

TOWNSHIP COMMITTEE MEETING – JANUARY 28, 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, Mary Beth Jahn, Kevin B. McMillan and Mayor Eric J. Houghtaling. (Dr. Michael Brantley arrived just prior to the conclusion of the Executive Session)

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.

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. Cuttrell stated that the Township purchased a new Toro infield groomer. Neptune Little League has expressed an interest in acquiring the old groomer which is valued at \$500. Since the Little League will be using the groomer on Township owned fields and will be performing a service otherwise performed by municipal government, the Committee could choose to donate the equipment to the Little League. The Committee indicated that their desire is to donate the groomer to the Little League. The appropriate resolution will be on the next meeting agenda.

The Committee discussed canceling sewer rent for properties deemed uninhabitable due to hurricane damage. Mr. Gadaleta stated that a number of residents whose properties are on the uninhabitable list have requested a waiver of the 1<sup>st</sup> half of 2013 sewer charge. Mr. Bishop asked what would happen is a certificate of occupancy is issued prior to the 2<sup>nd</sup> half of the year. Mr. Bascom stated that the charges would resume in the 2<sup>nd</sup> half of the year. He added that the sewer bill is mainly to pay for the cost of processing sewerage so the Township will not incur much of a net loss in the sewer utility since these homes are not generating any expense in treatment costs.

Mr. Bascom and Mr. Gadaleta provided a detailed update on Hurricane Sandy recovery efforts. Mr. Bascom stated that the Township addressing the sand displacement on roadways and adjoining private property in Ocean Grove. The Township will be borrowing Board of Education equipment and utilizing part-time County grant employees. Work continues on parks and the marina. Outreach efforts continue with displaced residents and mailings are planned to stay in contact with everyone. The State Commissioner of Banking and Insurance will be providing an informational session to local residents. Representatives of the Township met with the Ocean Grove Camp Meeting Association, Congressman Smith, Senator Beck and FEMA regarding assistance for the Ocean Grove boardwalk. Mr. Gadaleta provided information on base flood elevations. All flood insurance rates will increase in the flood zone. Eleven properties have received notice of substantial damage and must elevate. The current base flood elevation is nine feet and the likelihood is that when the FIRM maps are approved in mid 2013 and adopted in 2015, there will be rate increases, grandfathering and subsidies will go away and actuarial value, including elevation, will be the factor insurance rates. Under FEMA regulations property owners have four years from the letter of substantial damage to elevate. At the end of the four year period, if the structure is not elevated, a summons is issued and FEMA is notified. It is likely that when the flood maps are adopted, the base flood elevation will be close to, or the same as, the advisory elevation currently in effect. The Township will be strongly advising residents in the flood zone to elevate to 12 feet, or the level of a 500 year storm. The Committee will be asked to introduce the base flood elevation ordinance at the first meeting in March.

Ms. Jahn stated that there will be a meeting on January 29<sup>th</sup> to discuss a Route 66 bus shuttle route and the Black History Month Committee will be meeting this week. Mr. McMillan stated that he will be accompanying forty high school students for a resume building and interviewing skills exercise at the PSE&G Training Center in Edison.

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:

Litigation – PBA Local #74 litigation vs. Township

Contract negotiations – F.O.P. and AFSCME

Personnel – Creation of part-time positions: Supervising SLEO, Carpenter and Assistant Engineer

Contract negotiations – OGCMA boardwalk/beachfront damage

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

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

The Committee discussed the creation of part-time positions by ordinance at the regular meeting. Mr. Bascom stated that there is a need for a Supervising Special Law Enforcement Officer (SLEO) to set schedules and oversee the SLEO Class I and Class II staff. Mr. Gadaleta stated that the part-time Carpenter would assist in the STEP Program and would be on-call for any need that arises. The Assistant Engineer would assist the Township Engineer with storm related issues, help with CADD drawings and perform overall assistance in the Engineering office. The plan is to employ this position for 20 hours a week at \$20.00 per hour.

