

TOWNSHIP COMMITTEE MEETING – DECEMBER 20, 2012

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

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

Mayor Bishop 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 and The Coaster on January 5, 2012, 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. Gadaleta stated that FEMA had been working for several years on looking at the flood zones and the base flood elevations for the various zones. Neptune has zones that would require elevation for new homes or repairs to over 50% of an existing home. These updates were due in the summer of 2013 but because of Sandy, FEMA released advisory elevations for both a 100 year flood and a 500 year storm flood. The 100 year flood elevation went from 9 feet to 10 feet and the 500 year flood elevation is 12 feet. If the Committee accepts the advisory elevations, structures will have to comply. If the Committee does not adopt the advisory elevations, people in the flood zone will still have to elevate to 9 feet which is what currently exists. At some point, the advisory elevations will become law.

Mr. Gadaleta stated that further discussion on this matter is needed by the Committee. If the advisory elevations were to be adopted, it would be done as an amendment to the Land Use Ordinance which could be introduced on January 14<sup>th</sup> at the earliest. Mr. McMillan asked what the cost would be to impacted residents. Mr. Gadaleta stated that FEMA provides a grant of up to \$30,000 for elevation, demolition, or relocation outside the flood zone. The Mayor stated that believes FEMA will be unhappy if a municipality does not adopt the advisory elevations so and may not pay in the future.

Mr. Bascom stated that many of the homes damaged over 50% are under the current 9 foot elevation so they have to elevate. He added that the Recovery Action Committee needs to look at this matter and advise the Committee of what will happen including cost of the flood insurance and the need to look at the Master Plan of each neighborhood. There is also a possibility that the final elevations will be different than the advisory elevations.

Mr. Bascom that FEMA STEP Program originally looked like it was \$10,000 to assist people in getting back into their homes, but the funding is only for temporary repairs such as an electrical meter, tarp on a roof, small water heater, heat, etc. It is a program to get people back into homes until permanent repairs can be made. The program provides funds to the Township who then pays the Contractor. The application is done by the homeowner but the Township assigns and pays the Contractor.

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

Mr. Houghtaling 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 – Harbor Master position  
Contract negotiations – F.O.P. contract negotiations.

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

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 direction I am indicating, in case of fire you will be notified by bell and or public address system. If you are alerted of fire, please move in a calm, orderly manner to the nearest smoke-free exit or the next nearest exit as directed over the public address system.

Mayor Bishop 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 and The Coaster on January 5, 2012, 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 available online at [www.neptunetownship.org](http://www.neptunetownship.org) for public viewing before each Township Committee meeting.

#### 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.

#### COMMENTS FROM THE DAIS

Mary Beth Jahn stated her heart went out to the families who lost their kids during the shooting in Connecticut. She felt the kids were our greatest asset.

Kevin McMillan stated he attended the Neptune vs Freehold basketball game and the West Neptune Christmas party.

Eric Houghtaling stated he attended a few homeowner meetings as well as Neptune's First Aide Dinner. He went on to state that he had the opportunity to get around town and he noticed that it has been cleaned up pretty nicely after the storm. He felt the Township was in good shape and thanked all of the Township's employees for their hard work and for working through the storm. He also stated the shooting in Newton, Connecticut was a senseless act.

Mayor Bishop stated he attended all of the homeowner's meetings and the ANSWER dive team had a small gathering and had the opportunity to hear their experiences. He attended the Senior Center Craft fair and purchased all of their ceramics again. He attended Mrs. Kostics viewing and Jack and his wife have been truly active with the Township and the neighborhood. He reminded everyone of the MURC dinner tomorrow from 7-11:45pm at the Hamilton Banquet Hall. He urged everyone to attend. He stated he did not know what you could say about Newton, Connecticut and the circumstances surrounding around it. He stated he hoped there was a change for a cause on so many levels. He thanked the professionals for all that they've done and that's the best that you

can ask for. He thanked his partner Dan for just being there for him and the residents for their support and criticism and for giving him this chance because it has been an incredible year for him to grow.

### PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros, 2100 Rutherford Avenue, stated that she is in favor of passing the resolution to settle the matter of Blanca Carroll vs. Neptune Township. She added that it is not fair to make someone suffer a violation of the Open Public Records Act. It is the most important law that we have. She stated that she never has a problem getting public records from Mr. Cuttrell or Ms. Howard, but the Police Department violates OPRA and the constitution. The Plaintiff deserves the award even though the taxpayers have to pay. She asked if training is required and are there any disincentives to employees who violate OPRA. Mr. Anthony answered that the police take requests through various means. Mrs. Argyros interrupted Mr. Anthony by asking him to answer the question about disincentives to employees. Mr. Anthony stated that Ms. Argyros was familiar with the litigation because she submitted information in support of the plaintiff. Ms. Argyros stated she was not getting the answer to her question and left the room.

