

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING
TUESDAY, APRIL 5, 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, April 5, 2005 at 7:20 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
 Ralph Conte, Township Attorney

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

REPORTS

There were no 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.

Phil Petrognani
178 Wilson Ave

Mr. Petrognani asked was the \$24,000 is for in Ordinance No. 8-2005.

Mr. Coren stated professional services for the Coah Round Three, for the preparation of the housing plan element and fair share plan.

Mr. Petrognani asked was an ordinance done before on this.

Mr. Coren stated no, this is to rectify an error made. An ordinance is required by law to be adopted. This is to establish an appropriation, so the prior resolution becomes valid.

There being no one else present wishing to be heard, Mayor Sobel declared the Hearing of the Citizens on agenda items closed.

MINUTES

Councilwoman Gumbs made a motion to adopt:

Workshop, Regular and Executive Meeting Minutes of December 9, 2004

Special Meeting Minutes of November 23, 2004

Workshop, Regular and Executive Meeting Minutes of February 1, 2005

Workshop, Regular and Executive Meeting Minutes of February 15, 2005

Workshop, Regular and Executive Meeting Minutes of March 1, 2005

Special Meeting Minutes of March 10, 2005

Workshop, Regular and Executive Meeting Minutes of March 15, 2005

Seconded by Councilman Raymond

December 9, 2004 meeting minutes.

ROLL CALL VOTE:

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

Nays: None

Abstain: Councilman Perry

November 23, 2004 special meeting minutes.

ROLL CALL VOTE:

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

Nays: None

Abstain: Councilmember Gumbs and Perry

February 1, 2005 meeting minutes.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

February 15, 2005 meeting minutes.

ROLL CALL VOTE:

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

Nays: None

Abstain: Councilmember Gumbs and Perry

March 1, 2005 meeting minutes.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

March 10, 2005 special meeting minutes.

ROLL CALL VOTE:

Ayes: Councilmen Perry, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: Councilmember Gumbs, Minutolo and Deputy Mayor Drapkin

March 15, 2005 meeting minutes.

ROLL CALL VOTE:

Ayes: Councilmember Gumbs, Minutolo, Raymond, Vinci and Mayor Sobel

Nays: None

Abstain: Councilman Perry and Deputy Mayor Drapkin

CONTINUED BUSINESS

ORDINANCE NO. 7-2005 - PUBLIC HEARING

Mayor Sobel stated that Ordinance No. 7-2005, introduced and passed on first reading by title on March 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 March 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 VACATING A STREET OR HIGHWAY KNOWN AS SOUTH AMBOY AVENUE IN THE TOWNSHIP OF ABERDEEN, COUNTY OF MONMOUTH AND 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.

Phil Petrognani
178 Wilson Ave

Mr. Petrognani asked if that is where Wawa is going or Quik Check.

Mr. Coren stated Wawa, it is a driveway. It is not being done to enlarge their property, it is to provide safe access to enhance the property so it becomes a more valuable rateable. Technically it enlarges the property.

Mr. Petrognani asked if the town has been compensated.

Mr. Coren stated it is an increased rateable.

Councilman Vinci stated we never charged for vacating a street.

Mr. Coren stated the rateable is more valuable to the taxpayers.

There being no one else present wishing to be heard, Mayor Sobel closed the public hearing on Ordinance No. 7-2005.

Deputy Mayor Drapkin made a motion that Ordinance No. 7-2005 be finally passed and adopted and that notice of its passage and adoption be published by title in the April 7, 2005 issue of the Courier.

Seconded by Councilman Vinci.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

NEW BUSINESS

ORDINANCE NO. 8-2005 - INTRODUCTION

Councilman Vinci made a motion to introduce Ordinance 8-2005 on first reading by title and to order the same to be published in full in the April 7, 2005 issue of the Courier, 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 April 19, 2005 at 7:00 p.m. in the Municipal Building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Deputy Mayor Drapkin.

Thereupon, the Clerk read the aforementioned ordinance by title, "AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN, IN THE COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$24,000 FOR THE PREPARATION OF A HOUSING PLAN ELEMENT AND FAIR SHARE PLAN (PART OF THE TOWNSHIP'S MASTER PLAN)"

ROLL CALL VOTE:

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

Nays: None

Abstain: None

BOND ORDINANCE NO. 9-2005 - INTRODUCTION

Councilman Minutolo made a motion to introduce Bond Ordinance 9-2005 on first reading by title and to order the same to be published by summary in the April 7, 2005 issue of the Courier, 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 April 19, 2005 at 7:00 p.m. in the Municipal Building of the Township of Aberdeen at

One Aberdeen Square.
Seconded by Councilman Vinci.

