

**ABERDEEN TOWNSHIP COUNCIL WORKSHOP MEETING
TUESDAY, SEPTEMBER 1, 2009**

Present: Thomas Perry
Joseph Raymond
Fred Tagliarini
Vincent Vinci
Wilhelmina Gumbs
David G. Sobel (7:55 p.m.)

Absent: Owen Drapkin

Also Present: Joe Criscuolo, Township Manager
Diane Dabulas, Township Attorney
Tim Gillen, Township Attorney

Deputy Mayor Gumbs called the meeting to order at 7:05 p.m. and stated that notice of this meeting has been posted and published in compliance with the Open Public Meetings Act.

2008 Municipal Audit: The 2008 Municipal Audit has been completed. The Township Auditor is unable to attend tonight's meeting, he will be at the September Council meeting to discuss the budget. The resolution for this evening is stating Council has received the Audit and has read the Auditor's Comments, Recommendations and Opinions at a minimum. A straw poll vote was unanimously in favor of bringing this resolution to tonight's public meeting.

Corrective Action Plan: This is being tabled to the next September 15, 2009 Council meeting.

Award of Bid for Lease of Township Land for Communications Tower: Bids were received by the Township Manager on May 28, 2009 for aforementioned project. Wireless Edge of New Rochelle, NY was the highest responsible bidder per the recommendation of the Township Engineer, Tim Gillen dated June 2, 2009. A straw poll vote was unanimously in favor of bringing this resolution to tonight's public meeting.

Performance Guarantee Release: Juanedy Corp has requested release of performance guarantees posted on Block 188, Lot 9, 93 Kennedy Avenue. In a letter dated August 17, 2009 Tim Gillen recommends said release subject to the posting of satisfactory maintenance bond. A straw poll vote was unanimously in favor of bringing this resolution to tonight's public meeting.

Performance Bond Release: J & J Realty has requested release of performance

guarantees posted on Block 229, Lots 2,3,4,5, County Road. In a letter dated August 17, 2009 the Township Engineer recommends release subject to the posting of satisfactory maintenance bonds. A straw poll vote was unanimously in favor of bringing this resolution to tonight's public meeting.

Maintenance Bond Release: Wawa, Inc. has requested release of maintenance bonds posted on Block 303, Lots 24 & 25, Route 35 & Cliffwood Avenue. In a letter dated August 26, 2009 the Township Engineer recommends release of said bonds. A straw poll vote was unanimously in favor of bringing this resolution to tonight's public meeting.

Retaining Wall in Municipal Right-of-Way: Mr. Muhammad, Block 172, Lot 10, 148 Milton Avenue constructed a retaining wall within the Municipal Rights-Of-Way without approvals from the Township. The Township Engineer stated Milton Avenue was recently reconstructed and grade adjustments were made for certain properties, one being Mr. Muhammad's neighbor. Mr. Muhammad then constructed a retaining wall on his property in the Municipal Right-Of-Way, which could present potential liability to the municipality. Our position is either Mr. Muhammad sign a document releasing the municipality from liability and expense if wall needs to be removed or the wall should be removed.

Thomas Pieper, Esq., attorney for Mr. Muhammad stated the situation is a copy cat to this neighbor's wall. Mr. Muhammad did have markers that were disturbed when the road was reconstructed. The wall does match up to the neighbor's property. Mr. Muhammad ask that he be treated in the same way as his neighbor.

Mr. Gillen stated the neighbor's wall was constructed with municipal funds. If the wall is to be removed, that is the burden of municipality. Mr. Muhammad's wall was not constructed with municipal funds and no permits and it is not the municipalities burden if it needs to be removed. Mr. Pieper agreed.

Mr. Muhammad stated he did the same as neighbor. I ask to be treated the same.

Mr. Pieper stated the Council does recognized that this is different.

Councilman Perry asked what do you mean Right-of-Way.

Mr. Gillen stated each municipality has a distance which belongs to municipality that is established by tax maps and surveys and is recorded on deeds.

Councilman Perry asked what liability.

Mr. Gillen stated something that can occur as a result of the retaining wall. Councilman Perry asked if the Board would grant as a Condition of approval a Hold Harmless Agreement with the Township and pay the costs of removing the retaining wall if sidewalks were to be constructed.

Mr. Gillen stated he Board can not grant approval on Municipal Right-Of-Way. It would have to go to the Council.

