

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING
TUESDAY, MARCH 1, 2005**

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, March 1, 2005 at 7:40 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: Wilhelmina Gumbs
 Nicholas Minutolo
 Thomas Perry
 Joseph Raymond
 Vincent Vinci
 Owen Drapkin
 David G. Sobel

Absent: None

Also Present: Mark Coren, Township Manager
 Daniel McCarthy and Ralph Conte, Township Attorneys

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

REPORTS

Councilman Perry stated the CERT team is starting its second round of training starting Monday at 7:00 p.m.

Councilman Raymond stated he and the Mayor sat in on the Recreation Committee last week. They are working on the 150 anniversary of Aberdeen. They are sending out letters to businesses, volunteer groups and scouts. The intent is to involve as much of the community as possible. The anniversary is in 2007.

There were no further reports made.

HEARING OF THE CITIZEN - 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. 5-2005 - PUBLIC HEARING

Mayor Sobel stated that Ordinance No. 5-2005, introduced and passed on first reading by title on February 15, 2005 and published according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Courier Newspaper of February 17, 2005 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 AN ORDINANCE ENTITLED "AN ORDINANCE FIXING THE SALARIES AND WAGES AND FRINGE BENEFITS OF VARIOUS OFFICIALS, OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH, STATE OF NEW JERSEY"

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. 5-2005.

Councilwoman Gumbs made a motion that Ordinance No. 5-2005 be finally passed and adopted and that notice of its passage and adoption be published by title in the March 3, 2005 issue of the Courier.

Seconded by Councilman Raymond.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

ORDINANCE NO. 6-2005 - PUBLIC HEARING

Mayor Sobel stated that Ordinance No. 6-2005, introduced and passed on first reading by title on February 15, 2005 and published according to law, is now being taken up for further consideration and public hearing. Affidavit of publication of this ordinance in the Courier Newspaper of February 17, 2005 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, "ORDINANCE AUTHORIZING PILOT AGREEMENT BETWEEN HORIZONS AT ABERDEEN FORGE URBAN RENEWAL, LLC, AND THE TOWNSHIP OF ABERDEEN"

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.

Edward Fitzgerald
15 Bank Street

Mr. Fitzgerald stated pilot mean payment in lieu of taxes. What is the difference?

Mayor Sobel stated the payment comes directly to the municipality to be used at its discretion.

Mr. Coren stated these things are done with land that qualifies under the redevelopment law. These are given as a means of development opportunity because of certain needs. There was a reduction in the amount of units and Mount Laurel units and the need for the development of socially acceptable housing that will not generate the need for more schools.

Mr. Fitzgerald asked does any of this pilot go to any other normal line items.

Mr. Coren stated the County of Monmouth.

Mayor Sobel stated this development produces additional rateables for the school district and we have a working relationship with the school district in terms of existing pilots. If it were not for this pilot we would not have an agreement.

Mr. Coren stated correct, this allows for leveling of tax base. There is revenue that comes to the town that it wouldn't normally get.

Mr. Fitzgerald asked what would happen if the Township did not enter into this agreement.

Mr. Coren stated there would be 1200 units built of which 150 units would be affordable. It would not have been controlled as it is now. The traffic conditions would be significant and the kids would be in the schools.

Mr. Coren stated we have to do something that meets the Mount Laurel obligations for this town and in doing so can we get something back.

Paul Ranier
109 Wilson Avenue

Mr. Ranier asked if a representative was here tonight. Why Urban Renewal, LLC.?

Mr. Coren stated no.

Mr. McCarthy stated it is required by the Statutes. Redevelopment Law uses that phrase especially with the long term tax exemption.

Mr. Ranier stated he understands, but it is just the term Urban Renewal.

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

Ordinance No. 6-2005.

Deputy Mayor Drapkin made a motion that Ordinance No. 6-2005 be finally passed and adopted and that notice of its passage and adoption be published by title in the March 3, 2005 issue of the Courier.

Seconded by Councilwoman Gumbs.

ROLL CALL VOTE:

Ayes: Councilmen Minutolo, Raymond, Vinci, Deputy Mayor Drapkin and Mayor Sobel

Nays: None

Abstain: None

NEW BUSINESS

Deputy Mayor Drapkin made a motion to add Litigation to the Executive Session Resolution.

Seconded by Councilman Raymond.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

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

Seconded by Deputy Mayor Drapkin.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

CONSENT AGENDA

1. RESOLUTION NO. 2005-38 - BE IT RESOLVED by the Township Council that it hereby authorizes the Township Manager to negotiate for Non-Leaded Gasoline for the Township of Aberdeen Vehicles.
2. RESOLUTION NO. 2005-39 - BE IT RESOLVED by the Township Council that it hereby awards a contract for Grass Cutting and Lawn Maintenance to TJ's Lawn and Landscaping of Marlboro, NJ for the optional 2nd year.
3. RESOLUTION NO. 2005-40 - BE IT RESOLVED by the Township Council that it hereby authorizes submission of recycling tonnage grant application and designates Mark Coren, Recycling Coordinator.
4. RESOLUTION NO. 2005-41 - BE IT RESOLVED by the Township Council that it hereby waives the twenty day waiting period following the final adoption of Ordinance No. 5-2005.
5. RESOLUTION NO. 2005-42 - BE IT RESOLVED that the Township Council hereby authorizes the Mayor and Township Clerk to execute an agreement with Monmouth

