

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL, HELD IN THE  
MEETING ROOM, MUNICIPAL COMPLEX  
WEDNESDAY, JULY 12, 2006**

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

Mayor Burne read the sunshine statement.

Roll-call was taken by Lorraine Kubacz. There was a salute to the flag and moment of silence.

Mrs. Kubacz swore in Patrolman Michael Hurden. Deputy Mayor Tobia congratulated Patrolman Hurden and stated that he is joining the finest police department in New Jersey. Deputy Mayor Tobia congratulated the officer and wished him luck. Mayor Burne congratulated Officer Hurden.

Committeeman Peters made a motion to approve the Vouchers for June 3, 2006 - June 29, 2006, in the amount of \$5,745,769.61. Committeeman Thomson seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

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

Committeeman Thomson made a motion to approve the minutes of April and May 2006. Committeeman Peters seconded the motion and all members voted yes.

This being the advertised time for the Public Hearing of **ORDINANCE NO. 11-2006** - Authorizing Lease to Infoage Learning Center entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE LEASING OF BLOCK 240, LOTS 55.01 AND 55.06 A PORTION OF BLOCK 242, LOT 1.03 TO THE INFORMATION AGE LEARNING CENTER (INFOAGE) PURSUANT TO N.J.S.A. 40A:12-14(C)". Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Burne declared the Public Hearing open.

Bill Myrtetus, Laurel Avenue, asked where this was located. Mayor Burne responded that it was at Camp Evans by the Diana Tower. A lot of work has been done during the last several months. Mr. Myrtetus said that the Ordinance should have a street address.

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

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 20-2006** - Making Provisions of Subtitle One of Title 39 with Various Traffic Regulations entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL MAKING THE PROVISIONS OF SUBTITLE ONE OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO SEMI-PUBLIC ROADS, STREETS, DRIVEWAYS AND PARKING LOTS AND REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING LOTS BY MOTOR VEHICLES." Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Burne declared the Public Hearing open.

Bill Myrtetus, Laurel Avenue, asked if this was for parking lots for shopping centers. Mr. Verruni replied that it could, but in this instance it does not. This could be for any private area like a shopping center that wants the Township to enforce traffic. Mr. Myrtetus asked if anyone can ask for this and if they pay a fee. Mr. Verruni replied anyone can ask and there is no fee.

There being no further comments or objections, Committeeman Peters moved that the public hearing be closed. Committeeman Thomson seconded the motion and all members voted yes. Committeeman Peters moved that the Ordinance be adopted as to its second reading and final passage. Committeeman

Thomson seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 21-2006** - 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. Mayor Burne declared the Public Hearing open.

Bruce Florek, Allenwood Road, stated that he lives one house down and across the street from this property for eight years and was informed that there was no more mining officially June 1<sup>st</sup>. Mr. Florek asked what Permit was being given up if the pit is exhausted and what is the Township getting from this rezoning. The previous owner was told he could not put housing here and now it is being approved for five lots that are undersized for a six acre zone. Mr. Florek asked why this is being rezoned.

Committeeman Thomson stated that he served on the Planning Board and the Master Plan did this with all strip mines. The township wanted a reclamation plan, Most mines have been abandoned. This was zoned R-6 for people to offer a reclamation plan and it wasn't intended to stay he issue is if it has been mined out and the whole pit will be reclaimed in a way that will be environmentally save and they will have to give up their permit. The Engineers have different opinions. It could possibly be continued to be mined, if they file with the State.

Attorney McLaughlin said that this is a non-conforming use. They have a right to continue as long as they find more. The issue is what is better, a hole in the ground or five lots. Mr. Florek asked why it isn't staying six acres. Mr. McLaughlin replied that in the Master Plan in 2000, all pits were zoned RR-6. The Planning Board said that economically at

that time, it wouldn't be feasible to reclaim six acres. This would force the owners to come forward with a plan. There are requests for Mount Laurel and condominiums. The Township has said no to these. The Committee looked at this and said that it is a reasonable project.

Mr. Florek asked what the benefits would be if he asked to rezone his property and gave up his farm assessment. Mayor Burne replied that the difference is that the mine has to be reclaimed. It is going to cost money to comply. With the homes zoned six acres, that type of work does not have to be done. It is a great deal of money to fill the pits. That is why they were all zoned R-6 so that they will be looked at specifically, and in doing so it is protecting the neighborhood. This doesn't mean that all the surrounding areas would be able to be rezoned. Mr. Florek asked if this was not possible.

