

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING
MONDAY, NOVEMBER 17, 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 Monday, November 17, 2008 at 7:35 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: Thomas Perry
Joseph Raymond
Vincent Vinci
David G. Sobel

Absent: Owen Drapkin
Wilhelmina Gumbs

Also Present: Joe Criscuolo, 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.

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 wishing to be heard Mayor Sobel declared the Hearing of the Citizens closed.

CONTINUED BUSINESS

ORDINANCE NO. 13-2008 - PUBLIC HEARING

Mayor Sobel stated that Ordinance No. 13-2008, introduced and passed on first reading by title on November 3, 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 November 7, 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. 13-2008: “ORDINANCE AMENDING AND SUPPLEMENTING THE “LAND DEVELOPMENT ORDINANCE”, OF THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY WITH SPECIFIC REFERENCE TO SATISFYING THE REQUIEMENTS OF THE NEW JERSEY COUNCIL OF AFFORDABLE HOUSING (COAH) BY AMENDING SECTION 25-9.4 ENTITLED “DEVELOPMENT FEES FOR AFFORDABLE HOUSING”

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. 13-2008.

Councilman Perry made a motion that Ordinance No. 13-2008 be finally passed and adopted and that notice of its passage and adoption be published by title in the November 21, 2008 issue of the Asbury Park Press.

Seconded by Councilman Raymond

ROLL CALL VOTE:

Ayes: Councilmen Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

NEW BUSINESS

ORDINANCE NO. 16-2008 - INTRODUCTION

Councilman Raymond made a motion to introduce Ordinance No. 16-2008 on first reading by title and to order the same to be published by summary in the November 21, 2008 issue of the Asbury Park Press, together with notice of its introduction and passage on first ready 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 December 2, 2008 at 7:00 P.M. in the municipal building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Councilman Vinci

The Clerk read Ordinance No. 16-2008: “ORDINANCE CREATING A UNIFORM NUMBERING SYSTEM FOR COMMERCIAL, RESIDENTIAL, INDUSTRIAL BUILDINGS OR OTHER STRUCTURES IN THE TOWNSHIP”

ROLL CALL VOTE:

Ayes: Councilmen Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

CONSENT AGENDA

Councilman Vinci made a motion to approve the Consent Agenda, all items listed under 7B.

Seconded by Councilman Raymond

ROLL CALL VOTE:

Ayes: Councilmen Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: None

1. RESOLUTION NO. 2008-122 - BE IT RESOLVED by the Township Council that it hereby rejects all bids for the lease of Township land for communication tower.
2. RESOLUTION NO. 2008-123 - BE IT RESOLVED by the Township Council that it hereby rescinds Resolution 2008-85 and 2008-92, AGC Gardens Liquor License Renewal and transfer.
3. RESOLUTION NO. 2008-124 - BE IT RESOLVED by the Township Council that it hereby authorizes the liquor license renewal for AGC Gardens Liquor Corp.
4. RESOLUTION NO. 2008-125 - BE IT RESOLVED by the Township Council that it hereby authorizes the release of a maintenance bond for Block 164, Lots 6.02, 137 Jersey Avenue.
5. RESOLUTION NO. 2008-126 - BE IT RESOLVED by the Township Council that it hereby appoints the following members to the Shade Tree and Environmental Advisory Board.
6. RESOLUTION NO. 2008-128 - BE IT RESOLVED by the Township Council that it hereby authorizes the appropriation transfers between the 2008 budget.
7. EXECUTIVE SESSION RESOLUTION - BE IT RESOLVED that the general public shall be excluded from discussion held during executive session - Personnel

ROLL CALL VOTE:

Ayes: Councilmen Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: Councilman Perry

1. RESOLUTION NO. 2008-127 - BE IT RESOLVED by the Township Council that it hereby appoints Joseph McAleer as Community Rating System (CRS) Coordinator for the Township of Aberdeen.

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.

