

Agenda

Workshop Session 6:30 p.m.

1. Meeting called to order
2. Statement of compliance with Open Public Meetings Act
3. Roll Call
4. Executive Session – Closed to Public

Public Portion of Meeting – 7:30 p.m

5. Public Portion of Meeting called to order
6. **Moment of silence and Salute to Flag:**
7. **Proclamation:** Older Americans Month
8. **Township Committee Reports**
9. **Public Hearings:**
 - 1) **Ordinance No. 2020-07**, An Ordinance Amending Chapter 95 (Development Regulations), Article V, Zoning District Regulations, of the Code of the Township of Manalapan, County of Monmouth, And State of New Jersey to Establish an Affordable Housing Overlay Zone Upon Certain Land within the SED2W and R-AG/4 Zoning Districts, Providing for Multi-Family Housing with an Inclusionary Set-Aside of Affordable Housing to be Developed Subject To Certain Conditions and Requirements
10. **Public Comment Session** – Agenda Items Only
Please state your name and address clearly for the record
11. **Workshop Session**

LEGAL

ENGINEERING

CLERK

- A. Ruocco's Outdoor Dining Permit
- B. Items of New Business

ADMINISTRATION

- A. Resolution Authorizing Agreement with Animal Control Officer
- B. Resolution to Amend Capital Budget
- C. 2020 Emergency Temporary Appropriations #2; Current Fund

12. CONSENT AGENDA:

ALL MATTERS LISTED UNDER ITEM "CONSENT AGENDA" ARE CONSIDERED ROUTINE BY THE TOWNSHIP COMMITTEE AND WILL BE ENACTED BY ONE (1) MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS. IF DISCUSSION IS DESIRED ON ANY ITEM, THAT ITEM WILL BE CONSIDERED SEPARATELY.

Applications: Outdoor Dining Permit (*renewal*) – Ruocco's On 9

Resolutions:

- A. Authorizing Refund of Duplicate, Erroneous and Overpayments for 2020, 2019, and Prior Years
- B. Authorizing Agreement with Animal Control Officer
- C. To Amend Capital Budget
- D. 2020 Emergency Temporary Appropriations #2; Current Fund

13. OLD BUSINESS:

14. NEW BUSINESS:

A. Resolutions

- 1) Approving **Bill List** Dated April 30, 2020 to May 13, 2020 Totaling
\$15,276,133.68

B. Ordinance Introduction and First Reading

- 1) **Ordinance No. 2020-09:** An Ordinance of the Township Committee of the Township of Manalapan, In The County of Monmouth, State of New Jersey, Amending and Supplementing Chapter 95, "Development Regulations," Section 95-3.4, "Certificates and Permits"; Section 95-9.2, "Improvement Standards"; Section 95-3.14, "Fees, Escrow Deposits and Other Charges."
- 2) **Ordinance No. 2020-10:** An Ordinance of the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, Amending The Zoning Map of the Township of Manalapan to Remove Lot 25.01 In Block 3.02, Located Along Union Hill Road, From The Re Zoning District and Include the Property in The R-20 Zone.
- 3) **Ordinance No. 2020-11:** Bond Ordinance Providing for Various Capital Improvements and the Acquisition of Various Capital Equipment, Appropriating \$3,238,029 Therefor and Authorizing the Issuance of \$2,605,877 Bonds and Notes to Finance a Portion of the Costs Thereof, Authorized In and By the Township of Manalapan, in the County of Monmouth, New Jersey

- 15. PUBLIC COMMENT** – Non-Agenda Items Only
Please state your name and address clearly for the record

16. ADJOURNMENT

OPENING STATEMENT:

1. Pursuant to Section 5 of the Open Public Meetings Act notice of this meeting of the Manalapan Township Committee was sent and advertised in the Asbury Park Press.
2. A copy of that notice was posted on the bulletin board where public notices are displayed in the Municipal Building.
3. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.
4. Accordingly this meeting is deemed to be in compliance with the Open Public Meetings Act.

Due to the COVID-19 pandemic and in consideration of Executive Order No. 103, issued by Governor Murphy on March 9, 2020, declaring a State of Emergency and a Public Health Emergency in the State of New Jersey, the Township of Manalapan notified the public that to protect the health, safety and welfare of our citizens while ensuring the continued functioning of government, this meeting of the Township Committee of the Township of Manalapan scheduled here at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, NJ will be held electronically with meeting participation instructions provided including for public comment.

ROLL CALL:

Present: Cohen, McNaboe
Via Remote Access – Jacobson, Musich, Nelson

Also present: Tara Lovrich, Business Administrator
Shari Rose, Deputy Municipal Clerk
Roger McLaughlin, Esq., Township Attorney

Via Remote Access – James Winckowski, Twp. Engineer
Renee Garrigana, Assistant Administrator
Regina Preteroti, Municipal Clerk
Jennifer Beahm, Twp. Planner (for Public Hearing)

Resolution No. 2020-168 a motion was offered by Mrs. Cohen, seconded by Mrs. Musich to go into Executive Session, and was approved by unanimous roll call vote:

The meeting went into Closed Session and returned to Public Session:

PUBLIC PORTION OF MEETING:
MEETING IS CALLED TO ORDER BY THE MAYOR:

MAYOR MCNABOE: I'd like to call the public portion of this meeting to order. Today the township committee meeting is being brought to you live with your ability to call in and ask questions. As the governor requested, we are still participating social distancing by not having all of the governing body members here. If you'd like to speak, when we open to the public comment session please dial (973)854-6173. After you do that you'll need to put in a meeting ID number and that meeting ID number is 112 878 2636 and then if you wish to participate, push *9 and that will raise your hand and you'll be able to fully participate in the meeting. If you're unable to connect with us, we have a phone here with us as well. The phone number is (732)446-8303 and after the moment of silence and the pledge, I will read both of those numbers again. Anybody that didn't have a pad and a pencil with you, I'll read them again. We ask the public to bear with us as we go remotely to Mayor MaryAnn Musich, Committeeman Barry Jacobson, Committeeman Nelson for this meeting. Before I begin, I'll read the disclaimer. The Township of Manalapan Television Network will be recording this meeting of the township committee for re-broadcast on MTTN channel 77 on Cablevision and channel 42 on Verizon Fios. By attending this evening, attendees acknowledge this recording and agree to allow their image to be broadcast on MTTN channel 77 and Verizon Fios channel 42. All attendees and participants agree to conduct themselves in a manner appropriate for a public gathering. Inappropriate behavior or gatherings creating a disturbance or safety hazard are prohibited inside this meeting. Individual speakers should be advised that no right of privacy protects a citizen's public comment made in a public forum. Any statement made by a member of the public to promote or alter public opinion about a candidate for political office, a political party or interest groups are inappropriate and in violation of MTTN broadcast policy. Accordingly, all participants bear responsibility for their own statements and commentaries. Please stand for a moment of silence in honor of the doctors, nurses, first responders on the front lines and all of those that have contracted the COVID-19 virus and in memory of those who lost their life followed by a salute to the flag.

MOMENT OF SILENCE AND SALUTE TO THE FLAG:

MAYOR MCNABOE: Tonight we have a proclamation in honor of Older American Month. Older Americans Month whereas Manalapan Township includes a growing number of older Americans who make countless contributions to our community every day and whereas Manalapan Township is stronger when people of all ages, abilities, and backgrounds included and encouraged to make their mark and whereas Manalapan Township recognizes the importance of physically, mentally, socially, and emotionally well-being of its citizens and whereas the Manalapan Senior Center can support our community members by promoting independence, inclusion, and participation, engaging older adults through education, recreation, and service, and connecting people with opportunities to share their time, experience, and talent. Now therefore be it proclaimed that I, Jack McNaboe, Mayor of Manalapan Township do hereby proclaim May of 2020 to be Older American Month in Manalapan Township. I urge every resident to recognize older adults and the people who support them as essential members of our community. In witness whereof I have hereto set my hand and cause the seal of the Township of Manalapan to be affixed on this 13th day of May in the year 2020. We have now arrived at our township committee reports. From home Committeeman Nelson, how are you?

