

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING  
TUESDAY, FEBRUARY 21, 2006**

A Regular Meeting of the Township Council of the Township of Aberdeen in the County of Monmouth and State of New Jersey was held on Tuesday, February 21, 2006 at 8:08 p.m. in the Municipal Building at One Aberdeen Square and was called to order by Mayor David G. Sobel, who presided at the meeting.

Mayor Sobel said that this meeting is being held in compliance with the Open Public Meetings Act, and that notice of same has been posted on the bulletin board in the Municipal Building and was published in the appropriate newspapers.

**ROLL CALL**            Present:        Owen Drapkin  
   Nicholas Minutolo  
   Thomas Perry  
   Joseph Raymond  
   Wilhelmina Gumbs  
   David G. Sobel

Absent:            Vincent Vinci

Also Present:    Stuart Brown, Township Manager  
   Daniel McCarthy, Township Manager  
   Colleen Paterson, Township Attorney

A Moment of Silence was offered by Mayor Sobel followed by the Pledge of Allegiance.

**REPORTS**

There were no reports made.

Councilman Drapkin made a motion to add Resolution No. 2006-46, Monmouth County Aerial Spraying, to the consent agenda. Seconded by Councilman Minutolo.

**ROLL CALL VOTE:**

Ayes: Councilman Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor Sobel

Nays: None

Abstain: None

**HEARING OF THE CITIZENS - Agenda Items only**

Mayor Sobel asked anyone wishing to be heard on agenda items to come forward and state their name and address. There being no one present wishing to be heard, Mayor Sobel declared the Hearing of the Citizens on agenda items closed.

**CONTINUED BUSINESS**

**ORDINANCE NO. 3-2006 - PUBLIC HEARING**

Mayor Sobel stated that Ordinance No. 3-2006, introduced and passed on first reading by title on

February 7, 2006 and published according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Asbury Park Press and Courier Newspaper of February 9, 2006 will be submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the Municipal Building and that copies were available to the general public upon request.

Thereupon the Clerk read the aforementioned ordinance by title, "AN ORDINANCE AMENDING AND SUPPLEMENTING THE "LAND DEVELOPMENT ORDINANCE", OF THE TOWNSHIP OF ABERDEEN (1981, AS AMENDED) COUNTY OF MONMOUTH, STATE OF NEW JERSEY BY ADDING A NEW SECTION 609 ENTITLED "WIRELESS COMMUNICATION FACILITIES" AND BY CHANGING SUBSECTIONS 406B AND 411B REGARDING PERMITTED USES IN THE "HC" AND "LI" ZONING DISTRICTS"

Mayor Sobel opened the meeting to the public for remarks or comments for or against the final adoption of this ordinance and asked anyone wishing to be heard to come forward and state their name and address.

Ron Igneri  
Justice Lane

Mr. Igneri commented on the ordinance and stated he has been on the Planning Board for five years and has been an active participant in the wireless application as a resident. Wireless Ordinances are a good thing to have and he is glad the Township of Aberdeen is taking a step forward and moving ahead.

There being no one else present wishing to be heard, Mayor Sobel closed the public hearing on Ordinance No. 3-2006.

Deputy Mayor Gumbs made a motion that Ordinance No. 3-2006 be finally passed and adopted and that notice of its passage and adoption be published by title in the February 23, 2006 issue of the Courier and Asbury Park Press.

Seconded by Councilman Drapkin

ROLL CALL VOTE:

Ayes: Councilmen Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor Sobel

Nays: None

Abstain: None

#### **ORDINANCE NO. 4-2006 - PUBLIC HEARING**

Mayor Sobel stated that Ordinance No. 4-2006, introduced and passed on first reading by title on February 7, 2006 and published according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Asbury Park Press and Courier Newspaper of February 9, 2006 will be submitted and it is noted that a copy of the ordinance has been posted on the bulletin board in the Municipal Building and that copies were available to the general public upon request.

Thereupon the Clerk read the aforementioned ordinance by title, "CALENDAR YEAR 2006

**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK PURSUANT TO N.J.S.A. 40A:4-45.14.”**

Mayor Sobel opened the meeting to the public for remarks or comments for or against the final adoption of this ordinance and asked anyone wishing to be heard to come forward and state their name and address. There being no one present wishing to be heard, Mayor Sobel closed the public hearing on Ordinance No. 4-2006.

Councilman Drapkin made a motion that Ordinance No. 4-2006 be finally passed and adopted and that notice of its passage and adoption be published by title in the February 23, 2006 issue of the Courier and Asbury Park Press.

