

TOWNSHIP COMMITTEE WORKSHOP MEETING – OCTOBER 28, 2013 – 6:00 P.M.

Mayor Houghtaling calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Dr. Michael Brantley	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
Eric J. Houghtaling	_____

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

Mayor Houghtaling announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 3, 2013 and the Asbury Park Press on January 4, 2013, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Housing Authority request for the donation of a surplus backhoe. (PW)

2. Reminder – Wednesday, November 6th meeting start time has been changed to 5:00 p.m. Limited or no workshop agenda.

3. Review Committee calendars/update on outstanding issues and parking lot items.
 - Update on Welsh Farms/Veterans Park
 - Broadway Lighting
 - Pennsylvania Avenue Pump Station Odor Issue
 - Loffredo Field Drainage

Res. # 13-456 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

TOWNSHIP COMMITTEE MEETING – OCTOBER 28, 2013 – 7:00 P.M.

Mayor Houghtaling calls the meeting to order and asks the Clerk to call the roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>	<u>PRESS REPRESENTATIVES</u>
J. Randy Bishop	_____	Don Stine The Coaster
Dr. Michael Brantley	_____	
Mary Beth Jahn	_____	Anthony Panissidi Asbury Park Press
Kevin B. McMillan	_____	
Eric J. Houghtaling	_____	

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

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor Houghtaling announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 3, 2013 and the Asbury Park Press on January 4, 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.

PROCLAMATION

The Mayor has issued a proclamation declaring a curfew for persons under 18 on Neptune Township streets between 9:00 p.m. and 4:00 a.m. on Wednesday, October 30th and Thursday, October, 31st.

REPORT OF THE CLERK

The Clerk states that the following reports and communications are on file in the Clerk's office:

A letter from David Mooij, Superintendent of Schools, thanking the Township Committee for their support of the Coastal Monmouth Educational Consortium's Race to the Top grant proposal.

Irene Paternostro completed the course entitled Hazardous Communications Training for Supervisors.

Rosemary Gray sent letters of thanks to the following for recent donations to the Senior Center: Nicholas Napolitano, Celeste & Frank DeCapua, Rita Goldstein, Ingrid Farrell, Evelyn Bedell, Thomas Donohue, Catholic Men for Jesus Christ, Wegmans, Shop-Rite, Variety Growers and Dee Reinhold.

COMMENTS FROM THE DAIS

The Mayor will now request comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC COMMENTS ON RESOLUTIONS

Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCES

For each ordinance with a public hearing, the public will be permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 13-41 - 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 Oxonia Avenue – Final Reading

Explanatory Statement: This ordinance creates a handicapped parking stall in front of First Pentecostal Church on Oxonia Avenue.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

CONSENT AGENDA

Res. # 13-457 – Accept performance guarantee filed by Meridian Health Realty Corporation for site improvements at Housing Authority apartments at Taylor and Wells Avenues.

Res. # 13-458 – Authorize temporary no parking in connection with construction of the Housing Authority apartments on Taylor, Harding and Wells Avenues.

Res. # 13-459 – Acknowledge the retirement of Michael Dugan from the Police Department.

Res. # 13-460 – Accept a Corrective Action Plan in connection with the 2012 audit recommendations.

Res. # 13-461 – Authorize execution on an Indemnification Agreement with Chase Partners, LLC in regards to the obligations of Chase Partners, LLC in connection with a 1997 Reciprocal Easement Operating Agreement at Block 1500, Lot 23.04 (Jumping Brook Road and Route 66).

Res. # 13-462 – Authorize extension of Governor’s Council on Alcoholism and Drug Abuse fiscal grant from January 1, 2014 to June 30, 2014.

Res. # 13-463 – Award contract for animal control services.

Res. # 13-464 – Terminate Taxi License and withdrawal of Taxi Medallion from taxi driver Ahmed Hassaballa.

Res. # 13-465 – Terminate Taxi License and withdrawal of Taxi Medallion from taxi driver Ahmed Elgamasy.

Res. # 13-466 – Approve the transfer of Taxi Medallion License No. 007.

Res. # 13-467 – Approve the transfer of Taxi Medallion License No. 024.

Res. # 13-468 – Authorize Township Engineering Consultant to prepare plans and specifications for South Riverside Drive Bicycle Path.

Res. # 13-469 – Authorize Township Engineering Consultant to prepare plans and specifications for Improvements to Wayside Road.

Res. # 13-470 – Authorize Township Engineering Consultant to prepare plans and specifications for Improvements to Jumping Brook Ballfields.

Res. # 13-471 – Place lien on various properties.

Res. # 13-472 - Accept a maintenance guarantee and release a performance bond filed by RD America, LLC for site improvements at Restaurant Depot (3560 Route 66).

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-473 – Authorize Change Order #2 in connection with Improvements to Green Grove Road – Phase II.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-474 – Authorize Change Order #3 in connection with North Riverside Drive Pump Station Improvements.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-475 – Award bid for replacement of a portion of the Wesley Lake retaining wall.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

Res. # 13-476 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Jahn, _____; McMillan, _____; Houghtaling, _____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

ADJOURNMENT

(Next Township Committee meeting is Wednesday, November 6th at 5:00 p.m.)

