

TOWNSHIP COMMITTEE MEETING – APRIL 8, 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, Kevin B. McMillan and Mayor Eric J. Houghtaling. Absent: Mary Beth Jahn and Dr. Michael Brantley. (Dr. Brantley voted by phone on Ordinances No. 13-13 and 13-14)

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:

The Committee conducted a hearing the denial of an application to be designated as a Duty Wrecker. SRS Autoplex Corp. received the denial and requested the hearing pursuant to ordinance. Mr. Anthony took over the proceedings. Jacques J. Guire, III was present representing SRS Autoplex Corp. Mr. Guire stated that this tow business has been located at 601 Memorial Drive for a year and a half. Prior to that, the business was on Corlies Avenue for one year. He stated that he was a duty wrecker for heavy duty only in 2010 and the first half of 2011. He filed his application for the 2013 Duty Wrecker List in March, 2013. He stated the application was late but when he asked for an application in November, 2012, he was denied an application and was told that he needed to be pre-approved by the Chief of Police. He stated that at the time of application he had nine vehicles on this lot of which five were uninsured. He was cited by the Township for an illegal shed and fence on the property in 2011. He claims that his 2013 application was returned to him denied without reason. He stated that he does not have a certificate of inspection on the property but has a mercantile license.

Lt. Anthony Gualario provided testimony. In February, 2010, SRS was used because of an emergency situation even though at that time, the business was located in Avon. The Police Department received numerous complaints about ridiculous fees for towing from private property, which the Township does not get involved. The experience with the Township was that the operator was disrespectful, had demeanor issues, and did not accept credit cards. During a severe snowstorm, he towed vehicles from Neptune and placed them on public roadways in Avon after his lot became full. The owners of the vehicles were charged a tow fee and a storage fee. His business location was inspected in 2012 and was found to be in violation due to vehicles on the property not being registered or inspected. Lt. Gualario stated that Mr. Guire used the NJ State Police as a reference and had a sign in his business that indicated he was a State of New Jersey impound yard. Lt. Gualario checked with the NJ State Police who checked his driving records and them removed him as an approved wrecker. Mr. Guire also had 18 points on his license.

Sgt. Michael Zarro, stated that he took over responsibility for wrecker applications in October, 2012. He found that vehicles were not registered and insured, which is a requirement for entry on to the wrecker list. He received the SRS application in March, 2013. At that time, there was no valid Certificate of Inspection on the property. He attempted to contact Mr. Guire and was advised that he could only talk to his attorney.

George Waterman, Zoning Officer, stated that a zoning permit was approved on August 11, 2011 for a motor vehicle towing facility. He violated zoning by operating a retail auto establishment, erecting an illegal fence and storing trailers and boats on the property. The matter went to Municipal Court and Mr. Guire agreed to remove all violations.

Bob Purgatorio, Code Inspector, stated that the property was inspected on October 25, 2011, re-inspected and failed on January 31, 2012. A violation was issued on October 23, 2012. On February 25, 2013, an inspection revealed that the property maintenance issues were resolved but the property failed because electrical components were installed without permit. There is no Certificate of Inspection on the property as of this date, but Mr. Purgatorio is unsure about the status of the mercantile license. Mr. Guire stated that he has a mercantile license.

Mr. Bishop asked Mr. Guire if he has a state used car dealer license. Mr. Guire stated no. He asked if the Police Department ever denied any previous wrecker applications. Mr. Guire stated no. Mr. McMillan asked what other municipalities Mr. Guire was operating as a duty wrecker. Mr. Guire stated that he a duty wrecker in Deal, Bradley Beach and Sandy Hook. Mr. Anthony read excerpts from the Township Code which indicates that vehicles must be registered and insured to

get on the wrecker list and the Chief of Police has the ability to act if conduct is unbecoming. The Committee needs to decide on whether or not to uphold the denial and grant approval.

Mr. Bishop offered a motion to affirm the decision of the Chief of Police in denying the application. Mr. McMillan seconded the motion. All were in favor. Mr. Anthony stated that the denial is affirmed and the applicant can reapply for 2014.

The Mayor stated the Township conducted Riverfest each of the last two years, but will not be doing Riverfest in 2013. He is looking for a new version of Neptune Day. Mr. Bishop suggested a picnic on homecoming weekend after the football game.

Mr. Bishop stated that the Planning Board Engineer and Attorney are recommending updates to the site plan and subdivision checklists. A Community Impact Statement is needed for some of the larger applications. Mr. McMillan suggested that applicants provide references from other municipalities in which they have done work.

