

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING
TUESDAY, MAY 17, 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, May 17, 2005 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 bulletin board in the Municipal Building and was published in the appropriate newspapers.

ROLL CALL Present: Wilhelmina Gumbs
 Thomas Perry
 Joseph Raymond
 Vincent Vinci
 Owen Drapkin
 David G. Sobel

 Absent: Nicholas Minutolo

 Also Present: Mark Coren, Township Manager
 Dan McCarthy, Township Attorney
 Colleen Paterson, Township Attorney

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

REPORTS

Councilman Perry stated the CERT graduation took place on Saturday with 7 graduations. He would like to recognize Boy Scout Troop 92 who participated as victims.

Mayor Sobel stated there will be a meeting on June 6th at 7:30 p.m. at Town Hall for the CERT program and neighborhood watch.

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.

Deputy Mayor Drapkin made a motion to remove the April 5, 2005 minutes from tonight's agenda, remove Resolution No. 2005-70 from the Consent Agenda and add personnel to executive session.

Seconded by Councilman Raymond

ROLL CALL VOTE:

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

Nays: None

Abstain: None

NEW BUSINESS

ORDINANCE NO. 14-2005 - INTRODUCTION

Councilman Perry made a motion to introduce Ordinance 14-2005 on first reading by title and to order the same to be published in full in the May 19, 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 June 6, 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, "ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ABERDEEN TO IMPLEMENT PARKING RESTRICTIONS ALONG LLOYD ROAD IN THE TOWNSHIP OF ABERDEEN"

ROLL CALL VOTE:

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

Nays: None

Abstain: None

ORDINANCE NO. 15-2005 - INTRODUCTION

Councilman Raymond made a motion to introduce Ordinance 15-2005 on first reading by title and to order the same to be published in full in the May 19, 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 June 6, 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, "ORDINANCE AMENDING THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF ABERDEEN TO IMPLEMENT BUS STOPS ALONG ROUTE 34 AND ROUTE 35 IN THE TOWNSHIP OF ABERDEEN"

ROLL CALL VOTE:

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

Nays: None

Abstain: None

CONSENT AGENDA

Councilman Vinci made a motion to approve the Consent Agenda all items listed under 7C with the exception of Resolution No. 2005-70.

Seconded by Councilwoman Gumbs.

ROLL CALL VOTE:

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

Nays: None

Abstain: Deputy Mayor Drapkin

1. RESOLUTION NO. 2005-67 - BE IT RESOLVED by the Township Council that it hereby awards a contract to Bill Leary for the HVAC Improvements to the Aberdeen Township Municipal Building.

ROLL CALL VOTE:

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

Nays: None

Abstain: None

2. RESOLUTION NO. 2005-69 - BE IT RESOLVED by the Township Council that the Mayor and Clerk are hereby authorized to execute a contract with Marc B. Schram for Special Counsel services.
3. RESOLUTION NO. 2005-71 - BE IT RESOLVED by the Township Council that the Mayor and Clerk are hereby authorized to execute a contract with Daniel McCarthy, Rogut McCarthy Troy LLC for Township Attorney services.
4. RESOLUTION NO. 2005-72 - BE IT RESOLVED by the Township Council that it hereby authorizes vendors be added to the Approved List of State's Contracts for the year 2005.
5. RESOLUTION NO. 2005-73 - BE IT RESOLVED by the Township Council that it hereby awards a contract for Utility Department Electrical Maintenance Contract to Quality Electrical Construction of W. Keansburg, NJ.
6. RESOLUTION NO. 2005-74 - BE IT RESOLVED by the Township Council that it hereby awards a contract for the DPW Routine & Emergency Repair to B&W Construction of Matawan, NJ.
7. RESOLUTION NO. 2005-75 - BE IT RESOLVED by the Township Council that it hereby supports the 2005 Click It or Ticket Mobilization.
8. EXECUTIVE SESSION RESOLUTION - BE IT RESOLVED that the general public shall be excluded from discussion held during closed executive session - contractual & personnel.

9. RA-862 - Raffle License for Temple Shalom of Aberdeen, Aberdeen, NJ

Deputy Mayor Drapkin made a motion to introduce Resolution No. 2005-70 and move its adoption. Seconded by Councilman Raymond.

ROLL CALL VOTE:

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

Nays: None

Abstain: Councilman Perry

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.

Pat Michaels
59 Inverness Ct.

Ms. Michaels asked for information, to whom does the police department report to.

Mayor Sobel stated in this form of government we are the legislative body. All departments in the town report to the Township Manager.

Ms. Michaels stated so all future matters get directed to Mr. Coren.

Mayor Sobel stated yes.

Bill Dumphey
60 County Road

Mr. Dumphey asked if the Council arranged a meeting with the school board regarding the budget.

