

**ABERDEEN TOWNSHIP COUNCIL REGULAR MEETING  
TUESDAY, DECEMBER 16, 2014**

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, December 16, 2014 at 7:40 p.m. in the Municipal Building at One Aberdeen Square and was called to order by Mayor Fred Tagliarini, who presided at the meeting.

Mayor Fred Tagliarini 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:        Harvey Brenner  
   Gregory Cannon  
   Concetta Kelley  
   Joseph Martucci  
   Robert Swindle  
   Margaret Montone  
   Fred Tagliarini

Absent:            None

Also Present: Holly Reycraft, Township Manager  
   Dan McCarthy, Township Attorney

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

**REPORTS**

Councilman Brenner stated the leaves in the "A" section were picked up again this week. DPW is doing an outstanding job.

Councilman Cannon stated the Sewer Committee met with the public for an informational session with the Township's professionals. The project was received very well by the public and the members of the neighborhood were very excited that this project is finally coming to fruition after many years of discussions. We will have another informational session in 2015 to make sure that everyone gets the news.

Councilman Martucci congratulated Coach John Kaye, Matawan High School Football Team for winning the State Championship. They are a very young team and did an outstanding job. The Soccer Team won a division title also this year for the first time in history. Very proud of them.

Mayor Tagliarini stated our HAM Group had a great holiday party on Sunday night, thanks to PBA, Cliffwood Fire Department, and Tom Roman of Quality 1<sup>st</sup> Water

Proofing Systems.

Holly Reycraft congratulated Sgt. Matthew Lloyd who was honored as Traffic Officer of the Year.

There were no further reports.

**HEARING OF THE CITIZENS - Agenda Items only**

Mayor Tagliarini 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 Tagliarini declared the Hearing of the Citizens closed.

**OATH OF OFFICE**

Mayor Tagliarini administered the Oath of Office to Jessica McDougall, Police Officer for the Township of Aberdeen.

There was a round of applause for Officer McDougall.

**MINUTES**

Councilwoman Kelley made a motion to adopt the Workshop, Regular & Executive Meeting Minutes of November 10, 2014 and December 2, 2014. Seconded by Councilman Swindle

Minutes of November 10, 2014

**ROLL CALL VOTE:**

Ayes: Councilmember Brenner, Cannon, Kelley, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: Councilman Martucci

Minutes of December 2, 2014

**ROLL CALL VOTE:**

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

**CONTINUED BUSINESS**

**ORDINANCE NO. 17-2014 – PUBLIC HEARING**

Mayor Tagliarini stated Ordinance No. 17-2014 introduced and passed on first reading by title on December 2, 2014 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 December 5, 2014 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. 17-2014 by title, “AN ORDINANCE AMENDING THE REVISED GENERAL ORDINANCE OF THE TOWNSHIP OF ABERDEEN, SECTION 14-1.10 FIRE PREVENTION AND FIRE PROTECTION “NON-LIFE HAZARD USES”

Mayor Tagliarini opened the meeting to the public for remarks or comments for or against the final adoption of this ordinance. There being no one present wishing to be heard, Mayor Tagliarini closed the public hearing on Ordinance No. 17-2014.

Councilman Martucci made a motion that Ordinance No. 17-2014 be finally passed and adopted and that notice of its passage and adoption be published by title in the December 19, 2014 issue of the Asbury Park Press.

Seconded by Councilman Brenner

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

#### **ORDINANCE NO. 18-2014 – PUBLIC HEARING**

Mayor Tagliarini stated Ordinance No. 18-2014 introduced and passed on first reading by title on December 2, 2014 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 December 5, 2014 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. 18-2014 by title, “AN ORDINANCE AUTHORIZING THE ACQUISITION FOR PUBLIC USE OF FEE SIMPLE TITLE TO THE REAL PROPERTY DESIGNATED AS BLOCK 292, LOT 1”

Mayor Tagliarini opened the meeting to the public for remarks or comments for or against the final adoption of this ordinance. There being no one present wishing to be heard, Mayor Tagliarini closed the public hearing on Ordinance No. 18-2014.