Mr. Bascom stated that the Township's hazardous mitigation grant applications have been submitted to the State. The marina dredging bid is on the agenda. Park repairs and pump station repairs continue. Mr. Gadaleta stated that the Shark River Hills First Aid Squad received a \$50,000 grant from the Robin Hood Foundation to be given to people in need in accordance with the Foundation guidelines. Bruno's in Neptune City held a day in which 10% of their proceeds were donated toward Neptune Township relief efforts and \$1,100 was raised. There is an upcoming event at the Headliner and \$10,000 has been donated to date through t-shirt and sweatshirts. A River Concert at the site of the Municipal Marina is planned for June 1st. The Township of Manalapan is providing their concert stage at a reduced cost. Mr. Gadaleta concluded that Home Depot is offering financial assistance with materials and company labor to residents with property damage. Mr. Bishop commented that the new gazebos in Shark River Hills and Ocean Grove look great.

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

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

Personnel – Vacancies on Planning Board, Library Board of Trustees and Environmental/ Shade Tree Commission

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; McMillan, aye; and Houghtaling, aye.

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

The Committee recommended appointing Sharon Davis as a Class IV member to the Planning Board and appointing Tassie York to the Class I position currently held by Ms. Davis. Claudia Mooij was recommended to fill the vacancy on the Library Board of Trustees. The Committee acted on resolutions at the business portion of the meeting.

Mr. Bascom stated that discussions are taking place with the Friends of the Belmar Harbor to temporarily relocate at the Municipal Marina so that they can operate in 2013. The group provides

boating and sailing opportunities to youth.

Mr. Bascom stated that he will prepare a budget presentation for the April 22nd workshop meeting.

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, Kevin B. McMillan, and Mayor Eric J. Houghtaling. Absent: Mary Beth Jahn and Dr. Michael Brantley. (Dr. Brantley voted by phone on Ordinances No. 13-13 and 13-14)

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 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.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. McMillan, to approve the minutes of the meeting held on March 11th. All were in favor.

REPORT OF THE CLERK

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

A copy of a letter from Rosemary Gray thanking the members of the Lambda Omega Omega sorority for their donation of canned goods.

The following individuals and organizations were recently recognized by Rosemary Gray for recent donations to the Senior Center: Cleo Vernon, Rose O'Hern, Estelle Smallwood, Diane Olson, Christopher Gifford, Gwendolyn Vann, Harry Lynch and Joan Orsino, Barbara DeSantis, Eleonore and Harry Merriman, Mary Moore, Marilyn Cole, Don Bartlett, Valerie Sabia, Cheryl Sobolewski, Irene Illes, Joan Hunziker, Ed Wyzykowski, Rita Munn and Barbara Neuman, Forever Young Group, Pearl and Franco Patricio, Louise Bellucci, and Sandra and Michael Fornino.

COMMENTS FROM THE DAIS

Randy Bishop express his sympathies to the family of Silas Crawford who passed away. He stated Mr. Crawford was a fixture on West Lake Avenue and was also the owner of Peoples Barbershop. He went on to state that Mr. Crawford had hopes of West Lake Avenue coming back to the way it was. Mr. Bishop also expressed his condolences to Scott Conover's family as well. He stated Mr. Conover was a member of the Seaview Island Board but he knew him before that because he was also a member of the Monmouth County Housing Alliance and his death was sudden and he would be missed. He went on to state that the Planning Board met and they decided unanimously to approve the changes that were sent over being that they were not in concurrence with the masterplan. He stated they just wanted to make it known that while many towns were actually looking at changes to their masterplan now to address Sandy issues Neptune Township had already anticipated types of changes they would have to make so that when the Planning Board did indeed vote they could easily say it was compliant with the masterplan because it was already specifically spelled out within the masterplan they adopted January 2012. He also stated he was on the Together Campaign with Barbara Burns to help raise money to rebuild the boardwalk, to fix the auditorium roof and they are also looking for money to help restore Thornley Chapel. He went on to state that he was forced to eat dinner at Bruno's to help the recovery along the river. He stated he

had a great time with Roberta Grace and the Mayor.

Kevin McMillan expressed his condolences to the Conover family and thanked Mr. Cuttrell for preparing the proclamation for Silas Crawford. He attended the viewing and presented the proclamation to the family.

Mayor Eric Houghtaling stated he had the opportunity to attend the MURC meeting at First Pentacostal Church. He stated it was the first time he ever attended and he walked away feeling very good. He stated it was a nice night and Pastor Brown did a great job in renovating the building. He also stated that same evening he also had the opportunity to attend the Shark River Hill's homeowners meetings where they had another round of discussions for the school board positions. He stated he attended Bruno's for the fundraiser and the sunrise service that they approved at the last meeting for a park in Shark River Hills. He stated the brand new gazebo was there and at 7:00 in the morning at least 80 people were there and he felt that was a very good sign. He also stated the at the residents in Ocean Grove were really excited and fired up to have that part of town come back from the storm. He stated the Township was with the residents every step of the way. He further stated he had the opportunity to go to the memorial park that's being built on Old Corlies Avenue. Ten trees have been donated and they've selected good spots for them to go. He concluded his comments by say that there were nine ordinances on the agenda for this evening and they were all for the good of the town.