Mayor Sobel stated we already met with them. A committee from this Council met with representatives of the school board and the Superintendent and our Manager. We will be discussing the substance of those meeting in executive session this evening. We have until May 19th to make recommendations and set a rate.

Mr. Dumphey stated since the preliminary tax rate in 2000 was \$2.39 per \$100 of assessed valuation in 2005 was \$3.21. This represents a 34.3% increase. This is a substantial amount of money. He would also like to remind Council in election 3 to 2 voted against the budget. I like it if you keep it in mind.

Mayor Sobel thanks Mr. Dumphey.

Joel Tully
10 Charles St.

Mr. Tully stated I sent a letter to Mr. McAleer about my complaint and he gave me a written

response and he didn't agree with it.

Mayor Sobel stated he was glad Mr. McAleer responded in writing to Mr. Tully.

Mr. Tully stated he said there was no violation in the area.

Councilman Perry stated you received the letter and disagreed with it. Is there anything else.

Mayor Sobel stated we went through this for how many meetings.

Mr. Coren stated for the Councils understanding Mr. Tully has been attempting to press an action against Mr. Jones since 1983 or before. Documents in the file were brought to Mr. Tully's attention. None of the information from 1983 has changed. I asked Mr. Tully at a meeting if he had anything new to offer and he said no.

Councilwoman Gumbs asked if Mr. Tully went to Court.

Mr. Coren stated the Town went to Court on his behalf because of a grating problem.

Mayor Sobel stated we have been over this. Last time we spoke we stated this is old ground and we don't want to hear it. Unless there is something new we need to move on.

Mr. Tully stated he went to a land surveyor to get his own survey. He said you can't fight city hall and he will not take his money.

Councilman Perry stated the fact of the matter is your fight is not with city hall it is a private grievance with your neighbor but your trying to make it a public grievance and use tax dollars by continuing appearing at these meetings to advance your cause. This Council and the Township Manager has repeatedly told you we are not permitted to intervene on your behalf in a private matter. If that was the case every time a neighbor had a dispute we would be caused to act as a judge and that is not our role. If you don't have anything else new let us move on to the next person.

Mr. Tully stated no, just that Mr. Pino stated Mr. Jones blacked top his road and there is no violation. He never got a permit.

Mayor Sobel stated okay. Mr. Perry is correct this is a private matter.

Julianne Schmidt
Fordham Drive

Ms. Schmidt had a question about lawn mowers and people driving lawn mowers down the street. Mr. Coren stated if there is a complaint the police will issue a summons, maybe we need to direct the police when they see them to stop and find out if they in fact have driver's licenses. I think it needs to be looked at and questioned.

Mr. Coren stated if you are on a public street the first test is if your in a vehicle that is properly licensed, seconded are you a licensed operator. The problem is it is on a complaint basis. If there is a problem area we will concentrate on that area. To say as a general statement, if we know there is a area we can concentrate on that area.

Ms. Schmidt stated it may be a good idea to see who is in our neighborhood.

Ms. Schmidt stated in regard to the Planning Board on Route 34 a bank being built.

Mayor Sobel stated we can not legislate what businesses come in here. If you look at the details there are a lot of variances being requested.

Ms. Schmidt asked isn't the State doing improvements in the intersection.

Mayor Sobel stated yes.

Mr. Coren stated none of the improvements affect this property.

Ms. Schmidt stated she just thinks we are prisoners in our own neighborhood with the traffic especially at that intersection.

Mayor Sobel stated the plans the State has will be a relief to the traffic problems. If you have time come to the Planning Board meeting and make your opinions known.

Ms. Schmidt stated she received a phone call from the town public relations person. I was surprise because I thought someone from the Council would have consulted me or the Manager rather than a consultant to do an article for the newsletter. It makes better public relations to come from Council.

Mayor Sobel stated he spoke to Ms. Schmidt a bit ago about doing a guest column.

Ms. Schmidt stated it would be better if you called.

Ms. Schmidt stated anything that she would submit for the newsletter will be given to the police department for review.

Ms. Schmidt stated there will be two meetings for neighborhood watch coming up. Wyndam Place, May 25th and the Crossings, May 26th.

Mr. Pauciello
Cliffwood Beach

Mr. Pauciello stated Memorial Day is coming. There are services at the VFW at 12 PM and an open house. Everyone is invited.

John Nagy

1098 Woodmere Drive

Mr. Nagy stated concerns in the manor in which Mrs. Gumbs and Mr. Tully was treated.

Mr. Nagy stated regarding the improvements to the school board, my main concern is that Mr. Coren is dealing with the school board and not the Council.

