

TOWNSHIP COMMITTEE MEETING – DECEMBER 9, 2013

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

Also present at the dais were Richard J. Cuttrel, Municipal Clerk; Vito D. Gadaleta, Township Administrator; 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. Anthony stated that he sent a letter to the County Prosecutor to investigate the matter of the submittal of a petition against the rent control ordinance that contained forged signatures. The matter was assigned to a Detective and he will be interviewing individuals who apparently did not sign the petition. Mr. Anthony added that he has not received any further updates. The Mayor stated that he seems like this matter is fading away and he wants to ensure that something is done about it. Mr. Anthony stated that he believes the Prosecutor's Office is responding well and this is an active investigation. He will continue to follow-up on the matter.

Mr. Bishop asked for an update on the light pole down at Broadway and Lawrence. Mr. Gadaleta stated that he received no definitive answer from Jim Markey, JCP&L representative. He added that a new fixture will be installed at Boswell Park and he is following up on the lights on the bridges between Ocean Grove and Asbury Park.

Mr. McMillan asked for an update on the drainage issue at 1905 Bradford Avenue. Mr. Gadaleta will get an update.

Mr. Bishop stated that the lights are out along Wesley Lake to the east of the second footbridge. Neighbors indicate that in the past, something shakes loose and all of the lights go out.

Mr. Gadaleta stated that he is hopeful that Verizon will provide a resolution to the lack of an emergency access on Rhodes Terrace.

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:

Employee Personnel Hearing
Personnel – Recommendations for hiring to vacant positions
Potential Litigation – Responsible Contractor/quality assurance policy/ordinance
3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.
4. This Resolution shall take effect immediately.

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

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

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

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

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

After a moment of Silent Prayer, the following students from Mrs. East's 3rd grade class at Shark River Hills Elementary School led the Flag Salute: Logan Allen, Aidan Bell, Patrick Gallagher, Cameron Hughes, Katelynn Norris, Kevin O'Neil, Aimee Robinson, Jo'Ani Rodriguez, Ava Schwartz, John Paul Sferra, Emma Shropshire, Jack Tinik and Matthew Vergari.

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.

REPORT OF THE CLERK

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

Senior Center monthly statistics for November and copies of thank you notes sent to the Senior Center staff from Frances Pettit and Louise Robinson.

Rosemary Gray sent letters of thanks to the following for providing seminars or donations to the Senior Center: Wegmans, Louise Robinson, Frances Pettit, Joan and Alfred Keleigh, Ellen and Benjamin Famiglietti, Neptune Township FOP Lodge 19, Dr. and Mrs. Milford Panzer, Edgar Halpin, Jill Imperial, Joan and Anthony Cruz, Donna Jernee, Theresa Repetti, Dolly and Richard Driscoll, Beatrice O'Neill, Daiana Rios, Ronald Artz, and Molly Berkowitz.

COMMENTS FROM THE DAIS

Randy Bishop stated he attended the tree lighting ceremonies around town and they were all great. He also attended the Senior Center Thanksgiving dinner and the Ocean Grove Citizen Patrol dinner. He attended the streets of Bethlehem at West Grove Methodist Church, it was an incredible evening. He commended the Mayor for having the students from Mrs. East's class present this evening. He also commended the students who came to lead them in the pledge of allegiance tonight.

Ms. Jahn congratulated Mrs. East's class for leading them in the pledge of allegiance tonight. She stated her mother has finally become a full time resident of Neptune. She congratulated the Ocean Grove Citizen Patrol on their dinner as well as Shark River and MURC on their tree lighting.

Mr. McMillan thanked Mrs. East's class for coming out tonight. He felt they did a wonderful job. He stated he also attended the Senior Center Thanksgiving dinner as well and it was great. He attended the Mid-Town tree lighting. He attended the Ocean Grove Citizen Patrol dinner and he had a great time there as well.

