

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING
TUESDAY, OCTOBER 7, 2008**

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, October 7, 2008 at 8:00 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 bulleting board in the Municipal Building and was published in the appropriate newspapers.

ROLL CALL

Present: Owen Drapkin
Thomas Perry
Joseph Raymond
Vincent Vinci
David G. Sobel

Absent: Janice Gallo
Wilhelmina Gumbs

Also Present: Joe Criscuolo, Township Manager
Diane Dabulas, Township Attorney
Chief John Powers

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

REPORTS

There were no reports.

PROCLAMATION

Mayor Sobel read a proclamation “National Breast Cancer Awareness Month”

Whereas, October marks the 23rd year of National Breast Cancer Awareness Month, an annual month-long campaign aimed at educating people and fighting this life threatening disease which is expected to affect more than 240,510 American women and 2,030 men in 2008; and

Whereas, Since the program began in 1985, mammography rates have doubled for women age 50 and older, breast cancer incident rates have leveled off, and breast cancer deaths have steadily decreased by 3.3% per year in women under 50 and 2.0% per year in women over 50, since 1990; and

Whereas, There are approximately 2.3 million breast cancer survivors who are alive today and if all women age 40 and older took advantage of early detection methods, breast cancer death rates would drop much further, up to 30 percent ; and

Whereas, Thanks to the increasing knowledge in the biological and medical sciences, there is an ever growing awareness of this deadly disease and that learning about early detection and teaching early detection to those we love is one of the best forms of protection; and

Whereas, Breast Cancer is the second leading cause of cancer-related deaths among American Women. During National Breast Cancer Awareness Month, we renew our commitment to fighting this disease, raising awareness, and supporting those affected by breast cancer.

NOW, THEREFORE, I, David Sobel, Mayor of the Aberdeen Township, County of Monmouth, State of New Jersey, together with the Township Council declare their support for National Breast Cancer Awareness Month in October, 2008.

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.

Joey Warren
7 Ithaca Court

Mr. Warren asked where the location of the water tower is on Resolution No. 2008-104.

Mayor Sobel stated Jersey Avenue in Cliffwood.

Mr. Warren asked about items 3 and 4 under 9B.

Mayor Sobel stated that Resolution No. 2008-106 and 107 are tabled to the next council meeting. Council needs additional information from the Township Planner.

There being no one else wishing to be heard Mayor Sobel declared the Hearing of the Citizens closed.

Councilman Drapkin made a motion to remove Resolution No. 2008-106 and 2008-107 from this evenings agenda. Seconded by Councilman Raymond

ROLL CALL VOTE:

Ayes: Councilmember Drapkin, Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

APPROVAL OF MINUTES

Councilman Perry made a motion to adopt the following minutes:

Workshop, Regular & Executive Meeting Minutes of July 1, 2008

Workshop, Regular & Executive Meeting Minutes of August 5, 2008

Seconded by Councilman Raymond

July 1, 2008 Minutes

ROLL CALL VOTE:

Ayes: Councilmen Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: Councilmember Drapkin and Perry

August 5, 2008 Minutes

ROLL CALL VOTE:

Ayes: Councilmen Drapkin, Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

CONTINUED BUSINESS

ORDINANCE NO. 12-2008 - PUBLIC HEARING

Mayor Sobel stated that Ordinance No. 12-2008, introduced and passed on first reading by title on September 16, 2008 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 of September 19, 2008 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.

The Clerk read Ordinance No. 12-2008: "AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ABERDEEN FOR TURN PROHIBITION"

Mayor Sobel opened the public hearing to the public for any remarks or comments for or against the final adoption of this ordinance. There being no one present wishing to be heard Mayor Sobel closed the public hearing on Ordinance No. 12-2008.

Councilman Raymond made a motion that Ordinance No. 12-2008 be finally passed and adopted and that notice of its passage and adoption be published by title in the October 10, 2008 issue of the Asbury Park Press.

