

**MINUTES OF THE REGULAR MEETING  
OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF WALL, HELD IN THE  
MEETING ROOM, MUNICIPAL COMPLEX  
WEDNESDAY, FEBRUARY 21, 2007  
POSTPONED FROM 2/14/07**

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

Mayor Tobia read the sunshine statement.

Roll-call was taken by Lorraine Kubacz.

Mayor Tobia announced that Captain Morris will be sworn in as Chief of Police and stated that on behalf of the Township, he is extremely proud that Dave Morris is being sworn in.

The Police Pipes and Drums performed a welcome to Chief Morris. Members of the police force were also in attendance.

Mayor Tobia stated that Captain Morris is a positive, forthright and open person. Mayor Tobia asked all the police and Township Committee to support Chief Morris so that he can move the department forward to be the best in the State. Chief Morris has high credentials; he is fair, compassionate and is a well-rounded individual. Mayor Tobia thanked the police department for their support and also the support from the public.

Mrs. Kubacz swore in Chief Dave Morris and congratulated him and his family.

Chief Morris was overwhelmed by the support shown and thanked everyone. Chief Morris thanked the Committee for their support and stated that he will work very hard for Wall Township. Chief Morris introduced his family and stated that he has their support as well. Chief Morris is looking forward to working closely with everyone to moving forward with the Department.

Committeewoman Burne made a motion to approve the Vouchers for January 6, 2007, thru February 6, 2007, in the amount of \$7,002,613.15. Committeeman Peters seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **BOND ORDINANCE NO. 1-2007** - Refunding Bond Ordinance entitled "REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$4,900,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS AUTHORIZED IN AND BY THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, NEW JERSEY, IN ORDER TO PROVIDE FOR THE REFUNDING OF CERTAIN BONDS HERETOFORE ISSUED BY THE TOWNSHIP AND APPROPRIATING THE PROCEEDS OF SUCH GENERAL OBLIGATION REFUNDING BONDS TO SUCH PURPOSE," Ms. Kubacz read the Ordinance by title only as required by law. Mayor Tobia declared the Public Hearing open. There being no comments or objections, Deputy Mayor Thomson moved that the public hearing be closed. Committeeman Devlin 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 Devlin seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	Yea

There being five yeas and no nays, the Mayor declared the Ordinance adopted. Deputy Mayor Thomson 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. 2-2007** - Amending Chapter 119 Food Establishments - Exempt Schools entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER 119, "FOOD ESTABLISHMENTS", SECTION 119-2, "FEES" OF THE CODE OF THE TOWNSHIP OF WALL," Ms. Kubacz read the Ordinance by title only as required by law. Mayor Tobia declared the Public Hearing open. There being no

comments or objections, Committeeman Peters moved that the public hearing be closed. Deputy Mayor 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. Deputy Mayor Thomson seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	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. Deputy Mayor Thomson seconded the motion and all members voted yes.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 3-2007** - Authorizing the Sale of Property - Wyckoff Road - Block 917.01 Lot 21 entitled " AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN TE 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. 41A:12-13(B)," Ms. Kubacz read the Ordinance by title only as required by law. Mayor Tobia declared the Public Hearing open. There being no comments or objections, Committeeman Devlin moved that the public hearing be closed. Deputy Mayor Thomson seconded the motion and all members voted yes. Committeeman Devlin moved that the Ordinance be adopted as to its second reading and final passage. Deputy Mayor Thomson seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 4-2007** - Pertaining to Mobile Homes and Mobile Home Parks entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER 153, "MOBILE HOMES AND MOBILE HOME PARKS", SECTION 153-29, "DETERMINATION OF RENTS", OF THE CODE OF THE TOWNSHIP OF WALL," Ms. Kubacz read the Ordinance by title only as required by law. Mayor Tobia declared the Public Hearing open.

Richard Allen, Esq., representing several property owners, asked to make statements and present testimony. Attorney McLaughlin stated that this is not an evidentiary hearing and advised Mr. Allen if he wanted to make statements or comments, he could, but no testimony.