Dr. Michael Brantley commended the students for coming to the meeting and also for doing the flag salute. He stated he also attended the MURC tree lighting ceremony and the MC made it very festive and entertaining.

Mayor Houghtaling stated he attended many tree lighting ceremonies and they all were very festive and it was a great start to the holiday season. He also stated that tonight the Scarlet Fliers competitive cheerleading squad was leaving for the national finals in February. He wished them well. He also stated that on tonight's agenda they would have a resolution urging motorists to drive sober or get pulled over. He stated they were being more aggressive with speeding in residential neighborhoods.

Mr. McMillan offered a motion, seconded by Mr. Bishop, to take a five minute recess to allow time for pictures with the students. All were in favor.

Mr. Bishop offered a motion, seconded by Mr. McMillan, to reopen the meeting. All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda and they were as follows:

Dorothy Argyros, 2100 Rutherford Avenue, stated that there is no statement of need in the resolutions to authorize the purchase of equipment. She asked if the 2014 marina rates were an increase over 2013. Mr. Cuttrell responded that the rates are the same as in 2013.

Michael Fornino, 120 Fulham Place, stated that there is a pending bill in the State legislature to restrict individuals from registering a vehicle if they have a DWI conviction. He asked if the resolution authorizing the purchasing of vehicles was replacing existing vehicles. The Mayor stated that the dump truck replaces an existing truck and the new truck will have a plow. Mr. Fornino stated that there are more police vehicles than the number of police officers. Mr. Bishop stated that some of the those vehicles are no chase worthy and the three vehicles being purchased tonight will replace existing vehicles.

ORDINANCE NO. 13-43 - APPROVED

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

ORDINANCE NO. 13-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING A HANDICAPPED PARKING ZONE ON BEACH AVENUE

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

ORDINANCE NO. 13-44 - APPROVED

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

ORDINANCE NO. 13-44

AN ORDINANCE VACATING DEDICATED BUT UNIMPROVED STREETS IN THE TOWNSHIP OF NEPTUNE KNOWN AS A PORTION OF HIGHLAND AVENUE AND MAGNOLIA STREET

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

ORDINANCE NO. 13-45 - APPROVED

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

ORDINANCE NO. 13-45

AN ORDINANCE CREATING AND SETTING THE SALARY RANGE FOR NEW JOB TITLES AND AMENDING THE SALARY RANGES FOR ALL OTHER EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH

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

McMillan, aye; and Houghtaling, aye.

ORDINANCE NO. 13-46 - APPROVED

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

ORDINANCE NO. 13-46

ORDINANCE AUTHORIZING DEED OF DEDICATION AND AGREEMENT WITH NEPTUNE TOWNSHIP BOARD OF EDUCATION FOR BLOCK 344, LOTS 46-54 AND BLOCK 342 LOTS 11-18 AND 24

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

ORDINANCE NO. 13-47 - APPROVED

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

ORDINANCE NO. 13-47

AN ORDINANCE TO AUTHORIZE INSTALLATION OF DARK FIBER-OPTIC CABLE AND OTHER TELECOMMUNICATIONS RELATED FACILITIES BY CROSS RIVER FIBER, INC., ("CROSS RIVER") OVER THE PUBLIC RIGHTS-OF-WAY

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 13-43 through 13-47 will be held on Monday, December 23, 2013.

CONSENT AGENDA

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

SUPPORT THE "DRIVE SOBER OR GET PULLED OVER YEAR END HOLIDAY CRACKDOWN"

WHEREAS, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and,

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol related; and,

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and,

WHEREAS, the holiday season, and New Year's Eve in particular, are traditionally times of social gatherings which include alcohol; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the *Drive Sober or Get Pulled Over Year End Holiday Crackdown*; and,

WHEREAS, the project will involve increased impaired driving enforcement from December 6, 2013 through January 2, 2014; and,

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its support for the *Drive Sober or Get Pulled Over Year End Holiday Crackdown* from December 6, 2013 through January 2, 2014 and pledges to increase awareness of the dangers of drinking and driving; and,

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

Deputy Chief of Police and Sgt. Michael Zarro.