Hank Coakley, Valley Road, asked about the resolution authorizing a Right-of-Entry Agreement. Mr. Anthony stated that the Township needs access to Township owned property via private property for environmental remediation. Mr. Coakley asked about the rejection of bids for the marina assuming that the bid was for the marina structures. He was informed that the bid was for the damaged docks. Mr. Coakley asked about the resolution authorizing a settlement to litigation. Mr. Anthony responded that Ms. Argyros and the Plaintiff requested the same police report. The Police Department was following Attorney General rules so they did not release the report to the Plaintiff, but did release the report to Ms. Argyros because she was involved in the particular police matter in the report. He added that Administration will be meeting with the Police Department in the new year to review procedures.

### ORDINANCE NO. 12-31 - ADOPTED

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

#### ORDINANCE NO. 12-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON CLARK AVENUE, BEACH AVENUE AND ABBOTT AVENUE, DELETING A HANDICAPPED PARKING ZONE ON ANELVE AVENUE AND ADDING A NO PARKING ZONE ON OAK TERRACE

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

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

### ORDINANCE NO. 12-32 - ADOPTED

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

#### ORDINANCE NO. 12-32

AN ORDINANCE AMENDING ORDINANCE NO. 11-48 ENTITLED "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" BY AMENDING THE SALARY RANGE OF CERTAIN JOB TITLES AND ELIMINATING CERTAIN JOB TITLES NO LONGER IN USE

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

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

#### CONSENT AGENDA

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

#### AUTHORIZE EXECUTION OF A RIGHT OF ENTRY AGREEMENT WITH PROPERTY OWNERS OF 1609 SEWALL AVENUE

WHEREAS, the Township is in the process of completing an environmental investigation of the former underground heating oil tank located on Township property located at 1611 Sewall Avenue (Block 185, Lot 17.01); and,

WHEREAS, said investigation requires access to property approximately 20 feet wide on adjoining property located at 1609 Sewall Avenue (Block 185, Lot 18) owned by Marion & Sandra Valentine in order to perform soil/groundwater sampling activities on the Township's property at 1611 Sewall Avenue and environmental borings and testing on the Valentine's property at 1609 Sewall Avenue; and,

WHEREAS, Marion and Sandra Valentine have agreed to participate in a Right of Entry/Access Agreement to allow the Township to cross their property in order to access the Township's property as well as to perform environmental testing on the Valentine's property,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby to execute a Right of Entry Agreement with Marion and Sandra Valentine to permit access and the performance of environmental testing by the Township of Neptune on the Valentine's property located at 1609 Sewall Avenue; and,

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

#### APPOINT STATEWIDE INSURANCE FUND COMMISSIONER

WHEREAS, the Township of Neptune (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and,

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, in the County of Monmouth, and State of New Jersey, as follows:

1. Vito D. Gadaleta is hereby appointed as the Fund Commissioner for the local unit.
2. Michael J. Bascom is hereby appointed as the Alternate Fund Commissioner for the local unit
3. The Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

#### APPOINT RISK MANAGEMENT CONSULTANT

WHEREAS, the Township of Neptune (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and,

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the Fund; and,

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of

a Risk Management Consultant; and,

WHEREAS, the Fund has requested its members to appoint individuals or entities to that position,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, in the County of Monmouth, and State of New Jersey, as follows:

1. The Township Committee hereby appoints Ted Wardell, RHU of Brown & Brown Benefit Advisors located at 1129 Broad Street, Shrewsbury NJ 07702 as its local Risk Management Consultant for calendar year 2013.

2. The Mayor and Clerk and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2013 in the form attached hereto.

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH INTERFAITH NEIGHBORS, INC. TO PROVIDE CONGREGATE MEALS AT THE NEPTUNE SENIOR CENTER

WHEREAS, Interfaith Neighbors, Inc., provides noon-time meal services to senior citizens at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc., wishes to continue the engagement of services of Neptune Township and Neptune Township wishes to continue to provide services to Interfaith Neighbors and to the senior citizens who participate in this program at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc. will provide payment to the Township of Neptune in the amount of \$2,065.00 per month for kitchen staff,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute an agreement with Interfaith Services, Inc. to provide payment in the amount of \$2,065.00 per month to the Township of Neptune for noon-time meals to senior citizens at the Neptune Senior Center for the year 2013; and,

