

## TOWNSHIP COMMITTEE MEETING – AUGUST 25, 2014

Mayor Brantley called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Eric J. Houghtaling, Mary Beth Jahn, and Mayor Michael Brantley. Absent: Kevin B. McMillan

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Township Administrator; Edward J. Hudson, Assistant Chief Financial Officer; and Gene Anthony, Township Attorney.

Mayor Brantley announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 2, 2014 and The Coaster on January 3, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Leanne Hoffmann, Township Engineer, stated that the Township received a NJDOT grant for \$580,000 for a bicycle path in Shark River Hills because of its connectivity to Wall Township and Neptune City. Ms. Hoffmann stated that she is here this evening to display the plans to the Township Committee before scheduling a presentation to the Shark River Hills Property Owners Association. The bike path starts at the County owned park at the bottom of Brighton Avenue, then takes South Riverside to Lakewood Road, then to Brighton Avenue and back to the park. There are no land takings and the path will use the existing roadway. The plan also calls for three vistas along the river at the East End Avenue bridge, the point across from the vacant lot on South Riverside Drive near the kayak dock, and at the base of South Riverside Drive at the bottom of "snake hill". The vistas will provide seating and views of the Shark River. The path will not reduce parking or limit space for placing garbage and recycling cans. After meeting with the Property Owners Association, Ms. Hoffmann stated that she will return to the Committee for final approval. Mr. Bishop offered a suggestion to better define the symbols that will be painted in the roadway delineating the path.

Ms. Hoffmann discussed potential projects for the 2014 County Open Space Grant. Last year, the Township applied for a skate park near Neptune Blvd. There were concerns about the location and the process was stopped. Possible projects for application this year are: 1) Sunshine Village track and drainage improvements (\$90,000 to \$140,000), 2) Sunshine Village skate park (approximately \$350,000) or, 3) Welsh Farms/Veterans Park skate park also at approximately \$350,000. Mr. Houghtaling stated that he is in favor of the track improvements at Sunshine Village. The Mayor stated that the skate park has been discussed for a number of years and he would like to see a skate park somewhere in the Township. Mr. Bishop added that the problem with a skate park is that it is hard to find a neighborhood that is willing to accept it. The Committee gave Ms. Hoffmann direction to prepare an application for track and drainage improvements at Sunshine Village Park and skate park concept can be reviewed again next year. A public hearing on the proposed application will be scheduled for the September 8<sup>th</sup> meeting.

Mr. Anthony reviewed the vacant/abandoned property ordinance on the meeting for introduction. He stated that the final draft must be based on state statute and the Committee can adopt certain aspects and language permitted by statute. The version on for introduction this evening includes all aspects of the statute except for registration and the ability to take over property and then sell it. The ordinance outlines the impetus, definitions, who enforces/makes determinations, and how to determine abandonment. The state says the property must be vacant for six months. The Committee can make this period longer, but not shorter, and the Sub-committee has chosen ten months. The Sub-committee also thought that the registration requirement was another layer of bureaucracy and would be difficult for people to comply if the property is abandoned. The ordinance specifically defines nuisance and a property must meet two criteria for seasonal rentals and one criteria for all other properties. Notice requirements can be met by posting a notice on the dwelling. Mr. Houghtaling stated that he is favor of allowing a property to be declared vacant after six months rather than ten months. There was discussion on this point and the Committee was split (action was taken to amend this timeframe when the ordinance was introduced later in the meeting). Mr. Houghtaling requested a flow chart on how enforcement of this ordinance will take place.

Mr. Gadaleta stated that the boiler project in the Municipal Building is moving forward. A new energy efficient boiler will be installed resulting in the elimination of the requirement to have a Black Seal License holder on the premises at all times. Mr. Gadaleta stated that the Committee can use a bid for the boiler through the Middlesex County Educational Cooperative. The Coop bids all types of work (job order contracting) and hourly rates are established for various types of work. Mr. Gadaleta stated that taking this path would mean the project would not be bid by the Township; therefore; the

Project Labor Agreement and Responsible Contractor provisions would not apply. The Engineer estimates the project cost at \$740,000 and although it is expected that the Coop would yield favorable pricing, they have not provided an actual price. The Committee gave direction to proceed through the normal bid process since there are no guarantees that the Coop would save money.

#### AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY THE OPEN PUBLIC MEETINGS ACT

Mr. Bishop offered the following resolution, moved and seconded by Mr. Houghtaling, that it be adopted:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Litigation – Update on pending litigation

Legal Opinion – Bicycle storage/abandonment

Personnel – Recommendations for part-time Marina Attendant and Driver

Personnel – Attendance of citizen board members

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

The resolution was adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

The Committee entered executive session for discussion on closed session matters.