ADOPT 2014 RATES FOR THE MUNICIPAL MARINA

BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves the following Marina Rate Schedule effective immediately and in effect until otherwise amended by subsequent resolution of the Township Committee:

a. Summer Dockage (April 1st to December 1st)

<u>SLIP SIZE</u>	<u>SEASON RATE</u>	<u>LENGTH OVERAGE RATE</u>
18'	\$1,485.00	\$82.50/ft over 18 ft but less than 23 ft
20'	1,650.00	82.50/ft over 20 ft but less than 23 ft
21'	1,732.50	82.50/ft over 21 ft but less than 23 ft
23'	2,035.50	88.50/ft over 23 ft but less than 26 ft
25'	2,212.50	92.00/ft over 25 ft but less than 30 ft
28'	2,576.00	92.00/ft over 28 ft but less than 30 ft
30'	2,880.00	96.00/ft over 30 ft but less than 36 ft

Note: For boats ranging in length from 36 feet to 40 (Maximum 42 FT) feet the Summer Dockage Rate shall be calculated at \$98.00 per foot. For boats 41 feet in length or greater the Summer Dockage Rate shall be calculated at \$100.00 per foot.

25% deposit is due no later than December 15th of prior season. If deposits are not received by December 15th, the slip will be considered vacant and available for lease. Payment in full is due no later than March 31st. Late fee of 1.5% per month will be charged after April 1st.

b. Daily Dockage/Transient Rate

Per day/night: \$4.00 per foot per day/night. If electric service is connected, a \$5.00 daily fee will be charged.

Per month: \$25.00 per foot per month.

c. Boat ramp

Daily - One boat or PWC - \$10.00 single use/\$20.00 round trip
Daily - Two PWCs same trailer - \$10.00 single use/\$20.00 round trip
Annual (paid on or before March 15th) - One boat or PWC - \$170.00 unlimited use
Annual (paid on or before March 15th) - Two PWC's same trailer - \$195.00 unlimited use
Annual (after March 15th) - One boat or PWC - \$215.00 unlimited use
Annual (after March 15th) - Two PWC's same trailer - \$240.00 unlimited use
No prorated fees will be charged after March 15th.

d. Dry Winter storage

Dry winter storage (September 15th to May 15th) with customer trailer -\$25.00 per foot (plus sales tax) payable to Neptune Township. If the travel lift is utilized, the rate will be \$35.00 per foot (plus sales tax) made payable to Neptune Township to include hauling, blocking, power washing and spring launch.

A 25% deposit is due upon execution of the winter storage contract. Full payment is due no later than November 30th. Late fee charged after December 1st.

e. Wet winter storage

Wet winter storage (December 1st to March 15th) - \$25.00 per foot made payable to Township of Neptune.

25% deposit due upon execution of customer contract. Full payment is due no later than November 30th. Late fee charged after December 1st.

f. Miscellaneous fees

1. Dry Land Storage (on trailer with ramp access) from April 1st to December 1st - \$37.00 per foot.
2. Slip Transfer Fee (after April 1st) - \$50.00
3. Trailer Storage - \$250.00 per season from April 1st to December 1st. All trailers must be removed by December 1st.
4. Kayak/Canoe Storage - \$250.00 per season from April 1st to December 1st. \$80.00 for winter season December 1st to April 1st. \$300.00 for 12 month storage.

g. Winter Storage Overdue Fees

Any boat in the water after December 1st without a storage contract will be charged \$4.00 per foot per day.

h. Launching/Haul-out fees (based on length overall)