Randy Bishop urged the residents to go out and vote on April 16th for the school board of elections.

PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda. There being no comments, he closed this portion of the meeting.

ORDINANCE NO. 13-06 - ADOPTED

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

ORDINANCE NO. 13-06

AN ORDINANCE AMENDING VOLUME I, CHAPTER XXIII, SECTION 23-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY PROHIBITING THE USE OF TOBACCO PRODUCTS IN PUBLIC PARKS AND RECREATION AREAS AND UPDATING THE LIST OF DESIGNATED PARKS AND PLAYGROUNDS

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

Jack Pensavene stated he felt this was an overreach of government regulations and he did not feel that this ordinance would be easily enforced. He felt this was the same as the ordinance the Committee adopted regarding sagging pants. He felt that they were trying to control a person's choice. He further stated that as long as it was legal they should be allowed to do it and the Township should leave them alone. He stated they were choosing a preference to regulate and the parents should parent.

Mayor Haughtaling stated what he likes about that is that they get to put a sign up that say's the park is a smoke free, tobacco free facility and an officer will not be their to monitor it. Hopefully people who follow the law will see it and follow it. To get rid of the tobacco in a public place would be littering and against the law. He went on to state that recently they made a presentation about all of the cigarette butts that were picked up throughout the town and in our parks. He stated they were not trying to regulate anything or anyone but the young people need to see the adults not smoking.

Mr. McMillan informed Mr. Pensavene that he comes to the Township Meetings informing them of areas in need of cleaning and what the Township is trying to do is increase awareness and keep the parks clean at the same time.

Mr. Pensavene stated he did not see the benefit of this ordinance and he did not feel that they would be able to enforce it.

Donna Drummond stated the main thing is not to be modeling smoking in front of children and the less they see the better because we do not want them to initiate smoking.

Mr. Bishop stated he was highly allergic to cigarette smoke and it doesn't matter whether it is

outdoors. He stated he did believe in second hand smoking and there were a lot of young lungs that were developing and should not be exposed to it in places that they should be having a good time.

Mr. McMillan stated Mr. Pensavene mentioned something about bagging pants even though it has nothing to do with this ordinance. He stated even though Mr. Pensavene thought it might be far reaching to him they just wanted to make it known that it's not a reflection that we want as far as Neptune.

Hank Coakley stated he hoped the Committee would vote against this ordinance. He did not want the taxpayers money wasted on this ordinance. He felt there were other things that were more important and that the parents should be the role models. He stated this would only affect law abiding citizens and urged them to enforce the ordinances they already have.

Rachel Mener stated she worked for the American Cancer Society and stated enforcement was not an issue and it would not be taxing to the police department and it really was self enforcement and that smoking in public was not acceptable. She stated the signage would be giving to the Township for free and would not take money away from the taxpayers.

Tassie York commended the Committee for this ordinance and she felt that people should be educated regarding smoking. She stated as responsible parents they should not want smoking around their children because it hurts everyone.

Charles Layton stated the United States has done a marvelous job in cutting down smoking by doing health warnings, taxes and ordinances such as this.

Jack Braeden stated he does not smoke and does not want anyone smoking in a public park. He stated he was in support of this ordinance.

Daniel Berkowitz stated statistics showed that there was still exposure to smoke even if it was on the outside.

Heinz Weck questioned why they did not say smoking in the ordinance.

Mr. Bishop stated because it included all tobacco products.

Mr. Cuttrell stated smoking was mentioned in the ordinance.

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

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

ORDINANCE NO. 13-07 - ADOPTED

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

ORDINANCE NO. 13-07

AN ORDINANCE AMENDING VOLUME I, CHAPTER XIII, SECTION 13-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY PROHIBITING THE EXCAVATION OF STREETS IN THE OCEAN GROVE HISTORIC DISTRICT BETWEEN MAY 1ST AND SEPTEMBER 15TH

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

Barbara Burns, 4 Ocean Avenue, asked what happens in the event of an emergency. Mr. Bishop stated that there are provisions in the ordinance to cover emergency situations.

Kennedy Buckley, Broadway, stated that this ordinance was long overdue.

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

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

ORDINANCE NO. 13-08 - ADOPTED

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

ORDINANCE NO. 13-08

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON EMBURY 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; McMillan, aye; and Houghtaling, aye.

ORDINANCE NO. 13-09 - ADOPTED

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

ORDINANCE NO. 13-09

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A NO PARKING ZONE ON BOTH SIDES OF HECK AVENUE WITHIN 100 FEET OF THE CENTER OF THE INTERSECTION WITH ROUTE 35

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; McMillan, aye; and Houghtaling, aye.