Mr. Gadaleta recommended Mark Maxwell for part-time Marina Attendant and Daniel Thelisha for Driver. The Committee took action during the regular portion of the meeting.

The Committee returned to the Meeting Room for the regular portion of the meeting.

Mayor Brantley called the meeting to order and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Eric J. Houghtaling, Mary Beth Jahn, and Mayor Michael Brantley. Absent: Kevin B. McMillan

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Township Administrator; Edward J. Hudson, Chief Financial Officer; and Gene Anthony, Township Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

The Clerk stated, "Fire exits are located in the rear of the room and to my right. In case of fire you will be notified by bell and or public address system, then proceed to the nearest smoke-free exit"

Mayor Brantley announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 2, 2014 and The Coaster on January 3, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at [www.neptunetownship.org](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the

meeting held on August 11th. All were in favor except Ms. Jahn who abstained.

#### COMMENTS FROM THE DAIS

Mr. Houghtaling stated that he attended the Ocean Grove Summer Ball in Long Branch. It was a good time even though attendance was down from last year. He noted that attendance is down at many Township events as we move further away from Hurricane Sandy. The Library dedicated a bench to Joe Krimko. He attended the Ocean Grove Homeowners Association meeting and the Johnny Mathis concert at the Auditorium.

Ms. Jahn stated that she will be attending the Shark River Hills Property Owners Association meeting to discuss sign pollution.

The Mayor stated that he attended the Ocean Grove Ball and money was raised for the Auditorium sprinkler system. He attended the viewing for Emily Johnson. He spoke at the Meridian Health Baton Pass to fund cancer research. He attended the Asbury Park Council meeting to discuss the vegetation problem in Wesley Lake. He asked Asbury Park to contribute half of the cost to solve this problem, which they have so the clean-up should begin shortly. He spoke at the West Side Community Center in Asbury Park and met with the Urban Mayor's Association to discuss grant possibilities. Finally, he stated that copies of the Township newsletter were just mailed out and copies are available just outside of the meeting room.

#### COMMENTS FROM JCP&L REPRESENTATIVE

Jim Markey, JCP&L representative, stated that \$250 million is being spent on redundancy projects throughout New Jersey. A project was just completed in Eatontown which provides support to the entire County. There is a new line coming into the Neptune substation and transmission and line upgrades continue.

Mr. Houghtaling asked if JCP&L is willing to work with the Township on the Broadway lighting project. Mr. Markey responded yes.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, asked how much will the Township pay the Chief of Police and Police Director. She stated that Deputy Chief Hunt makes \$149,000 a year plus additional comps which brings the total to \$168,000 plus \$35,000 in insurance. The Mayor stated that this information will be revealed at the Special Meeting on September 4<sup>th</sup>. Ms. Argyros asked what the purpose of the lien is on 12 Kenneth Terrace. Mr. Gadaleta responded lawn cutting and brush removal.

Diana Harris, MURC, asked the Committee to support Resolution #14-428 because the goal was to place youths not in school in jobs and life school training.

Joan Venezia commented on Resolution #14-413 and questioned why were they hiring a tourism representative when there wasn't much of a season left.

Mr. Bishop stated one of the part-time tourism representatives passed away and they were used to cover the office and answer the phones when people call in for questions.

Kennedy Buckley questioned whether the Township would be introducing the vacant property ordinance that was tabled at the special meeting.

The Committee stated it has not been tabled.

#### ORDINANCE NO. 14-33 - ADOPTED

Mr. Houghtaling offered the following ordinance, moved and seconded by Mr. Bishop, that it be adopted:

#### ORDINANCE NO. 14-33

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XXI, SECTION 21-3 AND CHAPTER XII, SECTION 12-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING AUTOMATED RECYCLING CONTAINERS TO THE REGULATIONS FOR AUTOMATED TRASH CONTAINERS

The Mayor requested comments on the above ordinance. There being no comments, he closed the public hearing.

The ordinance was adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

ORDINANCE NO. 14-34 - ADOPTED

Mr. Bishop offered the following ordinance, moved and seconded by Ms. Jahn, that it be adopted:

ORDINANCE NO. 14-34

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 7-7.15 ENTITLED "PARKING IN FRONT OF MAILBOXES"

The Mayor requested comments on the above ordinance and they were as follows:

Dorothy Argyros stated that this is setting up a crime if someone parks in front of a mailbox. She doesn't believe this is necessary. Mr. Anthony responded that this is already a federal law and many other municipalities have adopted it as an ordinance.