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. Cuttrel, Municipal Clerk; Vito D. Gadaleta, Township Administrator; Michael J. Bascom, Chief Financial Officer; and Gene Anthony, Township Attorney.

After a moment of Silent Prayer, the Mayor introduced Mary Jo Firlan and Jean Toher. Ms. Toher then introduced the following 4<sup>th</sup> grade students: Keviesha Banks; Thomas Barrios; Joseph Bryceland; Kallie Cummings; Damonique Dawson; Patrick Drea; Abigail Grissman; Laila Kendle; Nahquay Loiseau; Lativity Lyons; Aidan Matthews; Nicole Papay; Matthew Podlaski; Johnnie Torres; and Rachel Val. The students then led the Flag Salute.

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).

## PRESENTATIONS

United Methodist Homes of New Jersey presented a donation in the amount of \$1,000 to the Township for Hurricane Sandy relief efforts. Present were Lawrence D. Carlson, President & CEO; Carol McKinley, Vice-President of Operations; Sharon D. Clapp, Vice-President of Operations and Robert Johnston, Executive Director of Francis Asbury Manor.

On November 2, 2012, Police Officer MacConchie and EMT's Bil Rosen, Brian Magnin, Bryan Bonanno and Steve Whritenour responded to a first aid call on Moore Road where they found an individual in cardiac arrest. The team provided CPR and applied an automated external defibrillator three times. As the patient was brought to and secured in the ambulance, MONOC Paramedics Nicole Curley and Tim Sullivan arrived and provided Advanced Life Support. The Mayor called the patient, police officer and EMT's to the front of the room at which time the patient, Ed Morrissey, had the opportunity to address and thank the individuals who saved his life.

The Committee then took a brief recess to allow the 4<sup>th</sup> graders and the presenters to leave the meeting if so desired.

#### REPORT OF THE CLERK

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

Senior Beacon for February.

A letter from William & Linda Wilks commending Diana Pajak, Jennifer Liddick and Chris Bedrosian for their assistance and guidance with the construction and zoning process.

A letter from Pastor Richard Twidle thanking the Department of Public Works for their efforts to cut and remove fallen trees during Hurricane Sandy.

Thank you cards and letter to the Senior Center staff from Barbara Roe, Barbara and Tom Reilly, Lois and Walter Pittis and Jersey Shore University Medical Center.

#### COMMENTS FROM THE DAIS

Mr. Bishop personally thanked the Emergency Management team for all that they do for the Township. He expressed his condolences to the Chief of Police on the passing of his father who was the former Mayor of Neptune City. He also attended the West Neptune Homeowner's meeting and the Gables Association meeting. He thanked OEM for the use of their tent when they were in Shark River Hills to assist the residents. The Mayor's Youth Advisory met and they are having a fundraiser on March 7<sup>th</sup> for the Senior Citizen Prom at the American Legion on Gulley Road. He also attended the Joint Veterans Memorial Day Parade Committee and the Ocean Grove Homeowner's Association, the Shark River Hills Homeowner's Association, the Monmouth Ocean Food Bank Concert that was put on by the Ocean Grove Chamber of Commerce.

Ms. Jahn extended her condolences to the Adams family on the loss of Chief Adams father. She reminded everyone that on February 23<sup>rd</sup> they would hold their annual black history event. She urged everyone to take advantage of it. She also stated she would be meeting with the Township Engineer tomorrow to discuss the Route 66 shuttle and to try and get other towns involved. She stated the shuttle could be used to take residents to work and to doctors appointments.

Mr. McMillan expressed his condolences to Chief Adams and his family. He stated he attended the Shark River Hills Outreach Program and attended a MURC meeting. He also stated that on February 26<sup>th</sup> they would be taking 40 high school students to a training session in Edison.

