

**MINUTES OF THE REGULAR MEETING
OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF WALL, HELD IN THE
MEETING ROOM, MUNICIPAL COMPLEX
TUESDAY, SEPTEMBER 10, 2008**

The meeting was called to order by Mayor Devlin at 7:30 P.M. Present were Mayor John P. Devlin presiding, Deputy Mayor Michael J. Clayton, Committeeman Jeffrey W. Foster, Committeeman Clinton C. Hoffman, Township Administrator Joseph L. Verruni, Assistant Administrator Kate Kohri, Township Engineer Matt Zahorsky, Township Attorney Mark G. Kitrick and Township Clerk Lorraine Kubacz. Committeeman Edward H. Thomson was absent.

Mayor Devlin read the sunshine statement.

Roll-call was taken by Lorraine Kubacz.

Administrator Verruni said there will be a public hearing on our grant application to the Open Space Trust Fund. The grant application is for rehabilitation of the Ridgewood Road pit formally the Harris Brothers mine. The Township obtained that property several years ago as part of our Open Space Program. This grant will allow us to stabilize the embankments along various sides of the property so there are no sheer drops and there will be a gentler drop where the excavation takes place.

Mayor Devlin opened the public hearing.

Linda Morton, Allaire Road, said her property backs up to the gravel pit. Two years ago the South Jersey Agricultural Recycling was given two years to clean up and get out. The two years are up in October. Ms. Morton asked if they will be leaving. Administrator Verruni said the Committee discussed that prior to this meeting. He said he has a call into them. The Township met with them several months ago and they were right on schedule to finish the clean up. They are scheduled to be done by October of this year.

Ms. Morton asked if the huge piles would be gone. Administrator Verruni said that is what they are telling us.

Ms. Morton asked who would do the reconstruction, grading, etc. Administrator Verruni said we would go out to bid.

Ms. Morton asked if it would be South Jersey. Administrator Verruni said we would go out to public bid. Whoever is the low bidder would be awarded the contract.

Ms. Morton asked if the entire gravel pit will be done. Administrator Verruni said they would only stabilize the banks that have sheer drops. The entire pit does not need it.

Mr. Zahorsky said some of it is already graded and stabilized. There are three separate areas that will need to be stabilized. SJAP will partially restore their portion of the site and the balance of the site is already stabilized.

There were no more comments. Mayor Devlin asked for a motion to close the public hearing.

Committeeman Foster made a motion to close the public hearing. Committeeman Hoffman seconded the motion and all members voted yes. The public hearing closed at 7:40 p.m.

Administrator Verruni stated that there is also a public hearing authorizing assignment for Block 826 Lot 117. This is a tax lien on a very small piece of property on a residential driveway. This is a 4 X 4 piece of property with unknown ownership. Rather than condemnation, the Tax Collector has recommended that we Assign the property to the owner of the driveway property. In order to do this, the Township must hold a Public Hearing to see if anyone has comments or objections.

Mayor Devlin opened the Public Hearing. There was no one for public comment. Committeeman Hoffman made a motion to close the public hearing. Committeeman Foster seconded the motion and all voted in favor.

Mayor Devlin noted that the Committee will be presenting a Proclamation for Kids Day America on September 20, 2008, and urged all residents to attend the event.

Committeeman Hoffman made a motion to accept the Vouchers for August 1 - 28, 2008 in the amount of . Committeeman Foster seconded the motion and on roll call, members voted as follows:

Foster	Yea
Hoffman	Yea
Thomson	Absent
Clayton	Yea
Devlin	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 15-2008** - Vacation of Myrtle Avenue entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY VACATING A 45' WIDE UNIMPROVED PORTION OF MYRTLE AVENUT

SITUATED EAST OF RAMSHORN DRIVE PURSUANT TO NJSA 40:67-19"
Mrs. Kubacz read the Ordinance according to law. Mayor Devlin announced that the Ordinance will be carried. Committeeman Hoffman moved that Ordinance No. 15-2008 be carried to October 8, 2008, at 7:30 p.m. Committeeman Foster seconded the motion and on roll-call, members voted as follows:

Foster	Yea
Hoffman	Yea
Thomson	Absent
Clayton	Yea
Devlin	Yea

There being four yeas and no nays, the Mayor declared the Ordinance carried.

