

## TOWNSHIP COMMITTEE MEETING – JANUARY 14, 2013

Mayor Houghtaling 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, Dr. Michael Brantley, Mary Beth Jahn, Kevin B. McMillan and Mayor Eric J. Houghtaling.

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

Mayor Houghtaling 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 4, 2013 and The Coaster on January 3, 2013, 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:

Mr. Bascom stated that the Housing Incentive Program for Schoolhouse Square expired at the end of 2012. Schoolhouse Square has requested another six months and the incentive seems to be helping sell the houses within the project. The Committee agreed to extend the program for another six months. Mr. Anthony will see that the mortgage modification is prepared and a resolution to approve will be on the next meeting agenda.

The Committee discussed waiving the dumpster rental fees in connection with hurricane damage. Mr. Bishop stated that FEMA is still reimbursing for this cost and we are still discovering people who are just starting to clean-up their homes. The Committee indicated that the fee waiver should be extended through February 28<sup>th</sup>; however, it should be stressed that this will be the last extension.

Mr. Anthony stated that he did a basic ordinance amendment to address base flood elevations and there have been discussions on whether to apply the 100 year or 500 year storm advisory elevation. Mr. Gadaleta stated that work on a final draft continues and there is a meeting on January 15<sup>th</sup> to further discuss issues involving base flood elevations. Suggestions will be made to the Planning Board and Township Committee with the intent to introduce an ordinance at the February 11<sup>th</sup> meeting. Mr. Bishop stated that as this issue is being discussed, the correct way to proceed may be the 500 year storm since Sandy caused flooding at that level. The Committee needs to look at the impacts on the flood insurance that residents will pay if the Township goes with the 100 year level versus the 500 year level.

Mr. Bascom provided an update on Hurricane Sandy recovery efforts. The Township continues to meet with FEMA on a regular basis and has received \$1.8 million to date. The Township continues to make repairs on public facilities. He reviewed the STEP Program and indicated that the Committee will be awarding a contract this evening to remove debris at the marina. Mr. Bishop asked about the outreach to displaced residents. Mr. Gadaleta stated that we have a list of who was flooded out of their home and who the Township has not had contact. There are a considerable number of people who have not made contact with the Township. The tent will be set up in Shark River Hills again on January 19<sup>th</sup> and staff will be going door to door to attempt to get contact information. Dr. Brantley stated there is a need to increase the capacity of area lakes by de-silting. Mr. Gadaleta stated that since the storm 55,000 cubic yards of brush and vegetation removed. Work continues throughout the Township but the recovery has made good progress.

Ms. Jahn stated that the League of Municipalities President has asked for support of state legislation to require that energy receipts taxes be paid direct to municipalities. The Committee asked that a resolution be prepared for consideration at the next regular meeting.

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

Mr. Bishop offered the following resolution, moved and seconded by Ms. Jahn, 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:

Potential Litigation – OPRA management

Personnel – Recommendation for Clerk/Typist in Code/Construction Department

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; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

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

Mr. Cuttrell recommended that the Chief of Police be designated as a Deputy Records Custodian for police records since his department handles all requests for police records.

The Committee reviewed a recommendation for a Clerk/Typist in the Code/Construction Department and took action by resolution at the regular meeting.

Mr. Bascom stated that a resolution is on the regular agenda to hire Witt Associates under a State Contract to assist the Township in receiving storm related funding.

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

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

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Township Administrator; Michael J. Bascom, 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 Houghtaling 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 4, 2013 and The Coaster on January 3, 2013, 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. McMillan, to approve the minutes of the meetings held on November 26<sup>th</sup>, December 10<sup>th</sup> and December 20<sup>th</sup>. All were in favor, except Dr. Brantley who abstained on the December 10<sup>th</sup> meeting.

#### REPORT OF THE CLERK

The Clerk stated that the following reports and communications are on file in his office:

Mary Beth Jahn took the Oath of Office on January 3<sup>rd</sup> as a member of the Neptune Township Committee for a three year term and is hereby certified as qualified to serve as a member of the Township Committee for the year 2013.

Senior Beacon for 2013.

Tax Collector's monthly statements for October, November and December.

A letter from out going Neptune Fire Department Chief Donald Colarusso thanking former Mayor Randy Bishop for his support during 2012.