Dr. Brantley stated during times of tribulations such as the hurricane something good often comes out of it. He stated they focused on problems that have been exposed. He stated with the Wesley Lake they have tried to restore it and they've tried to address the problems. He stated they hoped to get help soon and there will be a list of fundraisers and people who will help for little or no cost. He stated he was very excited about it. He went on to state that he attended the MURC meeting and he pledged his support to their efforts. He stated he arrived late because he had to attend the Hospital's advisory board meeting in which they discussed ways to prevent the flu.

Mayor Houghtaling offered his condolences to the family of Chief Adams. He stated he has been busy the last couple of weeks because he attended all of the Homeowner's meetings. He stated his expectations for this year was to help the residents solve their problems. He stated they had a tremendous blow from Hurricane Sandy in October and they would equally share as a town to get it back to a whole. He stated Shark River Hills really had some unique problems and that requires a big effort. He went on to state that they went into the neighborhoods by going door to door to try and help the residents but some of the homes were empty. He stated he had the opportunity to visit the Governors Office along with other Mayor's and everyone is trying to get their share of help for their towns. He stated his goal was to get the Governor here to see the various parts of our town.

He stated the Mayor's Youth Council would be having a fundraiser and the funds would be going to the Senior Prom. He stated his wife was not present today because she had surgery and he wished her the best.

PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros, 2100 Rutherford Avenue, asked if Bradley Beach was paying for the interlocal services agreement. The Mayor responded yes.

Dianna Harris, asked if the conditions on the Alpha Liquor Store license still were in effect. Mr. Cuttrell responded yes.

ORDINANCE NO. 13-01 - ADOPTED

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

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

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

ORDINANCE NO. 13-02 - APPROVED

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

ORDINANCE NO. 13-02

AN ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT AND RIGHT-OF-WAY IN THE FRONT OF BLOCK 473, LOT 23

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

ORDINANCE NO. 13-03 - APPROVED

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

ORDINANCE NO. 13-03

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON ABBOTT AVENUE AND DELETING A HANDICAPPED PARKING ZONE ON EMBURY AVENUE

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

ORDINANCE NO. 13-04 - APPROVED

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

ORDINANCE NO. 13-04

AN ORDINANCE TO AMEND SALARY RANGE ORDINANCE NO. 11-48 BY CREATING PART-TIME HOURLY JOB TITLES AND SALARY RANGES FOR THE POSITIONS OF SUPERVISING SPECIAL LAW ENFORCEMENT OFFICER, CARPENTER AND ASSISTANT ENGINEER

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 Hearings on Ordinances 13-02, 13-03 and 13-04 will be held on Monday, February 11, 2013.

AWARD BID FOR ELECTRICAL SERVICES

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

WHEREAS, on January 24, 2013, the Purchasing Agent received bids for the award of a contract for electrical services; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the low bid submitted by Zensky Electrical Contracting be rejected due to non-responsiveness to the bid specifications; and,

WHEREAS, the Purchasing Agent has determined that the second lowest bid submitted by Midcoast Electric Corp. is the lowest responsible bid; 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 the bid for supplying electrical services submitted by Zensky Electrical Contracting is hereby rejected due to non-responsiveness to the bid specifications; and,

BE IT FURTHER RESOLVED, that the next lowest bid submitted by Midcoast Electric Corp. for supplying electrical services to the Township is hereby declared the lowest responsible bidder at a hourly rate of \$92.50 and a contract is so awarded to Midcoast Electric Corp.; and,

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

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

CONSENT AGENDA

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

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

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 contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2013; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Recreation Director, Chief Financial Officer, Business Administrator, and Township Attorney.

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

WHEREAS, Mr. Liberi has advised that his boat "Surprise" was destroyed and will be removed from the Municipal Marina for the remainder of the 2012-2013 Winter storage season; and,

WHEREAS, the Winter Storage fee in the amount of \$825.00 was paid in full on November 9, 2012; and,

WHEREAS, the Harbor Master at the Municipal Marina wishes to cancel the remaining two months of the contract and refund the \$412.50 due to the cancellation,

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 \$412.50 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.