Art Perri

16 Lake Blvd

Mr. Perri stated he has been a resident of this community for 39+ years and come as a representative of the Huskies Sports Inc. Mr. Perri came to speak about the project for a community recreation center that the committee has been working on for the past two years. During the past two years we have spoken to many individuals with venues similar to the one proposed for in Aberdeen. They visit facilities in Marlboro,

Woodbridge, Cranford, Hunterdon County, New Hampshire, Washington D.C. etc. These communities were creative enough to build facilities to meet the needs of the residents. Each community had a sense of community pride. Tonight we are presenting a petition signed by 655 citizens asking you to pursue the construction of the community center in Aberdeen. Mr. Perri read to the Council statements from residents in favor of the community center. Mr. Perri stated that Mayor Sobel and Mr. Criscuolo made comments that this is an unworthy project and the I applied for State and Federal Grants and was turned down. It isn't up to an individual to go after State and Federal monies, the town can only do that. Mr. Perri stressed his disappointment on comments he heard. There are issues facing our town with gangs and domestic violence. Mr. Perri stated Mayor Sobel said the Council is countering these issues by taking over the first aid building in Cliffwood and making it a precinct. This sounds like reacting to a problem instead of trying to cure it. We in Aberdeen drag our feet. The Governing Body in the past met these challenges, what did we do to the swimming pools and boardwalk. We buried them with hopes and dreams of the people. We are here to preserve and create something better for all the citizens. Please do not ignore the proposal that have been brought before you. Make our community a better place to live.

Mayor Sobel stated there is a lot there. First of all there is no member of this Council that contributes to a blog. What you read on a website is someones opinion. I have returned phone calls from the YMCA, I applied for federal money this past year, I didn't say we were taking over the first aid building in the beach to make it into a precinct. We first need to upgrade that building so it can be used safely and full time as a first aid building. There are other uses which we are considering making a small investment in as a community center and if need be a police substation. We have had brief discussion on that. Mr. Criscuolo was the Assistant Business Administrator in Old Bridge so he is well aware of what it cost to run a ice skating rink and if it made money. It has lost money over the few years, \$75,000 - \$50,000, it is a very costly enterprise. The Y is building a facility in Old Bridge about 5 miles from us. I tried to put you in touch with the owner of the Stratmore Swim Club, it was purchased for \$750,000, and has \$3 - \$5 million investment to make. He submitted plans to Township for a year round facility. Mr. Ramos and Mr. Martucci came years ago with a business plan, they offered no money, and wanted the town to fund facility 100%. The type of facility you are looking for just for the land and building we establish at approximately \$20 million. The Wood bridge facility is only 7 years old and already they must invest \$1 million in upgrades. One of the major issues, that I have stressed to you before is we are in a recession. We don't know if we hit rock bottom yet. Now is not the time for us to make an investment of approximately \$20 Million which would costs an average homeowner \$500 extra a year in taxes. If we bond that still needs to be paid down. We don't know how many foreclosures we are going to face. Now is not the time to add another financial tax burden to our residents.. We have over a dozen parks in our system which we contribute to and upgrade every year, we have basketball, summer adventure for over 200 children, indoor soccer, we give financial support to all the recreation leagues in this town. We do an awful lot and the timing is just not right. We are fighting to keep our head above water and doing a good job of it.

Mr. Criscuolo stated he made no comments to a newspaper or media outlets regarding what Mr. Perri quoted me. I had a brief conversation with Mr. Perri in my office. Aberdeen is not the size and does not have the population of Howell or Woodbridge or Old Bridge. The YMCA that he worked on in Old Bridge was over \$10 Million after the infrastructure. Where is the land we could put this on? We have terrific programs that are run through the school system. We are trying the best we can with the economy. I agree with the Mayor there is a time and place for everything.

Mayor Sobel stated looking over the petition you submitted a number of people live in Matawan, in conversations you stated you mentioned this to the Mayor of Matawan.

Mr. Perri stated he never replied.