Seconded by Councilman Vinci

ROLL CALL VOTE:

Ayes: Councilmember Drapkin, Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

NEW BUSINESS

ORDINANCE NO. 13-2008 - INTRODUCTION

Councilman Vinci made a motion to introduce Ordinance No. 13-2008 on first reading by title and to order the same to be published by summary in the October 10, 2008 issue of the 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 October 21, 2008 at 7:00 P.M. in the municipal building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Councilman Drapkin

The Clerk read Ordinance No. 13-2008: "ORDINANCE AMENDING AND SUPPLEMENT THE "LAND DEVELOPMENT ORDINANCE", OF THE TOWNSHIP

OF ABERDEEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY WITH SPECIFIC REFERENCE TO SATISFYING THE REQUIREMENTS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING (COAH) BY AMENDING SECTION 25-9.4 ENTITLED "DEVELOPMENT FEES FOR AFFORDABLE HOUSING"

ROLL CALL VOTE:

Ayes: Councilmember Drapkin, Raymond and Vinci

Nays: None

Abstain: Councilman Perry and Mayor Sobel

CONSENT AGENDA

Councilman Drapkin made a motion to approve the Consent Agenda, all items listed under 9B.

Seconded by Councilman Raymond

1. Resolution No. 2008-104 - BE IT RESOLVED by the Township Council that it hereby awards a contract for Lease of Water Tower Space for Communications Equipment.

ROLL CALL VOTE:

Ayes: Councilmember Drapkin, Raymond, Vinci and Mayor Sobel

Nays: Councilmen Perry

Abstain: None

2. RESOLUTION NO. 2008-105 - BE IT RESOLVED by the Township council that it hereby requests that COAH review and approve Aberdeen's Development Fee Ordinance.

3. RESOLUTION NO. 2008-108 - BE IT RESOLVED by the Township Council that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2008 budget for the sum of \$856.73 - Alcohol Ed Rehab Fund.

4. RESOLUTION NO. 2008-109 - BE IT RESOLVED by the Township Council that it hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2008 budget for the sum of \$5,000 - Division of Highway Safety.

5. RESOLUTION NO. 2008-110 - BE IT RESOLVED by the Township Council that it hereby authorizes the Township Manager and Mayor to enter into an Agreement with the State of New Jersey for the traffic signal at the intersection of Route 34 and Lloyd Road.

6. RESOLUTION NO. 2008-111 - BE IT RESOLVED by the Township Council that it hereby appoints Joseph Criscuolo as Alternate Registrar of Vital Statistics.

7. EXECUTIVE SESSION RESOLUTION - BE IT RESOLVED that the general public shall be excluded from discussion held during executive session - Litigation - Tax Appeals, Contractual - Interlocal Agreement with Matawan-Aberdeen Regional School District, Public Safety - Emergency Medical Service, Negotiations - SOA and AMF Bowling Center - Parking.

8. RA-924 - Raffle License for H.A.M. Parents & Volunteers Org., Aberdeen, NJ

ROLL CALL VOTE:

Ayes: Councilmember Drapkin, Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

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.

Bill Marinella
500 Lloyd Road

Mr. Marinella stated he foresees what is happening in Matawan to happen in Aberdeen next year with the revaluation. This is an unfortunate time, this time next year, houses will drop in value by 35 - 40%, credit will tighten, a decrease in buyer base, more housing than buyers. You have the power to help now before it is too late.

Mayor Sobel asked what you would want the Council to do.

Mr. Marinella stated my point is Matawan is saying we would like to do something but it is too late. I am asking if you can look into if something can be done. A 10% cap on increases, there is a lot if you do some research.

Mayor Sobel stated we have been monitoring the reaction in Matawan. We work very well with Matawan and the school, with costs sharing and interlocal agreements. There is talk of a merger of the two towns. We don't believe a merger is a good idea for the resident of Aberdeen. We discussed further education of our residents, bringing in the County to educate people in how to go through the process and what roll can we as a municipality play in terms of assisting people with very large tax increases. Other people may have steep reductions in their taxes.