ORDINANCE NO. 13-10 - ADOPTED

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

ORDINANCE NO. 13-10

AN ORDINANCE VACATING DEDICATED BUT UNIMPROVED STREETS IN THE TOWNSHIP OF NEPTUNE KNOWN AS A PORTION OF PARK PLACE AND A PORTION OF SOUTH RIVERSIDE DRIVE

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; McMillan, aye; and Houghtaling, aye.

ORDINANCE NO. 13-11 - ADOPTED

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

ORDINANCE NO. 13-11

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE VOLUME II, SECTION 201 ENTITLED "DEFINITIONS" AND SECTION 419 ENTITLED "FLOOD HAZARD REGULATIONS"

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

Hank Coakley, Valley Road, asked where he could get copies of the ordinance. Mr. Cuttrell

stated that it was published in the Coaster, is available on-line, or can be obtained through his office.

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

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

ORDINANCE NO. 13-12 - ADOPTED

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

ORDINANCE NO. 13-12

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XIX OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE ENTITLED "FLOOD DAMAGE PREVENTION"

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, adding his thanks to the Recovery Action Committee; McMillan, aye, adding the same sentiments as Mr. Bishop; and Houghtaling, aye.

Dr. Brantley called in via conference call to participate in the discussion and vote on Ordinances 13-13 and 13-14.

ORDINANCE NO. 13-13 - ADOPTED

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

ORDINANCE NO. 13-13

BOND ORDINANCE PROVIDING FOR VARIOUS 2013 IMPROVEMENTS TO PARKS AND OTHER TOWNSHIP FACILITIES, INCLUDING IMPROVEMENTS TO JUMPING BROOK BALLFIELDS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$390,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$250,000) AND AUTHORIZING THE ISSUANCE OF \$133,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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; McMillan, aye; and Houghtaling, aye.

ORDINANCE NO. 13-14 - ADOPTED

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

ORDINANCE NO. 13-14

BOND ORDINANCE PROVIDING FOR VARIOUS 2013 ROADWAY AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,500,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$248,700) AND AUTHORIZING THE ISSUANCE OF \$1,188,735 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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; McMillan, aye; and Houghtaling, aye.

The conference call with Dr. Brantley was terminated.

ORDINANCE NO. 13-15 - APPROVED

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

ORDINANCE NO. 13-15

AN ORDINANCE TO ADD VOLUME I, CHAPTER VII, SECTION 7-10A OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO PROHIBIT THROUGH TRAFFIC ON MONROE AVENUE AT STATE HIGHWAY 35

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

Mr. Cuttrell stated that the Public Hearing on Ordinance 13-15 will be held on Monday, April 22, 2013.

CONSENT AGENDA

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

AUTHORIZE THE TOWNSHIP OF NEPTUNE AND THE NEPTUNE JOINT VETERANS ASSOCIATION TO CO-SPONSOR A MEMORIAL DAY PARADE

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

1. Permission is hereby granted to conduct the annual Memorial Day Parade, co-sponsored by the Township of Neptune and the Neptune Joint Veterans Association, to be held on Monday, May 27, 2013.
2. An expenditure not to exceed \$1,500 for costs associated with the parade.
3. Funds for this purpose are available in the appropriation entitled Celebration of Public Events and the Chief Financial Officer has so certified in writing.
4. A copy of this resolution shall be forwarded to the Parade Committee, Director of Public Works and the Chief of Police.

AUTHORIZE THE OCEAN GROVE CAMP MEETING ASSOCIATION'S ANNUAL INDEPENDENCE DAY PARADE

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

1. Permission is hereby granted for Ocean Grove Camp Meeting Association to hold their annual Independence Day Parade on Wednesday, July 4, 2013.
2. Temporary no parking will be designated from 7:00 A.M. to 1:00 P.M. on July 4, 2013 on the following streets:

Both sides of Whitefield Avenue from Stockton Avenue to Main Avenue
Both sides of westbound Ocean Pathway from Central Avenue to Ocean Avenue
West side of Central Avenue from westbound Ocean Pathway to McClintock Street
3. A contribution in the amount of \$1,000.00 toward expenses incurred in connection with the parade is hereby authorized.
4. Funds for this purpose are available in the appropriation entitled Celebration of Public Events and the Chief Financial Officer has so certified in writing.

5. A copy of this resolution shall be forwarded to the Parade Committee, Ocean Grove Camp Meeting Association, Director of Public Works and the Chief of Police.