Stephanie Syer stated that this creates a 20 foot no parking zone and does not believe it is necessary. Mr. Anthony stated that the ordinance simply prohibits a vehicle being parked in front of someone's mailbox.

There being no further comments, the Mayor closed the public hearing.

The ordinance was adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

ORDINANCE NO. 14-35 - APPROVED

Mr. Bishop offered the following ordinance, moved and seconded by Ms. Jahn, that it be approved:

ORDINANCE NO. 14-35

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY CONVERTING AN EXISTING HANDICAPPED PARKING ZONE ON ATLANTIC AVENUE TO A RESIDENT HANDICAPPED ON-STREET PARKING ZONE AND DELETING A HANDICAPPED PARKING ZONE ON MT. CARMEL WAY

The ordinance was approved on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

ORDINANCE NO. 14-36 – APPROVED (AS AMENDED)

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to amend the timeframe from 10 months to 6 months as it relates to the how long a property is vacant to possibly meet other criteria to be considered abandoned in Sections 12-5.3 and 12-5.5. All were in favor

Mr. Bishop offered the following ordinance, moved and seconded by Ms. Jahn, that it be approved:

ORDINANCE NO. 14-36

AN ORDINANCE AMEND VOLUME I, CHAPTER XII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 12-5 ENTITLED "VACANT AND ABANDONED PROPERTIES"

The ordinance was approved on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

Mr. Cuttrell stated that the Public Hearings on Ordinances 14-35 and 14-36 will be held on

Monday, September 8, 2014.

CONSENT AGENDA

Mr. Bishop offered the following resolutions of the Consent Agenda, moved and seconded by Mr. Houghtaling, that they be adopted:

EMPLOY TOURISM REPRESENTATIVE FOR THE REMAINDER OF THE 2014 SUMMER SEASON

WHEREAS, there is a vacancy in the position of the part-time Tourism Representative for the remainder of the 2014 Summer Season; and,

WHEREAS, the position was posted and advertised and applicants interviewed; and,

WHEREAS, the Human Resources Specialist has made her recommendation; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled Tourism S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Danielle Daly be and is hereby employed as a Tourism Representative in the Tourism Bureau not to exceed an average of 25 hours per week, effective immediately, through October 1, 2014, at an hourly salary as established by Resolution #14-55; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Tourism Bureau, Chief Financial Officer, Business Administrator, Assistant C.F.O., and Human Resources.

ACKNOWLEDGE THE RETIREMENT OF JAMES BROWN FROM THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has received notification that James Brown will be retiring as a Supervisor in the Public Works Department effective September 1, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of James Brown as a Supervisor in the Public Works Department be and is hereby acknowledged effective September 1, 2014; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Business Administrator, Assistant C.F.O., Department of Public Works and Human Resources.

GRANT SOCIAL AFFAIR PERMIT TO BPOE #128 ASBURY PARK/WALL LODGE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of BPOE #128 Asbury Park/Wall Lodge for a social affair permit at the Elks Lodge, 3409 West Bangs Avenue, on September 20, 2014 from 1:00 P.M. to 5:00 P.M.

AUTHORIZE SUBMISSION OF A LOWES COMMUNITY PARTNERS GRANT APPLICATION FOR SUNSHINE VILLAGE FIELDS DRAINAGE AND SAFETY IMPROVEMENTS

WHEREAS, Lowes is accepting Community Partners grant applications for community improvements; and,

WHEREAS, the Township of Neptune desires to submit an application to obtain funding in the amount of \$34,061.50 to install proper drainage at Sunshine Village fields to eliminate concentrated storm water flows across and along the existing stone track therefore alleviating washout of the track, uneven surfaces and ponding of water; and,

WHEREAS, there are no local matching funds required; however, the Township is committing \$5,000.00 toward the project if the grant application is successful,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a Lowes Community Partners Grant application in the amount of \$34,061.50 for Sunshine Village Fields Drainage and Safety Improvements; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the

Business Administrator, Grant Coordinator, Community Programs Coordinator and Township Engineer.

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR SITE IMPROVEMENTS AT EPWORTH VILLAGE (COOKMAN AND CLARK AVENUE)

WHEREAS, on December 21, 2005, the Township Committee adopted a resolution which accepted performance bond S20145 in the amount of \$165,483.00 filed by Epworth Village, LLC written by First Indemnity of America Insurance Company guaranteeing site improvements at Epworth Village on Cookman and Clark Avenues (Block 49); and,

WHEREAS, the Township Committee adopted Resolution #13-508 on November 25, 2013 which reduced the performance guarantee to the amount of \$49,645.00; and,

WHEREAS, on August 8, 2014, the Township Engineer certified that all site work has been completed and said performance bond may be released; and,

WHEREAS, the Township Engineer has recommended the waiver of the two year maintenance bond requirement due to the length of time that has passed since the project's completion,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the cash performance guarantee as stated herein; and,

BE IT FURTHER RESOLVED, that any remaining balance in the inspection escrow account be and is hereby authorized to be refunded; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Developer, Township Engineer and Construction Official.