Attorney McLaughlin replied that an application would have to be made and everyone would look at it to see if what is being proposed makes sense. If the township committee gets a rezoning request, the engineer and planner look at it. They make recommendation if it should be changed.

Mr. Florek said that he believes that the owners have benefited from this and will benefit more. Mr. Florek said that he is worried about drainage and how much fill will be brought back to bring this back to a livable area.

Mr. McLaughlin replied that they will have to go to the Planning Board. All this does is rezone the property. They will have to go with a full process and the Planning Board will look at the land closely. Because this is a pit, it will be looked at very closely. Mr. Florek asked if there will be other meetings. Committeeman Thomson said that Mr. Florek will be noticed. Mr. McLaughlin said that the Planning Board process is very detailed and extensive.

Steve Newman, Allenwood Road, stated that he lives closer to the pit than anyone else and has been there for twenty years. Mr. Newman is happy to see any kind of development. Dough French has only had that property for a few years, but he has been a good neighbor. Mr. Newman asked about the project and stated that it may be too much. Mr. Newman asked if these would be township roads. Mr. Thomson said eventually. Mr. Newman asked if the township would maintain the roads and Mr. Thomson said yes. Mr. Newman asked what will happen with the lake. Attorney McLaughlin said that the township does not know. Committeeman Thomson said that will be handled by the Planning Board. It will go through several processes and will have engineering letters detailing what the

State and DEP require, all before they come before the Planning Board. All questions will be answered at the planning board.

Mr. Newman asked if the size and number of lots could change. Mr. McLaughlin said that this is specifically limited to five lots, but can't be more than that. With a developer's agreement, it could be less. When the Planning Board looks at it, it could be different.

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

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 22-2006** - Amending Chapter 140 - Land Use & Development - Notice Requirements for Hearings 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 140-48, "NOTICE REQUIREMENTS FOR HEARINGS." Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Burne declared the Public Hearing open. There being no comments or objections, Deputy Mayor Tobia moved that the public hearing be closed. Committeeman Devlin seconded the motion and all members voted yes. Deputy Mayor Tobia moved that the Ordinance be adopted as to its second reading and final passage. Committeeman Devlin seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

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

With reference to Introduction of **ORDINANCE NO. 24-2006** - Land Use and Development Regulations - Creating Design Standards 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 PERTAINING TO BUILDING DESIGN STANDARDS ON RIDGEWOOD ROAD". Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Thomson moved that the Ordinance be adopted as to first reading. Deputy Mayor Tobia seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Committeeman Thomson moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held July 26, 2006 at 7:30 P.M. Deputy Mayor Tobia seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 25-2006** - Property Exchange - Sunnyside Manor entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXCHANGE OF CERTAIN MUNICIPAL PROPERTY IN ACCORDANCE WITH N.J.S.A. 40A:12-16." Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Thomson moved that the Ordinance be adopted as to first reading. Committeeman Devlin seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Committeeman Thomson moved that the Clerk advertise the Ordinance according

to law, the second reading and public hearing to be held July 26, 2006 at 7:30 P.M. Committeeman Devlin seconded the motion and all members voted yes.

**Consent Agenda**

With reference to Items 11 A - V 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 Burne 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 Thomson and seconded by Committeeman Peters to adopt the following Resolutions, and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea
Burne	Yea

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

#06-628 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A CONSENT ORDER RESOLVING LITIGATION (RATIFY)

#06-629 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR THE INSTALLATION OF PEDESTRIAN WARNING SIGN BEACONS AT VARIOUS LOCATIONS ALONG THE ROUTE 18 BIKE PATH - FOUR DIRECTIONS, INC. d/b/a J. FORD ELECTRIC (RATIFY)

#06-630 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT FOR MULTI PURPOSE FIELD LIGHTING - QUALITY ELECTRIC CONSTRUCTION COMPANY (RATIFY)

#06-631 - 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 RUNWAY ASSOCIATES, LLC (RATIFY)

#06-632 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPOINTING AN AFFORDABLE HOUSING EXPERT - DONNA ROSE (RATIFY)

#06-703 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF DEPOSITS AND GUARANTEES POSTED BY A BIDDER FOR A NEW DISTRIBUTION ALCOHOLIC BEVERAGE LICENSE

#06-704 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED BY KIPLING WOODS, LLC, IN RELATION TO BLOCK 72, LOT 20, 21 - KIPLING WOODS

#06-705 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A CERTAIN MAINTENANCE BOND POSTED FOR BLOCK 262, LOT 28 - BARKALOW ROAD