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

PLACE LIEN ON VARIOUS PROPERTIES

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>
180/3	412 Myrtle Avenue	170.00

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

CONFIRM TEMPORARY PART-TIME EMPLOYMENT OF INDIVIDUAL TO COORDINATE POST HURRICANE ACTIVITIES AND RECOVERY AT THE MUNICIPAL MARINA

WHEREAS, as a result of Hurricane Sandy, the Municipal Marina operation was presented with numerous challenges including coordinating the return of boats to the Marina, contacting boat owners to determine their intentions to remove and/or repair boats, and facilitating the repair and recovery of the destroyed Marina infrastructure; and,

WHEREAS, it was necessary to immediately engage an individual in temporary employment with expertise in marina operations to assist in this extraordinary endeavor; and,

WHEREAS, funds will be provided in a Special Emergency Appropriation in the Marina Utility 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 the temporary part-time employment of Edward Finlay in the Marina Utility to conduct emergency operations and coordinate recovery efforts be and is hereby confirmed at a rate of \$15.00 per hour, not exceeding thirty hours per week; and,

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

PROVIDE REDUCED LEVERAGE RATIOS FOR FAÇADE IMPROVEMENT PROGRAM GRANTS TO COMMERCIAL BUSINESSES IMPACTED BY HURRICANE SANDY

WHEREAS, the Township of Neptune and Façade Review Committee administer a Façade Improvement Loan/Grant Program to eligible Township businesses seeking to make façade improvements; and,

WHEREAS, under the Program, grants of up to \$5,000 are provided on a matching dollar for dollar basis with the exception of businesses on West Lake Avenue which are provided grants at a ratio of \$2 in grant funding for every \$1 in private funding; and,

WHEREAS, at the recommendation of the Economic Development Coordinator, the Township Committee desires to extend the lower leverage ratio current afforded to businesses on West Lake Avenue to include businesses that were impacted by Hurricane Sandy,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the current leverage ratio for grants awarded through the Façade Improvement Loan/Grant Program to businesses on West Lake Avenue, specifically \$2 in grant funding for every \$1 in private funding, shall be extended to businesses impacted by Hurricane Sandy effective immediately; and,

BE IT FURTHER RESOLVED, that the current \$1 for \$1 leverage ratio for all other businesses applying for a grant through the program shall apply and the current \$3 to \$1 leverage ratios for loans through the program shall continue to apply to all business; and,

BE IT FURTHER RESOLVED, that a maximum of \$200,000 shall be allocated through the U.D.A.G. Reciprocal Loan Account for Façade Improvement Loan/Grant Program applications received from businesses impacted by Hurricane Sandy; and,

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

ADOPT THE FEMA SHELTERING AND TEMPORARY ESSENTIAL POWER (STEP) PROGRAM TO PROVIDE ASSISTANCE TO RESIDENTIAL PROPERTIES DAMAGED BY HURRICANE SANDY

WHEREAS, the Federal Emergency Management Agency (FEMA) has developed a Sheltering and Temporary Essential Power (STEP) Program to provide residential electrical meter repairs, shelter essential measures and rapid temporary exterior repairs to residences affected by Hurricane Sandy; and,

WHEREAS, each local municipality will decide what assistance can be made available under the STEP Program to eligible households, will identify target areas based on damage assessment from disaster data sources and will contact households eligible for STEP assistance; and,

WHEREAS, in the interest of the health and safety of its residents, the Township of Neptune desires to adopt the STEP Program and provide assistance to residents affected by Hurricane Sandy,

WHEREAS, funds will be provided through the Special Emergency Appropriation and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune hereby adopts the STEP Assistance Program to provide assistance to residential properties damaged by Hurricane Sandy and hereby appropriates \$200,000.00 to fund the Program (at least 75% of that amount to be reimbursed by FEMA); and,

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

AUTHORIZE SETTLEMENT IN THE MATTER OF BLANCA CARROLL, SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, DOCKET NO. L-4087-12

WHEREAS, this matter was brought by the Plaintiff alleging a violation of the Open Public Records at ACT, N.J.S.A. 47:1A-1 based on the Police Departments failure to release a criminal investigation report sought by the Plaintiff; and