PLACE LIEN ON 12 KENNETH TERRACE

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
9005/16	12 Kenneth Terrace	\$ 375.00

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

APPOINT ASSISTANT ZONING OFFICER

WHEREAS, there is a vacancy in the position of Assistant Zoning Officer; and,

WHEREAS, the Land Use Administrator and Business Administrator have made their recommendation to appoint the Assistant Township Engineer to the position,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Sean Areia be and is hereby appointed to the position of Assistant Zoning Officer at an annual

salary of \$3,060.00 effective August 12, 2014; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Land Use Administrator, Township Engineer, and Human Resources.

AUTHORIZE A COMMUNITY DAY OF ACTION IN CONNECTION WITH FEMA'S PREPARE-A-THON PROGRAM

WHEREAS, the Federal Emergency Management Agency is sponsoring a nationwide Prepare-A-Thon event on September 30, 2014; and,

WHEREAS, Prepare-A-Thon is a community based campaign for action to increase local preparedness and resilience for disasters; and,

WHEREAS, the Office of Emergency Management is coordinating the event for Neptune Township with the participation of various emergency service organizations and community groups; and,

WHEREAS, it is necessary to close South Concourse between Riley Road and Highway 35 in association with the event,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Community Day of Action in connection with FEMA's Prepare-A-Thon Program be and is hereby authorized on Tuesday, September 30, 2014 from 5:00 p.m. to 8:00 p.m. on South Concourse; and,

BE IT FURTHER RESOLVED, that the temporary closing and designation of no parking on South Concourse be and is hereby authorized on Tuesday, September 30, 2014 from 4:00 p.m. to 9:00 p.m.; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Emergency Management Coordinator, Deputy Chief of Police, and Director of Public Works.

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY GS REALTY FOR SITE IMPROVEMENTS IN CONNECTION WITH THE MEDICAL OFFICE BUILDING AT 3405 ROUTE 33

WHEREAS, on April 5, 2011, GS Realty filed Irrevocable Letter of Credit #1776, written by Amboy Bank in the amount of \$178,200.00, guaranteeing site improvements at the medical office building hospital located at 3405 Route 33 (Blocks 7019, Lot 7); and,

WHEREAS, the Township Engineering Consultant has certified that all site improvements have been completed in a satisfactory manner as of April 29, 2014 and said performance bond can be released; and,

WHEREAS, GS Realty has filed Irrevocable Letter of Credit #1849 written by Amboy Bank in the amount of \$44,788.67 guaranteeing said site improvements for a period of two years,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance guarantee in the form of a Letter of Credit bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Developer and Township Engineer.

AUTHORIZE SPECIAL MEETING ON THURSDAY, SEPTEMBER 4, 2014

BE IT RESOLVED, by the Township Committee of the Township of Neptune that a Special Meeting of the Township Committee is hereby authorized for Thursday, September 4, 2014 at 6:00 p.m. in the Township Meeting Room, Neptune Municipal Complex, 25 Neptune Blvd., Neptune, NJ; and,

BE IT FURTHER RESOLVED, that the purpose of said Special Meeting is to consider a resolution to appoint a Chief of Police and a resolution to appoint a Police Director; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk is hereby instructed to issue the appropriate Notice to the Official Newspapers compliance with the Open Public Meetings Act.

SUPPORT THE USE OF A "NO PASSING ZONE" ON ROUTE 35 IN THE VICINITY OF HECK AVENUE AND WEST LAKE AVENUE AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 35 in Neptune Township; and,

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 35 to create a "No Passing Zone" in the vicinity of M.P. 23.70 (Heck Avenue) and M.P. 23.93 (West Lake Avenue) for safety reasons; and,

WHEREAS, this project will create safer driving conditions in this area of Route 35,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that it supports the use of a "No Passing Zone" on Route 35 in Neptune Township as recommended by NJDOT; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the NJDOT as requested.