Launch from trailer/haul-out to trailer -	\$6.50 per foot
Short haul-out (slings) -	\$5.00 per foot/per hour
Haul-out and blocking (including re-launch) -	\$12.00 per foot
Emergency haul-out/blocking -	\$17.00 per foot

i. Land Storage

Short term land storage (up to 14 days) -	\$20.00 per day
Short term land storage (15 to 30 days) -	\$25.00 per day
Daily land storage (more than 30 days) -	\$5.00 per foot/per day

j. Late fees

Any balance due after the deadline date for storage and dockage will be charged a late fee at an annualized rate of 18% (1.5% per month).

k. Prorated fees

Prorated fees shall be offered to **NEW CUSTOMERS ONLY** and are calculated daily based on the number of days remaining in the season. Season is defined as April 1 through December 1, consisting of 245 days. Prorated fees will apply to Summer Dockage Slips, Kayak / Canoe Storage only.

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

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

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

WHEREAS, Block 197.01, Lot 4, with an address of 162 Myrtle Avenue is included in the properties bound by said mortgage; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute a Release of Part of Mortgaged Property to release Block 197.01, Lot 4, with an address of 162 Myrtle Avenue, from the properties bound by the existing mortgage dated April 8, 2009 in the amount of \$400,000.00; and,

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

AMEND THE SALARY OF WILLIAM DOOLITTLE DUE TO AWARD OF PROFESSIONAL CERTIFICATION

WHEREAS, the Township Committee continues to encourage its employees to attend classes and seminars and obtain certifications in their respective field of study; and,

WHEREAS, the Township Committee awards an additional \$1,000 in annual compensation to any employee obtaining a certification in an area related to their specific job classification up to a maximum of two certifications; and,

WHEREAS, William Doolittle, Construction Official, has earned the designation of Certified Floodplain Manager; and,

WHEREAS, funds for this purpose will be provided in the 2013 municipal budget under the appropriation entitled Construction S&W, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that William Doolittle shall receive an additional \$1,000.00 in annual salary effective December 1, 2013 for receiving the Certified Floodplain Manager designation; and,

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

AMEND HOURLY RATE FOR PART-TIME PLUMBING SUB-CODE OFFICIAL

WHEREAS, on November 6, 2013, the Township Committee adopted Resolution #13-486 which reclassified Rusty Kleiberg as a permanent part-time Plumbing Sub-Code Official in the Construction Office at an hourly rate of \$47.67; and,

WHEREAS, the hourly rate needs to be amended because the employee is no longer entitled to the health insurance opt-out stipend,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #13-486 is hereby amended to reflect that the reclassification of Rusty Kleiberg to permanent part-time status is at an hourly rate of \$46.30; and,

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

AUTHORIZE AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE NEW JERSEY DEPARTMENT OF LABOR & WORKFORCE DEVELOPMENT

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the inclusion of an item of revenue in the budget for the year 2013 in the sum of \$54,970.74 which is now available from the New Jersey Department of Labor & Workforce Development in the amount of \$54,970.74; and,

BE IT FURTHER RESOLVED that the like sum of \$54,970.74 is hereby appropriated under the caption of National Emergency Grant/Monmouth County; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Labor & Workforce Development via the Monmouth County Division of Workforce Development in the amount of \$54,970.74; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

ACCEPT THE RESIGNATION OF ROBERT HOLMES, JR. AS AN ON-CALL YARD ATTENDANT IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has received a letter from Robert Holmes, Jr. resigning as an on-call Yard Attendant in the Department of Public Works effective November 15, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robert Holmes, Jr. as a Driver in the Department of Public Works is hereby accepted effective November 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., Sandra Petersen and Director of Public Works.

RECLASSIFY DAVID TURNER AS A PERMANENT FULL-TIME DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, David Turner was hired as a Driver in the Department of Public Works on July 3, 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 David Turner 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.

