOURS OF VACATION

#05-519 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

Raffle - Wall Booster Association to Benefit Wall Softball and Swim Teams - 50/50, 5/20/05 (RATIFY)

Raffle - Wall Booster Association to Benefit Wall Softball and Swim Teams - Wizards' Autographed Basketballs, 5/20/05 (RATIFY)

Raffle - South Wall Little League - June 11, 2005 - Various prizes

Raffle - South Wall Little League - June 11, 2005 - 50/50

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One Day Liquor Permit - Wall Appreciation Day - June 5, 2005 - 12 noon - 6 p.m. (RATIFY)

One Day Liquor Permit - North Wall Little League Family/Parents Night - Oak Tree Lodge - June 3, 2005, 6-10 p.m.

One Day Liquor Permit - William G. Wellhofer Scholarship Foundation - Oak Tree Lodge - June 22, 2005, 2-7 p.m.

One Day Liquor Permit - Wall PBA - Pine Grove Day Camp - June 18, 2005 12 noon - 6 p.m.

End of Consent Agenda

Comments from Township Committee

Deputy Mayor Brosnan commended the Public Works Department for the excellent job that was done with the spring clean-up of branches and debris.

Audience Participation

Diane Devine, West Side Drive, stated that she attended the Board of Education meeting on Tuesday evening. Mrs.

Devine stated that there is a problem getting the BOE and the Committee together. Mayor Thomson stated that there is a meeting scheduled for next week. With reference to the Memorandum of Agreement, Mrs. Devine asked why the Township Committee is involved in this matter and not just the Police and Board of Education.

Mayor Thomson stated that the last thing the Committee wants is to be involved. Attorney McLaughlin replied that the reason the Committee is involved is because for a period of over two years, meetings were held with Superintendent Habel, the Prosecutor's office, the Board of Education and the Police trying to get compliance with the MOA. Despite this, the cooperation was not forthcoming. Last October, the Committee met with Jim Habel, Doug Wild and Laurie Cannon and reviewed the entire situation for the last two years. They were asked to end the problems and ensure that there would be cooperation between the schools and the police. This did not happen and there were more incidents, so the Committee got involved and made a public statement asking the public to respond.

Mrs. Devine stated that the parents' concerns are that the police are so involved in the schools now causing a lot of stress on the children. They are frightened about this. Mrs. Devine stated that she feels this is all exaggerated and asked for comment.

Attorney McLaughlin replied that nothing that the Township Committee, Mr. Verruni or Mr. McLaughlin has said has
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been exaggerated. Everything is true. There are documented incidents. The Committee has also heard that children have been concerned. But this is the result of letters that were sent out from the principals that everything was going to be reported to the police. This came from Jim Habel.

Mr. McLaughlin stated that there is a Memorandum of Agreement utilized throughout the State since 1999. Until two years ago it was followed and used. The MOA makes clear that there are certain things that must be reported to the police such as weapons, drugs and child abuse. It leaves other things to the discretion of the school system, as it should. The purpose is to ensure that serious matters are reported to the Police Department as well as to ensure the safety of the children. The letters were done clearly to overburden the Police Department. All the Committee ever wanted is for the MOA to be followed. That deals with serious incidents and serious incidents only.

Today, finally after two months of public comment, we finally have a letter that says that they will follow the MOA and rescinds the first letter sent to the parents.

Mr. McLaughlin stated that when Committeemen Tobia and Brosnan met with Jim Habel and Doug Wild and Laurie Cannon last Fall, they said that we have spent two years trying to do this kindly. We think it's serious when drug deals, sexual harassment, bias crimes and other incidents covered by the MOA are not reported. We have tried for two years for Jim Habel to comply with the MOA. They gave them all the details and said that they have to comply with the MOA or the Committee would go public. The public has a right to know. When the Committee found out that a child abuse case was not reported, they did exactly what they said they would do. Now we finally have a commitment to follow the MOA.

Committeeman Tobia stated that he was assured at the meeting in October that the MOA would be followed, but that did not happen. Ms. Devine said that she hoped that this would finally end the phoning of all the little incidents to the police department.

Don Herbert, Atlantic Avenue, asked if the meeting scheduled for the 17th would be with the full Committee and asked who else would attend. Mayor Thomson said it would be with the full Committee and the Police Department.

Mr. Herbert asked if, at the meeting in October, a list was given with all the complaints. Committeeman Tobia replied yes, that he gave it to them for distribution. Mr. Herbert asked Committeeman Tobia if he took the list back. Committeeman Tobia said no. Mr. Herbert said that he understood that it was taken back and that he would look at this further.