TOWNSHIP COMMITTEE REPORTS:

MR. NELSON: I'm good thank you. I hope everybody's bearing this pandemic the best they can. The purpose of the reports is for us to be committed to advising residents. What we're doing and what we're seeing in the community and I want to say that everybody is doing their best to follow the guidelines that are presented, maintain social distancing, and trying to be safe. I give everybody across the board credit for that. I haven't seen anything that shocks me or is unusual or that needs attention. As far as being the liaison to the Manalapan-Englishtown Regional School District, I don't want to step on their toes, but they did submit their budget or their proposed budget and I will say the highlights of it, the cost is below average, the state average. The administration salaries, the benefits are below the state average per pupil and overall spending per pupil is well below the state average, which as a resident I like to hear. They're doing a great job and should be lauded for that. The elected officials and the professionals really seem to spend a lot of time and all the meetings I've gone to this year whether it be in person or online, everybody is really trying their best as well as we are too, but I want to take a moment that they're doing a great job as well and other than that that's my report. Thank you.

MAYOR MCNABOE: Thank you. Committeeman Jacobson.

MR. JACOBSON: Thank you Mayor. I also wanted to echo what Committeeman Nelson said about the residents. Also, I want to thank or appreciate what the Mayor and Deputy Mayor and Eric are doing, helping distribute masks and food for the Samaritan Center, keeping people informed. They're doing a great job. Now, this has been done at another venue. The Mayor's talked about it in his daily reports and it's been posted on Facebook, but being the liaison to the cable I might as well say it here. It's about the Manalapan residents' video quarantine special. Calling all Manalapan residents. Would you like to be on television in the Manalapan residents' video quarantine special? All you have to do is send us a short clip of what you've been doing during quarantine or share a message with our community. Be creative. Here are a few ideas to get you started. Thank vital workers in the community, sing a song, share with us what you've been doing, tell us something you knew, something you've been learning, show us a magic trick, teach us an interesting fact, show us your pets, show us you volunteering in the community, sewing masks, delivering food, etc. All entries will be aired on Manalapan TV. I don't think they can promise all entries. We'll start by airing the first group on June 15 so get your entry in now. The rules are all clips have to be less than a minute. All clips must be in landscape which means horizontal, hold sideways. It's that easy. Your clips could be sent in many ways. You can e-mail the clip to mttn@mtnj.org. You can make it downloadable through YouTube, drive. Google, or Vimeo, or any way you have it available. You can e-mail it to mttn@mtnj.org with the link to access and download your clip. Let's make the best of this and have some fun on the days of the quarantine. Okay that's my report Mayor. Thank you.

MAYOR MCNABOE: Thank you. Mayor Musich, how are you?

MRS. MUSICH: Good, thank you. I just want to thank the residents for their patience and also for all their efforts with the social distancing. We're doing a great job here in Manalapan and thank you Mayor for your updates every day. It's really helpful. As far as recreation, Thompson Grove Park is open. However, the included dog park is not. Dogs are permitted at that park, but they have to be on a leash. The Manalapan Rec Center remains closed. However, use of the 5K trail is permitted. Users can park in the municipal building overflow parking lot and walk over to the park to access the trail. All playgrounds throughout the township remain closed at this time, but keep in touch with us. We'll see as soon as they're we'll announce it. Plans continue for summer camp. We're adjusting our protocol as necessary to stay within requirements as dictated by the government and health regulators. So, as more details become available, we'll advise and it'll be posted on our website and I'm sure the Mayor will announce it as well. As far as the seniors, all planned trips for 2020 have been cancelled until further notice. Any senior who needs assistance during this crisis can call the senior center at (732)446-8401 and they'll do their best to connect you with whatever services you might need. That's all I have, thank you.

MAYOR MCNABOE: Thank you. Mayor Cohen.

MRS. COHEN: Thank you Mayor. For several weeks now we've been thanking our staff, our frontline workers, our first responders. Tonight I would like to thank the many residents who have reached to us to give us bags of food to those for the needy, volunteering to make deliveries, and offering us words of encouragement and support. Shout out to the social workers of Manalapan-Englishtown K-8 for connecting us with those that need food and to Manalapan High School Principal Dr. Adam Angelozzi for his help in connecting us with high school families that need help. Thank you to our health office Keith Levine and registered Environmental Health Officer Dana Scotto for keeping up with the deluge of work required of enduring this pandemic and other work necessary to keep running the department and thank you to our volunteer nurses who have come from the MRC-CERT team led by Kim Silverstein. We really appreciate all their help. Also, we are serious when we say we're here for you and that continues to be true. Our Mayor, thank you for all your hard work and Tara Lovrich our administrator for your hours that you keep and tirelessly keeping this township going. I really appreciate it, but if I can be of any help to you, my cell number is (732)239-5986 and while you're home this is a great time for you to go in our website mtnj.org, register for our e-mail blast, and go on Facebook and register for our Facebook blasts too, and especially now when everything is changing and fluid, you need to stay informed. That's all I have Mayor, thank you.

MAYOR MCNABOE: Thank you. To everybody watching at home I promised I would give you the numbers again and here they are. Anyone wants to participate, you can just watch it on TV if you do not choose to participate if that's how you're seeing us right now, but if you want to participate in the meeting you need to dial (973)854-6173. You will then need to put in a meeting ID number. It will