AUTHORIZE AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE NEW JERSEY DEPARTMENT OF LAW & PUBLIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the inclusion of an item of revenue in the budget for the year 2013 in the sum of \$9,062.38 which is now available from the New Jersey Department of Law & Public Safety in the amount of \$9,062.38; and,

BE IT FURTHER RESOLVED that the like sum of \$9,062.38 is hereby appropriated under the caption of FY2013 NJ Body Armor Replacement Fund Program; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety Body Armor Replacement Fund Program in the amount of \$9,062.38; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

ACCEPT PERFORMANCE GUARANTEE AND AUTHORIZE EXECUTION OF A DEVELOPER'S AGREEMENT IN CONNECTION WITH SITE IMPROVEMENTS AT MACEDONIA BAPTIST CHURCH (1924 HECK AVENUE)

WHEREAS, 1924 Heck Avenue, LLC has filed a performance guarantee in the form of cash in the amount of \$39,600.00, guaranteeing proposed site improvements at Macedonia Baptist Church, 1924 Heck Avenue (Block 266, Lot 35); 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; and,

WHEREAS, the Township Attorney has prepared a Developer's Agreement which has been executed by the Developer; and,

WHEREAS, the associated fees for the preparation and filing of said Agreement have been received,

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 the Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Administrative Officer to the Planning Board, Construction Department and the Developer.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY O'HAGAN NURSERIES FOR SITE IMPROVEMENTS AT ROYAL PIZZA & KEBOB (702 HIGHWAY 35)

WHEREAS, on September 23, 2013, the Township Committee adopted a resolution which accepted performance bond 71441923 in the amount of \$24,480.00 filed by June Applegate d/b/a O'Hagan Nurseries written by Western Surety Company guaranteeing site improvements at Royal Pizza & Kebob, 702 Highway 35 (Block 231, Lots 36-38); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a 70% reduction in the performance guarantees which is the maximum amount of reduction permitted under the Municipal Land Use Law; and,

WHEREAS, the Developer will be notified to post a Change Rider reducing the amount of the performance bond from \$24,480.00 to \$7,344.00 and the Municipal Clerk will accept said Rider when posted; and,

WHEREAS, the cash portion of the performance guarantee will also be reduced by 70%,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Royal Pizza & Kebob, 702 Highway 35 (Block 231, Lots 36-38) be and is hereby approved to the amount of \$7,344.00 and the Change Rider submitted to affect said reduction is hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate 70% amount of cash portion of the performance guarantee in the amount of \$1,713.60 shall be refunded to the Developer; and,

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

EMPLOY PART-TIME VIOLATIONS CLERK IN THE COURT ADMINISTRATOR'S OFFICE

WHEREAS, there is a need for a part-time Violations Clerk in the Court Administrator's Office; and,

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

WHEREAS, the Court Administrator and Municipal Court Judge have made their recommendation; and,

WHEREAS, funds will be provided in the 2013 Municipal Budget in the appropriation entitled Municipal Court S&W, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Esther Gabriel be and is hereby employed as a part-time Violations Clerk at an hourly rate of \$12.00, with no health or other benefits, contingent upon favorable results of a background check and physical examination, effective December 16, 2013; and,

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

CANCEL UNEXPENDED AND DEDICATED GENERAL CAPITAL APPROPRIATIONS BALANCES

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed; and,

WHEREAS, it is necessary to formally cancel said balances so that the unexpended General Capital Ordinance balances may be returned to Capital Surplus,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the following unexpended and dedicated General Capital Ordinance balances be canceled to Capital Surplus:

Ordinance	Description	Balance
# 07-51	Various Improvements	\$43.07
#08-20	Various Public Improvements	\$1.81
#98-38 #99-34	Beachfront Restoration	\$19,419.76
#03-14	Improvements Various Lakes	\$4,283.04
#04-14	Acquisition of Property	\$3,458.50
#04-19	Public Facility Improvements	\$195.75
#04-55	Acquisition of Property	\$875.25
#05-23	Various Sidewalks	\$0.75
#06-11	Ridge Ave. School	\$48,285.79
#06-36 #07-03	Sr. Ctr. (Phase 1)	\$22.55
#07-16	Acquisition of Property	\$13,839.94
#07-37	Comp Tech Study	\$2,691.52
	TOTAL	\$93,117.73

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Auditor, and the Assistant CFO.