AUTHORIZE MODIFICATION OF MORTGAGE AND MORTGAGE NOTE BETWEEN TRF DP RIDGE AVENUE, LLC AND THE TOWNSHIP OF NEPTUNE

WHEREAS, the Township of Neptune is the owner and holder of a certain Promissory Note totaling \$400,000.00 secured by a certain Mortgage for such sum made by TRF DP Ridge Avenue, LLC to the Township dated February 19, 2009 and recorded April 8, 2009 in Mortgage Book 8766, Page 4660 on the real estate described in said Mortgage; and,

WHEREAS, said Note and Mortgage requires principal payment in the amount of \$14,285.71 to the Township of Neptune upon closing of the sale of each of the final twenty-eight (28) residential units of the fifty-eight (58) unit project as that term is defined in a certain Redevelopment Agreement as amended and dated as of February 11, 2008 between the Township and TRF DP Ridge Avenue, LLC; and,

WHEREAS, in December, 2011, TRF DP Ridge Avenue, LLC requested as a result of the down housing market to amend the aforesaid Promissory Note and Mortgage to allow each purchaser of housing units to assume \$20,000.00 as the total debt to the Township reducing TRF DP Ridge Avenue, LLC's obligation by \$714.29 for each unit applicable to the sale of units only between January 1, 2012 and June 30, 2012 in order to encourage the sale of such units; and,

WHEREAS, the Township Committee adopted Resolution #12-65 on January 9, 2012 which authorized execution and adoption of an amended Note and Mortgage Note to allow for this program between January 1, 2012 and June 30, 2012; and,

WHEREAS, the Township Committee adopted Resolution #12-274 on July 9, 2012 which authorized execution and adoption of an amended Note and Mortgage Note to allow for this program to continue from July 1, 2012 and December 31, 2012; and,

WHEREAS, the Township desires to extend this program through June 30, 2013,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby authorizes the execution and adoption of an amended Note and Mortgage Note from the original Note and Mortgage Note of February 9, 2009 so as to allow between January 1, 2013 and July 31, 2013 only that new purchasers of units in the Ridge Avenue Redevelopment Area also known as Schoolhouse Square provide the Township with a Secondary Mortgage of \$20,000.00 as part of the total debt due and owing from TRF DP Ridge Avenue, LLC to Neptune Township under the \$400,000.00 Note and Mortgage of February 9, 2009 reducing TRF DP Ridge Avenue, LLC's obligation to the Township by \$714.29 for each unit; and,

BE IT FURTHER RESOLVED that the Township Committee hereby authorizes the Mayor and Clerk to execute the amended Modified Mortgage and Mortgage Note prepared by TRF DP

Ridge Avenue, LLC and reviewed by the Township Attorney; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Community Programs Coordinator, and Township Attorney.

AUTHORIZE SUBMISSION OF A 2013 RECREATIONAL TRAILS PROGRAM GRANT APPLICATION TO THE NJDEP FOR A WALKING TRAIL TO LINK MULTIPLE TOWNSHIP PROPERTIES

WHEREAS, the Township desires to submit an application to the New Jersey Department of Environmental Protection Division of Parks and Forestry Office of Natural Lands Management for a Recreational Trails Program Grant for the construction of a walking/hiking/bicycling trail located between the Welsh Farms Property on Block 7013, Lot 11 (Old Corlies Avenue) and the Bert Willis Fields located Block 7013, Lot 7.01 (Old Corlies Avenue); and,

WHEREAS, this proposed trail will link multiple Township owned properties, parks and provide a much needed trail for multiple recreational purposes, walking, hiking, jogging and bicycling; and,

WHEREAS, this proposed trail will need to be designed and funded in stages and will span approximately 0.5 mile and provide a 1.0 mile loop with a turnaround; and,

WHEREAS, construction and implementation of said trail furthers multiple goals and objectives of the Township of Neptune Master Plan and the Parks and Recreation Plan; and,

WHEREAS, the Township proposes to utilize in-house personnel and equipment to construct a portion said trail; and,