RECLASSIFY JOSEPH MULLEN AS A PERMANENT FULL-TIME DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Joseph P. Mullen was hired as a Driver in the Department of Public Works on September 10, 2012; and,

WHEREAS, he has performed his duties in a satisfactory manner and the Public Works Director has recommended that he be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Joseph P. Mullen be and he is hereby reclassified as a permanent full-time Driver effective immediately; and,

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

AMEND RESOLUTION #13-169

WHEREAS, on March 25, 2013, the Township Committee adopted Resolution #13-169 which authorized the employment of six on-call/part-time Custodians in the Building Maintenance Department; and,

WHEREAS, the hourly salary in Resolution #13-169 was incorrectly stated; and,

WHEREAS, funds will be provided for the first four 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 Resolution #13-169 be and is hereby amended to reflect an hourly salary of \$18.54 for the employment of on-call/part-time Custodians; and,

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

GRANT SOCIAL AFFAIR PERMIT TO RICHARD S. BASCOM SCHOLARSHIP FUND

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of the Richard S. Bascom Scholarship Fund for a social affair permit at The Headliner, Route 35, on May 18, 2013 from 2:00 P.M. to 6:00 P.M.

REEMPLOY THOMAS GRODESKA AS A DRIVER IN THE DEPARTMENT OF PUBLIC WORKS FOLLOWING RETURN FROM ACTIVE DUTY WITH THE U.S. ARMY

WHEREAS, Thomas Grodeska, Driver in the Department of Public Works, is returning from active duty with the United States Army; and,

WHEREAS, in accordance with The Uniformed Services Employment and Reemployment Rights Act of 1994, returning service members are to be reemployed in the job that they would have attained had they not been absent for military service with the same seniority, status and pay; and,

WHEREAS, Thomas Grodeska has requested reemployment effective April 15, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Thomas Grodeska be and is hereby reemployed as a Driver in the Department of Public Works at his same seniority, status and pay effective April 15, 2013; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby offers its appreciation to Thomas Grodeska for his service to our Country and extends a warm welcome back to the Neptune Township family; and,

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

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE AFFECTING BLOCK 189, LOT 14.02 (1822 SUMMERFIELD AVENUE)

WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to endorse for cancellation the Tax Title Lien Certificate affecting Block 189, Lot 14.02 (1822 Summerfield Avenue); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

ACCEPT PERFORMANCE GUARANTEE FILED BY PUCCICO REALTY ASSOCIATES, LLC FOR SITE IMPROVEMENTS AT WAWA (HIGHWAY 33 & 35)

WHEREAS, Puccico Realty Associates, Inc. has filed performance bond FP0019884, written by First Indemnity of America Insurance Company in the amount of \$550,800.00, guaranteeing site improvements at the proposed Wawa convenience store at the intersection of Highway 33 and 35 (Block 201, Lots 24-34 & 36); 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 as follows:

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

PLACE LIEN ON 25 SOUTH RIVERSIDE DRIVE

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

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

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

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

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
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BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

AUTHORIZE THE SUBMISSION OF A GRANT APPLICATION TO THE ASSOCIATION OF NEW JERSEY ENVIRONMENTAL COMMISSIONS

WHEREAS, the Neptune Township Environmental/Shade Tree Commission desires to submit an application to the Association of New Jersey Environmental Commissions (ANJEC) for grant funding to reconstruct the planting beds at Riverside Park that were destroyed by salt water flooding during Hurricane Sandy; and,

WHEREAS, Commission members will design and provide recommendations for replacement of trees and shrubs that will have a better survival rate in the event of another coastal flooding event,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission and supports an application by the Environmental/Shade Tree Commission to the Association of New Jersey Environmental Commissions (ANJEC) for a grant up to \$1,500 to reconstruct the planting beds in Riverside Park that were destroyed by Hurricane Sandy; and,

BE IT FURTHER RESOLVED, that the Township Administrator be and is hereby authorized to submit a letter indicating the Township's endorsement of said application and assuring payment of any costs included in the project budget that are above the grant amount; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Environmental/Shade Tree Commission, Township Engineer, Grant Coordinator, Chief Financial Officer and Business Administrator.

EMPLOY ON-CALL PART-TIME YARD ATTENDANTS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a need for additional on-call/part-time Yard Attendants in the Public Works Department; and,

WHEREAS, the position was posted and the Public Works Director has made his recommendations; 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 Joseph Servon, Frank Martuscelli and Nicholas Pasquella be and are hereby employed as on-call/part-time Yard Attendants in the Department of Public Works effective April 9, 2013, pending results of the required physical examination as applicable, at an hourly salary of \$13.18; and,

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

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH THE OCEAN GROVE CHAMBER OF COMMERCE VINTAGE AUTO DISPLAYS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled two vintage auto displays for Saturday, May 18, 2013 and Saturday, September 21, 2013, on Main Avenue in Ocean Grove; and,

WHEREAS, it is necessary to designate temporary no parking and close two blocks of Main Avenue and two blocks of Pilgrim Pathway prior to and during the events; and,

WHEREAS, the Police Department has reviewed and approved these closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary closure and posting of temporary no parking on Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Olin Street from 7:00 A.M. to 6:00 P.M. on Saturday, May 18, 2013 and Saturday, September 21, 2013; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. Zarro, Director of Public Works, Fire Inspector, Business Administrator, and Ocean Grove Chamber of Commerce.