Mr. Allen asked if his clients could make statements. Mr. McLaughlin replied that, if an attorney appears, the attorney is allowed to speak on their behalf. Mr. Allen stated that if this ordinance passes as is, it will be creating more work for everyone. No one opposes working with the tenants or the municipalities to eliminate perceived pressure. But this ordinance does not work because New Jersey Anti-Eviction Law does not allow it. If a tenant refuses to cooperate in signing against harassment, Section D-4, a need for a hearing is created. This is the way the ordinance is written. The landlord must sign and file with the Board, but the tenant does not always cooperate and this would create a problem with the owner. A hearing will almost always be unnecessary.

Mr. Allen referenced a letter dated February 8, 2007, and said that the purpose is to avoid unnecessary hearings, still protect any tenant who feels aggrieved and save taxpayers money. This would still protect the tenant because they could still come back if they feel they are aggrieved. Mr. Allen asked that the ordinance be passed as he proposed.

Mr. McLaughlin thanked Mr. Allen for his comments and stated that the Township Committee did have the opportunity to see the letter and to provide comments. They understand the objections and understand that there could be situations where unnecessary hearings will be needed. But they did receive some complaints about forced evictions and harassment by people living there. Without making a determination if those complaints were true or not, the Committee thought it best for both sides to have a procedure in place to assure that does

not happen. They feel the Rent Control Ordinance is there to protect the tenants of the mobile home parks; and, that it works best at this point for the landlord to seek that type of certification from the tenants. This provides protection for the landlord later and insures protection for the tenant.

Mr. McLaughlin stated that he spoke with Geoffrey Cramer, attorney for the Board, about the letter and they both agree that it makes sense to move forward with the Ordinance as written and, if the Rent Control Board feels that this results in a lot of unnecessary hearings, they will advise the Committee. The Committee can then amend the Ordinance as needed.

Terry Domino, President of Shore Acres Association, read a prepared statement asking for further amendments for vacancy control. Ms. Domino asked the Committee to take advantage of the research that the Association had done. Mayor Tobia replied that Mr. McLaughlin would review the material and send it to the Rent Control Board for review also.

Catherine Jordan, Bookkeeper for Shore Acres, stated that she takes exception to the Ordinance as written. Ms. Jordan stated that the property does not belong to the tenants, it belongs to the Landlords. If a letter is written to a tenant asking them to clean up their front yard, they say they are being harassed. Attorney McLaughlin replied that there is nothing in the Ordinance that precludes a mobile home owner from enforcing rules and regulations. That will not be a problem. No one has said that Ms. Jordan is harassing the tenants.

Mr. McLaughlin stated that the Ordinance does not deal with rules and regulations. This Ordinance deals with all the mobile home parks, not just Shore Acres.

Henry Schilling, Shore Acres owner, approached the microphone. Mayor Tobia stated that Mr. Schilling was represented by counsel, and he just spoke on Mr. Schilling's behalf.

There being no comments or objections, Committeeman Peters moved that the public hearing be closed. Deputy Mayor 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. Deputy Mayor Thomson

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

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	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. Deputy Mayor Thomson seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 5-2007** - Land Use and Development Regulations entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE LAND USE AND DEVELOPMENT REGULATIONS OF THE TOWNSHIP OF WALL, SECTION 140- 314, "MLCC CONGREGATE CARE (30DU/ACRE)ZONE," 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 Devlin seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	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 March 14, 2007, at 7:30 P.M. Committeeman Devlin seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 6-2007** - Amendment to Chapter 62 - Alcoholic Beverages - Hotel Licenses entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WALL, CHAPTER 62, "ALCOHOLIC BEVERAGES", SECTION 62-6, "LICENSE FEES; MAXIMUM NUMBER," 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 Devlin seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	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 March 14, 2007, at 7:30 P.M. Committeeman Devlin seconded the motion and all members voted yes.

With reference to Introduction of **ORDINANCE NO. 7-2007** - Amending Chapter 215 - Traffic - Left Turns Allaire Road 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 TOWNSHIP CODE OF THE TOWNSHIP OF WALL," 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. Committeewoman Burne seconded the motion and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	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 March 14, 2007, at 7:30 P.M. Committeewoman Burne seconded the motion and all members voted yes.