Mayor Sobel stated I understand your passion, but you come here and attack us and making us out to be the heavy when Matawan doesn't lift a figure and doesn't return your phone call. I have been at meetings with you a number of times, doesn't that count for anything.

Mr. Perri stated he was reacting to what he read on the Aberdeener.

Mayor Sobel stated that is a blog. Don't believe everything you read in the newspaper or on a blog, it is someones opinion.

Mr. Perri stated the YMCA wants to talk to you.

Mayor Sobel stated we don't own land.

Mr. Perri asked about Somerset Development and Anchor Glass, can we eminent domain it, it is an eyesore.

Mayor Sobel stated Somerset Development owns Anchor Glass. It is a functioning facility that is up to code. They are not doing anything illegal. It is functioning as a warehouse and they are paying their taxes. Communities shy away from eminent domain. If they ever develop Anchor Glass we would ask them to donate a portion of that property, that would cut some of the costs down.

Mr. Perri stated I want to keep this friendly, we have known each other for 25 years. I just want the best for the community and the kids. Mr. Ward, the new owner of the pool club told Mr. Perri when he reopens it will be year round and the fees astronomical. How are families going to be able to afford this.

Mayor Sobel stated we are doing what we can.

Mr. Perri stated we have a lot of people to draw from for an ice skating rink. It cost like \$250,000 to refrigerate. If it costs \$250,000 to refrigerate, Woodbridge is making a lot of money, it was indicated they make \$1 million profit.

Mayor Sobel stated what is missing is a business plan.

Mr. Perri stated Bob Clifton put him in touch with County recreation department. He had two weeks to put in a application. He couldn't do it in two weeks, but was told they could give him \$250,000. All we would have to do is fill out the papers.

Mayor Sobel stated he would have preferred you to give him a call rather than take what you read off of someone's blog as gospel.

Mr. Perri stated the County is willing to give us the money.

Mayor Sobel stated he will talk to Mr. Clifton.

Mr. Perri stated he would appreciate that. I apologize if I hurt anyone's feelings.

Mayor Sobel stated you don't have to apologize, you have been working on this for a long time.

Anthony Garaguso
105 Atlantic Avenue

Mr. Garaguso stated two weeks we talked about COAH. How many affordable housing units we need to build. I have a copy of the 3rd round premediation report dated 9/15/06. Which states Aberdeen will built 410 new homes and create 310 new jobs by 2014. However, Aberdeen projects 1089 new units and 457 new jobs in accordance with NJAC 5:94-23. Aberdeen's projections double COAH projections because they assume Anchor Glass and Aberdeen Forge will be developed by 2014. Is that a correct assumption that they will be developed by then.

Mayor Sobel stated what happens at those sites are up to the economy and developers. Nothing is happening right now. I think your question is how many units COAH is requiring of the Township.

Mr. Garaguso stated how many units do we need.

Mayor Sobel stated no it is how many units are required. They require us to build 440 affordable housing units.

Mr. Criscuolo stated those numbers are from the 2nd round rules. We are now in the 3rd round rules, they are a little bit different, they are looking at available space. That makes the units go up.

Mr. Garaguso asked if COAH takes into consideration the zoning on the available space.

Mr. Criscuolo stated no.

Mr. Garaguso stated if a lot is on Rt 79 and zoned commercial COAH says could put houses there.

Mr. Criscuolo stated if it is zoned commercial they assume X amount of people will work there then it would be 1 unit for X amount of employees.

Mayor Sobel stated the Planning Board is denying a lot more applications because of COAH's new requirements. We wrote to COAH stating our objection to the 3rd round along with the League of Municipalities objection. We are going to fight it as long as we can.

Mr. Garaguso stated my concern was the numbers that he read in the being.

Mr. Criscuolo stated he believes those are the numbers from the 2nd round rules, look on the 3rd round rules.

Mayor Sobel stated our Planner is working with the number 440 units. That is being required of us. We have to submit a plan by year end.

Mr. Garaguso asked if the discussions are in the Planning Board meetings.

Mayor Sobel stated yes, it is the 9th of December. They will be on the website.