A letter from Doug Campbell, JSUMC Sr. Risk Manager thanking members of the Police Department for their participation in a "Code Amber" drill.

A letter from Roger Wenzek thanking the Public Works Department for their excellent work during Hurricane Sandy.

#### COMMENTS FROM THE DAIS

Randy Bishop stated last year they met with residents in Shark River Hills to address their concerns regarding the damage that was done to their homes after the hurricane and representatives from the Township and Fema were present. He stated they would be having another meeting in Shark River Hills this Saturday, January 19 at 9am. He also discussed his meeting with World Changers.

Mary Beth Jahn stated she met with both Leanne Hoffman and Bernie Haney and they went over the Masterplan and discussed the shuttle. She also stated there would be another meeting to discuss the shuttle.

Kevin McMillan stated he attended the viewing of Willis "Chubby" Wardell who he felt would truly be missed. He also stated this past Saturday he attended Neptune's Basketball game.

Dr. Michael Brantley state his sympathies went out to the family of Mr. Wardell. He also stated that he continues to be impressed with the work of the Township and is proud to be a part of this team and reported that a lot of things were on the horizon as far as Wesley Lake was concerned.

Mayor Houghtaling stated he attended the viewing for Mr. Wardell. He also attended the Mayor's Conference for JCP&L in which facts were given relating to the hurricane. He stated JCP&L had a lot to deal with and they did what they said they would do and no one was harmed. He went on to state that he attended the League of Municipalities education course as well as the World Changers Meeting. He stated he had a meeting in Ocean Grove with the residents who were experiencing water problems and he assured them that there concerns would be addressed.

#### PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda.

Dorothy Argyros, 2100 Rutherford Avenue, asked if Robin Price, who has resigned from the Board of Adjustment, was the Chairperson. The Mayor responded yes.

Heinz Weck, Ocean Grove, stated that he is sorry to see Robin Price resign, she did an excellent job.

Michael Fornino, 120 Fulham Place, asked what is a floating holiday. Mr. Gadaleta stated that in the union contracts, the Lincoln's Birthday holiday can be moved to another day in the year with the agreement of the unions and the Township Committee. This year the holiday is being moved to July 5<sup>th</sup>.

Mr. Fornino asked what is a Public Safety Officer. Mr. Bascom responded they answer first aid calls during the daytime hours. Mr. Fornino asked for a description of the escrow agreement being executed with Neptune Estates. Mr. Anthony stated that the agreement involves a situation with drainage issues caused by a blockage on private property. The blockage must be removed and the escrow is to ensure that is done by the Developer.

#### ORDINANCE NO. 13-01 - APPROVED

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

#### ORDINANCE NO. 13-01

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING

## HANDICAPPED PARKING ZONES ON ABBOTT AVENUE AND ATLANTIC AVENUE

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

Mr. Cuttrell stated that the Public Hearing on Ordinance 13-01 will be held on Monday, January 28, 2013.

### CONSENT AGENDA

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

#### DESIGNATE 2013 FLOATING HOLIDAY

WHEREAS, Article XII, Section L, of the current contract between AFSCME Local #1844 and the Township states that the Lincoln's Birthday holiday benefit can be moved to any other day of the year upon mutual agreement by the Union and the Township; and,

WHEREAS, the Township and AFSCME Local #1844 have requested that the 2013 Lincoln's Birthday holiday benefit be used on Friday, July 5, 2013; and,

WHEREAS, the Township Committee accepts this request,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2013 Lincoln's Birthday holiday benefit will be utilized by Township employees on Friday, July 5, 2013, all employees will be off-duty for that day, with the exception of Police Officers, Communications Operators, custodial staff and library staff; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all Department Heads and AFSCME Local #1844.