Councilman Tagliarini stated he knows there was no malice intended, the point is the wall was constructed improperly.

Deputy Mayor Gumbs asked if Mr. Muhammad is willing to accept all responsibility and expenses relating to this wall in the future.

Mr. Criscuolo stated his concern is this wall was not inspected by engineers and the proper construction thereof.

Councilman Perry stated at no costs to the Township, our Engineer should go out and inspect to make sure the wall is structurally sound and then draft whatever easements are needed on the County level.

Mr. Gillen stated he can review with contractor who did work and do a physical inspection.

Councilman Perry stated the property owner will have to agree and post escrow.

Mr. Muhammad stated he did post money in escrow and will pay for inspection.

Mr. Criscuolo stated we will verify there are funds in escrow and have Mr. Gillen inspect and examine the wall.

Deputy Mayor Gumbs stated no formal action will take place tonight.

Mr. Pieper stated several neighbors came out tonight and would like the Council to know they think the wall is attractive and would like to see it stay.

Vacation of Paper Street/Bank Street: Block 33, Lots 2 & 3. Resident approached Township to purchase paper street. Previous Assessor made an agreement of \$500 to purchase street. He would pay all attorney and engineering fees. Would be good to get on the tax rolls and is of no value to anyone but this homeowner. Wait for paperwork to show price and move on this.

Live Where You Work Program: This is an incentive program offered by the New Jersey Housing and Mortgage Finance Agency for first time home buyers in participating municipalities, buy home in the town you work and get a low interest mortgage. Only costs to the town is the brochures, \$3000 would be total maximum costs. Put flyers out to banks, Realtors. Incentives, Low interest mortgage, down payment assistance, \$8000 credit can be used towards down payment. Looking to put funds in 2010 budget or look for Realtors or banks to donate money for brochures.

West Prospect Avenue: We received a request from residents on West Prospect Avenue to

put in speed bumps. Chief Powers stated he did a three year crash history, there were 26 crashes, one result in injuries contributed to excessive speed. A speed monitor was put on West Prospect for 10 days, 5500 vehicles - 43% exceeded 25 mph, less 4% exceeded 35 mph. Construction was on roadway so data may not be valuable. The roadway is fairly wide which increases speed and is used as a cut through. Police Dept feels speed bumps will not make a road less safe. Fire Dept. is opposed to speed bumps and EMS is okay with them. Deputy Mayor Gumbs thanked Chief Powers.

Joe Criscuolo stated the roller rink at Cliffwood Beach has been repaired and is open.

Councilman Vinci stated the Fire Department is requesting Council to do an ordinance allowing Clothing Bins on their property

Diane Dabulas will have the Fire Department Clothing Bins ready for the next meeting.

Councilman Perry asked on Bond Ordinance No. 14-2009, at the last meeting he asked if the Anchor Glass Water Main was included in the redeveloper's agreement for this costs. If the Township spent the money could we recoup from developer.

Diane Dabulas stated it was not in contract, yes we could recoup.

Tim Gillen stated costs was discussed with developer to pay for water main in full or part. The main would benefit that development.

Councilman Perry was unable to attend the Special Meeting at 6:00, in Mr. Coppola's letter reference was made the Township official continue to meet within the next two weeks. Did meetings take place and who attended on behalf of the Township.

Diane Dabulas state August meeting with professionals and David Sobel.
August professionals met with COAH objectors except for PRC and David Sobel.

Councilman Perry stated any consideration for Deputy Mayor Gumbs who is on the mediation team.

Deputy Mayor Gumbs stated she was on a cruise.

Councilman Perry with respect to the 6:00 p.m. meeting, is suspicion was to accommodate Mr. Coppola's schedule. In the past, we polled Council to see who could attend, why didn't this take place. First notice is when I got this in my packet.

Mayor Sobel stated you are right.

Joe Criscuolo stated we could not have it after the meeting because our professionals needed to leave.

Councilman Perry stated Mr. Coppola.

Joe Criscuolo stated yes.

Councilman Perry stated he is trying to nicely state his displeasure. I can not attend a meeting which has a significant impact on this Municipality. I have taken a keen interest in COAH and take the time to read everything. I would like the courtesy reciprocated.

Deputy Mayor Gumbs stated you are absolutely right.

Joe Criscuolo stated note taken.

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

Wilhelmina Gumbs, Deputy Mayor

Karen Ventura, Municipal Clerk