Mayor Sobel stated there is ongoing dialogue between Mr. Coren and Mr. Quinn throughout the year. Mr. Coren was directed by Council to have an initial meeting with Mr. Quinn and with Mr. Valentino from Matawan. Following that, representatives met with representatives from the school board along with Mr. Quinn and Mr. Coren. This is the form we have chosen and it works well for us.

Mr. Nagy stated every paper must be wrong with who is initiating the meeting. The main communication is between Mr. Coren and Mr. Quinn. If that is the case why not just let him handle the entire budget.

Mayor Sobel stated that is the form of government we have. We legislate. Mr. Coren is responsible for the daily operations of this town. We are the Board of Directors, Mr. Coren is the president.

Mr. Nagy stated I think Mr. Coren does do an excellent job is he an elected official.

Mayor Sobel stated he is appointed by this Council.

Mr. Nagy stated do you think the development that has been done in the last 5 years have aided in school taxes.

Mayor Sobel asked what development.

Mr. Nagy stated the development in the last 10 years have not be largely commercial or geared towards senior housing which would not increased the school population.

Mr. Coren stated that is what we are doing now.

Mayor Sobel stated over the last 10 years whatever development has been done was designed so that very few school children would be brought into the school district. We also make a number of purchases of land to preserve open space. We had proposal from developers that wanted to put in projects which have not be received warmly and you do not see those developments.

Mr. Coren stated one in particular is Jefferson at Aberdeen Station which was designed specifically not to generate school children.

Mr. Nagy stated when I graduated there was 218 graduating class now there well over 300.

Deputy Mayor Drapkin stated my daughters graduating class was 229 and she is graduating next year.

Mayor Sobel stated if there was no development in the past 10 years, you would have seen increased enrollment in this town. There has been a changeover, older couples move and young families move in.

Mr. Nagy stated what about the development of new houses on Church Street.

Mr. Coren stated what do you suggest the Council zone people's property rights and tell them they can not build according to law.

Mr. Nagy suggested keeping the building down. Aberdeen has one of the highest tax rates.

Deputy Mayor Drapkin stated municipal, absolutely not. We are in charge of municipality, the school board is in charge of the school You are worried about the school rate, go to Matawan meeting they are going to build 700 residency by the train station they are bringing in kids we are not.

Mr. Coren stated the problem lies in a structural basis in State government and how education is funded. Do you know how much of your real estate tax goes to support municipal operations, 20%. That's road improvements, public works, police protection.

Mr. Nagy stated why do you even need to go into executive session on the school board if nothing can be done anyway.

Mr. McCarthy stated it is not the process. There is a statutory and regulatory frame work that this Council and the Board of Education is charged to undertake. You might not like, we are bound by law and we are doing our legal function to secure a thorough and efficient education.

Mayor Sobel stated if the two councils can not agree it goes to the County to make a recommendation.

Mr. Nagy stated he commends Mr. Perry for his efforts in notifying the public no matter what the costs is.

Vito Turchiano
863 South Concourse

Mr. Turchiano stated this Council does a good job, everyone of them. Listen to what is going on in the community.

Councilman Perry stated he spoke earlier about Boy Scout Troop 92, Mr. Rossi and his son, Mike are here tonight from that Troop.

Mike Rossi needed to attend a Council meeting of his town Council.

Mr. Dumphrey stated he recognizes our situation with the school board. I am aware of your responsibilities in working with the school board. What I am saying is some times you have to say no to the children.

Mayor Sobel stated it is a very uncomfortable position, but that is the law. People will characterize this Council and neighboring Council as anti-education. Both Councils have to agree along with the school board. We worked hard to develop a healthy relationship with the school and would like to settle things at a local level.

Mr. Dumphrey stated he agrees and the Council does a great job.

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 Councilwoman Gumbs and unanimously concurred by Council.

The meeting reconvened with the same members in attendance.

Deputy Mayor Drapkin made a motion to introduce Resolution No. 2005-76 and move its adoption. Seconded by Councilman Raymond

ROLL CALL VOTE:

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

Nays: None

Abstain: None

RESOLUTION NO. 2005-76

WHEREAS, the Township Council of the Township of Aberdeen is in need of professional engineering services associated with the Aberdeen Road Water Mains.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that the Mayor and Clerk are authorized to execute an agreement with CME Associates for a cost not to exceed the sum of \$207,500.00, in accordance with a proposal dated April 26, 2005, attached hereto and made a part of this resolution.

This agreement is made without competitive bidding as a “professional service” under the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)a(I).

BE IT FURTHER RESOLVED that this resolution is conditioned upon the Township Manager’s certification of the availability of funds.