Seconded by Councilman Minutolo

**ROLL CALL VOTE:**

Ayes: Councilmen Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor Sobel

Nays: None

Abstain: None

**NEW BUSINESS**

**ORDINANCE NO. 5-2006 - INTRODUCTION**

Councilman Minutolo made a motion to introduce Ordinance 5-2006 on first reading by title and to order the same to be published in full in the February 23, 2006 issue of the Courier and Asbury Park Press, together with notice of its introduction and passage on first reading by title, and that it will be further considered for final passage after public hearing at a meeting of the Township Council to be held on March 7, 2006 at 7:00 p.m. in the Municipal Building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Councilman Raymond.

Thereupon the Clerk read the aforementioned ordinance by title, “AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ABERDEEN TO IMPLEMENT A VACATION OF PORTION OF JETER STREET LOCATED IN THE TOWNSHIP OF ABERDEEN”

**ROLL CALL VOTE:**

Ayes: Councilmen Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor Sobel

Nays: None

Abstain: None

**RESOLUTION NO. 2006-39**

Councilman Raymond made a motion to introduce Resolution No. 2006-39 and move its adoption. Seconded by Councilman Drapkin

**ROLL CALL VOTE:**

Ayes: Councilmen Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor

Sobel  
Nays: None  
Abstain: None

**RESOLUTION OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF  
ABERDEEN**

**RESOLUTION DESIGNATING TAX BLOCK 155 LOT 1 AS AN  
AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE  
LOCAL REDEVELOPMENT AND HOUSING LAW (N.J.S.A.  
40A:12A-et.seq. )**

**WHEREAS**, on December 21, 2004, the Municipal Council of the Township of Aberdeen (hereinafter referred to as the Governing Body) adopted Resolution No. 04-141 by which the Governing Body directed the Aberdeen Planning Board (hereinafter the Planning Board) to undertake a preliminary investigation in order to determine whether certain parcels of property fronting upon Cliffwood Avenue and identified as Tax Block 155, Lots 1, 2, 3, 4 and 5 upon the Official Tax Map of Township of Aberdeen can be lawfully designated as “an area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5 and based upon the results of such preliminary investigation make a recommendation to the Governing Body; and

**WHEREAS**, on July 20, 2005, the Planning Board received a Preliminary Investigative Report from the Township Planner and in connection therewith conducted a public hearing; and,

**WHEREAS**, based upon the information contained in the Preliminary Investigative Report and the public opinion expressed during the meeting, the Planning Board concluded that certain statutory criteria prevailed upon Tax Block 155 Lot 1 that

would support the designation of this parcel of property as an “area of redevelopment”; and

**WHEREAS**, specifically, the Planning Board determined that given the current condition of the parcel of property and the vacant industrial improvements situated thereupon that the following statutory criteria were found to prevail:

a) that the existing improvements situated upon Tax Block 155 Lot 1 were generally substandard, unsafe and dilapidated and as such were conducive to unwholesome living and working conditions.

b) that the use of the improvements on Tax Block 155 Lot 1 previously utilized for manufacturing purposes have fallen into such a great state of disrepair as to be untenable.

c) that by reason of dilapidation, obsolescence, faulty arrangement and design that the improvements situated on Tax Block 155 Lot 1 are detrimental to the safety, health or welfare of the community.

**WHEREAS**, with regard to Tax Block 155 Lot 2,3,4 and 5, the Planning Board found that additional studies of these parcels of property would be necessary in order to determine whether or not each or any of them were conducive for designation as “an area in need of redevelopment”; and

**WHEREAS**, as a result, on July 20, 2005, the Planning Board adopted a Resolution recommending to this Governing Body that Tax Block 155 Lot 1 be designated as “an area in need of redevelopment” and in support thereof submitted a copy of the Township Planner’s Preliminary Investigative Report identified as “ a

Preliminary Investigation to determine whether or not certain land , including land formerly occupied by the Anchor Glass Manufacturing Facility Should be Designated as a Redevelopment Area in accordance with N.J.S.A. 40A:12A-1 et. seq. (dated April 15, 2005) ; and

**WHEREAS**, this Governing Body has reviewed the contents of the Preliminary Investigative Report, and the public comments made at the aforementioned Planning Board hearing and has also solicited additional public comment; and

**WHEREAS**, the Governing Body has come to the conclusion that given the historical use of Tax Block 155 Lot 1, the vacant and dilapidated condition of the improvements situated thereupon and such other considerations presented in the Preliminary Investigative Report, that the parcel of property should be designated as “an area in need of redevelopment” .