- County Mosquito Extermination Commission for year 2005 to apply pesticides from aircraft to control mosquitoes over portions of the Township of Aberdeen.
6. RESOLUTION NO. 2005-43 - BE IT RESOLVED by the Township Council that is hereby authorizes the Memorandum of Understanding dated February 8, 2005 between the Superior Officers Association and the Township Manager.
 7. RESOLUTION NO. 2005-44 - BE IT RESOLVED by the Township Council that it hereby authorizes the Township Manager and Financial Officer to enter into an agreement with the county of Monmouth Alliance to Prevent Alcoholism and Drug Abuse for the year 2005.
 8. RESOLUTION NO. 2005-45 - BE IT RESOLVED by the Township Council that it hereby authorizes transfers between the 2005 Current Fund Budget Appropriations.
 9. RESOLUTION NO. 2005-46 - BE IT RESOLVED by the Township Council that it hereby authorizes an emergency temporary appropriation for 2005.
 10. EXECUTIVE SESSION RESOLUTION - BE IT RESOLVED that the general public shall be excluded from discussion held during closed Executive Session - Contractual & Litigation
 11. RA - 856 - Raffle for Colts Neck PTO, Colts Neck, NJ.
 12. RA - 857 - Raffle for Colts Neck PTO, Colts Neck, 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.

Edward Fitzgerald
15 Bank Street

Mr. Fitzgerald stated regarding access to the train station redevelopment area, one of the proposals was a minimum access byway from the south. Are we looking at Route 18.

Mr. Coren stated we are not looking at Route 18 or any specific route. The question is whether the State of New Jersey along with the federal government is going to by into the fact that this community is suffering the quality of life issues because of growth and development from the south and west and has not been funded adequately to solve these problems.

Mr. Fitzgerald asked about South River Metals.

Mr. Coren stated we are meeting with developers again this week and the process moves forward. Mr. Coren stated he can not give any time limits.

Joel Tully
10 Charles Street

Mr. Tully stated he was here several months ago complaining about the junk yard in his garage, the Dietrich property. Can you tell me what happened?

Mr. Coren stated he will check tomorrow and call him.

Mr. Tully stated he is here tonight.

Mr. Coren stated he does not have the information.

Mr. Tully stated he put in a request for public record to Mr. Joseph McAleer asking for a written answer on Mr. Jones and Mr. Dietrich. Mr. McAleer stated Mr. Dietrich did everything he was suppose to do.

Mayor Sobel stated Mr. McAleer did speak to you and answer you.

Mr. Tully stated yes, but he didn't give him anything in writing.

Mr. Coren stated he wants to look at the OPRA request and make sure the statute was lived up to.

Mr. Tully submitted pictures of Dietrich property.

Mayor Sobel stated Mr. Coren will get back to you as quickly as possible. You spoke to Mr. McAleer on January 10th but the pictures you just submitted were from January 5th.

Mr. Tully stated he took some before and some after.

Mr. Tully submitted pictures of Mr. Jones' property and the water.

Mr. Coren stated that matter was dealt with in Court.

Mr. Tully stated the Township Engineer stated there is no drainage ditch. If you like to have proof, he has it.

Mayor Sobel stated I would think you would bring this up in Court.

Mr. Tully stated this is new. He filled it in after Court.

Mayor Sobel stated maybe he should deal with the code people and not the Council.

Mr. Coren stated this is a private matter. Everything we have found shows there have been no adverse change to the property. If Mr. Tully wants to higher is own engineers that is his right.

Mayor Sobel stated we also advised you to go to legal aid.

Mr. Tully stated he needed to be a member and it costs money.

Mr. Coren stated once I find out if the requirements of the OPRA request was fulfilled, I will review his request with the code people, if Mr. Dietrich is in compliance that is fine. That will be a private matter. If Mr. Dietrich is not in compliance we will bring him into compliance.

Mr. Tully stated we don't have sewers there, that is the purpose of the ditch.

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

Councilman Raymond made a motion to adjourn to executive session, seconded by Councilman Perry and unanimously concurred by Council.

The meeting reconvened with all the same members in attendance.

Mr. Coren reported out of executive session that a resolution be adopted by this Council affirming the Township's commitment to the land trust and Superior Curt to settle JV Homebuilders suit.

RESOLUTION NO. 2005-47

WHEREAS, J.V. Homebuilders Corp. has brought an action in the Superior Court of New Jersey, Law Division, Monmouth County under docket # L-652-03, challenging land use ordinances adopted by the Township of Aberdeen which were in enacted to conserve environmentally sensitive areas of the Township; and

WHEREAS, a proposal has been made to settle said litigation in a manner which would provide for the purchase by the Township of the lands owned by the Plaintiff, specifically Block 310, Lots 4-11 on the official tax map of the tamp map of the Township, which were affected by said ordinance; and

WHEREAS, the settlement would provide that the purchase of the Plaintiff's property would be based upon a determination that said premises could be subdivided into fourteen (14) residential lots; and

WHEREAS, the Township Council has determined that the purchase of the Plaintiff's property can be had for the sum of \$1,250,000.00; and

WHEREAS, the Township Council has determined that the purchase of the Plaintiff's property as part of the settlement of the litigation is in the best interests of the Township and its citizens;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that the special counsel representing the Township, Leckstein & Leckstein, LLC be hereby authorized and empowered to settle the litigation here in above referenced for the consideration of \$1,250,000.00 which can include grant monies and other third party funds, and that said special counsel undertake any and all necessary steps to implement such a settlement.

Deputy Mayor Drapkin made a motion to adopt Resolution No. 2005-47, seconded by Councilman Raymond.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

ADJOURNMENT

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

David G. Sobel, Mayor

Karen Ventura, Municipal Clerk