request the meeting ID number. That number that you will punch in is 1128782636. There'll be one more step should you choose to participate in the meeting, in other words you want to ask questions, you want to make statements, you want to do things like that, you will then push *9 and that will raise your hand. You will be called on to say your bit. Everyone should be able to do it through that. Several people have called. I've just answered texts to it and if not, we do have a phone right here and that is the township telephone number, (732) 446-8303 and the reason we did that is it's not nearly as well as coming through the computer, but we want everyone to participate. At an earlier meeting we did have somebody call the next day and say they wanted to participate and were not able. We're making sure that everybody that wants to participate in this meeting can participate in the meeting. So, again, we encourage you if we want to be part of it, please be part of it. Our DPW will be opening up, those of you that first of all, it was alluded to earlier that there's a daily update. If you're watching them, great folks, I really appreciate it. At 4:30 every day it goes out live right from this room and I do a daily update of the governor's executive orders or whatever is going on that affects the people of Manalapan. So, if you are watching those, great. If not, 4:30 every day on MTTN which is either 77 on Cablevision, 42 on Fios or you can watch it on the website, mtnj.org after 5:00 o'clock anytime. So 4:30 it's live, 5:00 o'clock it's on the website, watch it at your leisure then it goes out on Facebook so wherever else we post it to, the parts that I don't fully understand. Ok, so our DPW yard will be opening back up on limited hours next week as a test for both our yard and for our residents. When I say a test, we're trying to work the kinks out of the system to open back up in this distancing environment. Tuesday and Thursday from 10:00-2:00, so that'll be Tuesday the 19th and Thursday the 21st, 10:00-2:00 we'll be recycling only the items cannot be recycled at your street. If you have car batteries, you have metal, old bed frames, anything like that, appliances, computers, TVs, stereos, all that electronic stuff; they're the things that we'll be recycling. Those of you that have followed our mandate that you stay home, that you clean up around your house, and now you have all these stacks and you want to clean them out, it's for that. It's limited to one person per car. So, in other words, you could bring your brush, you could bring your leaves, but you can't come in with a pickup truck with twelve people in it to drop that off, okay. So, again, we're trying to make it convenient for people, but we're also trying to socially distance, and we're trying to work the kinks out of our system. So, again, look forward to seeing some of you out next week on that. Our construction department, many of you may be aware that the governor ceased construction in the state of New Jersey. He put in some exceptions, but the regular work around your house was not one of those exceptions. At 6:00 AM on Monday morning that's being lifted so our construction department has reached out to everyone that put in for pool applications, work around the house, whatever you were doing. Those permits are signed. All you need to do is send a check in here, a permit number will be assigned to it and the work can start. So, again, we're starting to see ourselves come back to normal. I read a proclamation earlier today about Older Americans Month. Unfortunately for those of us above the age of 60, this is hitting harder than the youth or middle-aged America. Being that I'm in that group I'd just like to say to some of you out there, especially as you start getting older and you do have underlying conditions, this is no time to be going back out. We have abilities to go shopping for you and have it delivered right to your house. Just about anything can be done without going out. Please don't venture out if you don't have to. This will be a memory and we'll be looking back at it and in order for both of those things to happen, we need to have everybody live through this part of it. That's not a scare tactic, that's just don't go out now and you will be able to go out later. So, by all means take advantage of that, mayor@mtnj.org if there's anybody that needs any assistance in town, find yourself in need for the first time in your life, anything. Call in, e-mail into that e-mail address, and we'll do our best to help you out. We're one community, we're working together to get every one of us from this side of this to the other side of this and that is my report. Okay, we're now continuing with our public hearing on Ordinance number 2020-07. An ordinance amending Chapter 95 (Development Regulations), Article V, Zoning District Regulations, of the Code of the Township of Manalapan, County of Monmouth, And State of New Jersey to Establish an Affordable Housing Overlay Zone upon certain lands within the SED20W, it's printed here as a 2W that's 20W for everybody at home, and the R-AG/4 zoning district, providing for multi-family housing with an inclusionary set-aside of affordable housing to be developed subject to certain conditions and requirements. Mr. McLaughlin do you want to give the residents a quick reminder of what we're doing here?

MR. MCLAUGHLIN: Certainly I will Mayor.

MRS. COHEN: Oh you want me to get off the dais?

MR. MCLAUGHLIN: You should, yeah.

MRS. COHEN: Okay, I'm going to get off the dais. Thank you.

MR. MCLAUGHLIN: Just for the record Mayor Cohen has recused herself from consideration on this ordinance and also for the record the planning board did review the ordinance and found it to be substantially consistent with the master plan. Mayor and committee members, this is the latest in a series of ordinances which have been enacted over the past year or so as part of the township's court approved affordable housing fair-share plan. As the committee knows every municipality is required to provide a realistic opportunity for the construction of a certain number of affordable housing units of various types and the township has negotiated a fair-share plan with the fair-share housing council which has been approved by the Superior Court. The particular property that's involved in Ordinance number 07 is a parcel of about 57 acres in size. It's located out near the intersection of Iron Ore Road and Highway 33. It actually has frontage on both of those roadways. The ordinance provides zoning for a multi-family housing district subject to the provision of affordable housing. This ordinance would permit a maximum under the standards that are being established here, a maximum of 320 total housing units of which 1/3, I'm sorry 30 percent of those, 96 units, would be actually affordable housing rental units. The remainder of the units, 224 townhomes, would be market price housing type. This just sets up the terms, conditions, the various bulk standards pertaining to the ordinance. It doesn't actually approve a specific development. Although there is a concept plan providing for the number of units that I just mentioned, but once the ordinance is adopted, the applicant will have to go before the planning board and there'll be public hearings where the detailed proposal for the construction of the housing at that site will be considered and they'll also need state and county approval as well. This is sort of the first step in that process and so that the public understands our job here at the township committee level is to enact ordinances. The committee doesn't approve the details of the development. That job belongs to our planning board which will conduct a series of public hearings that everybody within 200 feet will receive notice of and of course there'll be notice in the newspaper as well. This ordinance 07 of 2020 is part of our affordable housing fair-share plan.

MAYOR MCNABOE: Thank you for that explanation. We'll now open to the public on this ordinance only. If you wish to speak, again I'll give you the number one more time, (973)854-6173. With that you'll need to put in the meeting ID number of 1128782636 and then you'll push *9 to raise your hand. You'll hear that telephone ringing, if you absolutely cannot get through on that, you can then dial a phone number, but it's not going to be nearly as convenient for you or for us. If you are unable to connect with us in that way, then you'll dial this phone number which is (732)446-8303. Those calls were just put on hold and we'll get to them at them at the end of all of the others. At that point, I'm now going to open to the public.

MRS. LOVRICH: Okay. I do have some raising their hand and I also want to mention that our township planner is on the line so if any questions come through for her, Jen Beahm, is here as well and Jim Winckowski our engineer. I do have hands up.

MAYOR MCNABOE: Can you put Jen on just a second?

MRS. LOVRICH: Yeah hold on. Let me grab Jen. I'm going to go slow. Jen can you hear me?

MS. BEAHM: Yeah I can hear you.

MAYOR MCNABOE: Ms. Beahm, thank you for checking in. So, is it alright to leave you unmuted and we'll jump to you if we should need the question or you want us to mute you up and we'll just call you when we need you?

MS. BEAHM: I mean I'll defer to you. If you need to pass the comment onto me I'd be more than happy to address it, but if you can answer it that's fine too.

MAYOR MCNABOE: So we'll mute you and then we'll call on you if the question is something that requires your expertise.

MS. BEAHM: Sounds good.

MAYOR MCNABOE: Same with you Mr. Winckowski. Okay.

MRS. LOVRICH: Okay I do have and I do have someone on the phone as well who's on hold so I know she's there as well, but we have the first one raising the hand is a 201 with the last digits 5112. I'm going to call on you and unmute you.

MAYOR MCNABOE: We're going to need your name. What'd we want, name and address at least?

PUBLIC COMMENT:

MR. MCLAUGHIN: Name and address, yes.

MAYOR MCNABOE: Okay. Can you hear me ma'am?

MR. CHEZOLUSKI: Yes sir. Good evening.

MAYOR MCNABOE: Sir, I'm sorry.

MR. CHEZOLUSKI: My name is Jason Chezoluski. Some of you know me better as JJ from the Manalapan Softball Association. I would first like to thank you all for your commitment to the town and your guidance through all this pandemic. My one question to the committee is what is the plan for opening up the rec center and fields for our children and looking to play spring sports?

MAYOR MCNABOE: As it stands right now, by the governor's orders we are not opening any of the fields or that type of stuff to be played yet. We are talking about some of the playgrounds. There's an entire process that has to happen. You'll probably see some of those amenities open before the actual fields are open. We are mowing and maintaining. They'll be ready to go on day one because we can't let them get away from us that's why they're being maintained, but there is no plan. I can't give you a date today on that, but right now to be honest with you we are just talking about this one ordinance. The end of the meeting we'll have all that other stuff. Okay?

MR. CHEZOLUSKI: Very good, sir.

MAYOR MCNABOE: Following that, we are just talking about 2020-07 right now. So anybody that's calling in, that's the only thing we're talking about. At the end of the meeting, I'll be opening this up to address us on any type of subject that you want to address us on. Thank you Jason.

MRS. LOVRICH: Okay I have a Mr. Concato, I don't want to say that wrong who's raising his hand. Hi.

MR. CONCATO: Hi, can you hear me?

MRS. LOVRICH: Yes we can.

MR. CONCATO: I'd like to know a little bit more about this. I live off LaValley Drive, 21.

MAYOR MCNABOE: Yes sir.