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 16-2008** - Determining Positions Eligible for Defined contribution Retirement Program entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUT, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 42 SALARIES AND COMPENSATION." Mrs. Kubacz read the Ordinance according to law. Mayor Devlin declared the Public Hearing open. There being no comments or objections, Committeeman Hoffman moved that the public hearing be closed. Committeeman Foster seconded the motion and all members voted yes. Committeeman Hoffman moved that the Ordinance be adopted as to its second reading and final passage. Committeeman Foster seconded the motion and on roll-call, members voted as follows:

Foster	Yea
Hoffman	Yea
Thomson	Absent
Clayton	Yea
Devlin	Yea

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

This being the advertised time for the Second Reading and Public Hearing of **ORDINANCE NO. 17-2008** - Amending and Supplementing Chapter 180 Pertaining to Firearms 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 180 PERTAINING TO FIREARMS." Mrs. Kubacz read the Ordinance according to law.

Mayor Devlin made a brief statement regarding Ordinance No. 17-2008. This Township Committee has been concerned with the safety of the residents who live by Shark River Park where the Monmouth County Park System permits hunting. We have been advised by the County that they have agreed to address the safety issues and will respect the wishes of the Wall Township Committee that the hunting be directed to an area away from Wall Township residents. Mayor Devlin thanked all the members of the Committee especially Deputy Mayor Michael Clayton. This Township Committee will rescind the ordinance. Mayor Devlin thanked the County for their cooperation.

Committeeman Foster moved to rescind the Ordinance. Committeeman Hoffman seconded the motion and on roll-call, members voted as follows:

Foster	Yea
Hoffman	Yea
Thomson	Absent
Clayton	Yea
Devlin	Yea

There being four yeas and no nays, the Mayor declared the Ordinance rescinded.

With reference to Introduction of **ORDINANCE NO. 18-2008** - Authorizing Lease of Township Property to the Old Wall Historical Society - Wheelwright Shop entitled "AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE LEASE OF REAL PROPERTY OWNED BY THE TOWNSHIP OF WALL TO THE OLD WALL HISTORICAL SOCIETY, A ON-PROFIT ENTITY, IN ACCORDANCE WITH NJSA 40A:12-14(C)," Mrs. Kubacz read the Ordinance by title only, as required by law. Committeeman Foster moved that the Ordinance be adopted as to first reading. Committeeman Hoffman seconded the motion and on roll-call, members voted as follows:

Foster	Yea
Hoffman	Yea
Thomson	Absent
Clayton	Yea
Devlin	Yea

There being four yeas and no nays, the Mayor declared the Ordinance adopted as to its first reading. Committeeman Foster moved that the Clerk advertise the Ordinance according to law, the second reading and public hearing to be held October 8, 2008, at 7:30 P.M. Committeeman Thomson seconded the motion and all members voted yes.

Consent Agenda

With reference to Items 11 A - T 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 Devlin asked if any member of the Township Committee wished to consider any other item separately. There being no comments, a motion was made by Deputy Mayor Clayton and seconded by Committeeman Foster to adopt the following Resolutions, and on roll-call, members voted as follows:

Foster	Yea
Hoffman	Yea
Thomson	Absent
Clayton	Yea
Devlin	Yea

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

#08-901 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL DECLARING CONTRACTOR IN DEFAULT AND AUTHORIZING THE SUBMISSION OF A CLAIM UNDER A PERFORMANCE BOND

#08-902 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE DISCUSSION OF MATTERS IN A CLOSED SESSION PURSUANT TO THE STATURORY EXCLUSIONS OF NJSA 10:4-12 (September 3, 2008)