Councilman Swindle made a motion that Ordinance No. 18-2014 be finally passed and adopted and that notice of its passage and adoption be published by title in the December 19, 2014 issue of the Asbury Park Press.

Seconded by Councilwoman Kelley

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

**ORDINANCE NO. 19-2014 – PUBLIC HEARING**

Mayor Tagliarini stated Ordinance No. 19-2014 introduced and passed on first reading by title on December 2, 2014 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 December 5, 2014 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. 19-2014 by title, “AN ORDINANCE AUTHORIZING THE SALE OF THE REAL PROPERTY DESIGNATED AS BLOCK 259, LOT 1, AND BLOCK 263, LOTS 1 AND 2, TO HIGHVIEW HOMES AT ABERDEEN, LLC, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW”

Mayor Tagliarini opened the meeting to the public for remarks or comments for or against the final adoption of this ordinance. There being no one present wishing to be heard, Mayor Tagliarini closed the public hearing on Ordinance No. 19-2014.

Councilman Brenner made a motion that Ordinance No. 19-2014 be finally passed and adopted and that notice of its passage and adoption be published by title in the December 19, 2014 issue of the Asbury Park Press.

Seconded by Councilman Swindle

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

Councilman Cannon made a motion to add RA:1066 – Raffle License for Basilian Fathers, Aberdeen, NJ to the Consent Agenda. Seconded by Councilman Brenner

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

**CONSENT AGENDA**

Councilman Cannon made a motion to approve the Consent Agenda; all items listed under 9A. Seconded by Councilman Brenner.

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

## **CONSENT AGENDA:**

1. RESOLUTION NO. 2014-128 – BE IT RESOLVED by the Township Council that it hereby awards a contract for One New Bonnell BV-SS Series Material Spreader or Equal.
2. RESOLUTION NO. 2014-129 – BE IT RESOLVED by the Township Council that it hereby awards a contract for CCTV System for Municipal Building.
3. RESOLUTION NO. 2014-130 –BE IT RESOLVED by the Township Council that it hereby awards a contract for One New Truck Mounted Debris Collector.
4. RESOLUTION NO. 2014-131 – BE IT RESOLVED by the Township Council that it hereby authorizes the Memorandum of Understanding with the Chief of Police.
5. RESOLUTION NO. 2014-132 – BE IT RESOLVED by the Township Council that it hereby authorizes an agreement with the Monmouth County Board of Chosen Freeholders for SCAT Program.
6. RESOLUTION NO. 2014-133 – BE IT RESOLVED by the Township Council that it hereby authorizes acceptance of Developers Agreement with Mikco Developers, LLC.
7. RESOLUTION NO. 2014-134 – BE IT RESOLVED by the Township Council that it hereby authorizes participation in the Safe and Secure Communities Grant Program.
8. EXECUTIVE SESSION RESOLUTION – BE IT RESOLVED that the general public shall be excluded from discussion held during executive session – Contractual – Professional RFQ's; Negotiations – ACE.
9. RA:1065 – Raffle License for Temple Shalom of Aberdeen, Aberdeen, NJ
10. RA:1066 – Raffle License for Basilian Fathers, Aberdeen, NJ

## **HEARING OF THE CITIZENS/CORRESPONDENCE AND PETITIONS**

Mayor Tagliarini asked any member of the public wishing to be heard to come forward and to state their name and address.