#06-706 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF A CERTAIN MAINTENANCE BOND POSTED FOR BLOCK 762, LOTS 27, 35 AND BLOCK 772, LOT 1 - FOX RUN ESTATES - SECTION 2

#06-707 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR BLOCK 87, LOT 1 AND BLOCK 114, LOT 4

#06-708 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE REDUCTION OF A PERFORMANCE GUARANTEE FOR BLOCK 817, LOT 2

#06-709 - 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 SJB LIQUORS, LLC

#06-710 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING ENFORCEMENT OF TRAFFIC REGULATIONS - BLOCK 908, LOT 9

#06-711 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE MAYOR TO EXECUTE ANY AND ALL ENDORSEMENTS ON BEHALF OF THE TOWNSHIP FOR APPROVAL OF PLANS AND SPECIFICATIONS FOR THE CONSTRUCTION OF A SANITARY SEWER EXTENSION APPLICATION FOR THE CONSTRUCTION OF A SANITARY SEWER EXTENSION APPLICATION FOR WALL CORPORATE PARK, BLOCK 942, LOTS 37 & 57

#06-712 - 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 BLOCK 826,  
LOTS 14 & 135

#06-713 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF AN EASEMENT FOR  
THE BENEFIT OF BLOCK 917.01, LOT 20 - WYCKOFF ROAD

#06-714 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING THE PARTICIPATION IN A \$125 PLAN  
FOR EMPLOYEE BENEFITS

#06-715 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL URGING THE AMENDMENT OF THE STATE AID FUNDING  
FORMULA

#06-716 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#06-717 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#06-718 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING PAYMENT OF 7 VACATION DAYS, AND  
180 HOURS SICK TIME PAID @ HALF RATE - CHARLES LOVELAND

#06-719 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

### **End of Consent Agenda**

### **Comments from Township Committee**

NONE

### **Audience Participation**

Bill Myrtetus, Laurel Avenue, asked if Ordinance 25-2006  
- Property Exchange - has anything to do with Item A on the  
consent agenda. Mayor Burne said yes, this is the property  
exchange with Sunnyside. Mr. Myrtetus asked what caused this,  
why is there an Ordinance and Resolution. Attorney McLaughlin  
replied that there is a resolution authorizing the signing of  
the Consent of Settlement in Sunnyside litigation. The  
Ordinance effectuates the settlement and will be discussed in  
detail on July 26<sup>th</sup>.

Mr. McLaughlin explained that Sunnyside is acquiring  
property on Ridgewood Road on which they intend to build a new  
facility. The proposal would be to exchange a small piece of  
the Hess Pit which the Township is getting for open space.

The property will be squared off and involves the relocation of Sunnyside.

Mr. Myrtetus asked why there is a special ruling with the renewal of SJB liquor license. Mr. McLaughlin said that the license is not being used.

Mr. Myrtetus asked about the Life insurance plan. Mr. Thomson said that employees can reduce their pay to buy a benefit.

Jeff Foster, Marconi Road, thanked the Township committee for the ordinance requiring notification of residents.

Tom Fagan, Manahawkin, NJ, stated that he is the Union rep for the DEW. He stated he was there to express the importance of the issues that divide, health benefits and health insurance after a lifetime of service. Mr. Fagan stated that some employees in the Police Department have this. Some have benefits based on an Ordinance adopted sixteen-seventeen years ago.

Mr. Fagan stated that after seven months of negotiations, he has been told that the Township is not opposed and understands the need for employees to have health insurance. They are not proposing free health insurance for life, only something that will carry someone who retires at 62-66 after 25 years of service until Medicare. They are trying to bridge the gap from retirement until Medicare. The employees will absorb the cost.

Mr. Fagan said that they have come up with a proposal that would absorb the cost. This reduces the base labor cost and is viewed as a one year savings only. This is not correct. Mr. Fagan urged the Committee to sit down and look at these numbers. This is important to the men who have come out tonight. They are not asking the taxpayers to take on an additional burden. The men are willing to sacrifice to have the security of knowing that they will not be left without health benefits after retirement. Mr. Fagan asked for clarification from the Committee and explained how the plan would work.

Mayor Burne stated that the Committee will take this under advisement and thanked everyone for coming out tonight.

There being no further comments, Committeeman Peters made a motion to adjourn. Committeeman Thomson seconded and all members voted yes. The meeting adjourned at 8:20 p.m.

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TOWNSHIP CLERK

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MAYOR