AUTHORIZE THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION TO CONDUCT MOSQUITO CONTROL MEASURES AS NECESSARY

WHEREAS, the Monmouth County Mosquito Extermination Commission has requested authorization to apply pesticides from aircraft to control mosquitoes over portions of the County of Monmouth and possibly the Township of Neptune; and,

WHEREAS, it is this Committee's understanding that all pesticides used are only those approved for aerial application by the New Jersey Department of Environmental Protection and the United States Environmental Protection Agency; and,

WHEREAS, the areas to be treated are only those which have significantly high mosquito populations to be either a nuisance or health hazard; and,

WHEREAS, prior to each and every application, the Monmouth County Mosquito Extermination Commission further agrees to notify the Neptune Township Police Department;

THEREFORE, BE IT RESOLVED, that the Mayor and Clerk are hereby authorized to execute an agreement authorizing the Monmouth County Mosquito Extermination Commission to apply pesticides from aircraft for the year 2013, pursuant to the conditions of this resolution; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Mosquito Extermination Commission, the Neptune Township Police Department, and the Business Administrator.

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH THE OCEAN GROVE CHAMBER OF COMMERCE FLEA MARKETS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled two annual flea markets for Saturday, May 31, 2013 and Saturday, September 6, 2013, on Ocean Pathway in Ocean Grove; and,

WHEREAS, it is necessary to designate no parking areas and close certain streets prior to and during the events; and,

WHEREAS, the Police Department has reviewed and approved these closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets:

- 1) Both sides of west bound and east bound Ocean Pathway from 9:00 P.M. on Friday, May 31, 2013 until 6:00 P.M. on Saturday, June 1, 2013 and from 9:00 P.M. on Friday, September 6, 2013 until 6:00 P.M. on Saturday, September 7, 2013.
- 2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, May 31, 2013 until 6:00 P.M. on Saturday, June 1, 2013 and from 9:00 P.M. on Friday, September 6, 2013 until 6:00 P.M. on Saturday, September 7, 2013.
- 3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway from 9:00 P.M. on Friday, May 31, 2013 until 6:00 P.M. on Saturday, June 1, 2013 and from 9:00 P.M. on Friday, September 6, 2013 until 6:00 P.M. on Saturday, September 7, 2013.
- 4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway from 9:00 P.M. on Friday, May 31, 2013 until 6:00 P.M. on Saturday, June 1, 2013 and from 9:00 P.M. on Friday, September 6, 2013 until 6:00 P.M. on Saturday, September 7, 2013.

BE IT FURTHER RESOLVED, that Beach Avenue as stated in Section 2 will also be closed to vehicular traffic from 5:00 A.M. to 6:00 P.M. on Saturday, June 1, 2013 and Saturday, September 7, 2013; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. Zarro, Director of Public Works, Ocean Grove Fire Official, Business Administrator, and Ocean Grove Chamber of Commerce.

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION WITH A REGIONAL CONTRIBUTION AGREEMENT REHABILITATION PROJECT

WHEREAS, the Township of Neptune holds a mortgage dated March 30, 2007 in connection with a Regional Contribution Agreement rehabilitation project at 115 Anelve Avenue; and,

WHEREAS, six full years has passed since the date of the mortgage and the property remains in the ownership of the borrowers; and;

WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage note,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection with the Regional Contribution Agreement rehabilitation project at 115 Anelve Avenue; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the RCA Attorney.

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 014

WHEREAS, Aiman Mohamed is the owner of Neptune Township Taxi Medallion No. 014; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Ihab Elwan; 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. 014 to Ihab Elwan; and,

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

GRANT SOCIAL AFFAIR PERMIT TO SHARK RIVER HILLS FIRST AID SQUAD

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of the Shark River Hills First Aid Squad for a social affair permit at Riverside Park/Shark River Municipal Marina, 155 South Riverside Drive, on June 1, 2013 from 12:00 P.M. to 5:00 P.M.

The resolutions of the Consent Agenda were approved on the following vote: Bishop, aye, except abstain on the resolution involving the Ocean Grove Chamber of Commerce; McMillan, aye, Houghtaling, aye. (Mr. Anthony indicated that Mr. Bishop's abstentions are counted as affirmative votes because the abstentions were not due to economic reasons)

AWARD BID FOR PIPELINE VIDEO INSPECTION SYSTEM

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

WHEREAS, on March 21, 2013, the Purchasing Agent received bids for the award of a contract for a pipeline video inspection system; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by W.E. Timmerman, Inc.; 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. 11-33 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 W.E. Timmerman, Inc. on their lowest responsible base bid of \$167,600.00 plus options of \$29,075.00 for a total bid of \$196,675.00 to supply a pipeline video inspection system; 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 Public Works Director.