#### AUTHORIZE THE EXECUTION OF A RELEASE OF PART OF MORTGAGED PROPERTY WITH TRF DP RIDGE AVENUE. LLC IN CONNECTION WITH THE SCHOOLHOUSE SQUARE PROJECT

WHEREAS, the Township of Neptune holds a mortgage dated April 8, 2009 in the amount of \$400,000 with TRF DP Ridge Avenue, LLC in connection with the Schoolhouse Square project; and,

WHEREAS, Block 197.03, Lot 2, with an address of 1512 Embury Avenue is included in the properties bound by said mortgage; and,

WHEREAS, said property is being sold as a housing unit and TRF DP Ridge Avenue, LLC is requesting that this property be released from the mortgage,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute a Release of Part of Mortgaged Property to release Block 197.03, Lot 2, with an address of 1512 Embury Avenue, from the properties bound by the existing mortgage dated April 8, 2009 in the amount of \$400,000.00; and,

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

#### APPOINT OFFICE OF EMERGENCY MANAGEMENT STAFF

WHEREAS, on January 1, 2013, the Township Committee adopted Resolution #13-41 which appointed the Emergency Management Coordinator as well as Deputy Coordinators and Assistant Deputy Coordinators; and,

WHEREAS, there were two drafts of said resolution, a first draft and a final draft which contained different information; and,

WHEREAS, although the final draft was correctly posted to the public, it may not have been clear which version was being voted upon; therefore, the Municipal Clerk recommends that the resolution be readopted to ensure that intended version of the resolution is adopted with the correct appointees,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael J. Bascom be and is hereby appointed as Emergency Management Coordinator of the Township of Neptune for a three-year term expiring December 31, 2015; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby confirms the Emergency Management Coordinator's appointment of Kevin Devlin and Michael DiLeo as Deputy Coordinators and Donald Colarusso and William Rosen as Assistant Deputy Coordinators; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Monmouth County Office of Emergency Management.

#### APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 029

WHEREAS, Phillip Quarrie is the owner of Neptune Township Taxi Medallion No. 029; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Zafar Khan; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 029 to Zafar Khan; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

#### AUTHORIZE THE SALE OF VETERANS POPPIES

BE IT RESOLVED, that the Neptune Township American Legion Auxiliary Unit No. 346 and the O'Brien Major Post No. 2639 be and is hereby authorized to sell Veterans Poppies in the Township of Neptune for the month of May at various locations throughout the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township American Legion Auxiliary Unit No. 346, O'Brien Major Post No. 2639 and the Neptune Township Police Department.

#### ACCEPT PERFORMANCE GUARANTEE FILED BY 443-445 ST. HWY 35, LLC FOR SITE IMPROVEMENTS AT 443-445 HIGHWAY 35

WHEREAS, 443-445 St. Hwy. 35, LLC has filed performance bond B1124619, written by Selective Insurance Company of America in the amount of \$12,000.00, guaranteeing site improvements at the proposed project at 443-445 Highway 35 (Block 251, Lots 7-10); and,

WHEREAS, the Township Attorney has reviewed and approved said bond; and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

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

#### EMPLOY SENIOR PUBLIC SERVICE OFFICER ON A PART-TIME BASIS

WHEREAS, there is a need for a Senior Public Service Officer on a part-time basis; and,

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

WHEREAS, the Chief of Police has made his recommendation; and,

WHEREAS, funds will be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael DiLeo be and is hereby employed as a Senior Public Service Officer on a part-time basis, pending favorable results of the required physical, effective January 15, 2013, at an hourly rate of \$17.00 per hour; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O., and Mandy To.

AUTHORIZE THE CANCELLATION AND REFUND OF A WINTER STORAGE FEE AT THE MUNICIPAL MARINA

WHEREAS, Mr. Rubino has advised that his boat "Rube" was destroyed and will not be stored at the Marina during the 2012-2013 Winter storage season; and,

WHEREAS, the Winter Storage fee in the amount of \$625.00 was paid in full on September 18, 2012; and,

WHEREAS, the Harbor Master at the Municipal Marina wishes to cancel the contract and refund the \$625.00 fee,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to cancel and refund 2012-2013 Winter Storage fees in the amount of \$625.00 as stated herein; and,

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

EXTEND DEADLINE FOR WAIVER OF CONSTRUCTION PERMIT FEES FOR CONSTRUCTION WORK MADE NECESSARY BY HURRICANE DAMAGE

WHEREAS, the Township of Neptune, along with many other communities along the New Jersey coast, experienced a storm of unprecedented fury when Hurricane Sandy struck New Jersey on October 29, 2012; and,

WHEREAS, many property owners in the Township of Neptune suffered damage to their homes and businesses as a result of Hurricane Sandy; and,