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Susan , Atlantic Avenue, stated that this is like two different responses. The school board is misrepresenting the facts and responses. Mayor Thomson agreed. Attorney McLaughlin stated that there are several reasons why the Township Committee has nor responded to what has been posted on the Board of Education website. The Township has been waiting to receive a date that is convenient for the Board of Education and now that has been set up for next Tuesday. The Committee has reason to believe that the response wasn't from the Board at all. The Committee intends to provide the members of the Board of Education with, not only the details of what the Committee said, but document back up on each incident to let the Board see for themselves what the

documentary evidence shows. So they can see that what the Township Committee says is totally accurate.

Ms. E asked if the Committee believed that this was not the Board's response, that they didn't review it at all. Attorney McLaughlin said today we'll leave it at that. The Committee wants to direct those issues with the Board at the meeting. Ms. E asked if she contacted the Monmouth County Prosecutor's office, would she be told that the Wall schools have not followed the Memorandum of Agreement. Attorney McLaughlin said he would welcome Ms. E. to do that because she would get that exact response. Ms. E would also receive specific dates and people who attended the meetings.

Fred Weiss, Adams Street, reiterated the opposition of the residents to the plan to build the scattered site house on Adams, Walling and 18th Avenues. Mr. Weiss asked if the Township adheres to its own zoning rules or is Mount Laurel not obligated to abide by them. Mr. McLaughlin replied that the second is definitely correct. Mount Laurel is not required to comply with anything. In locating scattered sites, the Committee tried to find lots that comply with the rules or lots that raise the existing lots in the neighborhood.

Mr. Weiss stated that 2918 Adams Street is a 50 x 100 lot. No other lots on Adams Street comply with that. The next smallest is 75 x 100 and they go up from there. Mr. McLaughlin replied that the good news is that the alternative plan has gone forward. The rental housing might not happen.

Mary Beth Stoddart, Walling Avenue, thanked Mr. Weiss for taking the lead in this matter. Ms. Stoddart said that she is reiterating the concerns of Walling Avenue residents but is very happy to hear that there is an alternative plan moving forward and thanked the Committee.

James Clayton, Harrison Street, stated that one of the scattered sites was adjacent to his property and said that he wants to purchase this property. Mayor Thomson replied that typically, the Township does not sell this property. The township doesn't know what the next round of Mount Laurel will
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be. Generally scattered sites are used for purchase and owner occupied low and moderate income. The difference between low and moderate is only a few hundred dollars for income. This would not be Section 8. The Township does not want to sell because this property might be needed in the future.

John Pasterchick, Adams Street, stated that the Town has set a precedence in the past of selling off these lots and asked if the policy has been amended so that now they won't be sold. 2804 Harrison was sold in the last ten years. Administrator Verruni replied that the Township hasn't sold a buildable lot in the twelve years that he has been with the Township. Normally, a lot that is sold is completely undersized.

Mr. Pasterchick stated that both 2804 Harrison and 2912 Buchanan were sold. Mr. Verruni replied that this Board's policy is not to sell any lots because they are saved for scattered sites. There are three lots at the end of Adams Street that are wetlands or they would have been earmarked. Those that are dry and developable have not been sold, to Mr. Verruni's knowledge. Mr. Verruni said he would check on this.

Laurie Cannon stated that the responses to the allegations were approved by the Superintendent and the Board reviewed them and made changes before the letter was sent out. Also, at the October meeting, nothing was left with those present. Ms. Cannon said that they asked for an agenda for the meeting and were told that an agenda wasn't needed. The Committee showed up with a fifteen page document and said that we needed to discuss it. After they got through one or two items, Jim Habel explained that there were other things that the Committee didn't know about. Committeeman Tobia said that they didn't need to dwell in the past, but move to the future. Ms. Cannon said that she never read the document, it wasn't left for her, but this was a mistake. She should have looked at it. They took the Committee's word that they wanted to move on.

Committeeman Tobia stated that he did not collect anything from that meeting. He was assured by Jim Habel that they would comply with the MOA. Ms. Cannon said they were assured that this would be settled with the Chief and the Superintendent and Doug Wild, Laurie Cannon and the attorneys would try to move on with this. The Chief didn't show up. Mr. Verruni said that additional training was set up.

Ms. Cannon said that a meeting was going to be set up with Roy Hall to try to solve this. Mr. Verruni said a meeting was set up with staff. Ms. Cannon said that isn't what was promised. A meeting was to be set up with Roy Hall and Jim Habel.