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

AWARD BID FOR SKID STEER LOADER

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

WHEREAS, on April 3, 2013, the Purchasing Agent received bids for the award of a contract for a skid steer loader; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Garden State Bobcat, Inc; 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. 12-16 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 Garden State Bobcat, Inc. on their lowest responsible bid of \$51,479.00 for Bobcat S590 skid steer loader; 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 Public Works Director.

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

AWARD BID FOR DREDGING OF THE SHARK RIVER MUNICIPAL MARINA

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

WHEREAS, on March 21, 2013, the Township Engineer received bids for the award of a contract for dredging of the Shark River 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 D&J Mazza; 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 Special Emergency Appropriation – Marina Utility 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 D&J Mazza on their lowest responsible bid of \$405,000.00 for dredging of the Shark River 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; McMillan, aye; and Houghtaling, aye.

The Mayor announces the following appointment to the Board of Library Trustees:

Claudia Mooij to an unexpired five-year term.

CONFIRM MAYOR'S APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES

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

BE IT RESOLVED, that the Township Committee hereby confirms the Mayor's appointment of Claudia Mooij as a member of the Board of Library Trustees for an unexpired five year term expiring December 31, 2016; and,

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

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

The Mayor announces the following appointment to the Planning Board:

Sharon Davis as a Class IV member for an unexpired four year term.

Tassie York as the Class I member for an unexpired one year term.

CONFIRM MAYOR'S APPOINTMENTS TO THE PLANNING BOARD

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

WHEREAS, there exists a vacancy in the position of Class IV member to the Planning Board,

THEREFORE, BE IT RESOLVED, that the Township Committee hereby confirms the Mayor's appointment of Sharon Davis as a Class IV member to the Neptune Township Planning Board for an unexpired four year term expiring December 31, 2016; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby confirms the Mayor's appointment of Tassie York as the Class I member to the Planning Board (vacancy created by the appointment of Sharon Davis to a Class IV member) for an unexpired one year term expiring December 31, 2013; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution will be forwarded to the Administrative Officer of the Neptune Township Planning Board.

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	311,136.66
FEDERAL & STATE GRANT FUND	38,551.41
TRUST OTHER	7,827.27
GENERAL CAPITAL FUND	20,828.75
SEWER OPERATING FUND	9,302.34
SEWER CAPITAL FUND	131,613.00

MARINA OPERATING FUND	26,287.88
MARINA CAPITAL FUND	1,600.00
DOG TRUST	40.20
UDAG RECIPROCAL	20,000.00
LIBRARY TRUST	1,843.91
BILL LIST TOTAL	\$569,031.42

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; McMillan, aye; and Houghtaling, aye.

AUTHORIZE ADDENDUM TO SETTLEMENT AGREEMENT WITH TRAVELERS INDEMNITY CO., OVER DEFAULT AND DEMAND FOR REPAIRS AND PAVING OF ROADWAYS LOCATED AT FAIRWAYS AT HERITAGE ESTATES

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

WHEREAS, Neptune Township approved for development certain real estate owned by Dykeman Associates ("Developer"), namely a certain subdivision commonly referred to as "The Fairways at Heritage Estates; and,

WHEREAS, as a condition of subdivision approval, Neptune Township's Planning Board required that the Developer post performance guarantees for completion of the site improvements within the development; and,

WHEREAS, a performance bond was issued on behalf of the Developer, initially by Gulf Insurance Co., later Travelers Indemnity Co., as the successor in interest for Gulf Insurance Co., in the amount of Five Hundred and Forty-Nine Thousand, Three Hundred and Sixty-Three Dollars and Sixty Cents (\$549,363.60), under Bond No. 038-SB-B21842270; and,

WHEREAS, as a result of the Developer's failure to complete roadway improvements, a Notice of Default and Demand for performance was issued by the Township Attorney, Gene J. Anthony, Esq., by letter to Travelers Indemnity Co., on June 27, 2012, copying the Developer, Dykeman Associates, as being in default; and,

WHEREAS, on March 25, 2013, the Township Committee passed a resolution authorizing execution of a Settlement Agreement with Travelers Indemnity Co. whereby Travelers Indemnity Co. will pay for the cost of repair and paving of roadways and other improvements; and,

WHEREAS, upon notification to homeowners within the development of the trees and shrubs to be planted certain homeowners have contacted the Township and/or Travelers stating that they do not want the plantings on their property; and,