WHEREAS, the Township Committee is cognizant and supportive of the will and desire of our residents and businesses to rebuild a stronger Neptune Township and is at the ready to assist in this process; and,

WHEREAS, the State of New Jersey has indicated that pursuant to N.J.A.C. 5:23-4.19(b)5 the State will waive the State permit surcharge fee for construction permits if the municipality waives the local fee; and,

WHEREAS, on November 8, 2012, the Township Committee adopted Resolution #12-405 which waived the municipal fee for construction permits as a result of Hurricane Sandy through December 13, 2012; and,

WHEREAS, on December 10, 2012, the Township Committee adopted Resolution #12-438 extending this waiver through January 15, 2013

WHEREAS, the Committee desires to extend this deadline through February 28, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that municipal construction permit fees for construction work made necessary by Hurricane Sandy be and are hereby waived for construction permit applications received by the Neptune Township Construction Department on or before February 28, 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Assistant Business Administrator, Chief Financial Officer, and Construction Official.

APPOINT MEMBERS TO THE LOCAL EMERGENCY PLANNING COMMITTEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Office of Emergency Management Assistant Deputy Coordinators William Rosen and Donald Colarusso be and are hereby appointed to the Local Emergency Planning Committee for the year 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Emergency Management Coordinator and the Business Administrator.

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE COUNTY OF MONMOUTH TO PROVIDE TEMPORARY EMPLOYEES FOR CLEAN-UP/REPAIR PROJECTS NECESSITATED BY HURRICANE SANDY

WHEREAS, the Board of Chosen Freeholders of the County of Monmouth has been designated as a Workforce Area pursuant to the Workforce Investment Act, Work First New Jersey and the Workforce Development Program; and,

WHEREAS, the County has been selected as the Grant Recipient and Administrative Entity for the above funding sources pursuant to agreement with the Monmouth County Workforce Investment Board; and,

WHEREAS, the County of Monmouth has been notified that the New Jersey Department of Labor and Workforce Development has awarded a National Emergency Grant in the amount of \$45,420.48 to provide temporary employment on projects for the clean-up, demolition, repair, renovation and/or reconstruction of public structures, facilities and lands within Monmouth County that were damaged or destroyed by Hurricane Sandy; and,

WHEREAS, this funding will be utilized to pay for wages and related employer expenses to eligible public work sites during the grant period November 11, 2012 through April 29, 2013; and,

WHEREAS, the State is requiring the County to maintain a separate agreement with approved service providers to generate appropriate reimbursement of costs to the providers of employment services; and,

WHEREAS, the Township of Neptune is an approved service provider and the County agrees to reimburse the Township up to an amount of \$45,420.48 through said National Emergency Grant for temporary employees hired for the purpose as described herein,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute an Agreement with the Monmouth County Board of Chosen Freeholders for funding in the amount of \$45,420.48 through a National Emergency Grant to reimburse the cost of temporary employees for clean-up/repair projects necessitated by Hurricane Sandy under the terms and conditions as defined in said Agreement on file in the Office of the Municipal Clerk; and,

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

WAIVE DUMPSTER RENTAL FEES FOR RESIDENTS DISPOSING OF ITEMS AS A RESULT OF HURRICANE DAMAGE

WHEREAS, the Township of Neptune, along with many other communities along the New Jersey coast, experienced a storm of unprecedented fury when Hurricane Sandy struck New Jersey on October 29, 2012; and,

WHEREAS, many property owners in the Township of Neptune suffered damage to their homes and businesses as a result of Hurricane Sandy; and,

WHEREAS, the Township Committee is cognizant and supportive of the will and desire of our residents and businesses to rebuild a stronger Neptune Township and is at the ready to assist in this process; and,

WHEREAS, the Township normally offers dumpsters for a rental fee to property owners who are renovating or cleaning their homes; and,

WHEREAS, in light of the unanticipated necessity to remove water damaged contents from homes as a result of the hurricane, the Township Committee desires to waive the dumpster rental fee for properties within the flood zone,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that dumpster rental fees for disposal of water damaged bulk and household items made necessary by Hurricane Sandy be and are hereby waived for dumpster rental applications received by the Neptune Township Public Works Department between October 30, 2012 and February 28, 2013; and,

BE IT FURTHER RESOLVED, that any property owner or occupant within the flood zone that was charged the dumpster rental fee for disposal of water damaged items within the waiver time period shall be refunded the amount paid; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Assistant Business Administrator, Chief Financial Officer, and Director of Public Works.