Mr. Criscuolo stated first of all the municipality does not call for a revaluation, the County Tax Assessor does. There has not been a reval done in 16 years. It is a County level function. We have been in communication with the reval company and the process to follow when the residents receive their reval notice. They will be hear to meet with residents. It is key that people do not ignore that letter. Holly Reycraft and I are drafting letters and having seminars for appeals. The key is when you get this number and you don't agree with it don't sit on it, meet with the reval company and explain why your house should not be evaluated at the level that it is. At that point they may adjust it. Second, become educated in the appeal process, learn how to file an appeal and go before the County Board and state your case. Revaluations are based on comparable sales in your neighborhood. That is the data they are looking at. If you have factual data, bring in the facts. When you get your tax bill next year, it will be based on the new assessment. Do not ignore that letter. In Matawan, people did not look at the letter and didn't understand the process. The Mayor and I are committed to making sure the residents of Aberdeen are treated fairly in the process and we will be sending out letters on dates and

how to come in and say I don't agree with your assessment. That is how we will help the residents of Aberdeen.

Mayor Sobel stated people should not be alarmed before they receive the information. Some of the people with large increases had significant work done in their homes since the last reval and some done illegally. Those are the people who's numbers are published in the newspaper. In terms of capping people increases at a certain percentage, we have to raise a certain amount of money and if you don't raise that money and cap it that means the money has to come from other residents. Maybe our roll is to facilitate agencies who can do a no interest or low interest loan to people. Capping people and having others pay for it is not fair.

Mr. Marinella stated he doesn't have the answers.

Councilman Perry asked if Mr. Marinella was aware of anything the Matawan Council could have done to minimize the impact.

Mr. Marinella stated he only knows what he reads. I am aware of the appeals process but that would not be a substantial amount taken off. I am very concerned.

Councilman Perry stated the Council will do everything in our power to minimize the impact of the revaluation. But you should agree there is also at 800 pound gorilla in the room that is a greater impact and that is the school district. We will reach out to them and assist us.

Mr. Marinella stated in the past you have assured us that merit and cost effectiveness drive the contracting process, not political contributions. I have no reason to believe that not to be the case. Since attending these meetings the questions continues to come up by members of the community and councilmembers. I still what to believe it is not true. How do you restore the public's trust. A simple solution is public contracting reform, which severs the link between campaign contributions and government contracts. Seventy Five municipalities have passed pay to play ordinances. I am asking the local officials to adopt a pay to play ordinance that would set limits on political contributions to local candidates and political parties from professionals seeking town contracts. Similar to Holmdel which is a simple ordinance. It would limit professional contributions to \$250 a candidate, \$300 to local political parties. It bans all contributions by contractors. Individuals that break the law are ban from contracts for four years. Would any council member be willing to sponsor such measures.

Councilman Drapkin stated we have that.

Mr. Marinella stated no yours is strictly dealing with builders.

Mayor Sobel stated we would take it under consideration, it is a fair request.

Joey Warren

7 Ithaca Court

Mr. Warren stated regarding the reval process, the assessment letters that come out in January, do they include an estimated tax bill. The problem is people get their assessment without knowing their estimated taxes. No one understands what that means. Is there any reason not to include an estimated tax bill.

Mr. Criscuolo asked what can you base it on.

Mr. Warren stated either this years tax rate or add on 2 - 4%.

Mr. Criscuolo stated there is no way to come up with that number.

Mr. Warren stated based on 2008 budget numbers, this is what your taxes would have been this past year. We don't know what it is going to be for next year. This way people can gauge my taxes are going up this much.

Mr. Criscuolo stated it is not as simple as that. You need to analyze how many people went up and how many people went down in the whole town.

Mr. Warren stated if I am using 2008 appropriations and total assessment, that gives me the 2008 tax rate.

Mayor Sobel stated not where you particular tax bill relates to the whole.

Mr. Warren stated what am I missing, new houses that have gone up in the last year that would upset it.