GRANT UNPAID LEAVE OF ABSENCE TO DIANA PAJAK UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Diana Pajak, Departmental Secretary in the Code/Construction Department, has requested an extension of an unpaid leave of absence under the provisions of the Family Medical Leave Act; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Diana Pajak, Departmental Secretary in the Code/Construction Department, is hereby granted an unpaid leave of absence commencing September 30, 2013 and ending January 16, 2014 (which is an extension of the leave of absence granted from September 30, 2013 to December 16, 2013); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the agreement be forwarded to the Construction Official, Chief Financial Officer, Assistant C.F.O. Business Administrator, Sandra Petersen and Stephanie Oppegaard.

ACCEPT THE RESIGNATION OF JENNIFER LIDDICK AS A DEPARTMENTAL SECRETARY IN

THE CODE/CONSTRUCTION DEPARTMENT

WHEREAS, the Township Committee has received a letter from Jennifer Liddick resigning as a Departmental Secretary in the Code/Construction Department effective December 9, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Jennifer Liddick as a Departmental Secretary in the Code/Construction Department is hereby accepted effective December 9, 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, Sandra Petersen, Stephanie Oppegaard and Construction Official.

ACKNOWLEDGE THE RETIREMENT OF NOEL CLARK AS A CLERK/TYPIST IN THE CODE/CONSTRUCTION DEPARTMENT

WHEREAS, the Township Committee has received a letter indicating that Noel Clark will be retiring as a Clerk/Typist in the Code/Construction Department effective January 1, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of Noel Clark as a Clerk/Typist in the Code/Construction Department be and is hereby acknowledged effective January 1, 2014; and,

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

ACKNOWLEDGE THE RETIREMENT OF THOMAS REILLY AS A DRIVER IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Township Committee has received a letter indicating that Thomas Reilly will be retiring as a Driver in the Public Works Department effective January 1, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of Thomas Reilly as a Driver in the Public Works Department be and is hereby acknowledged effective January 1, 2014; and,

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

AUTHORIZE EXECUTION OF A TEMPORARY CONSTRUCTION/ACCESS EASEMENT WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION FOR THE WESLEY LAKE DREDGING PROJECT

WHEREAS, the Ocean Grove Camp Meeting Association owns a parcel of land in the Township of Neptune identified as Block 146.03, Lot 2, also known as Lake Avenue, adjacent to Wesley Lake; and,

WHEREAS, the Township needs the use of the aforesaid property for the Wesley Lake Dredging Project for purposes of construction equipment used in the dredging of Wesley Lake; and,

WHEREAS, the aforesaid construction and dredging of Wesley Lake improves the quality of the lake and serves the best interest of Ocean Grove and the community,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute a Temporary Construction/Right of Entry Agreement/Access Easement with the Ocean Grove Camp Meeting Association to allow the Township access to Association property known as Lake Avenue (Block 146.03, Lot 2) for purposes of providing use in the Wesley Lake Dredging Project; and,

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

GRANT SOCIAL AFFAIR PERMIT TO JERSEY SHORE UNIVERSITY MEDICAL CENTER

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

Jersey Shore University Medical Center for a social affair permit at the O'Brien-Major VFW Post #2639, 1515 Corlies Avenue, on December 20, 2013 from 7:00 P.M. to 11:00 P.M.