Leon Matchin

Aspen Woods

Mr. Matchin asked if any other sites were considered for affordable housing units other than across from Aspen Woods.

Mayor Sobel stated we had to present an inventory of unoccupied land, doesn't mean affordable housing would go in there. Route 34, County Road, Train Station, Freneau area, Anchor Glass, Church Street, those are most sites. We also have some group homes which will qualify.

Mr. Matchin asked of all those sites why is the site on Route 34 the favorite one for affordable housing.

Mayor Sobel stated that is incorrect.

Mr. Matchin asked where the affordable housing is going to go.

Mayor Sobel stated we don't know where. Route 34 is part of the group, COAH can approve the plan or make revisions to it. If the developer doesn't want to build affordable housing units there, they will not.

Mr. Matchin stated his understanding is the developer will decide where he is going to build. This question should be reserved for the residents.

Councilman Perry stated talk to your Assembly representatives and Senators. COAH imposes these obligations on us. It is not like we are trying to do what is in the best interest of the Township. COAH has very specific rules that we are obligated to comply with. It is very confusing. If you really want to make a impact contact your Senator and Assembly and tell them how you feel about COAH and its impact on this community. Our hands are tied by COAH and these rules.

Mr. Matchin asked if the Council appoints the developer.

Mayor Sobel stated not if we don't own the land.

Councilman Perry stated we have no choice who purchases the property. If you want to get together and by the property on Route 34 then you are the developer. You can do what you want with it.

Mayor Sobel stated we don't own any of these properties. Only say we have is when it comes before the Planning Board.

Mr. Criscuolo stated one thing to keep in mind if you don't include a tract of land and the developer wants to be in there, they will sue the town and build what we don't want.

Paul Rinear
109 Wilson Avenue

Mr. Rinear stated what happened with Round 3 was an initial proposal how it was going to be counted, there was an inventory done by the town. It was 8 units to 1 affordable unit. Someone told COAH to go back to the drawing board this would not create enough of affordable units. That where you got a second revised Round 3. Sounds like there is no ratio anymore.

Mayor Sobel stated there is still a ratio but also a commercial component to it also.

Mr. Rinear asked if the next election there will be four seats up, Mayor and three Council. One Council will be a two year term.

Mayor Sobel stated yes and two year unexpired term.

Jeannette Smith
62 West Aspen way

Ms. Smith stated the property on Route 34 is currently zoned commercial, it that correct.

Mayor Sobel stated he doesn't know if it was strictly highway commercial or not. Maxine Rescorl, Zoning Officer would be able to tell you.

Ms. Smith stated assuming the property is currently zoned commercial and they are

talking about building residential, what is the process to change the zoning.

Mr. Criscuolo stated they would have to get a variance.

Ms. Smith stated the owner of the property, which is Centex would have to go to the Zoning Board for change of use. So that process would have to occur between now and December 31 for you to include it in your plan.

Mayor Sobel stated no, we are submitting a proposal which includes vacant land. That is why I don't think it is strictly commercial.

Ms. Smith stated this is town information that I would think we can get clarification on.

Mayor Sobel stated to go to Mrs. Rescorl, she can give you that information immediately.

Ms. Smith stated it is important to know.

Mayor Sobel stated if it was zoning residential, it doesn't mean it would be for affordable housing, the developer might want luxury homes there.

Ms. Smith stated yes there could be a lot of issues raised if it was developed as residential, one of them being the impact of traffic on Route 34. There is a lot of different issues. My concern how it is zoned and what is the process.

Anthony Garaguso
105 Atlantic Ave

Mr. Garaguso stated the property down the street being developed, is that the train station.

Mayor Sobel stated on Church Street, the Senior Citizen housing at South River Metals.

There being no one else wishing to be heard, Mayor Sobel closed the Hearing of the Citizens/Correspondence and Petitions.

ADJOURNMENT

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

David G. Sobel, Mayor

Karen Ventura, Municipal Clerk