**Consent Agenda**

With reference to Items 13 A - U 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 Tobia asked if any member of the Township Committee wished to consider any item separately. There being no comments, a motion was made by Deputy Mayor Thomson and seconded by Committeewoman Burne to adopt the following Resolutions, and on roll-call, members voted as follows:

Devlin	Yea
Peters	Yea
Burne	Yea
Thomson	Yea
Tobia	Yea

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

#07-201 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL PROVIDING FOR A PRIVATE EXECUTIVE MEETING (Ratify)

#07-203 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPOINTING THE CHIEF OF POLICE

#07-204 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPROVING THE TRANSFER OF A PLENARY RETAIL ALCOHOLIC BEVERAGE CONSUMPTION LICENSE FROM BUDDY'S BLINKER INN, INC, TO JEMC CORP.

#07-205 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPOINTING AN ACTING MAYOR

#07-206 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEES POSTED BY AUTUMN ESTATES, IN RELATION TO BLOCK 907, LOTS 13 & 14

#07-207 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF ESCROW FEES PERTAINING TO BLOCK 917, LOT 111 - ROYAL ACQUISITIONS

#07-208 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF ESCROW FEES PERTAINING TO BLOCK 280, LOT 64 - SEA GIRT AVENUE

#07-209 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF ESCROW FEES PERTAINING TO BLOCK 806, LOT 7 - RIDGEWOOD ROAD

#07-210 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE AND ESCROW FEES PERTAINING TO BLOCK 751, LOT 55 - BELMAR BOULEVARD

#07-211 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING PARTICIPATION IN THE MONMOUTH COUNTY AND STATE OF NEW JERSEY DEPARTMENT OF AGRICULTURE GYPSY MOTH CONTROL PROGRAM

#07-212 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING PARTICIPATION IN THE MONMOUTH COUNTY MOSQUITO PROGRAM

#07-213 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF INTERLOCAL SERVICES AGREEMENTS PERTAINING TO THE PROVISION OF SUBSTANCE ABUSE EDUCATIONAL PROGRAMS

#07-214 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH ASCAP

#07-215 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN ADDENDUM TO THE AGREEMENT WITH MONOC FOR THE REIMBURSEMENT OF CERTAIN PATIENT TRANSPORTATION SERVICE COSTS

#07-216 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF A RIGHT OF WAY AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT - PATRICIA LANE

#07-217 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AWARDING A CONTRACT FOR THE PURCHASE OF THREE (3) DUMP TRUCKS BY THE WALL TOWNSHIP PUBLIC WORKS DEPARTMENT

#07-218 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN WATER/SEWER REFUNDS

#07-219 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING PAYMENT OF 30 VACATION DAYS, ½ OF 8 SICK HRS., SPT 16 HRS AND 480 COMP HRS.

#07-220 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

RAFFLE - WALL POP WARNER - CALENDAR RAFFLE - SEPTEMBER & OCTOBER, 2007

RAFFLE - ALLENWOOD PARENT TEACHER GROUP - VARIOUS GIFTS - MAY 19, 2007

**End of Consent Agenda**

**Comments from Township Committee**

None

**Audience Participation**

Dan Udovic, Colonial Drive, discussed Verizon FIOS with the Committee. Verizon is installing throughout New Jersey. At last month's meeting Mr. Udovic alerted the Committee to the fact that they will be dismantling copper wire to people's homes providing FIOS TV and internet service. Residents will need a back up system. Mr. Udovic asked the BPU if current telephone customers with copper based service could request when they order their cable TV, to keep their wire line service in place. They replied that they have a hands off policy on this.

Mr. Udovic asked the Committee if they have had any conversation on these issues. Mr. Verruni replied that the Committee does not know any more about this than Mr. Udovic provided. Verizon has said that if a resident wants free installation, they only charge to install if residents want to keep the copper. Mr. Verruni advised that the Township IT person is contacting Verizon for more information. Mr. Udovic asked the Committee to put something in the water bills to notify the residents. Mayor Tobia responded that as soon as the Committee has more information, we will put something in with the water bills.

There being no further comment, Deputy Mayor Thomson moved to adjourn the meeting. Committeewoman Burne seconded the motion and all voted in favor. The meeting adjourned at 8:30 p.m.