WHEREAS, the Director of Engineering and Planning has prepared the grant application,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Director of Engineering and Planning be and is hereby authorized to submit a 2013 Recreation Trails Program Grant Application to the New Jersey Department of Environmental Protection Division of Parks and Forestry Office of Natural Lands Management for the planning partial construction of a walking/hiking/bicycling trail along the perimeter of properties owned by the Township; and,

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

ACCEPT THE RESIGNATION OF MIRTA GONZALEZ AS AN ON-CALL BUS DRIVER IN THE SENIOR CENTER

WHEREAS, the Township Committee has received a letter from Mirta Gonzalez resigning as an on-call Bus Driver in the Senior Center effective January 15, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mirta Gonzalez as an on-call Bus Driver in the Senior Center is hereby accepted effective January 15, 2013; and,

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

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH THE BOROUGH OF BRADLEY BEACH TO PROVIDE A TELEPHONIC COMMUNITY NOTIFICATION SYSTEM

WHEREAS, the Township of Neptune has a Telephonic Community Notification System ("System") to alert its residents in the event of an anticipated or on-going emergency within the Township of Neptune; and,

WHEREAS, on December 10, 2007, the Township of Neptune and the Borough of Bradley Beach entered into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to allow the Borough to utilize the System to provide emergency information to its residents for a five year period from 2008 to 2012; and,

WHEREAS, the Township and Borough desire to renew this Interlocal Service Agreement; and,

WHEREAS, the term of said Agreement shall be three (3) years and the Borough agrees to pay the Township an annual fee of \$5,600.00 plus the cost of notifications made to its residents by the System; and,

WHEREAS, this Interlocal Service Agreement shall be automatically renewed on an annual basis on the anniversary date of the signing of said Agreement for a term of three (3) years,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the Borough of Bradley Beach, a copy of which is on file in the Office of the Municipal Clerk, which authorizes the Borough to utilize the Township's Telephonic Community Notification System to provide emergency notifications to Borough residents; and,

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

AUTHORIZE THE SUBMISSION OF A FY10-FY11 EMERGENCY MANAGEMENT PERFORMANCE GRANT/EMERGENCY MANAGEMENT OPEN INITIATIVE (EMOI) SUBGRANT

WHEREAS, the New Jersey Department of Law & Public Safety is providing FY2010-2011 Emergency Management Performance Grant/Emergency Management Open Initiative (EMOI) subgrants to sustain and enhance all-hazards emergency management capabilities; and,

WHEREAS, the Office of Emergency Management Coordinator has recommended that an application be submitted to obtain a grant under this program for emergency management training and simulation equipment; and,

WHEREAS, said application requires matching funds in an amount equal to the amount of grant funding sought; and,

WHEREAS, funds for this purpose will be provided in the appropriation entitled EMOI Subgrant, known as Account No. 02-779-020, 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 submission of an application to the New Jersey Department of Law and Public Safety for a FY2010-2011 Emergency Management Performance Grant/Emergency Management Open Initiative subgrant in the amount of \$24,000.00 with a municipal match in the amount of \$26,865.00 and that the Mayor and Chief Financial Officer are hereby authorized to execute grant documents, as needed, as representatives of the Township of Neptune; and,

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

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR IMPROVEMENTS AT WILSON MINOR SUBDIVISION (524 WAYSIDE ROAD)

WHEREAS, Mike Wilson Building/Remodeling posted a cash maintenance guarantee in the amount of \$4,140.00, guaranteeing the maintenance of site improvements at the project known as Wilson Minor Subdivision located at 524 Wayside Road (Block 3040, Lot 12.03); and,

WHEREAS, the two year maintenance period has expired and the Township Engineering Consultant has conducted an inspection; and,

WHEREAS, on January 17, 2013, the Township Engineer certified that all site work has been completed and said maintenance guarantee may be released,

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

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded minus payment for the voucher submitted by the Township Engineering Consultant for the final

inspection; and,

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

AUTHORIZE CANCELLATION OF 1<sup>ST</sup> HALF 2013 SEWER RENT FOR PROPERTIES DEEMED UNINHABITABLE DUE TO HURRICANE DAMAGE