MR. CONCATO: So this proposed development is going to be about 50 feet off my property line. What is the plan for any of this? All we saw was some blurry drawing that we got via postal courier last week or the week before. We have no real information on this other than the fact that it's going to happen I'm sure. We don't have any control over that, but there was a court decision about this or something the Mayor alluded in an e-mail to me about a court issue with this. Can somebody elaborate on that a little bit?

MAYOR MCNABOE: Sure. Manalapan Township is required to build 808 units of affordable housing in Manalapan Township. Some of those have come as a stand-alone building with just affordable housing or project. This is what's called an inclusionary project. Mr. McLaughlin just ran you threw the numbers, 320 total units, 220 will be for sale townhouses market rate sale, and then 96 would be below market value, affordable units. If you've been down the street from you, Knob Hill is an example of that, that's an inclusionary project. That's the type of thing you're looking at. What you'll see, how many, how they're laid out that is not finalized yet. That is what the Manalapan Township planning board does and that's something that we'll be doing before there. That will probably happen in late '20, early 2021, somewhere in that range. That's when all the particulars so the maximum number is 320. When

they get done with all of their math and working it out, it could be a few units' light of that.

MR. CONCATO: Well, okay. To reiterate my question, what does the court have to do with this?

MRS. LOVRICH: There's Jen.

MAYOR MCNABOE: You want to take that Jen or you want me to do it? You're welcome to.

MS. BEAHM: Okay I can do it. Am I unmuted?

MRS. LOVRICH: Yes, we can hear you.

MS. BEAHM: Okay. In 2015 the Supreme Court --- a decision that put the jurisdiction of all affordable housing matters statewide back into the court system. It used to be handled by the DCA, but then there was a long period of time where nothing was being done and so a fair-share housing center filed litigation and it went all the way up to the Supreme Court who rendered a decision. Every participating municipality had to file an action with the court and so this is entire affordable housing process is being overseen by the Superior Court and fair-share housing center. So, the committee had entered into a settlement agreement with fair-share housing center which is basically required as part of this process that the court had approved. Now, all of the items that are in that settlement agreement are --- to be implemented and so now we're systematically going through and implementing, for an instance this is one of them ---

MR. CONCATO: Sorry about that.

MS. BEAHM: That's okay. Basically this used to be handled by COAH, but now it's being handled by the court.

MR. CONCATO: I guess my question is that property is zoned farm is it not?

MS. BEAHM: So, you are required --- when a property is included in a project that's included in the settlement agreement to address that 808-unit obligation that Mr. McLaughlin and the Mayor had indicated earlier, you are required by statute to zone for the project. That's what this is.

MR. CONCATO: So the underlying change is zoning of that property?

MS. BEAHM: That's what this is. This is a zoning ordinance to re-zone that property in accordance with the settlement agreement.

MR. CONCATO: And then we can do this anywhere in Manalapan? We just picked to do it here?

MS. BEAHM: Well we have 808-unit obligation so there are a number of projects that are included in the settlement. This just happens to be one of them, yes.

MR. CONCATO: And Toli Brothers is building this?

MS. BEAHM: Yes.

MR. CONCATO: Where exactly on the proposal because you can't see anything on the sheet that you sent us, where exactly are these 96 housing, the low income housing, where is it going to be laid out on this property?

MRS. LOVRICH: I don't want to interrupt Jen, but I posted the concept plan online. It is on the website, on the agenda. I don't know if you were able to ---

MR. CONCATO: I got it certified mail, ma'am. I got it. It's a black and white blurry ---

MRS. LOVRICH: I posted a clearer picture. The actual concept plan from the developer is on the website which I can also share with you. I got the link from the township attorney to send over, but it is under the agenda section on the

website which will show you the layout and different things like that to answer some of the questions you have.

MR. CONCATO: And this is not subject to change? We're just going to be stuck with this? What concerns me ma'am is we live in the woods. I have two acres of property. I recently went to the zoning board to ask for an addition on my garage and they flat out told me no, for eleven feet. I can't do anything that I want to do with my property because you guys have to have a certain amount of houses built, you can do anything you want with the property The Toll Brothers owns. I find it a little bit of a double standard. I can't do anything and you can do anything you want and the bottom line is none of this affects any of you guys. It affects my property value and it affects people on LaValley Drive. It doesn't affect anywhere else. Okay, we lived through the Boy Scout laser tag thing, we dealt with that. It took us three years to make something go away that should have never been there to begin with and that was all because the township just didn't do anything about it. Here we are with another one that we're going to jam down our throats and this one's permanent. This one's not going away. Once they start breaking ground, Toll Brothers doesn't stop. I've worked for Toll Brothers I know what this is like, okay. Again, it doesn't affect your housing, your house value. It doesn't affect anything for your property. It affects our properties and again I get it that everything's got to get developed. I understand that. I understand you have a quota of houses that you need to be built. I just wish you guys would think who's affected. We live in the woods here. We live in the woods because we like to live in the woods and you're taking that away from us now and I suppose if it's because we have to, but it just doesn't seem fair to me that this is going to happen whether we like it or not. Okay? You're putting 320 houses, give or take a few, on a property. I don't even know how you could fit that many houses on that property. Okay? Again, I went to the zoning board I asked for a 15-foot addition on my garage and he flat out told me I was crazy. Give me a break folks. The double standard is colossal here and I don't get it. I just don't understand how we can change the zoning because it's what we need to do because the state says we have to have low-income housing and I can, all but assure you that the low-income houses leads right up to my property and I got to be honest with you, I don't want it. I don't think anybody else on LaValley Drive wants it because when we go to sell our houses, it's going to be like the age old Raceway Park thing. Nobody knew it was there and now it's there --- our property value --- and again it doesn't affect your property. It affects mine and everybody else on LaValley Drive especially on the right side of LaValley Drive, the odd number side. Does anyone have this strike a chord with any of you or is it just ----

MAYOR MCNABOE: Hold on just a second. Thank you, yes sir.

MR. MCLAUGHLIN: I certainly understand the gentleman's concern.

MR. CONCATO: Hello?

MR. MCLAUGHLIN: Several things that I would like to point out. First, the layout of the project is something that the planning board is going to consider and this gentleman along with any of his neighbors will have the opportunity to participate in that process. There are buffering requirements and various other regulations that are in the ordinance that would provide some assistance there. The other thing I'd like to explain is that the township is not in a situation where it just goes out and picks a piece of property for affordable housing. That's not how the process works. The process that's set up by the courts is really developer-driven and what happens is developers jump in to the litigation and say we have control of this particular piece of property and we want to develop it for x number of homes and we'll provide y number of affordable housing units. So, in this case, the property which is owned by the Diocese of Trenton is under contract to Toll Brothers as it was mentioned earlier and they became one of the developers that jumped into the litigation and said they would provide affordable housing. So, the fact of the matter is there are multiple sites around the municipality where ordinances have been enacted to provide for different types of affordable housing and this is just one of them. They're all developer-driven. You have to --- the town is obligated to deal with developers who are ready, willing, and able to produce affordable housing. So, we don't choose the sites. The developers bring the sites to us and we're obligated to try to make them work. That's how this process all comes about, but again the layout, the concept plan that you see, that's posted is just that. It's a concept plan. It has to be fully engineered, has to go before the planning board, and it could in fact change during that process.

MAYOR MCNABOE: Thank you and then just to correct a couple of other things that were there. You kept saying it's zoned for a farm. It was zoned SED20W which is our special economic 20 acres or more warehouse district. It does have other

uses. All farms have a use underneath them that could be used. That's the bulk of the property and then there's also the R-AG/4 which is rural likes yours and then you say you're in a rural area. I understand. I'm not that far from where you are. This does affect every single person in the township. We weigh that in. We did have projects that we rejected because they didn't fit as well. This one has Route 33 access. This one is, you're a couple hundred feet off Route 33 and that's desirable. We actually thought about it because we lose a lot of commercial real estate development in order to put up this housing, but if you remember again this is as Ms. Beahm, our planner, explained this is mandated by the courts to be done.