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of Township of Aberdeen that the Tax Block 155 Lot 1, also known as the Anchor Glass site be and hereby is determined to be an area in need of redevelopment in accordance with the criteria set forth in N.J.S.A. 40A:12-5; and is hereby designated as such; and

**BE IT FURTHER RESOLVED**, that Tax Block 155 Lot 1 shall be also referred to as the Anchor Glass Redevelopment Area.

**BE IT FURTHER RESOLVED**, that the Township professional staff along with the assistance of the current record owner of Tax Block 155 Lot 1 shall prepare an appropriate Redevelopment Plan for the Redevelopment Area.

**RESOLUTION NO. 2006-40**

Councilman Perry made a motion to introduce Resolution No. 2006-40 and move its adoption.  
Seconded by Councilman Raymond

**ROLL CALL VOTE:**

Ayes: Councilmen Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor Sobel

Nays: None

Abstain: None

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
ABERDEEN**

**RESOLUTION DESIGNATING SOMERSET  
DEVELOPMENT LLC AS A REDEVELOPER  
OF TAX BLOCK 155 LOT 1, A PARCEL OF  
PROPERTY SITUATED WITHIN THE  
ANCHOR GLASS REDEVELOPMENT  
AREA.**

**WHEREAS**, on December 21, 2004 the Municipal Council of the Township of Aberdeen by Resolution, directed the municipal Planning Board to investigate whether or not certain parcels of property located along Cliffwood Avenue and identified as Tax Block 155, Lots 1, 2, 3, 4 and 5 upon the Official Tax Map of the Township of Aberdeen constitutes "an area in need of redevelopment" and based upon the results of such investigation, make an appropriate recommendation to the Municipal Council; and

**WHEREAS**, on July 20, 2005, after reviewing the Preliminary Investigative Report prepared by the Township Planner and convening a public hearing, the municipal Planning Board determined that certain criteria prevailed upon Tax Block 155 Lot 1 that rendered the parcel of property suitable for designation as "an area in need of redevelopment" and that with regard to Tax Block 155 Lots 2, 3, 4 and 5 further

study would be necessary in order to determine whether such criteria prevailed thereupon such that each parcel of property could be lawfully designated as “an area in need of redevelopment”; and

**WHEREAS**, on the basis of the municipal Planning Board’s recommendation and the Preliminary Investigative Report and taking into account the public comments made, adopted a Resolution designating Tax Block 155 Lot 1 to be “an area in need of redevelopment” and identified same as the Anchor Glass Redevelopment Area; and

**WHEREAS**, Somerset Development, LLC, as the record owner of Tax Block 155 Lot 1 submitted a written proposal including a Concept Plan and in support thereof made a formal presentation to the Township of Aberdeen detailing its proposal and such Concept Plan envisions a mixed use multi-phased development consisting of residential units and commercial/retail space consistent with the Concept Plan and the Housing Fair Share Plan, however this amount may be increased depending upon the prevailing market conditions; and

**WHEREAS**, Somerset Development LLC has requested that the Municipal Council designate it as the Redeveloper of Tax Block 155 Lot 1; and

**WHEREAS**, the Township has reviewed the Concept Plan and has found it to be consistent with the Township’s vision for redevelopment for the Anchor Glass Redevelopment Area; and

**WHEREAS**, the Township shall develop a comprehensive Redevelopment Plan that will set forth the municipality’s goals and objectives for redevelopment; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Municipal Council of Township

of Aberdeen that Somerset Development LLC be and hereby is designated to serve as Redeveloper of Tax Block 155 Lot 1 conditioned upon satisfactory demonstration that substantive progress has occurred towards meeting one or more of the conditions of the designation, said conditions being as follows:

1. Within the ninety (90) day period of designation, with a ninety (90) days extension with the consent of the Township, (which consent shall not be unreasonable withheld), the Township and Somerset Development LLC must negotiate, approve, and execute a Redevelopment Agreement for the properties located within the Redevelopment Area.
2. Within fourteen (14) days of designation, the Township shall provide Somerset Development LLC with a statement of all reasonable costs and consultant fees incurred by the Township in this redevelopment process and the Redeveloper shall, within fourteen (14) days of receipt reimburse the Township for these costs.
3. Within fourteen (14) days of the designation, Somerset Development LLC and the Township will execute an Interim Cost Agreement which would provide for the details for the establishment of an escrow account with the Township for the payment of all reasonable costs and consultant fees for the implementation of the redevelopment project, including the negotiation of all agreements; further the amount to be deposited in the escrow account will be determined by the Township; and further, Somerset Development LLC will replenish the escrow account as required until completion of the project.
4. Somerset Development LLC shall, based upon representations in its proposal, negotiate an agreeable phasing plan for implementation of the project tied to infrastructure improvements which are to be paid for by Somerset Development LLC and/or through federal, state, county, local, and/or private funding sources secured by Somerset Development LLC with the cooperation of the Township and its professionals; and further, all costs associated with securing funding sources shall be paid by Somerset Development LLC; any changes in the infrastructure improvements as represented in the proposals to date, shall require Township approval prior to the implementation of a new proposal or plan.
5. Somerset Development LLC shall agree to consult and permit the Township to approve on the retention of Somerset Development LLC's design professional, and any such approval by the Township shall not be unreasonably withheld.