Mayor Sobel stated type of housing, condos, new construction. The question is if you give people additional information how precise can that be.

Mr. Warren stated just given people an assessment tells people nothing what your taxes are going to be. If they see their taxes are going up, it says be prepared, it serves as a warning. It prompts them to an possible appeal or personal saving.

Mayor Sobel stated we have Realty Appraisal come and do a presentation. Matawan did not do that. We also will be putting out additional information to residents with new assessment and explain the process. I don't know with what precision we can provide that information. What would the warning do for people.

Mr. Warren stated it gives them the opportunity to go through the tax appeal process, without understanding they may let it slide by.

Mr. Criscuolo stated your concern when you get a reval is that you are treated fairly with everyone else. The only thing you should be concerned about is that you feel there are houses in your development that sold lower than your reval amount. That will drive you to getting a lower assessment. When you get your assessment you have to look at it and

ask am I being treated fairly. That is what the reval process is all about.

Mayor Sobel stated the majority of people who file appeals do it based on assessment, not taxes.

Mr. Warren stated he doesn't understand why we can't say if this was done a year early this is what your taxes would be. What is the harm in it.

Councilman Drapkin stated we don't know what the tax rate is.

Mayor Sobel asked Mr. Criscuolo to discuss this which Holly Reycraft, Tax Assessor and see what is possible and what her experience was in this.

Mr. Warren stated what I would like to see the Council do for people hardest hit by a tax increase, right now you have a payment penalty for people who fail to pay their taxes on time, 18% or 17%. I would like to see that scaled and if you didn't pay that last year, if you pay most of your taxes it will be a 5% charge. If you can't pay whole bill now, you can take a little longer without killing yourself.

Mayor Sobel stated that is a shortfall in revenue.

Mr. Criscuolo stated you can set the interest rate, you can't treat people differently, it is based on a whole.

Mayor Sobel stated we are encouraging people not to pay their taxes, or pay it late. How do you budget that. It falls upon the shoulders of everyone else in the community.

Councilman Drapkin stated we collect for the school board, the County, the fire. If we don't get the money, we still have to pay, we will be short changed.

Mr. Warren stated another option is paying by credit card.

Mr. Criscuolo stated we do it for water and sewer. We are looking into it. There is a processing fee and percentage which the resident would have to pay.

Gus Toomey
8 Jordan Place

Mr. Toomey asked when the first tax bill after the revaluation will be going out.

Mayor Sobel stated July or August.

William Carroll
508 Matawan Avenue

Mr. Carroll stated his problem is with the Board of Education. They take over the whole neighborhood when they have their after school get together and back to school night. They park all over the street. Matawan Avenue does not have a shoulder. You park a car

on Matawan Avenue you drive down the middle of the street. Someone put a yield to pedestrian sign in middle of street. It is a public nuisance. If an emergency vehicle has to go through they are in trouble. Someone changed the sign, it use to be no parking on Matawan Avenue.

Mr. Criscuolo stated he will check tomorrow.

Mr. Carroll stated on top of this it is a 40mph speed limit. Can we reduce the speed limit?

Mr. Criscuolo stated he will talk to the Chief and Fire Officials and see what we can do.

Vito Turchiano
863 South Concourse

Mr. Turchiano stated he received a bank notice stating my taxes went up \$500. The assessment is going to bring us up again. This guy asked about my kitchen, bathroom and measured every building on my property. Sixteen years ago I was going to be taxed on my sheds and Jacuzzi but they were both portable and not permanent. So he wasn't taxed. If the taxes go up higher because of the sheds, if I rip them down will the taxes do down.

Mayor Sobel stated when you get your assessment you can appeal it at that time.

Mr. Turchiano stated why did he measure all my sheds.

Mr. Criscuolo stated the Mod IV data base is online and has all the structures on the property. He doesn't know if that will effect his assessment. That is a good question to come in and ask. Call Holly and she can help you.

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

ADJOURNMENT

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

David G. Sobel, Mayor

Karen Ventura, Municipal Clerk