AUTHORIZE THE TRANSFER OF 2013 BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and,

WHEREAS, the Chief Financial Officer has recommended that the following appropriation transfers be authorized,

<u>General:</u>	<u>Acct No.</u>	<u>FROM</u>	<u>TO</u>
Group Ins OE	220-020	50,000.00	
Natural Gas OE	446-020	65,000.00	
Telecommunications OE	450-020	20,000.00	
Gasoline & Diesel OE	460-020	40,000.00	
Solid Waste Disposal	465-020	50,000.00	
Admin OE	100-020		15,000.00
Police OE	240-020		25,000.00
Liability Ins OE	210-020		90,000.00
MOMV OE	315-020		95,000.00
TOTAL		225,000.00	225,000.00

<u>Marina Utility:</u>	<u>Acct No.</u>	<u>FROM</u>	<u>TO</u>
Note Interest	523-020	2,135.96	
MCIA	525-020	1,995.04	
Payments of BANs	521-020		4,131.00
TOTAL		4,131.00	4,131.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that 2013 Budget Appropriations be transferred as stated herein; and,

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

The resolutions of the Consent Agenda were approved on the following vote: Bishop, aye, adding that he wishes the best for Noel Clark on her retirement; Brantley, aye; Jahn, aye; McMillan, aye, with congratulations to Noel Clark; and Houghtaling, aye.

AUTHORIZE THE PURCHASE OF A FORD TRUCK THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Neptune Township Public Works Department wishes to purchase a 2014 Ford F550 chassis cab with dump body under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, DFFLM, LLC has been awarded New Jersey State Contract No. A79113 for this equipment; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the grounds that the price reflects a substantial savings; and,

WHEREAS, the cost of the truck shall not exceed \$81,361.00; and,

WHEREAS, funds for this purpose are available in Ordinance No. 13-31 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a Ford F550 chassis cab with dump body cost through the New Jersey Cooperative Purchasing Program for the Public Works Department be and is hereby authorized at an amount not to exceed \$81,361.00; and,

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

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

AUTHORIZE THE PURCHASE OF THREE JEEP PATRIOT VEHICLES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Neptune Township Police Department wishes to purchase three Jeep Patriot 4X4 vehicles to replace existing traffic safety vehicles under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Hertrich Fleet Services has been awarded New Jersey State Contract No. A83011 for this equipment; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the grounds that the price reflects a substantial savings; and,

WHEREAS, the cost of the three vehicles shall not exceed \$17,093.00 each (total of \$51,279.00); and,

WHEREAS, funds for this purpose are available in Ordinance No. 13-30 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of three Jeep Patriot 4X4 vehicles to replace existing traffic safety vehicles through the New Jersey Cooperative Purchasing Program for the Police Department be and is hereby authorized at an amount not to exceed \$17,093.00 each (total of \$51,279.00); and,

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

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

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

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

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

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

WHEREAS, the Public Works Director has made his recommendation; and,

WHEREAS, funds will be provided in the appropriation entitled Solid Waste S&W, known as Account No. _____, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Luis Perez be and is hereby employed as a Driver in the Department of Public Works, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective December 16, 2013, at an annual salary of

\$28,000.00; and,

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

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

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

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

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

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

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

WHEREAS, funds will be provided in the 2013 Municipal Budget in the appropriation entitled Municipal Court S&W, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Suzanne Morales be and is hereby employed as Deputy Court Administrator in the Municipal Court, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of a background check and physical examination, effective December 16, 2013, at an annual salary of \$35,000.00 (starting salary reflecting substantial experience); and,

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

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	594,273.56
FEDERAL & STATE GRANT FUND	29,787.80
TRUST OTHER	5,562.50
GENERAL CAPITAL FUND	16,063.50
SEWER OPERATING FUND	1,201,800.98
MARINA OPERATING FUND	37,936.83
DOG TRUST	612.60
UDAG TRUST	250.00
LIBRARY TRUST	4,083.03

BILL LIST TOTAL

\$1,890,370.80

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dorothy Argyros, 2100 Rutherford Ave. stated she was for the people and recently she went with several people to North Brunswick and they picketed Walmart. She stated she felt that Walmart was rotten to it's employees. She went on to state that she was picketing the WaWa in Neptune. She stated she could still smell the gasoline as they are digging. She felt this was an environmental injustice and she would be picketing every Saturday from 10:30am-11:30am.