#08-904 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF AN APPLICATION TO THE MONMOUTH COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE OPEN SPACE PROGRAM

#08-905 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL CERTIFYING COMPLIANCE WITH THE PROMULGATION OF THE LOCAL FINANCE BOARD OF THE STAT OF NEW JERSEY DATED JULY 30, 1968 (2007 AUDIT REPORT)

#08-906 - A RESOLUTION INDICATING CORRECTIVE ACTION PLAN/STATUS REGARDING THE 2007 MUNICIPAL AUDIT REPORT

#08-907 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REQUESTING APPROVAL OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER

FOR MUNICIPAL ALLIANCE ON ALCOHOL AND DRUG ABUSE PURSUANT TO PL 1989, C.51; NJSA 40A:5-29

#08-908 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REQUESTING APPROVAL OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR SELF-INSURANCE PROGRAM PURSUANT TO NJSA 40A:10-1 ET SEQ.

#08-909 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REQUESTING APPROVAL OF THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO ESTABLISH A DEDICATED TRUST BY RIDER FOR DEVELOPERS FEES-HOUSING TRUST FUNDS PURSUANT TO PL 1985 C. 222 AND JNAC 5:92-181 ET SEQ.

#08-910 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL REQUESTING THAT THE DIRECTOR OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2008 BUDGET

#08-911 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS FOR THE PROVISION AND ADMINISTRATION OF AN EMPLOYEE ASSISTANCE PROGRAM

#08-912 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF MONMOUTH

#08-913 - 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 WATER MAIN EXTENSION FOR WALL CORPORATE SUITES, BLOCK 816 LOT 5

#08-914 - 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 SANITARY SEWER EXTENSION APPLICATION FOR WALL CORPORATE SUITES, BLOCK 816 LOT 5

#08-915 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING ASSIGNMENT

#08-916 - A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING GOVERNING BODY TO DECLARE PROPERTIES IN FORECLOSURE

#08-917 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ISSUANCE OF AN AFFIDAVIT OF LOST CERTIFICATE OF SALE

#08-918 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE ADVERTISEMENT OF BIDS FOR THE LEASE OF REAL PROPERTY OWNED BY THE TOWNSHIP OF WALL

#08-919 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING THE PUBLIC ADVERTISEMENT FOR BIDS RELATING TO THE 2008 ROAD IMPROVEMENT PROGRAM

#08-920 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL APPOINTING A MEMBER TO THE COMMUNITY RELATIONS/COMMUNITY ALLIANCE COMMITTEE

#08-921 - RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AUTHORIZING CERTAIN PERSONNEL ACTIONS

End of Consent Agenda

Audience Participation

Doris Lynn, Freehold Township, stated that she was glad that hunting will be discontinued in this area but disappointed that it will continue in other areas.

Paul Knowles, Belmar Boulevard, asked about low income housing on Belmar Boulevard near Megill Road. Mayor Devlin stated that this is just a rumor. Mr. Knowles stated that there are surveyors in the area. Mayor Devlin replied that they have nothing to do with this. Administrator Verruni added that the Township will not be doing anything out there. The township is just in the preliminary stages and everything is on the table. The State is forcing 667 units on Wall Township that will drastically change the character of the township. The Township has to prepare for the December 31st deadline. Mayor Devlin stated that this Township Committee is against this. There is a petition for everyone to sign to oppose this.

Marie O'Connell, Williams Drive, asked about the distance hunters will be permitted to residential properties because there is hunting near her backyard. Administrator Verruni replied that hunting and discharge of firearms within Shark River Park is a far distance from Williams Drive. There is no hunting permitted near this property. Mr. Verruni noted that the distance is 450 ft.