RESCIND APPOINTMENT OF ALBERT WEEDON AS A SCHOOL CROSSING GUARD

WHEREAS, on August 11, 2014, the Township Committee adopted a resolution appointing School Crossing Guards for the 2014-2015 school year; and,

WHEREAS, Albert Weedon was included in the list of individuals appointed; and,

WHEREAS, Mr. Weedon is no longer able to accept this appointment,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the appointment of Albert Weedon as a School Crossing Guard for the 2014-2015 school year be and is hereby rescinded; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator, Deputy Chief of Police, Chief Financial Officer and Human Resources.

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR SITE IMPROVEMENTS AT 601 HIGHWAY 35

WHEREAS, on March 4, 2011, Poppy Do, LLC filed a cash performance guarantee in the amount of \$1,800.00 guaranteeing site improvements at 601 Highway 35 (Block 247, Lot 1); and,

WHEREAS, on August 18, 2014, the Township Engineer certified that all site work has been completed and said performance bond may be released; and,

WHEREAS, the Township Engineer has recommended the waiver of the two year maintenance bond requirement due to minor nature of the improvements and the length of time that the improvements have been complete,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the cash performance guarantee as stated herein; and,

BE IT FURTHER RESOLVED, that any remaining balance in the inspection escrow account be and is hereby authorized to be refunded; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Developer, Township Engineer and Construction Official.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY EDMAR DEVELOPERS, LLC FOR SITE IMPROVEMENTS AT 3442 WEST BANGS AVENUE

WHEREAS, on February 10, 2014, the Township Committee adopted a resolution which accepted a cash performance guarantee in the amount of \$21,144.00 submitted by Edmar Developers, LLC guaranteeing site improvements at 3442 West Bangs Avenue (Block 7018, Lot 6.01); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site



improvements and has recommended a 70% reduction in the performance guarantees which is the maximum amount of reduction permitted under the Municipal Land Use Law; and,

WHEREAS, the cash performance guarantee in escrow may be reduced by 70%,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Edmar Developers, LLC, 3442 West Bangs Avenue (Block 7018, Lot 6.01) be and is hereby approved to the amount of \$6,312.00; and,

BE IT FURTHER RESOLVED, that 70% of the cash performance guarantee in the amount of \$14,832.00 shall be refunded to the Developer; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer and the Developer.

SUPPORT THE USE OF A "NO PASSING ZONE" ON ROUTE 66 IN THE VICINITY OF GREEN GROVE ROAD AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 66 in Neptune Township; and,

WHEREAS, NJDOT recommends a revision to the centerline pavement markings on Route 66 to create a "No Passing Zone" in the vicinity of M.P. 1.73 (Green Grove Road for safety reasons; and,

WHEREAS, this project will create safer driving conditions in this area of Route 66,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that it supports the use of a "No Passing Zone" on Route 66 in Neptune Township as recommended by NJDOT; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the NJDOT as requested.

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF MONMOUTH AND MIDTOWN URBAN RENAISSANCE CORPORATION IN CONNECTION WITH THE PROGRAMS SERVICING YOUTH INITIATIVE

WHEREAS, the Monmouth County Board of Chosen Freeholders has been designated as a Workforce Area pursuant to the Workforce Investment Act; and,

WHEREAS, the County has been selected as the Grant Recipient and Administrative Entity pursuant to agreement with the Monmouth County Workforce Investment Board (WIB); and,

WHEREAS, proposals for subcontracting Youth Employment and Training activities were sought from organizations throughout Monmouth County and reviewed by the Monmouth County Youth Council and the WIB and recommendations were forwarded to the Board of Chosen Freeholders of the County of Monmouth; and,

WHEREAS, the County is desirous of purchasing from the Township of Neptune and Midtown Urban Renaissance Corporation (MURC) certain services more specifically delineated in the Agreement, for the purpose of benefiting its citizens and improving the quality of life; and.

WHEREAS, as authorized by Resolution #14261, the Township of Neptune, in partnership with MURC, submitted a proposal to the Monmouth County Workforce Investment Board for \$40,000 in funding for the Programs Servicing Youth initiative; and,

WHEREAS, Programs Servicing Youth is a 12 month employment and training program for ten (10) youths designed to improve the success rate for "out-of-school" youth with an emphasis on strong linkages between academic and occupational skills training, work readiness and/or preparation for post secondary educational or unsubsidized employment opportunities and will include a core programming activity while incorporating an intensive work readiness life skills component; and,

WHEREAS, the Township has received notification that the proposal has been funded in the amount of \$55,245.00 with no local matching funds required,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, hereby authorizes the execution of an Agreement with the County of Monmouth and MURC in connection with Programs Servicing Youth/Youth Employment and Training Program; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the County of Monmouth, Community Programs Coordinator, Grants Coordinator, Business Administrator, and Chief Financial Officer.