WHEREAS, the parties reached a settlement, by Stipulation of Settlement before the Honorable Lawrence M. Lawson, A.J.S.C whereas, Township stipulates that the criminal investigation report identified as 2012-22446, already in the possession of the Plaintiff who received the report from a third party other than Neptune Township, is the report that was sought by the Plaintiff in an OPRA request and in the instant lawsuit as of the Court proceedings before the Honorable Lawrence M. Lawson held on December 10, 2012 and that the Plaintiff is entitled to partial legal fees and costs from Neptune Township in the amount of \$1,750.00,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes settlement in the above referenced matter by stipulating that Criminal Investigation Report 2012-22446 received by the Plaintiff in the above matter by a third party, is the report sought previously by the Plaintiff through an OPRA request and through the above litigation and that the Township shall pay part of Plaintiff's attorney's legal fees and cost in the amount of \$1,750.00 as settlement in this matter; and,

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

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY MAMIE BALDWIN FOR SITE IMPROVEMENTS AT 1501 CORLIES AVENUE

WHEREAS, on September 27, 2010, the Township Committee adopted a resolution which accepted a cash performance guarantee in the amount of \$60,000.00 filed by Mamie Baldwin, on behalf of Baldwin Realty, guaranteeing site improvements at 1501 Corlies Avenue (Block 270, Lot 18); 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,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee filed by Mamie Baldwin, on behalf of Baldwin Realty, (Block 270, Lot 18) be and is hereby approved to the reduced amount of \$18,000.00; and,

BE IT FURTHER RESOLVED, that the proportionate 70% amount of cash performance guarantee in the amount of \$42,000.00 shall be refunded to the Developer; and,

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

AUTHORIZE EXECUTION OF A TEMPORARY USE AND OCCUPANCY AGREEMENT FOR ENCROACHMENTS ON TOWNSHIP OWNED GREEN ACRES PROPERTY ADJACENT TO 28 HILL DRIVE

WHEREAS, the Township of Neptune is the owner of 10.74 acres of property acquired under the Green Acres Program known as Jumping Brook Park Project identified at the time of acquisition in 1963 as Lot 21, Block S-7 on the tax map of the Township of Neptune, County of Monmouth, State of New Jersey, which property is administered by the Township of Neptune; and,

WHEREAS, Mary Alice Washington is Owner of an adjoining parcel of real estate designated as Block 7000, Lot 32 on 28 Hill Drive, Neptune Township, New Jersey, the County of Monmouth, State of New Jersey; and,

WHEREAS, a portion of the Owner's fence, in-ground pool and other improvements encroach upon Township real estate as set forth by an aerial photograph and survey; and,

WHEREAS, the Owner desires permission to temporarily maintain the in-ground pool and fence encroachment as it is impractical to remove said encroachments immediately without substantial detriment to the Owner's property; and,

WHEREAS, the Township's property is encumbered by a New Jersey Green Acres Program Project Agreement, which prohibits the Township from permitting encroachments within the public property; and,

WHEREAS, in return for the Township's permission for the Owner to temporarily occupy the Township's real property, the Owner agrees to specific terms and conditions upon which the encroachments may remain and when they shall be removed,

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 Temporary Use and Occupancy Agreement, a copy of which is on file in the Office of the Municipal Clerk, to permit Mary Alice Washington, owner of 28 Hill Drive, to temporarily occupy adjacent Township owned Green Acres property in accordance with the terms and conditions as set forth in said Agreement; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Attorney, Director of Code/Construction, Business Administrator, Director of Code/Construction and Tax Assessor.

**REJECT ALL BIDS FOR DEMOLITION AND REMOVAL SERVICES AT THE SHARK RIVER MUNICIPAL MARINA**

WHEREAS, on December 20, 2012, the Township Engineer received bids for the award of a contract for demolition and removal services at the Municipal Marina; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that all bids be rejected because they all exceed the Township Engineer's cost estimate for the project,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all bids received for demolition and removal services at the Shark River Municipal Marina be and are hereby rejected due to all bids exceeding the Township Engineer's cost estimate for the project; and,

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

**AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT**

WHEREAS, the properties listed below reflect overpayments; and,

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

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

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
178	15	LOTT	240 MYRTLE AVE	2012	862.14

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

AUTHORIZE THE TRANSFER OF 2012 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,

FROM:

Legal O.E.	15,000.00
Engineering O.E.	5,000.00
Zoning Board O.E.	5,000.00
Group Insurance O.E.	25,000.00
Dispatch O.E.	5,000.00
Roads O.E.	10,000.00
Roads S&W	70,000.00
Solid Waste S&W	22,000.00
Recreation O.E.	5,000.00
Parks O.E.	5,500.00
Electricity O.E.	10,000.00
Telephone O.E.	5,000.00
Water O.E.	5,000.00
Natural Gas O.E.	25,000.00
Solid Waste O.E.	150,000.00

TO:

Zoning Board S&W	2,500.00
Police S&W	360,000.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that 2012 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.