WHEREAS, Travelers has agreed to deliver to the Township Department of Public Works the remaining trees and/or shrubs that remain unplanted within the development as a result of the homeowners indicating that they do not want the trees and/or shrubs,

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 Mayor and Clerk to execute an Addendum to the Settlement Agreement between Travelers Indemnity Co. and Neptune Township with regard to the default of Dykeman Associates with regard to the subdivision commonly referred to as "The Fairways at Heritage Estates," to indicate the disposition of trees and/or shrubs not desired by a homeowner

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

The resolution was adopted on the following vote: Bishop, aye; McMillan, abstain; and Houghtaling, aye. (Mr. Anthony indicated that Mr. McMillan's abstention is counted as an affirmative vote because the abstention was not due to economic reasons)

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Tassie York, stated she lived on Eleventh Avenue in Neptune and there is a store on the corner of Ninth Avenue and there's a lot of drug activity going on there. She stated she really wished that people would start paying attention because the children cannot play freely at the park because there's so much drug activity on. She stated she took her granddaughter to the park and she did not stay for five minutes because it was so apparent what they were doing and during that small time she witnessed at least five drug transactions. She stated she felt that something should be done about this and suggested more police presence in the area.

Dan Lehman, 107 Wilson Road questioned whether the Township had any plans to do anything with the wooded area near his home because there were fallen and leaning trees that were very unsightly. He stated the leaning and down trees were a result of Hurricane Sandy.

Mr. Gadaleta stated the action after the storm was to take out the hazardous trees. He stated he was familiar with the wetlands area and the engineer has been out there and currently there were no plans to remove any additional trees at this time but he assured him that he could have the engineer and environmental specialists come out again.

Mr. Bishop questioned since it was wetlands do they even have the ability to remove trees from it.

Mr. Gadaleta stated there was discussion of possibly going back in there and replanting. He said again that's something they could work with the environmental and shade tree commissions. He informed Mr. Lehman that they would certainly get back in touch with him.

Patrick Dougherty, Cedercrest Drive, discussed matters involving State government.

Gail Oliver, Neptune City thanked the Mayor, Kevin McMillan and Randy Bishop for hanging the pictures up outside of the Committee room. She stated those pictures were presented to them, as well as Ermon Jones and Edith Douglas during the earlier years of their Black History Month Celebration Activities. She also stated she spoke with Randy Bishop regarding the trees and streetlights along the 3 ½ block of West Lake Avenue.

Mr. Bishop stated he had an answer and she was not going to like it. He stated Leanne Hoffman looked into it and the original grant was not funded at the full amount.

Mr. Bascom stated the original request was in excess of a million dollars.

Mr. Bishop stated there were things that had to be cut but assured her that the lighting could be done at a later date.

Jack Pensabene, 1306 9th Avenue, questioned how could he find out who owned the property along Ninth Avenue and Memorial.

Mayor Houghtaling suggested he come down town.

Mr. Gadaleta stated he discussed this at the last meeting and the next morning he went to Code Enforcement and gave them the information and they went out and inspected and gave violation notices for cleaning up the property. He stated his concerns were being addressed.

Mr. Pensabene also questioned whether the property that was being demolished along Route 35 and Tenth Avenue was being demolished by the Township or a private owner.

Mr. Gadaleta stated that was being done by WaWa.

Dianna Harris, 17 Willow Dr. stated she felt the tobacco ordinance would be just as unenforceable as the skate boarding ordinance because people were being dropped off by the truck load with their dirt bikes and skateboard with little regard for the small children in the park. She asked if the police could stop and ask them to leave whenever they were driving by and notice the skating and biking going on.

Mr. Bishop requested the residents call into the Township whenever they notice these things going on because they can also help enforce the ordinance.

Vito Gadaleta stated he would follow up with the Chief of Police.

Jack Braeden discussed the area in need of redevelopment on the north end of Ocean Grove. He also discussed the difference between land that was reserved and land that was zoned. He felt the Committee should put this matter on their agenda and discuss it.

Warren Lapp, Brighton Avenue, stated there was disappointment in the hills because this week code enforcement came out and was over zealous with handing out violations. He questioned why were they picking on people in the hills that were out of their homes for months.

Mayor Houghtaling stated something definitely went wrong and its been addressed.

Mr. Gadaleta stated he received calls at his home regarding this and he's also learned that there are scavengers taking things and throwing things in the street. He stated he will be addressing this with the Chief of Police. He went on to inform Mr. Lapp that they were revamping their documentation so they will not be seeing violation notices going out. He also gave Stever Frencher and explanation regarding the leaves today.

Mr. Bishop stated he felt that letters should go out to the residents that received violations and they should be offered an apology.

Mr. Gadaleta stated he could obtain the list and assured him that it would be addressed.

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

Richard J. Cuttrell,
Municipal Clerk