WHEREAS, the Township is preparing to issue bills for 2013 sewer rent to all properties within the Neptune Sewer Utility; and,

WHEREAS, as a result of damage from Hurricane Sandy, the Construction Official has compiled a list of properties that have been deemed uninhabitable; and,

WHEREAS, since these homes have been unoccupied and have not used water or sewer since October 29, 2012, the Township Committee deems it appropriate to cancel the 2013 1<sup>st</sup> half sewer rent for these properties,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the cancellation of 1<sup>st</sup> half 2013 sewer rent for all properties deemed uninhabitable by the Construction Official as a result of damage from Hurricane Sandy, the list of said properties being on file in the Office of the Municipal Clerk and Construction Official; and,

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

RENEW LIQUOR LICENSE HELD BY VPK, INC.

WHEREAS, VPK, Inc. is the holder of a retail consumption liquor license 1334-44-022-002; and filed the required application for license renewal for the 2012-2013 licensing term; however, a tax clearance certificate was not provided; and,

WHEREAS, in accordance with state statute, a municipality cannot renew a liquor license without a tax clearance certificate for the corporation holding the license; and,

WHEREAS, the Division of Taxation issued a Tax Clearance Certificate for VPK, Inc. dated January 18, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-44-022-002 issued to VPK, Inc. t/a Alpha Liquors be and is hereby renewed for the 2012-2013 licensing year; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and the License Holder.

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
9026	3	PETERSEN	4 CAROL AVE	2012	916.20
10015	8.01	DIAZ	1009 OLD CORLIES	2012	1,452.55
51	1084	GERSHWIN	71 BROADWAY	2012	2,930.00
470	11	JEGOU	112 MELROSE AV	2012	2,216.04
6011	7	LUKER	14 POPPY AVE	2012	1,570.90
482	521	DI BELLA	226 BRIGHTON AV	2012	1,381.93
136	1598	CALABRESE	142 FRANKLIN AV	2012	858.74
3018	8	BACON	118 HARROW CT	2012	1,201.03
9027	15	IANNARONE	13 VANADA DR	2012	1,251.50

9025	43	KING	28 SUNNYFIELD TR	2013	3,467.88
9025	43	KING	28 SUNNYFIELD TR	2012	5,913.13
10020	4	KELLY	8 COUNTRY CLUB	2013	2,032.55

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF OVERBILLING (28 SUNNYFIELD TERRACE)

WHEREAS, Block 9025, Lot 43, with the address of 28 Sunnyfield Terrace, had been tax exempt due to a total disabled veteran exemption; and,

WHEREAS, the exempt veteran has passed away and the property was sold and was to move out of exempt status for 11 months starting February 1, 2010; and,

WHEREAS, the Assessing Office inadvertently added the property to the tax records for 12 months of 2011 omitted resulting in the property being over billed \$523.23; and,

WHEREAS, the Assessing Office inadvertently added the property to the tax records for 2012 two times resulting in the property being over billed \$5389.90; and,

WHEREAS, the Assessing Office has requested that Tax Office cancel taxes in the amount of \$523.23 for 2011 omitted and \$5,389.90 for 2012 added taxes; and

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to cancel taxes as stated herein; and,

BE IT FURTHER RESOLVED that a copy of this resolution is forwarded to the Tax Collector, Assistant C.F.O. and Auditor.

ACCEPT THE RESIGNATION OF RICHARD BROGLEY AS A SPECIAL LAW ENFORCEMENT OFFICER – CLASS I

WHEREAS, the Township Committee has received a letter from Richard Brogley resigning as a Special Law Enforcement Officer – Class I in the Police Department effective January 28, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Richard Brogley as a Special Law Enforcement Officer – Class I in the Police Department is hereby accepted effective January 28, 2013; and,

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

AWARD BID FOR PLUMBING SERVICES

WHEREAS, on January 24, 2013, the Purchasing Agent received bids for the award of a contract for plumbing services; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Burlew Mechanical, LLC; 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 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 a contract be awarded to Burlew Mechanical, LLC on their lowest responsible bid of \$78.50 per hour to supply plumbing services to the Township; 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, Harbor Master and Public Works Director.