Greg Szulecki, State Division of Fish and Wildlife, stated that the distance allowed is 450 ft. from occupied buildings, not from the back yard or property line. Mr. Verruni stated that the County has made the distance in this area from the property line. Mr. Szulecki said that is

correct so that the distance in this area is more than 450 ft. from the structure. The County doesn't want a problem back there and they don't want anyone near resident's property lines. Ms. O'Connell asked if the hunters could go through her property. Mayor Devin replied no.

Cindy Kuenstner, State Division of Fish and Wildlife, thanked the Committee for their efforts in working with the County and her Division. The issues were the parking lot on Gully Road and concerns that were unsubstantiated by local police. After the complaints, the County surveyed residents and 71% of respondents had a positive feedback and no records of violations. The Gully Road parking lot is eliminated and there is an agreement to move the Remsen Mill Road lot. The Attorney General's office regulation is preempted by the State. This would have provided a perfect opportunity for a challenge. Conservation officers would not have enforced such an ordinance. The 450 ft. safety zone is adequate. This would have been a challenging enforcement issue.

Ms. Kuenstner said that the Division offered to Wall Township an increase in patrols in targeted areas, responding to hunter related calls, working with local Police Department, educating residents about safety zones, etc. Safety buffer zones can be provided but the County posts those signs in a more conservative manner. The Division's signs are in the woods at the 450 ft. distance or more. The Division also offered to provide information for the Newsletter so that residents can get information. The results with the County are favorable. Ms. Kuenstner said that the Committee made a smart decision and the Division appreciates it.

A resident thanked the Committee for making a sound judgment and for taking conservation into consideration.

Dave Seliga, Martin Road, stated that he is a bow hunter and in order to hunt in Shark River the County has specific mandates that a hunter has to have a safety card and submit to the County to hunt. Only bow hunting is allowed in that area and you must be in a tree stand. Shot guns are not allowed. Mr. Seliga stated that the shooting capabilities of the bow are different because hunters are in a stand. Safety is stressed throughout the whole State. They are well aware of the concerns of the residents. Mr. Seliga asked how this will be addressed if it comes up again. Mayor Devlin replied that he can't predict the future of the Township Committee. Mr. Seliga said he wants to make sure on the record what will be done. Attorney Kitrick replied that there is no other proposed ordinance.

Resident, Lavalette, NJ, thanked the Committee for rescinding the Ordinance. The resident explained that in the 1980's, Princeton Township created an ordinance that there would be no discharge of firearms, bow and arrow and no hunting which created a wildlife sanctuary. Deer and geese population increased to the extent that the individuals who asked for no hunting, complained that the deer were eating everything on private property. Princeton Township recognized that the ordinance was flawed and rescinded it. It also caused motor vehicle damages because road kill was very high. The wildlife count is now starting to go down. The resident thanked the committee for their decision.

Richard Gunther, Allaire Road, stated that he grew up hunting in Wall Township and wants to make sure that this doesn't snowball into something larger. Mr. Gunther wanted to make it clear to residents that there is no discharge within 450 ft. If someone is walking with a gun or bow and arrow, they can pass through, but it doesn't mean that they are hunting. As long as it is not loaded they can be there and there is no cause for alarm. It's very difficult for bow and arrows to reach the playground area. The town has changed over the last 45 years and the two sides need to meet in the middle. Mr. Gunther thanked the Committee for what they did tonight and he appreciates it.

Harry Martinson, Wyckoff Road, thanked the Committee for rescinding the ordinance.

Gerard R, State Sportsmen's Club stated that Monmouth County has over fourteen clubs with a total membership of over 4,000 members. Mr. R said he was authorized to thank the Committee for rescinding the ordinance.

Mayor Devlin asked that speakers not repeat the same thing and asked if anyone else needed to speak about something else.

Dan Scianimanico, Arthur Street, asked for information on what the Committee has done to address Kids Safe issues. Mayor Devlin said that it is the same as always. Administrator Verruni said that this Township Committee and prior require all volunteers who want to coach to have a Kids Safe card. If they don't have a card, they are not allowed to coach. Recreation is monitoring it. Mr. Scianimanico asked how this applies to other teams and other towns that play here.