Dianna Harris, Willow Drive thanked everyone for coming out to the tree lighting. She gave a special thanks to Mr. Bishop for his help and thanked Mr. Gadaleta for reviewing the summer employment program for the kids. She stated she read in the newspaper that the State Police was coming to Asbury Park and she wondered whether they would be coming into Neptune as well.

Mayor Houghtaling stated he hasn't heard anything.

Mr. Bishop asked Mr. Gadaleta and Officer Adams if they could ask the Deputy Chief about it.

Mrs. Harris also questioned whether O'Hagan's Nursery owned the property on Route 35.

Mr. Cuttrell confirmed that they did.

Mrs. Harris questioned whether anyone has gone back there and looked. She strongly suggested that they do so because there appeared to be hazardous. She thanked Mr. Doolittle for having the property cleaned up across from the park.

Jack Breden, 941/2 Heck Avenue Ocean Grove, stated at the last meeting members of the Ocean Grove Homeowners Association questioned whether the building department had issued all the necessary permits for 4 Boardwalk. The building in question is a 9 unit wood frame commercial building and both the building and boardwalk was damaged by super storm sandy and they both were being repaired over the past six months. He stated 4 Boardwalk was not a street and it appeared to him that the Township Engineer was instructed to do a revision to the tax map that would be in violation of the map filing law and only the Township Committee would have that type of influence to give that type of instruction. He felt the zoning of this was inconsistent with the law

Michael Fornino, 120 Fulham Place, stated he called Mr. Gadaleta to find out the cost of the sign that was on Wakefield Road.

Mr. Gadaleta asked whether he was referring to the large orange sign which Mr. Fornino confirmed that he was. Mr. Gadaleta stated he could not tell him the price off hand but assured him that he would find out.

Mr. Fornino went on to discuss speed tables in the Gables and questioned what did the Township have against them. He also discussed the Township's salary negotiations policy.

Mayor Houghtaling asked what did he want the Township to do to the employees.

Mr. Fornino stated he wanted them to represent the people.

Charles Leyton, 96 Mt. Hermon Way, asked whether the Homeowner Association could have a copy of the statement for 4 Broadway.

Mayor Houghtaling responded by saying that he had extra copies available.

Mr. Leyton stated he was told that someone saw work still going on at the place and they

called the authorities who came out and investigated it and that was all he knew about it. He asked the Committee whether they had any additional information.

Mayor Houghtaling questioned whether he was referring to 4 Boardwalk and if he was he stated he did not know anything about it and suggested that maybe someone just stopped in to pick up tools.

Jack Pensabene presented the Committee with photographs taken of houses near his home. He stated some were boarded up and have been that way for years. He's contacted the Code Enforcement Department several times. He also took pictures of young men that were in the park cursing him out because he was taking their photographs. He discussed the re-valuation and questioned what lay offs and cut in benefits have taken place this year. He suggested the Township live within the revenues generated instead of taking more money out of the homeowners pockets.

Mayor Houghtaling stated the Township hasn't had any employee lay offs this year. He went on to state that in Code they are down to three people and they did have eight people with a department head and a foreman. He stated they did not have room for lay offs and public works was bare boned and if they started laying off people they would have to start cutting services.

Mr. Bishop requested the pictures be forwarded to Code Enforcement.

Heinz Weck, Ocean Grove, stated he attended the citizen patrol dinner and it was wonderful. He stated he was very happy to see Township representatives present. He also stated the signs n Ocean Grove were removed due to the prediction that there would be a snow storm. He commended the Township for doing so. He stated he joined the Senior Center and was surrounded by angels. They were all pleasant to him and he was pleased.

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

Richard J. Cuttrell,
Municipal Clerk