RESCIND AUTHORIZATION TO EXECUTE AN AGREEMENT WITH WITT GROUP HOLDINGS, LLC FOR DISASTER RECOVERY CONSULTING SERVICES

WHEREAS, on January 14, 2013, the Township Committee adopted Resolution #13-77 which authorized the execution of an agreement with Witt Group Holdings, LLC to provide disaster recovery consulting services as a result of Hurricane Sandy under the State of New Jersey Cooperative Purchasing Program; and,

WHEREAS, Witt Group Holdings, LLC has since been contracted by the State of New Jersey to perform this service for the State and all impacted municipalities within the State; and,

WHEREAS, since an agreement is no longer needed between the Township and Witt Group Holdings, LLC, it is necessary to rescind Resolution #13-77,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby rescinds the authorization to execute an agreement with Witt Group Holdings, LLC for disaster recovery consulting services as authorized by Resolution #13-77 for the reason as stated herein; 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 resolutions of the Consent Agenda were approved on the following vote: Bishop, aye; Brantley, aye; Jahn, aye; McMillan, aye, except abstain on the execution of recreation contracts because of his involvement with Bidy Basketball; and Houghtaling, aye.

SUPPORT STATE LEGISLATION WHICH AUTHORIZES THE RESTORATION OF ENERGY TAX RECEIPTS TO MUNICIPALITIES FOR PROPERTY TAX RELIEF

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

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and,

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and,

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and,

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and,

WHEREAS, municipalities lost millions in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, 2011, and 2012 while also being denied scheduled incremental funding; and,

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has overwhelmed local efforts to reduce property taxes; and,

WHEREAS, the Assembly Housing and Local Government Committee has referred A-2753 to the Assembly Appropriations Committee which would require the State Treasurer to make the calculation of the amounts of energy tax receipts due to each municipality pursuant to statutory law, adjusting for inflation, and that payments be made directly to the municipalities by the energy taxpayers; and,

WHEREAS, the Bill would increase the amount distributed to municipalities by over \$44 million; and,

WHEREAS, the intent of the legislation is to ensure that municipalities are able to collect the

amounts of energy tax receipts that they were originally promised when the State revised the collection and distribution process in 1997; and,

WHEREAS, the sponsors agree that the time has come to begin to restore to local budgets the millions that were cut to meet State needs in FY 2009, 2010, 2011 and 2012; and,

WHEREAS, the bill would apply the protection of the 'poison pill' to the SFY 2012 distribution of CMPTRA funding, which will prevent further shifts of CMPTRA funding; and which will help to further restrain the appetites of future State policy makers for these municipal property tax relief resources,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune enthusiastically supports A-2753 as a means of restoring the promised level of energy tax receipts to municipalities and requiring that these energy tax receipts be paid directly to municipalities by the energy taxpayers; and,

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Lieutenant Governor Kim Guadagno, our State Senator Jennifer Beck, our Assemblywomen Mary Pat Angelini and Caroline Casagrande, and to the New Jersey League of Municipalities.

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

#### AWARD BID FOR IMPROVEMENTS TO GREEN GROVE ROAD – PHASE II

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

WHEREAS, on January 22, 2013, the Township Engineering Consultant received bids for the award of a contract for Improvements to Green Grove Road – Phase II; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that the bid be awarded to the lowest bid submitted by Lucas Construction Group; 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 Ordinance No. 11-19 and the Chief Financial Officer has so certified in writing; and,

WHEREAS, this bid award is subject to the approval of the New Jersey Department of Transportation Local Aid Office as this project will be partially funded by a NJDOT Transportation Trust Fund grant,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Lucas Construction Group on their lowest responsible bid of \$399,814.22, plus Addition A in the amount of \$19,100.75 for a total bid of \$418,914.97 for Improvements to Green Grove Road – Phase II; 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., Grants Coordinator and Township Engineer.