Thereupon, the Clerk read the aforementioned ordinance by title, "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE TOWNSHIP OF ABERDEEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,963,002 TO PAY THE COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT OR FULLY FUND APPROPRIATIONS FROM THE CAPITAL IMPROVEMENT FUND, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

ROLL CALL VOTE:

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

Nays: None

Abstain: None

BOND ORDINANCE NO. 10-2005 - INTRODUCTION

Councilman Raymond made a motion to introduce Bond Ordinance 10-2005 on first reading by title and to order the same to be published by summary in the April 7, 2005 issue of the Courier, 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 April 19, 2005 at 7:00 p.m. in the Municipal Building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Councilman Minutolo.

Thereupon, the Clerk read the aforementioned ordinance by title, "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE WATER UTILITY OF THE TOWNSHIP OF ABERDEEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,020,000 TO PAY THE COST THEREOF, TO FULLY OR PARTIALLY FUND APPROPRIATIONS FROM THE WATER UTILITY CAPITAL IMPROVEMENT FUND, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

ROLL CALL VOTE:

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

Mayor Sobel
Nays: None
Abstain: None

BOND ORDINANCE NO. 11-2005 - INTRODUCTION

Councilman Perry made a motion to introduce Bond Ordinance 11-2005 on first reading by title and to order the same to be published by summary in the April 7, 2005 issue of the Courier, 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 April 19, 2005 at 7:00 p.m. in the Municipal Building of the Township of Aberdeen at One Aberdeen Square.

Seconded by Deputy Mayor Drapkin.

Thereupon, the Clerk read the aforementioned ordinance by title, "BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE SEWER UTILITY OF THE TOWNSHIP OF ABERDEEN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$268,500 TO PAY THE COST THEREOF, TO FULLY OR PARTIALLY FUND APPROPRIATIONS FROM THE SEWER UTILITY CAPITAL IMPROVEMENT FUND, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS"

ROLL CALL VOTE:

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

Nays: None

Abstain: None

Councilwoman Gumbs made a motion to approve the Consent Agenda all items listed under 8E. Seconded by Councilman Raymond.

RESOLUTION NO. 2005-56 - BE IT RESOLVED by the Township Council that it hereby authorizes the Mayor and Clerk to execute an agreement with CME Associates for the 2005 Roadway System Evaluation Report.

ROLL CALL VOTE:

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

Nays: None

Abstain: Deputy Mayor Drapkin

RESOLUTION NO. 2005-57 - BE IT RESOLVED by the Township Council that it hereby

authorizes the Mayor and Clerk to execute a contract with Thomas P. Fallon of Fallon & Fallon LLP for professional auditing services for 2005.

ROLL CALL VOTE:

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

Phil Petrognani
178 Wilson Avenue

Mr. Petrognani stated he sent a letter to Green Acres regarding Aberdeen Township's Open Space Plan sent on February 15, 2005. With regard to that letter he request the Township draft an ordinance removing his property from the Open Space Plan, along with others that request it.

Mr. Coren stated the plan has been adopted, are you asking the Council to reconsider its prior decision.

Mr. Petrognani stated yes.

Mayor Sobel stated we will take it under consideration.

Mr. Petrognani stated his other question after talking to people at Green Acres, why was the Township decision not to put in all the properties identified.

Mr. Coren stated we were advised by Green Acres to only identify those items we felt were immediate to acquire to effectuate the overall recreation program and that over time as the Council chooses that ordinance can be changed.

Mr. Petrognani stated it was explained to him that it was much easier for the Town to remove properties than add later.

Mr. Coren stated it was his and the Planners thought as to not create unreasonable expectations in the public's mind. We listed properties that could reasonably be acquired over the 10 year program.

Mayor Sobel stated the document is not our immediate intent but to show if there is a need to that is what we would do. I don't think Green Acres would want us to prepare a document that was misleading.

Mr. Coren stated there are two separate actions. One is plan, a statement of principal. The other

is a bond ordinance, an implementing document. It is different from the plan, it states there will be dollars put forward to implement that portion of the plan.