**BE IT FURTHER RESOLVED,** that upon completion of negotiations of a Redevelopment Agreement and upon the approval of the Township's Counsel, that the Mayor be and hereby is authorized to review and execute said Redevelopment Agreement and to take such other steps as are necessary in order to complete and implement this redevelopment project.

**BE IT FURTHER RESOLVED,** that the Township Manager shall be authorized to apply for, on behalf of the Township, any and all federal, state, county, and local funds to support this redevelopment project.

**BE IT FURTHER RESOLVED,** that in the event that additional parcels of property are incorporated into the Anchor Glass Redevelopment Area, that the Township Council shall first consider modifying of the above-described designation of the Redeveloper to include designation for such additional parcels of property.

**BE IT FURTHER RESOLVED,** that the Township in consultation with the Redeveloper shall prepare an appropriate Redevelopment Plan for the Anchor Glass Redevelopment Area.

## **CONSENT AGENDA**

Deputy Mayor Gumbs made a motion to approve the consent Agenda all items listed under 7D.  
Seconded by Councilman Minutolo

ROLL CALL VOTE:

Ayes: Councilmen Drapkin, Minutolo, Perry, Raymond, Deputy Mayor Gumbs and Mayor Sobel

Nays: None

Abstain: None

1. RESOLUTION NO. 2006-41 - BE IT RESOLVED by the Township Council that it hereby authorizes the release of maintenance bonds for R&R Builders, LLC.
2. RESOLUTION NO. 2006-42 - BE IT RESOLVED by the Township Council that it hereby authorizes the release of performance guarantees for Salem Place Corp.
3. RESOLUTION NO. 2006-43 - BE IT RESOLVED by the Township Council that it hereby authorizes appropriation transfers in the amount of \$5,117.00 between the 2005 Current Fund Budget.
4. RESOLUTION NO. 2006-44 - BE IT RESOLVED by the Township Council that it hereby authorizes the release of performance guarantees for Deerwoode Homes, LLC.
5. RESOLUTION NO. 2006-45 - BE IT RESOLVED by the Township Council that it hereby authorizes the release of performance guarantees for Casiero Enterprises.
6. RESOLUTION NO. 2006-46 – BE IT RESOLVED by the Township Council that it hereby authorizes the aerial spraying by Monmouth County.
7. EXECUTIVE SESSION RESOLUTION - BE IT RESOLVED that the general public shall be excluded from discussion held during executive session - Negotiations, Potential Litigation
8. RA-884 - Raffle License for St. Joseph PTA, Keyport, NJ
9. RA-885 - Raffle License for St. Joseph PTA, Keyport, NJ

## **HEARING OF THE CITIZENS/CORRESPONDENCE AND PETITIONS**

Mayor Sobel asked any member of the public wishing to be heard to come forward and to state their name and address.

Phil Petrognani  
178 Wilson Avenue

Mr. Petrognani stated he is confused with the Anchor Glass presentation. Will the developer be responsible with COAH requirements.

Mr. McCarthy, Township Attorney stated yes.

Mr. Petrognani asked if the requirements will be on-site.

Mr. McCarthy stated not necessarily.

Mr. Petrognani stated he would like it on record that any requirements generated should remain on-site.

Mr. McCarthy stated that is not the law.

Mr. Petrognani stated he just wanted it on the record.

Mr. Petrognani stated he has a problem with the speeding on Wilson Avenue and the truck traffic which he has seen nothing done about. I brought it to the Council's attention numerous times. Also, the Walter White and Joe Manzo properties, I would like to see something done with both these properties. I would like to see the house knocked down and the Township put a lien against it. The Scarborough property too, it is missing stairs and something needs to be done immediately.

Mr. Brown stated he will look into all of it.

There being no one else present wishing to be heard, Mayor Sobel closed the public portion.

#### **ADJOURNMENT**

Councilman Minutolo made a motion to adjourn, seconded by Councilman Raymond and unanimously concurred by Council.

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David G. Sobel, Mayor

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Karen Ventura, Municipal Clerk