Attorney McLaughlin said that Ms. Cannon's recollection of what happened is different than her attorney's. Prosecutor
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Kaye and Doug Kovats were there. Mr. McLaughlin asked if that list was ever transmitted to the rest of the Board. Doug Kovats said no, he didn't give them the list, he just gave them a memo. Doug Wild said, first, it was put with a bunch of other papers. Then he said he probably lost it. Then he said he didn't have it, he gave it back to John Tobia. When asked if he gave it to the Board, Mr. Wild said no, he just gave them a memo. Mr. McLaughlin told Ms. Cannon to check with Doug Kovats. Ms. Cannon said that she wasn't at that meeting and that she did check with Doug Kovats. He said that didn't happen. Mr. McLaughlin asked Ms. Cannon to call the Prosecutor.

Ms. Cannon stated that a lot of damage has been done to the community. The headlines were inflammatory. Anyone who cared about a town would not throw out a press release without going through the allegations to see if they were accurate. This hurt the town. Ms. Cannon said she could not fathom doing something like this without trying to solve this at a meeting.

Attorney McLaughlin said that the Township spent over two years trying to resolve the problem. There were six separate meetings and every time there were assurances that the MOA would be followed. The Township Committee made it clear in October that they would go public if they didn't meet the MOA. After 2 ½ years it finally worked. It was supposed to be disturbing, that was the point. When an eight year old walks into school after a history of other incidents, the police department doesn't find out about it. We have to find out that this child is back with the mother and beg DYFS to reopen the case. These are all problems.

Mr. McLaughlin continued that there are two types of responses in the Board's responses. They admitted it happened, it's a mistake. The others are disputing. The Board of Education will receive in the next few days, not only a detailed response to every incident, but documentary evidence that everything is correct; and, what the Board says is absolutely wrong. This will go to the Board this week and it will be discussed next week. We can prove that everything we said was correct.

Ms. Cannon said that every one of these incidents was reported to the Police and asked Mr. McLaughlin what he was talking about. Mr. McLaughlin gave some examples such as selling drugs, sexual harassment and a bias incident that was never reported to the police. The bias incident was never reported until the mother said to report it.

Ms. Cannon said that this is totally ignoring how these played out. It shows that the mother was called and then they called the Police. Mr. McLaughlin said that he was not going to go into this. The stories that have been told about how these things happened are not true.

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Ms. Cannon said she doesn't believe that. Mr. McLaughlin said she would have to read it for herself. Mr. McLaughlin said that the Board has not seen the facts and not gotten the record.

John Devlin, Belmar Boulevard, asked if it has been two years since the Committee has known this. That would put it back to when he was in office. Mr. McLaughlin said that if you look at this you will see the meetings. The Police Department was trying to work with the Superintendent. Then the Prosecutor's office got involved. The first four or five were between the police, prosecutor and Superintendent. It wasn't until all of that transpired that the Prosecutor and Police could not get the cooperation and turned to the Township Committee.

Mr. Devlin said that he thinks it's unfair that the Committee knew about it for two years. Mr. McLaughlin said that the Prosecutor and Police should have come to the Committee earlier, but they would meet and get promises that they would follow the MOA. But then something else would happen.

Mr. Devlin said that the governing body knew about this for two years. Mayor Thomson said they did not know about it for two years. Mr. McLaughlin said it was all handled by the police and prosecutor until last September. Mr. Devlin asked about the next meeting. Mr. McLaughlin said it will start off in public. But there will be police records and investigation reports that were provided to the Board of Education. There is no problem having this all discussed in public, but there are some records that can't be public.

Mr. Devlin said that meetings have to be open to the public. Mr. McLaughlin replied that this is a public meeting. If the meeting goes into private, it is because there will be discussion of personnel, pending investigations or litigation.

Laurie Cannon asked who was at the five meetings between the prosecutor and Police representing the schools. Mr. McLaughlin replied that Jim Habel was there. The problem started at the high school when he was principal. The meetings are detailed by date and who attended them. Ms.

Cannon asked if they were prior to Mr. Habel being here. Mr. McLaughlin said he believed the first was in 2002.

Fred Weiss asked how some of the scattered site lots are being considered if they don't meet the zoning ordinances. The house next to Mr. Weiss would be twenty feet and it should be 30-40 feet.

There being no further comments, Deputy Mayor Brosnan made a motion to adjourn. Committeewoman Burn seconded and all members voted yes. The meeting adjourned at 8:20 p.m.

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TOWNSHIP CLERK

MAYOR