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

#### EMPLOY DRIVER IN THE DEPARTMENT OF PUBLIC WORKS ON A PROBATIONARY BASIS

Mr. Houghtaling offered the following resolution, moved and seconded by Mr. Bishop, that it be adopted:

WHEREAS, due to a retirement, there is a vacancy in the position of Driver in the Public Works Department; and,

WHEREAS, the position was duly posted and applicants have been interviewed; and,

WHEREAS, the Human Resources Specialist and Public Works Director have made their recommendation; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled 290-010, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Daniel Thelisha be and is hereby employed as a Driver in the Department of Public Works, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective September 2, 2014, at an annual salary of \$28,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Human Resources.

The resolution was adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

#### EMPLOY TEMPORARY PART-TIME MARINA ATTENDANT

Ms. Jahn offered the following resolution, moved and seconded by Mr. Houghtaling, that it be adopted:

WHEREAS, there is a need for a part-time Marina Attendant at the Municipal Marina for the balance of the 2014 season; and,

WHEREAS, the Business Administrator has made his recommendation; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the Marina Utility in the appropriation entitled Marina S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Mark Maxwell be and is hereby employed as a temporary part-time Marina Attendant for the balance of the 2014 season effective immediately at an hourly wage of \$11.14; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O, Harbor Master and Human Resources.

The resolution was adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; and Brantley, aye.

#### AUTHORIZE THE PAYMENT OF BILLS

Ms. Jahn offered the following resolution, moved and seconded by Mr. Bishop, that it be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	12,629,841.58
FEDERAL & STATE GRANT FUND	1,721.30
TRUST OTHER	7,070.25
GENERAL CAPITAL FUND	112,448.50
SEWER OPERATING FUND	2,740.00
MARINA OPERATING FUND	229.60
MARINA CAPITAL FUND	150.00
DOG TRUST	7,477.00
UDAG RECIPROCAL TRUST	5.85
LIBRARY TRUST	277.08
BILL LIST TOTAL	\$12,761,961.16

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Assistant C.F.O.

The resolution was adopted on the following vote: Bishop, aye; Houghtaling, aye; Jahn, aye; noting that \$121,105 is County Open Space tax, \$44,213 is County Health tax, \$2,265,000 is County tax, \$9,185,558 is school tax, \$260,277 is Neptune fire tax, and \$59,000 is Ocean Grove fire tax; and Brantley, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Craig Woodland, Ocean Grove, stated he was a veteran but voiced his objections to the amount of money that was being spent on Veteran's Memorial Park. He felt this should be a charity and the money should go towards families of deceased military rather than a plaque. He stated the taxpayers were being forced to pay for this memorial and he did not want it and there were others that felt the same way. He questioned at what stage was the Township with the project.

Mr. Bishop stated they've awarded the contract and started construction.

Mr. Woodland questioned whether there was a possibility of turning this back.

Mr. Bishop stated anyone wishing to contribute may do so to offset the cost.

Mr. Woodland stated it's a nice gesture but did not feel it was worth a million dollars.

Mr. Bishop asked Mr. Woodland if he did not feel that peoples lives were worth a million dollars.

Mr. Houghtaling stated some of the money would go to a long term solutions for the rest of that property.

Kathy Arlt, 106 Abbott Avenue, stated as far as the vacant property registration ordinance, six to ten months was too long to have as a vacancy period. Others towns have passed vacate property ordinances and they all have owner registration requirements that visually begin 30 days from the property becoming vacant. She stated to have an ordinance where you have to wait any amount of time was wrong. She gave a list of towns with the registration requirements and their fees. She also stated 91 Cookman Avenue was one of the vacant properties that the town pestered the owners to remodel which they did and sold it. She stated she wanted the Township to charge the property owners a fee for their property being vacant. She went on to state that another problem was that every once of power was in the hands of Code Enforcement.

Mayor Brantley stated they researched this and came up with a registration fee and they talked about all of the things she addressed and came up with an ordinance they didn't have before.

Mr. Anthony stated some towns just have a pure registration ordinance and doesn't get to address the violation and nuisance issues.

Norm Goldman, Ocean Grove, commended the Committee for moving on this ordinance in terms of the abandoned property. He stated he knew that it had to be frustrating. He gave several recommendations that he felt should be included in the ordinance ranging from when the initial list is going to appear, making the list public to the township and not just in a newspaper to stating that the most dense part of Neptune Township was Ocean Grove.

Mr. Anthony stated the list has to begin when the ordinance is approved. The old list would not be enforceable under this ordinance. The operating agency has the flexibility of making procedural rules.