Mayor Devlin replied that this is done to protect the children. If another municipality doesn't have this, Wall can't tell them what to do. Our responsibility is for our

residents. Attorney Kitrick stated that we have no control over what other towns do. Committeeman Hoffman stated that if you adopt a program like this, it will never be black and white. There will be a gray area. Mr. Scianimanico said, for the record, that he doesn't have any crimes against children. Mr. Kitrick said he would not discuss an individual case in public.

Mr. Scianimanico asked if the leagues are an extension of the town. Committeeman Hoffman replied that we lease them the fields. North Wall Little League is its own entity. As a stipulation of leasing, we insist that all coaches are Kids Safe approved. Mr. Scianimanico asked if there is an appeal process. Committeeman Hoffman stated that there was when this first started in Wall. Decisions were made on a case by case basis. But subsequently, it was decided that this couldn't be done. If you fail, there's no appeal process. There is either pass or fail. Mr. Kitrick said this would be a liability for the Township.

Mr. Scianimanico asked if there is a liability if that individual is working in the shack. Mr. Hoffman said that with one, you are working in the shack. With the other you are in the dug out with the kids. Mayor Devlin stated that working in the shack doesn't have anything to do with the kids. Mr. Hoffman stated that someone decided that we should use Kids Safe and it is a good idea. But there are gray areas. Mr. Scianimanico said that someone should figure this out. Committeeman Hoffman stated that the solution is black and white. If you can't get your Kids Safe, you can't coach.

Thomas Donoghue, Dumont Terrace, thanked the Committee for rescinding the firearms ordinance. Mr. Donoghue stated that he attended the meeting of the Park Commission with Monmouth County where they offered the proposal. Mr. Donoghue proposed an ad hoc committee of concerned hunters where things like this could be discussed. Mr. Donoghue asked if the Remsen property could be discussed further. Mayor Clayton said they would give this some consideration.

Jim Dayton, Belmar Boulevard, stated that he has been hunting his entire life and this is the first year his daughter gets a bow or firearm. She will have no sport if this comes into affect.

Linda Faraci, Gully Road, said that this is unfortunate that the Committee is not voting to extend the zone to 650 ft. Mrs. Faraci said that she, who is directly affected, read about this in the newspaper. This is not a compromise. Mrs. Faraci feels the Township has caved. Eliminating the parking lots is a start, but there should still be a no discharge law

and no hunting zone. These areas are on the township no hunting zone map and hunting should not be permitted in any of these areas. Wall Township needs to enforce the laws that are on the books. Hunters have trespassed, tore down signs, and violated all laws and regulations of the park.

Gary Faraci, Gully Road, stated that Cindy Kuenstner from Fish and Wildlife is misinformed when she stated that there are no records. There are plenty of records. Mr. Faraci said they are not trying to ban hunting. This is for the safety of the people of Wall Township. The Ordinance that was being put in place is for the safety zone, not to ban hunting. The Township has every right and responsibility to do this, just like the county. Mr. Faraci said it seems that the Committee has decided that the recreation needs are more important than the safety needs. The no discharge and no hunting zoning map are still in place. The areas of concern are near Remsen Mill that the County put in. You can't hunt on that track because it's illegal by Wall Township law. Mr. Faraci asked if the Committee doesn't want to expand safety zones are they going to enforce the rules that are on the books.

Bill Laird, Osborne Place, thanked the Committee for extending hunting here. There is a very good relationship with owners of private properties. Wall police are very cooperative and Fish and Game also. There is no problem with the hunters in Wall Township. 650 ft. would have eliminated most of the hunting in Wall Township. Hunting will be phased out normally with building. In the meantime, this is a good recreation.

There being no further comments, Committeeman Foster moved to adjourn. Committeeman Hoffman seconded the motion and all members voted yes. The meeting adjourned at 8:30 p.m.