ACCEPT THE RESIGNATION OF ROBIN PRICE AS A MEMBER OF THE BOARD OF ADJUSTMENT

WHEREAS, the Township Committee has received an e-mail from Robin Price resigning as a member of the Board of Adjustment effective January 9, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robin Price as a member of the Board of Adjustment is hereby accepted effective January 9, 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Citizen Board Administrator.

RECLASSIFY TWO SPECIAL LAW ENFORCEMENT OFFICERS TO CLASS II STATUS

WHEREAS, Jean Pierre Marcenat and Steven Whritenour are currently employed as Special Law Enforcement Officers – Class I in the Police Department on a part-time hourly basis; and,

WHEREAS, the Chief of Police has recommend that both officers be reclassified to Class II status and be sent to the Monmouth County Police Academy for the Class II training,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Jean Pierre Marcenat and Steven Whritenour be and are hereby both reclassified and designated as a Special Law Enforcement Officer – Class II and are authorized to attend the Class II training at the Monmouth County Police Academy; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O., and Mandy To.

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

AUTHORIZE THE REPLACEMENT OF PLAYGROUND EQUIPMENT, SAFETY SURFACE AND FENCING DESTROYED BY HURRICANE SANDY AT SHARK RIVER MEMORIAL PARK

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

WHEREAS, the Township of Neptune desires to replace playground equipment, safety surface and fencing destroyed by Hurricane Sandy at Shark River Memorial Park through authorized vendors under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Burke Construction has been awarded New Jersey State Contract No. A81430 for play structures and swing sets and Whirl Construction has been awarded New Jersey State Contract No. T0103 and A81412 for fencing, safety structure and installation of play surfaces; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the



grounds that the price reflects a substantial savings; and,

WHEREAS, the amount of all equipment and installation shall not exceed \$82,691.00, as further specified below; and,

WHEREAS, funds for this purpose are available from the Hurricane Sandy Special Emergency Appropriation and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of playground equipment, safety surface and fencing destroyed by Hurricane Sandy at Shark River Memorial Park is hereby authorized under the State of New Jersey Cooperative Purchasing Program at an amount not to exceed \$82,691.18 as detailed below; and,

Burke - Play Structure 2-5yrs	\$21,000.00
Burke - Swing Set	\$ 1,400.00
Whirl - Ornamental Fencing w/gates	\$19,291.00
Whirl - Rubberized Safety Surface	\$29,000.00
Whirl - Installation of Play Structures	\$12,000.00
<b>Total Cost</b>	<b>\$82,691.00</b>

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer, Director of Public Works, Recreation Director, Chief Financial Officer, Business Administrator, Assistant C.F.O. and Auditor.

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

#### AUTHORIZE REPAIRS TO SOUTH ISLAND SANITARY SEWER PUMPING STATION

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

WHEREAS, the Township Engineer solicited quotes for repair work at the South Island Sanitary Sewer Pumping Station on Seaview Island due to damage from Hurricane Sandy; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Township Engineer and the Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Sewer Utility Special Emergency Appropriation, known as Account No. 07-575-020, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Pumping Services, Inc. be and is hereby authorized to perform repair work at the South Island Sanitary Sewer Pumping Station on Seaview Island due to damage from Hurricane Sandy pursuant to their quote of \$23,333.00; and,

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

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

#### AWARD BID FOR DEMOLITION AND REMOVAL SERVICES AT THE MUNICIPAL MARINA

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

WHEREAS, on January 10, 2013, the Township Engineer received bids for the award of a contract for demolition and removal services at the Municipal Marina; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that the bid be awarded to the lowest bid submitted by DJ Mazza Demolition; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in the Marina Utility Special Emergency Appropriation and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to DJ Mazza Demolition on their lowest responsible bid of \$122,636.00 for demolition and removal services at the Municipal Marina; and,

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

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

EMPLOY DEPUTY COURT ADMINISTRATOR IN THE MUNICIPAL COURT ON A PROBATIONARY BASIS

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

WHEREAS, there is a vacancy in the position of Deputy Court Administrator in the Municipal Court; and,

WHEREAS, the position was duly posted and applicants have been interviewed by a panel of municipal and county officials as required by state statute; and,

WHEREAS, the Municipal Court Administrator and Interview Panel have made their recommendation to the Monmouth County Superior Court Assignment Judge who has approved of the recommendation; and,

WHEREAS, funds will be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Christopher Anderson be and is hereby employed as Deputy Court Administrator in the Municipal Court, 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 January 15, 2013, at an annual salary of \$35,000.00 (starting salary reflecting substantial experience); and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Municipal Court Administrator, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Mandy To.