MR. CONCATO: This is mandated by the courts you can have 800-plus units of affordable housing in the township itself, correct?

MAYOR MCNABOE: I'm sorry; you're going to have to talk up a little more, please.

MR. CONCATO: I got to be honest with you, will this meeting be re-done in a place where we can hear because I'm only getting about every third word you guys say unfortunately. I mean here you are having a meeting that affects our properties like this profoundly and we're doing it over ZOOM or Wind stream or whatever this is. I got to be honest with you, one I'm not comfortable with that, but two ---

MAYOR MCNABOE: This is what we have available to us. We have done multiple meetings.

MR. CONCATO: I understand that.

MAYOR MCNABOE: If I could just talk for a second. We've done multiple meetings like this. We've rezoned property down Route 33 at Woodward Road for this. We did the one that was the auction property; the Englishtown Auction sales property has been redone. We've done several of these. This is the only meeting we have available to us and we have a mandate and a court date in the fall with the courts and we have to have this stuff in. This is the meetings of the foreseeable future and this is what we're going to do. I'm having trouble hearing you and I'm working my hardest to hear every word of it.

MR. CONCATO: I got to be honest with you. I'm really bowled over with this. You have the option that you need to build 800 plus houses, is that correct? Affordably Affordable housing units.

MAYOR MCNABOE: Yes, in excess of 800 units. We do get some bonus --- units so we may not have to build the actual build to get our 808 credits. We'll probably be 600 plus affordable housing units that will have to be built in Manalapan Township between now and 2025.

MR. CONCATO: And because Toll Brothers is developing this property we get the lucky straw is that it?

MAYOR MCNABOE: Toll Brothers just happen to be. K. Hovnanian's built some of them. Toll Brothers is building this one. They're the ones put in. Toll Brothers could easily get full approvals and let somebody else build it. That's not part of what we're dealing with. We have to worry about getting these things queued up and get the numbers to the court. The houses that are being built here have value to them. These are not the what was my number there, 224 non-affordable, the market rate ones. These are units that have a value of \$500-\$600,000.00 to them. This is not living close together, townhouse type living. It's just the latest in what the market bears.

MR. CONCATO: Sir, with all due respect and I don't want to offend anybody. Do you want low income housing behind your property 50 feet line because I don't?

MAYOR MCNABOE: I can appreciate what you're trying to say. If Manalapan is 31 square miles, we've spread it out over the 31 square miles in the areas that best fit them. The ones that didn't fit, we rejected out front, right out from the get-go and we said it wouldn't work because of traffic or other reasons.

MR. CONCATO: So because Route 33 is there, this is sunk. We're done here. This is signed, sealed --- This is more like a rubber stamp committee then.

MAYOR MCNABOE: We are presenting what's going on. No, it's not a rubber stamp. The planning board will do the bulk of the heavy lifting. We need to have an ordinance in place for these to even work. If you're asking me will it probably be built? Yes. What you have control over is how is it going to be built? What's the buffer between your places? What's the planning that you won't see? How are the roads going to be laid out? What improvements are going to be done off-site? All of that will be handled by our planning board within the next I'm saying year, maybe a little more if the market ---

MR. CONCATO: And the zoning board as well?

MAYOR MCNABOE: I'm sorry?

MR. CONCATO: The zoning board as well?

MAYOR MCNABOE: No, just the planning board. I think I explained this in e-mail to you. It will not be heard before the zoning board. It'd be heard before the planning board of Manalapan Township.

MR. CONCATO: This is the same planning board that allowed laser tag to operate for three years without ---

MAYOR MCNABOE: No sir it was not.

MR. CONCATO: So when is the next meeting on this? So this is going to the state tonight? You're going to approve this tonight and send it to the ---

MAYOR MCNABOE: We will not be approving it tonight. We'll be listening to everything that people have to say tonight. It'll be carried to a date in the future so that language can be worked out and then it'll be voted upon. Four voting members that will have a vote on this so nothing is done until it's done. Right now we're on the listening campaign.

MR. CONCATO: What exactly are you voting on?

MAYOR MCNABOE: You're the first of many to talk tonight.

MS. BEAHM: If I could just step in. We're getting a little far afield. What is at issue tonight is the zoning standard. The project itself is not being approved this evening nor does the governing body have the ability to approve the project. It's just putting the zoning --- so when they come before the planning board for a site plan application you will let them because you're in an adjoining property, get notice of that site plan application and can come to the planning board and voice your concern based upon the actual project itself and I think what the Mayor is trying to get across is it's not just 800 or 600 units. Those are affordable units. Typically, towns are apt to swallow, for lack of a better word, twenty percent set aside. So for every five market rate units, there's one affordable unit. This is the plan --- project. There's eleven projects that we have in the plan that will get us to that 808-unit number. It's not just one project on this particular location and they're all over the place. When the Mayor's saying that this is going to impact all residents, he's not wrong. There are sites all over the community and when I tell you that your representatives went before court through mandatory mediation and fought and kicked --- all developers --- the sites not okay. The overall obligation is too high --- whereas --- here we are the governing body --- ultimately adopt some form of zoning for this property per a court order. We have a court order to --- so at some point it will happen. Probably at the next available meeting after we have heard all the comments from the public and some language gets resolved. That is not approving the project. The project is still years out where they have to come in fully engineered, do traffic studies, do storm water management, show how they're going to deal with infrastructure, how the layout is, where the landscaping is, is their fencing to code. All of those details have a direct impact get vetted out at the planning board and you will have an opportunity to come to that process and hopefully at that point we'll be back in in- person meetings, and voice your concerns and they will address them to the best of their ability. All this is doing is putting the requirements in place. The project is not being approved in this process.

MR. CONCATO: Well let me ask one last question then.

MS. BEAHM: Sure.

MR. CONCATO: If you guys vote on this tonight and you decide against it, what is that ---

MAYOR MCNABOE: We will not be voting on it tonight.

MR. CONCATO: --- after this meeting, you take in all the comments or whatever then you vote on it. Say you decline, you say no, what does that actually mean, that they have to come back with another plan now?

MS. BEAHM: So that would mean that we're in violation of court order and you know there could be significant consequences associated with that meaning the township could lose their immunity. Right now, the town is protected --- have the builder coming in with a builder's remedy lawsuit which would be ten times the amount of units that are being proposed --- We would lose control of our zoning so that's a significant concern that we maintain our immunity and I understand and I'm not trying to minimize your feelings on this matter. --- and I truly do sympathize with your position, but as the Mayor had indicated earlier this is a mandate that's being imposed upon us first by the DCA but they're ultimately by the Supreme Court of New Jersey. We really do not have a choice other than to participate in the process. We were not supportive of --- We fought that hard. There was multiple towns trying to put litigation --- and it was adjudicated in our area. I understand your frustration, I truly do and I strongly recommend that when this application ultimately comes to the planning board that you pay attention to what the dates are and voice your concerns. I have done a lot of review work on the other side of the table from Toll and what I have found is that they often --- to providing some mitigation where possible. The short answer is the consequences would be significant if we violated the court order.

MR. CONCATO: Forgive me ma'am, but I hate to look through this, but what I'm seeing right now is you initially said that you're going to look at this and take a vote on it or whatever, but now you're just telling me that you have no choice but to approve it. What are we doing here?

MR. MCLAUGHLIN: Let me answer that.

MAYOR MCNABOE: Hold on a second here. The attorney is going to speak. Okay folks? Keep quiet for a second. Go ahead Roger.