Rev. Paul Brown commended the Committee for their support of their back to school party at Liberty Park. He commended Hank Griffin who works in Public Works for working with the youth this summer and also the Police Department did a great job at the function that was led by Mr. Washington of the Police Department. They all were involved.

Mayor Brantley stated they appreciated Midtown as they do all of Neptune. They were taking steps to make the town and the police department even better.

Albert Neal, 1114 ½ Corlies Avenue, commended the Township on their decision to build a park for the veterans. He stated he's dealt with two wars, the terrorism when he was overseas and with the residents not wanting them there. He wanted a place that he could go to where he could cry and remember the soldiers who lost their lives. He stated he was with the Committee 100% on this project and thanked them for considering this project.

Mary Ellen Tellefson, Sea Spray Inn, stated during the early hours of the morning on August 13<sup>th</sup> there was a huge rain fall down Broadway. She stated she had extensive water damage and this was the first time she had a safety issue. The police were yelling to her from across the water and this wasn't what people come to Ocean Grove for. She stated she need help from the Township to get the water diverted away from her property. The drainage is not working is not working the way that it should and she pays too much in taxes for a property that is worth nothing.

Mayor Brantley stated they would work with her and would look into it. He stated the same thing happened with Wesley Lake and they would continue to look at how they could help improve it.

Jay Pritchard commended the Township on the abandonment issues and agreed they needed to get rid of the abandoned homes. His major issue was the nuisance areas. He felt the nuisance issue should be clarified.

Mr. Anthony stated they had a property maintenance ordinance that addresses nuisances. The Code Enforcement and Construction Officials have the discretion in determining if a property falls under a nuisance.

Michael Fornino, 120 Fulham Place, stated a while ago there was a situation in the library where people were leaving while on the clock and leaving without punching out and getting paid for a whole day. It turns out that the person who blew the whistle was let go and there's stiff legislation on the books regarding whistle blowing & being let go for doing so. He stated if she sues, she will never have to work again.

Mr. Anthony confirmed that there was a whistle blower statute.

Mr. Fornino also stated he talked to several business people regarding the Police Director position and he was told that it was crazy to have one. He stated he felt sorry for who was going to be the new Chief because he would only be a figure head. He reiterated that it made no sense because the Chief would have the title but no authority. He felt the Police Chief's in the past have done a great job and that this was just another layer.

Mr. Houghtaling stated the Chief would be in charge of the Police Department.

Mr. Fornino questioned what would the overseer be going to do.

Mr. Houghtaling stated the Police Director would handle the administrative part of that

department.

Dr. Janice Breen, 37 Broadway, stated she would like to know if the Township had specific plans regarding the flooding in Ocean Grove because she could not park on Broadway or Central Avenue. She also stated that someone from Public Works should come out and clear off the storm drains without her having to call. She felt that she should not have to clean off the drains herself.

Mr. Gadaleta stated he has been in Ocean Grove after the floods and spoke with the residents. He understood there was a problem and assured her that they would continue to look at it. He has discussed it internally with his staff and would have another meeting onsite to see what their options were. They have been discussing a way to best address this, whether it's to capture the water or divert it. Flooding has been throughout the entire township and they will continue to look at their options, then he would meet with the residents.

Mr. Bishop stated they could do lots of things but it would never be completely dry or solve the problem every time it rains. He stated they would continue to meet and work with the residents to try and figure it out.

Mayor Brantley stated it's happening everywhere and it jeopardizes everyone and Mr. Gadaleta will meet with the residents.

Ms. Jahn stated they did not have a fatalistic attitude towards this but they will thrive to have no more flooding.

Marilyn Laverty, 11 Broadway, thanked Ms. Jahn for saying they were not taking a fatalistic view on this. They were requesting a 90% improvement for when a storm is predicted. She also requested they clean the drains & have the engineers come out and take a look at them during the height of the storm.

Mayor Brantley stated Mark Balzarano who works in the Public Works Department said he is always out there during a storm.

Shep Pettibone, 5 Broadway, stated he moved to Ocean Grove in March and the his area was all a big pond and stated something has to be done immediately.

Carol Woidt, 2 Abbott Avenue, stated her two cars were flooded and her neighbor also was flooded. The water runs up Broadway, it does not run down. She felt strongly for her neighbors who were flooded but was happy to hear that the Township would work with them.

Sonya Bassom, 15 Broadway, agreed with Mr. Gadaleta and when there's no debris the drainage works. The key is not so much the speed in which it comes down Broadway but the drainage that use to be in place that would divert it into the ocean doesn't exist anymore. She stated the key was in diverting the water from Broadway. She felt it was fixable.

Bob Breen, 37 Broadway, stated he wanted to enforce what Ms. Bassom has said and reiterate that he felt something has gone wrong.