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

EMPLOY CLERK/TYPIST IN THE CODE/CONSTRUCTION DEPARTMENT ON A PROBATIONARY BASIS

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

WHEREAS, there is a vacancy in the position of Clerk/Typist in the Code/Construction Department; and,

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

WHEREAS, the Construction Official has made his recommendation; and,

WHEREAS, funds will be provided for the first three months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Elizabeth Connors be and is hereby employed as a Clerk/Typist in the Code/Construction Department, 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 January 22, 2013, at an annual salary of \$22,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Mandy To.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan offered the following resolution, moved and seconded by Ms. Jahn, 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	303,144.94
FEDERAL & STATE GRANT FUND	10,674.92
TRUST OTHER	75,502.29
GENERAL CAPITAL FUND	141,557.50
SEWER OPERATING FUND	8,148.55
MARINA OPERATING FUND	3,438.48
MARINA CAPITAL FUND	1,453.72
DOG TRUST	64.20
UDAG RECIPROCAL TRUST	250.00
LIBRARY TRUST	906.92
BILL LIST TOTAL	\$545,141.52

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; Brantley, aye; Jahn, aye; McMillan, aye; and Houghtaling, aye.

AUTHORIZE ESCROW AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND NEPTUNE ESTATES, LLC

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

WHEREAS, Neptune Estates, LLC (hereinafter referred to as "DEVELOPER"), is the owner of property located at Block 7018, Lot 9 on the Subdivision Plot of the Township of Neptune, New Jersey, with a Storm Water Management Basin located on Block 7018, Lot 9.12, and Final Site Plan Approval by the Township of Neptune Planning Board for the development of the aforesaid property for residential occupancy; and

WHEREAS, the Township of Neptune (hereinafter referred to as "MUNICIPALITY"), is the public entity responsible for enforcement of the site plan approved by the Planning Board and all of the conditions associated therein, including satisfaction of all Storm Water Management Requirements, and its Construction Department is responsible for the issuance of Certificates of

Occupancy for all residential units, subject to the requirements of the Site Plan Approval, Local Ordinance, State Statute and Federal Law; and

WHEREAS, one impediment for the issuance of Certificates of Occupancy is a Storm Water issue, which may be affected by the operation of the detention basin on Lot 9.12, for which the Developer insists is caused by a dam or blockage on an adjoining private property, which is located in a longstanding trench utilized over the years to collect and transfer runoff water from all of the adjoining sites to the Jumping Brook; and

WHEREAS, it has been determined that the blockage, if removed, according to the engineers of the Developer, would allow runoff to flow easily to the Jumping Brook, and would alleviate flooding in the area and Storm Water Management problems on the Developer's site; and

WHEREAS, subject to the consent of the property owners adjoining to the Developer's site in allowing the Developer to enter the trench area and remove the dam or obstruction to the trench, thus allowing water flow to freely flow to the Jumping Brook, the Developer is desirous at its own cost and expense to remove said dam or impediment, provide or install a pipe to allow free flowing water to proceed through the trench to the Jumping Brook and to cooperate in all ways in doing so; and

WHEREAS, it is in the best interest of Neptune Township to allow continued development of the Developer's site, while reducing and, if possible, eradicating flooding in the Developer's site and the adjoining property owners' sites, while addressing Storm Water Management in general.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Governing Body hereby authorizes the execution of the attached Escrow Agreement as Exhibit "A" between Neptune Township and Neptune Estates, LLC, to allow for action towards completion of all Storm Water Management Conditions and the issuance of limited Certificates of Occupancy for residential housing.

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes the Mayor and Clerk to execute the Escrow Agreement attached hereto as Exhibit "A," and authorizes the Township Attorney to pursue all of the terms of the Escrow Agreement.