Mayor Sobel stated if the Council feels there is merit to Mr. Petrognani's request please make a note to us and we will put it on the Workshop at the next meeting.

Councilman Perry asked who he spoke to at Green Acres.

Mr. Petrognani state Bill Kasdind.

Mayor Sobel asked Mr. Coren to touch base with him.

Mr. Petrognani questioned the speed enforcement on Wilson Avenue, can he see a roaster of the number of speeding tickets issued on Wilson Avenue.

Mr. Coren stated we don't identify individuals, we can give the overall number.

Mayor Sobel asked Mr. Coren to share with Mr. Petrognani what kind of activity was there, were summons issued and how many.

Mr. Petrognani stated what about over weight vehicles, Walter White.

Mr. Coren stated that individual has been brought to municipal court and specific action taken against him by the Township. The issue is, do we have someone out there will scales to weigh the trucks, I highly doubt it but I will check.

Mr. Petrognani stated the weight is on the registration.

Mr. Coren asked Mr. Petrognani to call him and they will have a discussion with the Police.

Joel Tully
10 Charles Street

Mr. Tully stated he was here a few months ago and Mr. Coren was going to check on Mr. Dietrich's year and Mr. Jones filling in the ditch.

Mr. Coren stated he did and you received a copy of a letter answering the two issues Mr. McAleer discussed with you verbally. I don't know what other information I can provide you. In this instance you did not get an appropriated answer consistent with law. We made sure you received a answered consistent with law.

Mr. Tully stated you are saying what Mr. Jones and Mr. Dietrich did were right.

Mr. Coren stated that in the opinion of the Code Official what Mr. Jones and Mr. Dietrich are doing are consistent with law and in areas they are not consistent with law were are enforcing the code. That is what Mr. McAleer's letter said.

Mr. Tully asked about environmental or water concerns where it was filled in by Mr. Jones.

Mr. Coren stated that was documented by the engineers and there is information to support it. If you have information to supply us that shows a violation of Township ordinance we will consider it. If there is no new information I don't know what else we can talk about.

Mr. Tully stated he has pictures.

Mr. Coren stated to present them to Mr. Pino and Mr. McAleer. I will make sure they know they are coming in. You need to go through the appropriate channels. This Council does not have the information and analysis of those people in charge of making an informed judgement.

Mayor Sobel stated Mr. Coren's responsibility is to ensure that the employees and department heads are performing their jobs and doing things legally. This Council acts as a support to Mr. Coren who ensure such things take place. We ask that you follow a prescribed procedure which is to go to department and they will deal with you. If they do not give you anything in writing than you bring that to Mr. Coren. Bringing it to the Council at this time does not serve any purpose.

Mr. Tully stated you sent him to Mr. Coren four times, he was mad and said I will never do anything for you.

Mr. Coren disagreed.

Mr. Coren stated if I didn't want to do anything for you, you would not have gotten that letter from Mr. McAleer.

Mr. Tully stated after three years.

Mr. Coren stated how many times have I had private meetings with you and at the last meeting I said quite frankly I am tired of wasting staff time on issue when there is no credible evidence that anything was different. That you were taking up time from the staff for a purpose that had been totally vetted and you just didn't like the answer.

Mr. Tully stated he has proof and you just don't want to listen and the Planning Board either.

Mayor Sobel stated the amount of time the staff has given over the years to you and how you treated municipal workers, you continue. You consider it a joke, people's feelings and you show no respect.

Mr. Tully stated he does nothing for me.

Mayor Sobel stated he is doing things for you.

Mr. Minutolo stated I would like to make recommendation that if Mr. Tully wants to address the

Council that we give him a two minute time limit to express his concerns.

Mayor Sobel stated that sounds reasonable.

Mr. Tully stated on March 14th he called Mayor Sobel and was told he would get in touch with Mr. Coren and have a meeting. You never called me back.

Mr. Coren stated you and I discussed the matter and have Mr. Tully call me and set up a meeting. I have never heard from Mr. Tully.

Mr. Coren stated this is the first time in 32 years of government service that I have been called a liar.

Mayor Sobel told Mr. Tully to call Mr. Coren and set up a meeting during the day. Do you have anything further this evening.

Mr. Tully stated no.

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

ADJOURNMENT

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

David G. Sobel, Mayor

Karen Ventura, Municipal Clerk