Jane Casall, 33 Broadway, stated it was an emotional thing to receive a call at 2:30am in the morning and to have to go move her car during the flood and to tell her tenants to move theirs. It's really frightening. She stated something has gone wrong and something needs to be done.

Hank Coakley, Valley Road, questioned whether the abandoned property ordinance would cover single family or multiple dwelling homes.

The Committee stated it would cover everything including commercials.

Mr. Coakley questioned when would a property be considered abandoned whether through Hurricane Sandy, fire, vandalism or default on a mortgage. He asked if it would be addressed in this ordinance.

Mr. Anthony stated the ordinance addressed all of those things and a including a recent law went into effect that allows the Township to go after a lien holder or mortgage company who start foreclosing but hasn't yet sold the property. Once a mortgage company files the complaint to foreclose they have the responsibility to maintain.

Mr. Coakley questioned whether this would pertain to the properties that were damaged due to Sandy.

Mr. Bishop stated that's where the discretion of an officer comes in and states there are extenuating circumstances.

Michael Mills, 4 Hillview Drive, stated he was the Co-Chair to the Black History Committee and they would have their first meeting next month. The theme would be on unity in the community. He also discussed Hunger Action Month and what would be going on with the food bank.

Connie Ogden, 23 Broadway, stated the residents really wanted to work with them and stated she had a roster of the damages to their homes.

Adrian Robinson, 1319 Tenth Avenue, stated she was excited about the speed bumps on Tenth Avenue. She also questioned whether there was any update on the Cove and whether they defined what a park was.

Mr. Anthony stated there was a subcommittee who was discussing what a retail store and park should be defined as but he did not know the outcome because he was not on the subcommittee.

Mayor Brantley stated they would identify the subcommittee and see what's going on with that.

Ms. Robinson questioned whether the Cove closing early would be part of the whole thing.

Mr. Anthony confirmed that it was and that they really had to define what a retail store and park was because it was essential to the ordinance.

Kennedy Buckley stated his neighbor woke up at 1am during the storm and moved his car. About an hour later the police from up north called him because our police department called them. He stated he was glad to hear Mr. Bishop's comments regarding the flooding on Broadway and stated he felt that they had to come up with something other than a bigger pipe. He suggested the Township provide signage warning that it was a flood zone. He went on to state that many towns have passed a vacant property registration ordinance and thirty nine of the fifty eight have fees and the most common fee is \$500. He suggested looking at the Little Egg Harbor ordinance. He questioned the rationale for not having a fee.

Mr. Anthony stated they were having difficulty enough finding the owners no less than finding them for registering. He stated there's a feeling that they would create another layer of bureaucracy that would add to the difficulties of going after these people. It really wouldn't solve anything but would bring in revenue assuming they were successful in court in getting the fees and not costing us more in legal fees.

Mr. Bishop stated in the courts we don't always win. We may be spending fees and not get any money because we did not win.

Mayor Brantley stated they we're going after the problem and not letting other things revenue bog us down. It's not a revenue stream, it's about getting the problem solved.

Mr. Anthony stated the ordinance could be amended and added later.

Pat Supplee, 11 Heck Avenue, thanked the Committee for the abandoned building ordinance because one abandoned house can affect an entire neighborhood. She thanked Mr. Bishop for helping an elderly couple. She also felt the period of time should be within six months rather than ten months and extenuating circumstances should be considered and the ordinances should be enforceable and then enforced.

Jack Breden, 94 ½ Heck Avenue, gave an update on the history of Ocean Grove and the Northend.

Joan Venezia, 107 Mt. Herman Way stated at a homeowners meeting Barbara Burns said she came to the Township Committee regarding the Broadway drainage and was told that the Township needed data. She felt the Township received data this evening.

Mr. Gadaleta reported that Connie said she would get it to him but he doesn't have it yet.

Ms. Venezia also stated she was in favor of Veteran's Park and felt it was a great idea. She went on to state that the last item was the vacancy ordinance. She was in favor of a \$500 registration fee and was glad they changed the time frame from ten months to six months. She also offered suggestions to change some of the wording in the ordinance.

Dianna Harris, MURC, stated the police were an excellent example of community policing at her recent event and she was very proud of them.

Heinz Weck, Ocean Grove, stated a dog was loose in the neighborhood he called the police and an officer came and picked it up. He stated Neptune had the finest police department. He also thanked the Committee for approving his handicap parking sign.

Mr. Bishop offered a motion, seconded by Ms. Jahn, to adjourn. All were in favor.

Richard J. Cuttrel,  
Municipal Clerk