MR. MCLAUGHLIN: The reality is as we've said on this occasion and others that this is part of a fair-share plan that's been approved by the Superior Court. The township committee didn't just wake up one morning and decide to provide for 800 units of affordable housing in Manalapan. The township committee is mandated by the state, by state law to provide for affordable housing units and this is one of the sites that is part of that plan based upon the developer coming forward and presenting the property in that court context. That's the way the process worked and I know ---

MR. CONCATO: So this is going to happen whether we like it or not.

MR. MCLAUGHLIN: Whether you like it or not, yeah that's whether we like it or not, that's the way it worked.

MR. CONCATO: I wish somebody would have said that twenty minutes ago we could have said a lot of questions here. I mean I was told twenty minutes ago that you're going to vote on this and that you have to decide tonight or after you hear all of our comments, but --- you're telling me now is our comments mean nothing.

MR. MCLAUGHLIN: With all due respect, I think I did say it. I said it earlier, but it's not your normal ordinance. It's not your normal ordinance. It's not your normal plan. It's something extremely unique and extremely different. Extremely unique to New Jersey, by the way. No other state deals with affordable housing this way, but this is the way we're obligated to deal with it. Do we have anybody else that wants to comment on that?

MRS. LOVRICH: I don't have anybody else who is ---

MAYOR MCNABOE: No, he meant our people. Right?

MRS. LOVRICH: We don't have anybody else raising their hand.

MAYOR MCNABOE: Okay anybody else?

MRS. LOVRICH: Oh I do have one. Hold on.

MAYOR MCNABOE: And then we got somebody on hold on the phone right?

MRS. LOVRICH: They hung up.

MAYOR MCNABOE: It was the same person. I thought there were a couple stacking up.

MRS. LOVRICH: Okay I'm opening up to the public with the last four digits 4655.

MR. SALT: Hi, my name is James Salt. I'm from Monmouth Council so it's the Boy Scout camp that's adjacent to this property. Thank you to the Mayor for answering our questions before the meeting. We --- out a written response then we will continue with when this moves to planning to have the discussions on the proposed easement enact to the Scout Camp off of Madison Avenue. We just want to go on record that we do want to have discussions with Toll Brothers as they move forward with this project and thank you to the Mayor for looking into our concerns yesterday.

MAYOR MCNABOE: Thank you. Have a good night. We have anybody else?

MRS. LOVRICH: We do not have anybody else. No.

MAYOR MCNABOE: Nobody else out there? Okay how about our township committee members, anybody have anything to say? We are not going to be voting on this tonight.

MR. MCLAUGHLIN: Mayor, if I could just interrupt you for a second. I know that you've got word a little earlier that there was some issue with respect to the language of the ordinance and that they wanted us to hold off. I've had some discussions late today with Andy Bayer, our affordable housing counsel and also the gentleman from the fair-share housing council. There is one paragraph where the language may change and it doesn't affect the substance of the ordinance at all. It simply affects the affordability regulations and controls that'll be on the project. My recommendation and I told Fair-Share this, that I was going to advise the committee that we should go ahead and vote on this tonight and if and when they and the developer agree to change language we can always amend the ordinance, but at least this way we would have the ordinance in place pursuant to our plan. That would be my recommendation.

MAYOR MCNABOE: Okay. It isn't something --- the only reason is I just said three times obviously based on affordable ---

MR. MCLAUGHLIN: I realize that.

MAYOR MCNABOE: Attorney is saying please hold. Now all of a sudden it looks like ---

MR. MCLAUGHLIN: Well, I have no problem with closing the public hearing and carrying the vote to June 10 that would be fine.

MAYOR MCNABOE: We're now going to have a public meeting in May still right?

MRS. LOVRICH: Yes, that's right.

MAYOR MCNABOE: Okay so we can do it in the ---

MR. MCLAUGHLIN: I could carry it until the 27 if you want.

MAYOR MCNABOE: The 27 and then do it only because I said it. I'd like to --- I don't like to ---

MR. MCLAUGHLIN: I have no problem with that.

MAYOR MCNABOE: Okay seeing nobody else. Is there anybody, nothing on the computer nobody on the telephone?

MRS. LOVRICH: No, nobody on the telephone, nobody on the computer.

MAYOR MCNABOE: At this point I'm going to close public and then we will carry this to our next meeting. That meeting Tara is?

MRS. LOVRICH: May 27.

MAYOR MCNABOE: Will be this month, May 27. That'll be Wednesday. We have it advertised as a township; we call it township committee town hall. It will not be a town hall because you won't be able to gather here for an informal gathering. We're going to make it a regular meeting that can go out on TV and all and then we'll handle this with that. That keeps me true to my word that we won't be voting on it tonight. Township committee members, everybody okay with that?

MRS. LOVRICH: I just, wait I'm sorry.

MAYOR MCNABOE: If we could unmute the three.

MRS. LOVRICH: Barry, Eric, and MaryAnn.

MAYOR MCNABOE: MaryAnn, Barry, Eric you all good with that?

MRS. MUSICH: Yeah.

MR. NELSON: All good.

MAYOR MCNABOE: Okay great. Jen I think we're done with you. Thank you very much for helping us tonight.

MRS. LOVRICH: Sorry Jen.

MAYOR MCNABOE: Is she there?

MS. BEAHM: No problem.

MAYOR MCNABOE: Alright, you're welcome to hang out, but you don't have to.

MS. BEAHM: Okay thanks guy. Have a nice night.

MAYOR MCNABOE: Have a good night. Thank you. Okay, moving on. Now at this point we are --- We're not going to ask for a motion, we're going to carry it to the next meeting on the 27. We are now at public comments session on agenda items only. Do we have anybody holding for agenda items? We don't know that right? If not, then I'll close public on agenda items. We will have one more public hearing at the end of this meeting for anybody wishing to address us on any issues like the baseball field question. So we're now at workshop, Mr. McLaughlin.

WORKSHOP SESSION:

LEGAL:

MR. MCLAUGHLIN: No report this evening Mayor.

MAYOR MCNABOE: Perfect. Mr. Winckowski, engineering, remotely there.

MRS. LOVRICH: Have to unmute him.

MAYOR MCNABOE: How are you Jim?

ENGINEERING:

MR. WINCKOWSKI: I'm good. How you doing tonight? No report from me tonight though.

MAYOR MCNABOE: Okay good. Thank you for joining us. Ms. Rose, the clerk.

CLERK:

MS. ROSE: Thank you Mayor. First thing I have is the renewal application for Ruocco's outdoor dining permit. It's all in order, signed by all the necessary departments, and it's listed tonight under the consent agenda for approval. There are a few resolutions to be added on to new business tonight. First one is a resolution authorizing the appointment of the seasonal park maintenance laborer for the Department of Public Works. The next one, a resolution authorizing the Township of Manalapan tax collector to prepare and mail estimated tax bills in accordance with public law 1994, chapter 72. The third one and last one is a resolution authorizing changing the town hall meeting on May 27, 2020 to a regular meeting and that's all I have.

MAYOR MCNABOE: Great thank you very much Administration, Mrs. Lovrich.

ADMINISTRATION:

MRS. LOVRICH: Thank you Mayor just a few resolutions tonight. We have a resolution authorizing agreement with the animal control officer. We have a resolution to amend our capital budget and that is because we are going to look introduce our capital budget later in the meeting and we have a resolution adding money to our temporary budget since we still don't have our budget adopted. That's a 2020 emergency temporary appropriations number two and that's for the current --- . That's all I have.

