

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL, HELD IN THE
MEETING ROOM, MUNICIPAL COMPLEX
WEDNESDAY, AUGUST 9, 2006**

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.

Committeeman Peters made a motion to approve the Vouchers for June 30, 2006 - July 28, 2006, in the amount of \$3,821,717.56. 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 moved that the Minutes of the Meetings of May & June 2006 be approved as per copies submitted by the Clerk. Committeeman Peters seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 23-2006** - Amending the Zoning Map MLCC Zone 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, AND AMENDING AND SUPPLEMENTING THE LAND USE AND DEVELOPMENT REGULATIONS TO ESTABLISH THE MLCC CONGREGATE CARE (30 DU/ACRE) ZONE. Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Burne declared there will be no Public Hearing on this Ordinance. Committeeman Thomson moved to carry this Ordinance to August 23, 2006. Committeeman Peters 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 carried to August 23, 2006.

This being the advertised time for the Second Reading and Public Hearing 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:20-16. Mrs. Kubacz read the Ordinance by title only as required by law. Mayor Burne declared there will be no Public Hearing on this Ordinance. Committeeman Thomson moved to carry this Ordinance to August 23, 2006. Committeeman Peters 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 be carried to August 23, 2006.

With reference to Introduction of **ORDINANCE NO. 26-2006** - Amending and Supplementing Chapter 113 - Fire Prevention 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 113 ENTITLED, "FIRE PREVENTION", OF THE TOWNSHIP CODE OF THE TOWNSHIP OF WALL". Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Devlin 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 Devlin moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held

September 13, 2006 at 7:30 P.M. Deputy Mayor Tobia seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 27-2006** - Amending Land Use and Development Regulations Pertaining to Mandatory Development Fees 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 140-283 "MANDATORY DEVELOPMENT FEES" AND PROVIDING FOR AN ADDITIONAL EXEMPTION THEREFROM." Mrs. Kubacz read the Ordinance by title only, as required by law. Deputy Mayor Tobia 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. Deputy Mayor Tobia moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held September 13, 2006 at 7:30 P.M. Committeeman Devlin seconded the motion and all members voted yes.

Deputy Mayor Tobia moved that Ordinance No. 27-2006 be referred to the Wall Township Planning Board for review and recommendations. Committeeman Devlin seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 28-2006** - Vacation of Shark River Station Road entitled, "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL VACATING A PORTION OF SHARK RIVER STATION 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. 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 September 13, 2006 at 7:30 P.M. Committeeman Devlin seconded the motion and all members voted yes.

Consent Agenda

With reference to Items 10 A - Y 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.

Deputy Mayor Tobia stated that he would abstain on Item "I" pertaining to the Collective Bargaining Agreement with the CWA Local 1034. Mayor Burne announced that there would be an Added Starter Resolution appointing Mark Brosnan a member to the Board of Adjustment. There will be a change to the Resolution for Item "O" authorizing a change order for the Route 18 Bike Path. Section 3 will be added conditioning the change on receipt of an extended maintenance bond as agreed to by the Contractor.

There being no further comments, a motion was made by Committeeman Peters and seconded by Committeeman Thomson to adopt the following Resolutions with the changes above, and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Thomson	Yea
Tobia	Yea (Abstain "I")
Burne	Yea

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

#06-720 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF AN AGREEMENT PERTAINING TO VARIOUS UPGRADES TO THE CEDAR HOLLOW ESTATES SANITARY SEWER AND PUMP STATION, BLOCK 801, LOT 2 (Ratify)

#06-721 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE REMOVAL OF WEEDS AND DEBRIS FROM BLOCK 262, LOT 28.03, BARKALOW ROAD (Ratify)

#06-802 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE REDUCTION OF PERFORMANCE GUARANTEES FOR PINE VIEW ESTATES - BLOCK 977, LOTS 16 AND 18

#06-803 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES IN RELATION TO BLOCK 821, LOT 17 - TERRA PROFESSIONAL PLAZA

#06-804 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A STIPULATION OF SETTLEMENT

#06-805 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL DESIGNATING A REDEVELOPER FOR PROPERTY KNOWN AS LOT 34 AND 37 IN BLOCK 9 IN THE WEST BELMAR GATEWAY

#06-806 - 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 ATLANTIC CORPORATE CENTER, BLOCK 829, LOT 1

#06-807 - 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 829, LOT 1 - ATLANTIC CORPORATE CENTER

#06-808 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF WALL AND CWA LOCAL 1034

#06-809 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ISSUANCE OF A SOIL REMOVAL PERMIT PERTAINING TO LOT 10.01 IN BLOCK 151 - HIGHWAY 35

#06-810 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PERFORMANCE OF AN APPRAISAL PERTAINING TO LOT 39 IN BLOCK 805

#06-811 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ISSUANCE OF A PLENARY RETAIL ALCOHOLIC BEVERAGE DISTRIBUTION LICENSE TO WINE KING, LLC

#06-812 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING THE TRANSFER OF A PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE FROM WHITE TRUFFLES CAFÉ, LLC TO LPCC RESTAURANT, LLC

#06-813 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC ADVERTISEMENT OF BIDS FOR BILLIING AND COLLECTION SERVICES

#06-814 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING A CHANGE ORDER - ROUTE 18 BIKE PATH

#06-815 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING CHANGE ORDER - RECONSTRUCTION OF GLENDOLA ROAD

#06-816 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN TAX REFUNDS

#06-817 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#06-818 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING PAYMENT OF 3 VACATION DAYS - IVONNE CANCHON