Sami Rizkalla

Duda Lane

Mr. Rizkalla stated last meeting was the first chance for Council to see result of meeting he had with Mr. McCarthy and Ms. Reycraft. We had 2 meetings. First meeting Mr. McCarthy want to write a check for me to fix problem and I will sign a release from all further claim. I have no problem but I would like to see Quality 1<sup>st</sup> proposal to see what they are going to do and also how much it cost. Second meeting, \$88,000 was total amount for Quality 1<sup>st</sup> work. Concept didn't look bad of work, but pipe size should be changed. He needs 6 months to make sure everything is working then will sign a release. Mr. McCarthy said the Council will give \$19,000. It is \$100,000 project. He would like

to know what the Council is going to do.

Councilman Cannon stated you are asking us to write you a check of the tax payer's money for \$100,000, we cannot do that. Two experts we sent to your property can not tell us anything the Township did is causing water in your basement. They told us you probably always had water in your basement. \$19,000 is to fix the water in your basement.

Mr. Rizkalla stated you had an engineer with tax payer money and I asked to see what the report said. I did not get the report. You made a project that caused trouble in my property.

Councilman Cannon stated that is not a fact.

Mr. McCarthy stated we sat down with Mr. Rizkalla, I do not accept his recount of the meeting. There have been various attempts at significant costs to Township to remediate what has occurred at Mr. Rizkalla's property. Mr. Rizkalla walked out of our meeting and said he was going to have to pursue other alternatives. A Council Meeting isn't the appropriate place to conduct negotiation or to deal with this situation. We did everything we could to accommodate you. We made you an offer which you rejected.

Mr. Rizkalla stated no one from the Council was there. I need a copy of the engineer report.

Mr. McCarthy stated that report was written to me in anticipation of a claim against the Township. At this point, it is not subject to OPRA. I explained that to you.

Councilman Brenner stated we gave you what we consider a fair offer. You can consider it or reject it that is your prerogative. If you want to pursue other legal means you can. However, the document in question is not going to be released to you. It is privileged communication to the attorney.

Mr. Rizkalla stated this is a professional service.

Councilman Cannon stated it is a report prepared in anticipation of litigation and it is privileged.

Mayor Tagliarini stated as a Council we have done everything you asked for. At this point it will be best to go back to negotiations. You also have every right to contact Mr. Roman at Quality 1<sup>st</sup> and talk to him.

Kissy Osbourne  
109 County Road

Mrs. Osbourne submitted a petition to Council for the County Road speed limit to be changed from 35 to 25 mph. It is a residential area, which trucks and buses go through. Mrs. Osbourne spoke of a recent accident where the driving was speeding and lost

control. There are no sidewalks on one side of County Road, there are 65 – 68 homes on this road. All we are asking is to lower the speed limit.

Mayor Tagliarini thanked Mrs. Osbourne for coming tonight and we have a procedure we go through. This will be given to the police for a traffic study.

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

Councilman Brenner made a motion to adjourn to executive session, seconded by Deputy Mayor Montone and unanimously concurred by Council.

The meeting reconvened with the same members in attendance except Dan McCarthy, Township Attorney.

Councilman Brenner made a motion to adopt Resolution No. 2014-135, Authorizing Memorandum of Understanding between Aberdeen Clerical Employee Union and the Township of Aberdeen. Seconded by Councilman Swindle.

ROLL CALL VOTE:

Ayes: Councilmember Brenner, Cannon, Kelley, Martucci, Swindle, Deputy Mayor Montone and Mayor Tagliarini

Nays: None

Abstain: None

#### **RESOLUTION NO. 2014-135**

**BE IT RESOLVED** by the Township Council of the Township of Aberdeen that Memorandum of Understanding dated December 17, 2014 between the Aberdeen Clerical Employees (A.C.E.) Union and the Township of Aberdeen is hereby affirmed for the period from January 1, 2015 to December 31, 2018.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized to execute a formal contract embodying those terms as set forth in the December 17, 2014 Memorandum of Understanding.

#### **ADJOURNMENT**

Councilwoman Kelley made a motion to adjourn, seconded by Councilman Swindle and unanimously concurred by Council.

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Fred Tagliarini, Mayor

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Karen Ventura, Municipal Clerk