CONSENT AGENDA:

MAYOR MCNABOE: Great, thank you. We're now at consent agenda. **ALL MATTERS LISTED UNDER ITEM "CONSENT AGENDA" ARE CONSIDERED ROUTINE BY THE TOWNSHIP COMMITTEE AND WILL BE ENACTED BY ONE (1) MOTION IN THE FORM LISTED BELOW. THERE WILL BE NO SEPARATE DISCUSSION ON THESE ITEMS. IF DISCUSSION IS DESIRED ON ANY ITEM, THAT ITEM WILL NEED TO BE CONSIDERED SEPARATELY.** Township committee is all unmuted?

MRS. LOVRICH: I'm going to unmute them.

MAYOR MCNABOE: Does anybody have anything that they need to discuss separately?

MRS. COHEN: No Mayor.

MRS. MUSICH: No thank you.

MAYOR MCNABOE: If not, I'll need a motion to approve.

MRS. COHEN: So moved.

MAYOR MCNABOE: And a second?

MRS. MUSICH: Second.

MAYOR MCNABOE: Cohen and Musich. Roll call.

ROLL CALL:

MS. ROSE: Mrs. Cohen?

MRS. COHEN: Yes.

MS. ROSE: Mr. Jacobson?

MR. JACOBSON: Yes.

MS. ROSE: Mrs. Musich?

MRS. MUSICH: Yes.

MS. ROSE: Mr. Nelson?

MR. NELSON: Yes.

MS. ROSE: Mr. McNaboe?

MAYOR MCNABOE: Yes. There is no old business. Tonight we have one resolution approving Bill List dated April 30, 2020 to May 13, 2020 totaling \$15,276,133.68. I need a motion to approve.

MRS. COHEN: I'll make that motion.

MAYOR MCNABOE: And a second?

MR. JACOBSON: I'll second.

MAYOR MCNABOE: Cohen and Jacobson right? Roll call please.

ROLL CALL:

MS. ROSE: Mrs. Cohen?

MRS. COHEN: Yes.

MS. ROSE: Mr. Jacobson?

MR. JACOBSON: Yes.

MS. ROSE: Mrs. Musich?

MRS. MUSICH: Yes.

MS. ROSE: Mr. Nelson?

MR. NELSON: Yes.

MS. ROSE: Mr. McNaboe?

MAYOR MCNABOE: Yes. We'll have three ordinance introductions and first readings. The first is on Ordinance number 2020-09, an ordinance of the Township Committee of the Township of Manalapan, in the County of Monmouth, State of New Jersey, amending and supplementing Chapter 95, "Development Regulations," Section 95-3.4, "Certificates and Permits"; Section 95-9.2, "Improvement Standards"; and Section 95-3.14, "Fees, Escrow Deposits and Other Charges." Mr. McLaughlin you want to give us a quick overview on that?

MR. MCLAUGHLIN: Sure Mayor. This ordinance just provides for several very minor and technical cleanup changes to the land use regulations recommended by the zoning officer.

MAYOR MCNABOE: Thank you very much. We'll need a motion to set the date for the public hearing of June 10, 2020. I'll make that motion. I need a second.

MRS. MUSICH: Second.

MAYOR MCNABOE: McNaboe, Musich. Roll call.

ROLL CALL:

MS. ROSE: Mrs. Cohen?

MRS. COHEN: Yes.

MS. ROSE: Mr. Jacobson?

MR. JACOBSON: Yes.

MS. ROSE: Mrs. Musich?

MRS. MUSICH: Yes.

MS. ROSE: Mr. Nelson?

MR. NELSON: Yes.

MS. ROSE: Mr. McNaboe?

MAYOR MCNABOE: Yes. The second introduction and first reading is on Ordinance number 2020-10. An ordinance of the Township Committee of the Township of Manalapan, County of Monmouth, State of New Jersey, amending the zoning map of the Township of Manalapan to remove lot 25.01 in block 3.02, located along Union Hill Road, from the Re zoning district and include the property in the R-20 zone Mr. McLaughlin's again, a quick overview?

MR. MCLAUGHLIN: Sure Mayor. This would re-zone a piece of property that is located on Union Hill Road. It is actually on the boundary line of the R-20 and the Re zoning districts. R-20 required 20,000 square feet as a minimum. Re requires three acres as a minimum. This property is only about 30,000 square feet in size. It's more appropriately fits into the R-20 zone and we've had the township planner take a look at it as well as the township engineer and zoning officer and they all recommend that we just move this into the R-20 zone rather than the Re zone.

MAYOR MCNABOE: Perfect. I need a motion to set the date for a public hearing of June 10, 2020.

MRS. COHEN: I'll make that motion.

MAYOR MCNABOE: And a second please?

MRS. MUSICH: Second.

MAYOR MCNABOE: Roll call whenever you get a chance.

ROLL CALL:

MS. ROSE: Mrs. Cohen?

MRS. COHEN: Yes.

MS. ROSE: Mr. Jacobson?

MR. JACOBSON: Yes.

MS. ROSE: Mrs. Musich?

MRS. MUSICH: Yes.

MS. ROSE: Mr. Nelson?

MR. NELSON: Yes.

MS. ROSE: Mr. McNaboe?

MAYOR MCNABOE: Yes. The final introduction and first reading is on Ordinance number 2020-11. A bond ordinance providing for various capital improvements and the acquisition of various capital equipment, appropriating \$3,238,029.00 dollars therefore and authorizing the issuance of \$2,605,877.00 dollars in bonds and notes to finance a portion of the costs thereof, authorized in and by the Township of Manalapan, in the County of Monmouth, New Jersey. Mrs. Lovrich, this one is yours to explain.

MRS. LOVRICH: Yes, thank you Mayor. This is our annual capital bond ordinance. We put together a capital plan based on our recommendations, different projects that we have to do. We did streamline it this year considering the timing, considering not knowing when the emergency would be over, and what we would be able to do. It does include some general capital equipment, some minor buildings and ground improvements, and a portion of our road and capital project. We did have to pull some out of there because of the timing and because of the emergency and not knowing what we're going to be able to do, but we are doing some road improvements there and then two items, technology items that we have to use for both our MTTN studio and general technology.

MAYOR MCNABOE: Great. I need a motion to set the date for a public hearing on June 10, 2020.

MRS. COHEN: I'll make that motion.

MAYOR MCNABOE: And a second please?

MR. JACOBSON: I'll second.

MAYOR MCNABOE: Cohen and Jacobson. Roll call when you get a minute.

ROLL CALL:

MS. ROSE: Mrs. Cohen?

MRS. COHEN: Yes.

MS. ROSE: Mr. Jacobson?

MR. JACOBSON: Yes.

MS. ROSE: Mrs. Musich?

MRS. MUSICH: Yes.

MS. ROSE: Mr. Nelson?

MR. NELSON: Yes.

MS. ROSE: Mr. McNaboe?

MAYOR MCNABOE: Yes. Mrs. Lovrich do we have any new business?

MRS. LOVRICH: Yes Mayor we have three resolutions that Shari read into the record. If we see no objection, we can move them together so that's the resolution authorizing the appointment of a seasonal parks maintenance laborer, a resolution authorizing the Township of Manalapan tax collector to prepare and mail estimated tax bills, and a resolution authorizing the change to a public meeting on May 27, 2020.

MAYOR MCNABOE: If there's no objections to moving those together, I'll need a motion to move all of them together.

MRS. MUSICH: So moved.

MAYOR MCNABOE: And a second?

MR. NELSON: Second.

MAYOR MCNABOE: Musich and Nelson. Roll call when you have a minute.

ROLL CALL:

MS. ROSE: Mrs. Cohen?

MRS. COHEN: Yes.

MS. ROSE: Mr. Jacobson?

MR. JACOBSON: Yes.

MS. ROSE: Mrs. Musich?

MRS. MUSICH: Yes.

MS. ROSE: Mr. Nelson?

MR. NELSON: Yes.