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY GILMAN LAND FOR SITE IMPROVEMENTS AT A SUBDIVISION ON ROBIN ROAD

WHEREAS, on February 13, 2012, Gilman Land, LLC submitted a cash performance bond in the amount of \$27,240.00 guaranteeing site improvements at a subdivision on Robin Road (Block 1007, Lots 32, 33.01, 34-37); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of December 6, 2012 and said performance bond can be released; and,

WHEREAS, Gilman Land, LLC has authorized the retention of \$4,086.00 from the cash performance guarantee to serve as a Maintenance Guarantee to guarantee said site improvements for a period of two years,

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

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee on escrow with the Township in excess of \$4,086.00 be and is hereby authorized to be refunded; and,

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

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

AUTHORIZE EMERGENCY REPAIRS AT RETAINING WALL AT THE SOUTH SIDE OF WESLEY

## LAKE

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

WHEREAS, after impacts from Hurricane Sandy, the Township Engineer has been monitoring the unexpected continual draining of Wesley Lake; and,

WHEREAS, further inspection has revealed that the water from the lake is draining under, and undermining, the existing retaining wall on the south side of the lake; and,

WHEREAS, the Township Engineer has determined that an emergency exists because the lake is continually draining resulting in an environmental and ecological problem; and,

WHEREAS, the Township Engineer contacted several contractors to provide quotes to repair the site; and,

WHEREAS, funds are available in the Special Emergency Appropriation and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares that emergency conditions exist as the result of the continual draining of Wesley Lake due to drainage and undermining under the existing retaining wall on the south side of the lake; and,

BE IT FURTHER RESOLVED, that based upon the recommendation of the Township Engineer, Lucas Construction Group, Inc. is hereby authorized to make the necessary repairs at an amount not to exceed \$79,500.00; and,

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

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

## AWARD BID FOR POLICE SEDAN

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

WHEREAS, on November 28, 2012, the Purchasing Agent received bids for the award of a contract for one 2012 Chevrolet Impala LS police sedan; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Sea Coast Chevrolet; 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. 11-32 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 Sea Coast Chevrolet on their lowest responsible bid of \$21,360.00 to supply a 2012 Chevrolet Impala LS police sedan; 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 Chief of Police.

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

## EMPLOY HARBOR MASTER IN THE MARINA UTILITY

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

WHEREAS, on November 26, 2012, the Township Committee adopted Ordinance No. 12-29 which created the position of Harbor Master; and,

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

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

WHEREAS, funds will be provided in the appropriation entitled Marina Utility S&W 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 Edward Finlay be and is hereby employed as Harbor Master in the Marina Utility, 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 21, 2012, at an annual salary of \$40,000.00; 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, Marina Supervisor and Mandy To.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan offered the following resolution, moved and seconded by Mr. Houghtaling, 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	4,234,924.86
FEDERAL & STATE GRANT FUND	5,099.03
TRUST OTHER	42,202.38
GENERAL CAPITAL FUND	244,472.91
SEWER OPERATING FUND	1,123,402.05
SEWER CAPITAL FUND	1,155.78
MARINA OPERATING FUND	3,377.36
MARINA CAPITAL FUND	1,832.25
LIBRARY TRUST	1,920.90
BILL LIST TOTAL	\$5,658,387.52

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

The resolution was adopted on the following vote: Houghtaling, aye; Jahn, aye, adding that \$2.1 million is school taxes, \$189,000 is the Neptune Fire District and \$53,000 is the Ocean grove Fire District; McMillan, aye; and Bishop, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Breden, 94 ½ Heck Avenue, stated that there are many issues with access to homes in the North End redevelopment area. He believes that the plan will require the Township to use

eminent domain to acquire the right-of-way for access. Mr. Breden then indicated that he felt that no one on the dais was concerned about these issues and that the Plan was full of holes.

Hank Coakley asked for an explanation of the FEMA STEP Program. Mr. Bascom stated that the program is for temporary repairs to get people out of shelters and back into their homes until final repairs can be made. He added that a lot of additional information will be provided the weekend of December 29<sup>th</sup> and 30<sup>th</sup> when the Township will staff an information trailer in Shark River Hills.

Heinz Weck, Ocean Grove, extended compliments to all of the Township workers during 2012, especially during the hurricane. He also thanked Phil Huhn for his efforts prior to retiring.

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

Richard J. Cuttrel,  
Municipal Clerk