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

AUTHORIZE EXECUTION OF AN AGREEMENT WITH WITT GROUP HOLDINGS, LLC FOR DISASTER RECOVERY CONSULTING SERVICES UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Township of Neptune desires to enter into an agreement for disaster recovery consulting services as a result of Hurricane Sandy under the State of New Jersey Cooperative Purchasing Program; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Witt Group Holdings, LLC has been awarded New Jersey State Contract No. A83100 for these services; and,

WHEREAS, the amount of these services shall not exceed \$150,000.00; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the grounds of substantial cost savings; and,

WHEREAS, funds for this purpose are available from a Special Emergency Appropriation adopted by the Township Committee and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an agreement with Witt Group Holdings, LLC for disaster recovery consulting services as a result of Hurricane Sandy through the New Jersey Cooperative Purchasing Program; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Office of Emergency Management, Director of Public Works, Chief Financial Officer, Business Administrator, Assistant C.F.O. and Auditor.

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Kennedy Buckley, 65 Broadway, stated that Neptune Township professionals have saved a lot of money during and after Sandy. He added that JCP&L does not do proper proactive maintenance, the poles are old and trees are not trimmed. The Mayor stated JCP&L's workforce was reduced with the approval of the Board of Public Utilities (BPU). Mr. Buckley replied that BPU should not have allowed JCP&L to reduce staff but that is not an excuse for JCP&L. They should have maintained proper staffing levels.

Dorothy Argyros, 2100 Rutherford Avenue, read excerpts from a lawsuit filed against the Township that was ultimately settled. She asked the Township Committee to pass a resolution or ordinance to eliminate confidentiality clauses in settlements and wants a public announcement of lawsuits and settlements.

Jack Breden, 84 ½ Heck Avenue, congratulated the Committee on their selection of the Mayor for 2013 and also congratulated Mary Beth Jahn on her election victory. He stated that the North End area in need of redevelopment resolution indicates that six lots front on Spray Avenue which is incorrect. The boardwalk is tax exempt and is not a street, Lake Avenue is also exempt and part of Green Acres. Therefore, the statement that six lots front Spray Avenue is incorrect.

Mary Ellen Tollefson, Broadway, thanked the Mayor, Mr. Gadaleta and Leanne Hoffmann for visiting with Broadway residents. The drainage project is still a problem and flooding continues. She is hopeful that the issues will be remediated and fixed.

Michael Fornino, stated that he often hears complaints about the hospital, but in the latest edition of the JSUMC magazine, there was an article about a doctor at JSUMC who invented a device to reduce colon cancer which is now used world wide. He added that the Rotary Club will hold a polar bear plunge on January 26<sup>th</sup> in Asbury Park with the proceeds going to cornea transplants. Finally, he asked that a small lip at the foot of the Wesley Lake Avenue bridge be addressed because it hinders handicapped access and a bicyclist could hit the lip and fall.

Frances Paladino, Broadway, asked for an update on whether or not the Ocean Grove playground will be restored by the Contractor. Also, there are two raised manholes in the tot lot about one foot above the surface. Mr. Gadaleta stated that the Township is going park by park to make necessary repairs by Memorial Day. Mr. Paladino stated that this is different because the damage was done by a Contractor and not the hurricane. Mr. Gadaleta indicated that he would speak to the Township Engineer.

Warren Lapp, 350 Brighton Avenue, thanked Mr. Bishop and the Mayor for attending the Shark River Hills Property Association meetings. He added that the Jumping Brook Shopping Center looks great with the new façade and is now a much improved gateway to the Township. Mr. Bascom stated that this was a UDAG Façade Project that loaned money to the property owner to make these improvements. Mr. Lapp stated that he discovered a project called a geotube. These can be installed on beaches, covered with sand or Christmas trees and they provide storm surge protection. They also can work as a desilting bag or placed in a body of water for dry dredge material.

Heinz Weck, Ocean Grove, stated that Mr. Cuttrell and Mr. Bascom were not in attendance at the January 1<sup>st</sup> meeting and they were missed. He stated that the Township got three new police officers and the Mayor had six adorable grandchildren plus nieces and nephews in attendance.

Mr. Bishop offered a motion, seconded by Dr. Brantley, to adjourn. All were in favor.

Richard J. Cuttrell,  
Municipal Clerk