Deputy Mayor Drapkin made a motion to introduce Resolution No. 2005-77 and move its

adoption. Seconded by Councilman Raymond

ROLL CALL VOTE:

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

Nays: None

Abstain: None

RESOLUTION NO. 2005-77

WHEREAS, Pierce Hardy Limited Partnership received preliminary and final site plan approval by resolution of the Township Planning Board dated July 21, 2004;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen the Mayor and Clerk are authorized to execute the developer's agreement with Pierce Hardy Limited Partnership attached hereto and made a part of this resolution.

Deputy Mayor Drapkin made a motion to introduce Resolution No. 2005-78 and move its adoption. Seconded by Councilwoman Gumbs

ROLL CALL VOTE:

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

Nays: None

Abstain: None

RESOLUTION NO. 2005-78

WHEREAS, at the annual school election on April 19, 2005 the voters of the Borough of Matawan (Borough) and the Township of Aberdeen (Township) rejected the 2005-2006 general fund tax levy approved by the Board of Education of the Matawan-Aberdeen Regional School District (Board), an amount which equaled \$ 40,860,463.00; and

WHEREAS, a special committee of the Township met with a special committee of the Board for the purpose of satisfying the statutory requirement for consultation, during which meetings there occurred deliberations and communication between the parties in an attempt to reach a settlement satisfactory to all parties concerning the amount of tax levy necessary to provide a thorough and efficient system of schools in the district; and

WHEREAS, the committee of the Township and the Township governing body have been able to develop a consensus as to the tax rate for the school district which results in a reduction of \$877,500.00 from the original tax levy rejected by the voters which would result in the certification by the governing body of the following funds to the Monmouth County Board of Taxation:

2005-2006 Board Proposed Tax Levy	\$40,860,643.00
Proposed Decrease in Levy	\$ 877,500.00

Proposed Tax Levy

\$39,973,143.00

; and

WHEREAS, recommended reduction of said \$877,500.00 be effectuated by reductions as set forth in Schedule A attached hereto and made a part hereof from the Board’s proposed tax levy; and

WHEREAS, the Board of Education of the Matawan-Aberdeen Regional School District submitted an additional question on the Ballot of April 19, 2005 in order to fund various projects; and

WHEREAS, the voters of the school district defeated said additional questions; and

WHEREAS, under the statues concerning additional questions, the Aberdeen Township Council is under no obligation to restore any of all of the amounts contained in any additional questions, however, based upon the information presented by the Board of Education, the Aberdeen Township Council has determined to certify tax levy to be restricted to support the following project contained within the additional questions:

Security Improvements

\$122,500.00

;and

WHEREAS, with the tax levy reduction of \$877,500.00 previously cited from the original proposed base budget, the above action of the Aberdeen Township Council will cause a net reduction of the tax levy originally proposed by the Board of Education of \$765,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Aberdeen that it does hereby certify the final tax levy for the Matawan- Aberdeen Regional School District budget as follows:

For the base budget	\$39,973,143.00
Security Improvements	<u>\$ 122,500.00</u>
Total Current Expense Tax Levy	\$40,095,643.00

BE IT FURTHER RESOLVED by the Aberdeen Township Council that it has determined that the voters of the Matawan-Aberdeen Regional School District defeated the tax levy for the additional questions, but believes that the voters would endorse the purposes of the additional questions if they were not funded by the tax levy, so therefore the Aberdeen Township Council authorizes the Board of Education to accept private donations or any other source of non-tax revenue for any other purposes contained within the additional questions as proposed to the voters.

BE IT FURTHER RESOLVED that the Township Council of the Township of Aberdeen certifies to the Monmouth County Board of Taxation the amount of \$40,095,643.00 as the general fund tax levy and the amount necessary to provide a thorough and efficient education in the

Matawan-Aberdeen Regional School District for the school year commencing July 1, 2005 and terminating June 30, 2006.

BE IT FURTHER RESOLVED that the Township Clerk shall cause two certified copies of this Resolution to be delivered no later than May 19, 2005 to the Monmouth County Superintendent of Schools and to the Matawan-Aberdeen Regional School District Board of Education.

BE IT FURTHER RESOLVED that the Township Clerk promptly provide a certified copy of this Resolution to the Commissioner, New Jersey Department of Education, to the Monmouth County Board of Taxation and to the Tax Assessor of the Township of Aberdeen.

**SCHEDULE A
REDUCTIONS TO 2005-2006
DEFEATED BUDGET**

<u>LINE ACCOUNT</u>	<u>AMOUNT</u>	<u>DESCRIPTION</u>
N/A	\$250,000.00	Increase in Budget Surplus
11-000-291-270	\$580,000.00	Reduction in Insurance Expense
11-120-100-101	\$ 50,000.00	Savings through attrition
12-000-260-730	\$ 7,500.00	Removal of lift purchase
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TOTAL	\$887,500.00	

ADJOURNMENT

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

David G. Sobel, Mayor

Karen Ventura, Municipal Clerk