MS. ROSE: Mr. McNaboe?

MAYOR MCNABOE: Yes. We're now on public comments session on non-agenda items. Please state your name and address clearly for the record. Tara, do we have anybody on the phone or the computer?

PUBLIC COMMENT – NON-AGENDA ITEMS ONLY:

MRS. LOVRICH: Yes we do have somebody raising their hand. Okay.

MRS. SARA KHAN: I'm not sure if I'm doing this correctly, but I'm raising my hand for the non-agenda items.

MRS. LOVRICH: Yes, 2721?

MRS. SARA KHAN: Yes.

MRS. LOVRICH: Yes, okay. Hi, welcome, go ahead. We can hear you.

MAYOR MCNABOE: Did we get an address?

MRS. SARA KHAN: Hi. How are you? We're calling in about a matter I think that we brought to your attention before. We are at 42 Samaritan Way in Manalapan. We really have been trying for a long time to get a fence installed in our house. We have been unable to do so with questions about a wetland line, of --- conservation easement line. We realize we don't want to go as far as the wetland line which we would need permission for from the D.E.P., but we're asking the township's permission to be able to put the fence over the conservation easement which to my understanding is the part that is controlled by the township. We really need this fence. There's two small children here, one of which is special needs and we really just want permission to be able to include the fence.

MRS. LOVRICH: Could we just have your name for the record? I'm sorry.

MRS. SARA KHAN: Olesia Sarakhan, 42 Samaritan.

MAYOR MCNABOE: Mr. McLaughlin ---

MR. MCLAUGHLIN: Yes, certainly Mayor. Good evening ma'am. This is Roger McLaughlin, the township attorney. The problem is as we've explained to you in the past is that it's not just the township's decision to allow something to take place in the conservation easement. That also has to be approved by the D.E.P. and unless the D.E.P. gives us a letter that says that they're okay with it, we can't act and the township committee is very conscious of your situation. They would like to be able to allow you to do it and they've said that they would allow you to put the fence in the conservation easement. Let me finish please but only if the D.E.P. authorizes it.

MRS. SARA KHAN: Okay, but I've attempted many times to contact the D.E.P. about it and I keep getting juggled between the D.E.P. and the township. Their understanding from what I got from them is they control the wetlands and the township controls the conservation easement. They told me that could be for something unrelated to the nature part of it and my concern is with everything going on now, specifically with the coronavirus I would like a little bit more protection for my family and for my children and it's like how come we have this --- here and all we're literally asking is to be able to enclose a space. Not going on to anybody's space, nobody else's space. It's still technically my property. When I have someone to really investigate what is the conservation easement, what is it protecting, and if it's allowed because my neighbors have fences. Everyone around here has fences. Is my home the only one in the easement? It's unlikely.

MR. MCLAUGHLIN: Ma'am first of all what's happening with the coronavirus really doesn't have anything to do with it and I don't know if you've gotten through to anybody at the D.E.P. that knows what they're talking about, but I can tell you as an example that I represent people in Howell Township and they have a court order to get rid of a conservation easement and the D.E.P. is taking the position that the court order doesn't matter. The D.E.P. has to approve it first. They do have jurisdiction over the conservation easement and we can't tell you that that's okay to do. Now, the committee would like to help you, but the only way Mayor and committee members if you wanted to consider giving an at-your-own risk permit. We could do that if the property owners understand that we're not taking any responsibility for any D.E.P. action and if the D.E.P. comes after them in an

enforcement capacity that's their problem not ours. We may consider that if the committee is willing to entertain that.

MRS. SARA KHAN: I think at this point I would be willing to do anything that would allow me to put the fence even if it was having some sort of agreement or something on it. I would take it down should ever be needed or anything along those lines. I just would like someone to give this some attention. It's been about a year since I've been trying to contact. I've been to Trenton. I've been to the D.E.P. office. I've been to your office and now I'm here.

MAYOR MCNABOE: Hold on just a second ma'am.

MRS. SARA KHAN: The coronavirus does have something to do with this because if some crazy person decides to do something like we've seen in the news many times anybody can run up over here. The backyard is open.

MAYOR MCNABOE: Okay.

MRS. SARA KHAN: You know what I'm saying?

MAYOR MCNABOE: Could you stop for just a second? You don't want to talk us out of this. Susan Cohen is going to talk to you here right now. We may have some middle ground. It's going to take us to next meeting because our other three people that aren't here. We have to have a conversation, but there may be something. So, Susan.

MRS. COHEN: Okay so we're going to look at for the next meeting of doing a revocable permit so that if we have an agreement between all of us that if you decide to put the fence up you will be putting it up knowing that at any moment if we have to, you would have to take it down at your own expense.

MRS. SARA KHAN: Yes, I would agree to that. I would very much agree to that.

MRS. COHEN: Let's talk about it and then we will have an answer for you at our May 27 meeting.

MAYOR MCNABOE: And it's two weeks from now. Okay?

MRS. COHEN: Okay?

MRS. SARA KHAN: Okay.

MAYOR MCNABOE: That's a televised meeting ---

MRS. SARA KHAN: If someone could send me a letter about it just because I can't really hear you guys very well, but I hear about two weeks from now I guess we're going to have another meeting. That's my understanding.

MRS. LOVRICH: Yes, May 27 is our next meeting and Deputy Mayor Cohen said the governing body is going to discuss the options they have for putting the fence in the conservation easement and we'll get back to you at that meeting or after that meeting.

MRS. SARA KHAN: Okay thank you so much.

MRS. LOVRICH: You're welcome.

MAYOR MCNABOE: Have a good night anybody else?

MRS. LOVRICH: No, nobody. Star nine again to raise your hand.
Nope.

MAYOR MCNABOE: Anybody on the phone?

MRS. LOVRICH: There are three phone numbers, but nobody is raising their hand.

MAYOR MCNABOE: Okay. How about the phone?

MRS. LOVRICH: No, sorry nobody on the phone.

MAYOR MCNABOE: Okay so at this point we see nobody else. At that point we're going to close public. Our next township committee meeting will not be a town hall. It's going to be a regular meeting here on May 27, 2020. We'll be providing instructions the same as we did tonight exactly how to join in. The meeting after that will be the June 10 meeting and again I'm sure it'll be still being done remotely and boy do I hope I'm wrong. Thank you for all that are watching live and practicing social distancing. Our township committee members do we have anything? If not, I need a motion to adjourn.

MRS. COHEN: I'll make that motion.

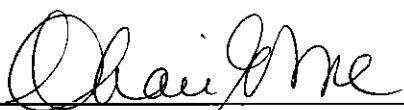
MR. NELSON: Second.

MAYOR MCNABOE: Goodnight all. To everybody watching at home stay safe. We'll see you again soon. Look forward to you being in this room before long. Good night.

Resolutions for May 13, 2020

- 2020-168 Executive Session
- 2020-169 Authorizing **Refund of Duplicate, Erroneous and Overpayments** for 2020, 2019, and Prior Years
- 2020-170 Authorizing The Execution of an **Agreement with Animal Control Officer**
- 2020-171 To Amend Capital Budget
- 2020-172 2020 Emergency Temporary Appropriations #2; Current Fund
- 2020-173 **Bill List** Dated April 30, 2020 to May 13, 2020 Totaling **\$15,276,133.68**
- 2020-174 Authorizing Appointment of a **Seasonal Park Maintenance Laborer** for the Department of Public Works
- 2020-175 Authorizing the Township of Manalapan Tax Collector to **Prepare and Mail Estimated Tax Bills** in Accordance with P.L. 1994, c. 72
- 2020-176 Authorizing Change of Town Hall Meeting to Regular Meeting on May 27, 2020

January 13, 2021
Approved


Shari Rose, Deputy Municipal Clerk