#06-819 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

#06-820 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPOINTING A MEMBER TO THE BOARD OF ADJUSTMENT - MARK BROSNAN (Added Starter)

Raffle - Allaire Village - August 19, 2006 - Various Prizes - Duck Race (Ratify)

One Day Catering Permit - The Cabin Company Picnic - Oak Tree Lodge - 8/20/06 (Ratify)

Raffle - Allaire village - 8/27/06 - 50/50

Raffle - Communications High School - November 2, 2006 - 50/50 - Benefit Communications High School

End of Consent Agenda

Comments from Township Committee

NONE

Audience Participation

John Smith, Lantern Light Way, stated that he needed advice and help for some recurring problems. The major problem is snow in the attic in one hundred homes since 2003.

Mr. Smith said the residents are not getting help from K. Hovnanian. The Monmouth County Board of Appeals was told that the work would be done by August 1st, but nothing has been done. Administrator Verruni stated that he and Attorney McLaughlin have been working on this problem. The Committee authorized them to hire an attorney to represent the Township at the Board of Appeals. Violation notices have been issued and the Monmouth County Board of Construction Appeal is to determine if there is a violation or not.

Attorney McLaughlin stated that he has not received any recent updates from Mr. John Lane. The Construction Board of Appeals needs to make the decision. Mayor Burne asked Mr. McLaughlin to follow up on this matter.

Virginia Orbe, Lantern Light Way, stated that in February the Committee communicated that 250 driveways would be replaced, and there was an agreement for the remaining 150 to be done if the homeowners requested the developer to do this. To date, they have only replaced 21 driveways. Ms. Orbe asked if the Committee could follow up on this.

Elaine Stevens asked about the authorization of the appraisal of Lot 39 in Block 805 on Ridgewood Road. Attorney McLaughlin noted that Mrs. Stevens was not represented by counsel. Mr. McLaughlin reminded Mrs. Stevens that she is in a situation that involves contract negotiations, potential litigation and other issues. Mr. McLaughlin advised Mrs. Stevens that speaking to the issue in public is not in her best interest.

Mrs. Stevens stated that her attorney has been unavailable. Mr. McLaughlin asked Mrs. Stevens to stop because anything she may say is not in her best interest. Mr. McLaughlin advised Mrs. Stevens to speak through her attorney.

Mrs. Stevens stated that she tried to get to her attorney but could not. Mr. McLaughlin stated that he had been in contact with her attorney three times this day and once yesterday.

Mrs. Stevens said that everything should have been completed and that it is not her fault that it hasn't been. Mr. McLaughlin again suggested that Mrs. Stevens not address the public.

Mayor Burne stated that, for her own benefit, Mrs. Stevens should not bring this forward now. Mrs. Burne stated that Mrs. Stevens could jeopardize herself, but the Committee has done what it could to let her know this. Mrs. Burne suggested that Mrs. Stevens not represent herself.

Mrs. Stevens stated that she will have to get other representation and she has no idea where she stands with Sunnyside or the Rossi's. Mrs. Stevens stated that nothing has been accomplished but it is not her fault.

Bill Myrtetus, Laurel Avenue, asked if there was any action for items 5 & 6. Mrs. Burne replied no, the ordinances were carried. Mr. Myrtetus asked about Item B on the consent Agenda pertaining to removal of weeds and debris on Barkalow Road. Mrs. Burne replied that this is a piece of privately owned property that is in disarray. The property will be cleaned and a lien will be placed on the property. Mr. Myrtetus asked what the criteria for this is. Mrs. Burne replied that the Township has an Ordinance. Mr. Verruni continued that this property is a mess. Mr. Myrtetus asked for clarification. Mr. Verruni said the property has not been taken care of all summer and the bank has foreclosed on the property. The weeds are very tall.

Mr. Myrtetus asked about the Collective Bargaining Agreement. Mr. Verruni replied that there is a Memorandum of Understanding which allows the township to move forward. Mr. Myrtetus asked if there was anything different. Mr. Verruni replied that this is for Public Works and they will be contributing 2% of their salary to get health benefits upon retirement. This is employee funded to help with health benefits until Medicare at age 65. Mr. Myrtetus asked unless there is disability. Mr. Verruni said yes.

Mr. Myrtetus asked about L.P.C.C. in Item "M". Mayor Burne replied that these are the new owners for the Meritage restaurant. The Committee met with them this evening in Executive session. This will be a Japanese hibachi restaurant.

Mr. Myrtetus asked about the new distribution liquor license to Wine King. Mayor Burne replied that they do not have a location yet. Mr. Verruni continued that they purchased the license.

Mr. Myrtetus asked about the change order for the Bike Path. Mr. Verruni replied that the board walk will be extended next to Hannabrand Brook near Baileys Corner and this was not in the original bid. They will be paid an additional sum. Because of the prior problems, they will give the Township a five year Maintenance Bond.

Alfred Fiela, representing Rossi's, stated that he received a letter from Fred Nieman which he shared with Mr. McLaughlin. They have arrived at a price for his interest,

subject to contracts. Mr. Fiela said that he is hoping to resolve the matter.

Don Herbert, Atlantic Avenue, asked if he could speak with Mr. McLaughlin after the meeting. Mr. McLaughlin said yes.

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

TOWNSHIP CLERK

MAYOR