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

#### AWARD BID FOR PREFABRICATED FLOATING DOCKS – PHASE III

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

WHEREAS, on January 10, 2013, the Township Engineer received bids for the award of a contract for prefabricated floating docks (Phase III) 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 Bellingham Marine; 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 Bellingham Marine on their lowest responsible bid of \$187,360.00 for prefabricated floating docks (Phase III) 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., and Township Engineer and Harbor Master.

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

AWARD BID FOR SIDE LOAD REFUSE TRUCKS WITH CONTAINERS

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

WHEREAS, on January 24, 2013, the Purchasing Agent received bids for the award of a contract for two side-load refuse trucks with containers; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Bergey’s Truck Center; 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 Ordinance No. 12-24 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 Bergey’s Truck Center on their lowest responsible bid of \$1,084,954.50 to supply the following:

Two 2014 Mack LEU613 33 cubic yard side load refuse trucks	
@ \$299,951.00 each	- \$599,902.00
8000 95 gallon containers @ \$58.00 each	- \$464,000.00
210 65 gallon containers @ \$54.75 each	- \$ 11,497.50
210 35 gallon containers @ \$45.50 each	- \$ 9,555.00

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

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. Bishop 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	3,910,778.37
FEDERAL & STATE GRANT FUND	6,853.02
TRUST OTHER	34,524.25
GENERAL CAPITAL FUND	166,119.28

SEWER OPERATING FUND	195,217.43
SEWER CAPITAL FUND	80,750.52
MARINA OPERATING FUND	5,721.83
DOG TRUST	14,954.00
UDAG RECIPROCAL TRUST	1,500.00
LIBRARY TRUST	556.38
 BILL LIST TOTAL	 \$4,416,975.08

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, noting that \$187,000 represents taxes sent to Neptune Fire District #1; McMillan, aye; and Houghtaling, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dorothy Argyros, 2100 Rutherford Avenue, stated that the Township settled the Williams lawsuit for \$15,000. In the past, she has asked what disincentives exist for police officers for this type of behavior and believes her request is not being taken seriously. She then read amounts of settlements that other towns have awarded due to police excessive force. She asked for a report on what was done to officers involved in the Williams case.

Michael Fornino, 120 Fulham Place, stated that the police have a very difficult job and he could not do that job. He stated that stores are now allowed up to a 4% charge when a debit card is used by a customer. Debit cards save a business money because they are cheaper to process versus a personal check. He added that the Appellate Court voted that President Obama violated the constitution by making appointments while Congress was not in session. He asked if a Township Committee member violated the constitution, would they be removed from office. Mr. Anthony stated that the matter is on appeal and that process has been done for the past 20 years. Mr. Fornino stated that the Township should bill for property taxes monthly rather than quarterly because it would be easier for the taxpayer and would be better for the Township's cash flow.

Dianna Harris, thanked Mr. Gadaleta and Mr. Bascom for their help with the Liberty Park grant. She advised that the location of the Community Garden has been adjusted within the park and asked if the Lease Agreement needs to be amended. Mr. Anthony stated that he needs to know what space is now being used because the Agreement includes a specific description of the space being leased for this purpose.

Heinz Weck, Ocean Grove, stated that Neptune has the finest Police Department in New Jersey. The Mayor was well received and did a nice job at the Ocean Grove Homeowners meeting. He thanked Mr. Gadaleta for getting a pot hole fixed. Finally, Mr. Weck stated that Governor Christie should look into assisting the Headliner and Sunsets with repairs so that they can reopen.

The Mayor congratulated the Shark River Hills Property Owners Association for obtaining a \$100,000 grant from the Robin Hood Foundation to be distributed to residents impacted by Hurricane Sandy.

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

Richard J. Cuttrell,  
Municipal Clerk