RESOLUTION #13-456 – 10/28/13

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

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 – Housing Authority vacancy

Potential Litigation – Request to reopen revocation hearing from taxi license driver

Real Estate negotiations – Request for Right-of-Way license agreement to extend fence at property on Doris Terrace

Real Estate negotiations – Conveyance of property to Board of Education

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.

RESOLUTION #13-457 - 10/28/13

ACCEPT PERFORMANCE GUARANTEE FILED BY MERIDIAN HEALTH
REALTY CORPORATION FOR SITE IMPROVEMENTS AT HOUSING
AUTHORITY APARTMENTS AT TAYLOR AND WELLS AVENUES

WHEREAS, Meridian Health Realty Corporation has filed performance bond 105867385, written by Travelers Casualty and Surety Company of America in the amount of \$1,371,600.00, guaranteeing site improvements at the new Housing Authority apartments on Taylor and Wells Avenue (Block 266, Lot 39 and Block 267.02, Lots 362-391; 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.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-458 - 10/28/13

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH
CONSTRUCTION OF THE HOUSING AUTHORITY APARTMENTS
ON TAYLOR, HARDING AND WELLS AVENUES

WHEREAS, Meridian Health Realty Corporation will commence construction on Housing Authority apartments on Taylor, Harding and Wells Avenues on Monday, November 11, 2013; and,

WHEREAS, it is necessary to temporarily designate no parking on Wells and Harding Avenues and a portion of Taylor Avenue,

WHEREAS, the Police Department has reviewed and approved these no parking designations,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets beginning Monday, November 11, 2013 and continuing for the duration of construction activities:

- 1) Both sides of Wells Avenue – entire length
- 2) Both sides of Harding Avenue – entire length
- 3) East side of Taylor Avenue between northeast corner of Wells Avenue and continuing 502 feet north.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Deputy Chief of Police, Director of Public Works, Fire Inspector, and Business Administrator.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-459 - 10/28/13

ACKNOWLEDGE THE RETIREMENT OF DETECTIVE MICHAEL DUGAN
FROM THE POLICE DEPARTMENT

WHEREAS, the Township Committee has received a letter indicating that Det. Michael Dugan will be retiring as a Detective in the Police Department effective December 1, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of Michael Dugan as a Detective in the Police Department be and is hereby acknowledged effective December 1, 2013; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

Township of Neptune
Corrective Action Plan - In Response to 2012 Audit
Michael J. Bascom, CMFO, CTC

Comment / Recommendation	Explanation	Corrective Action	Responsible Employee	Date of C.A.
<p><u>Finance</u> - Interfunds receivable and payable are reflected on the various balance sheets of the funds at December 31, 2012.</p>	<p>The Township did not clear all Interfunds prior to December 31, 2012 as sufficient funds were not available in certain accounts.</p>	<p>Township will clear all Interfunds as of December 31 of each year if sufficient funds are available to do so.</p>	<p>Michael J. Bascom CFO</p> <p>Edward Hudson, Asst. CFO</p>	<p>12/31/13</p>

RESOLUTION #13-460 - 10/28/13

ACCEPT A CORRECTIVE ACTION PLAN IN CONNECTION
WITH THE 2012 AUDIT RECOMMENDATIONS

WHEREAS, the Township Committee previously accepted the 2012 Township of Neptune audit by resolution; and,

WHEREAS, the various Departments within the Township have reviewed the comments and recommendations portion of said audit and submitted a Corrective Action Plan to the Chief Financial Officer and Township Committee,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Corrective Action Plan of the 2012 Township of Neptune Audit be and is hereby accepted and is authorized for submission to the Division of Local Government Services; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

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Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-461 – 10/28/13

AUTHORIZE EXECUTION OF AN INDEMNIFICATION AGREEMENT WITH CHASE PARTNERS, LLC IN REGARDS TO THE OBLIGATIONS OF CHASE PARTNERS, LLC IN CONNECTION WITH A 1997 RECIPROCAL EASEMENT OPERATING AGREEMENT AT BLOCK 1500, LOTS 23.04 (JUMPING BROOK ROAD AND ROUTE 66)

WHEREAS, Chase Partners, LLC made an application to the Zoning Board of Adjustment of the Township of Neptune and was granted preliminary and final site plan approval from the Zoning Board of Adjustment of the Township of Neptune on February 23, 2013 for a mixed-use development located at Block 1500, Lots 23.04 and 23.05 on the Tax Map of the Township of Neptune, which said premises are also known to be located at Route 66 and Jumping Brook Road; and,

WHEREAS, Chase Partners, LLC as a Condition of Approval in the Memorializing Resolution agreed to provide to the Neptune Township Board of Adjustment Engineer or Township Engineer directly a Drainage Easement Agreement with adjoining Lot 23.01 by way of Deed of Easement Relocation for the subject property, and;

WHEREAS, by and through their attorney, Jennifer S. Krimko, Esq., in satisfaction of the Condition of Approval, provided the Township with a proposed Deed of Easement Relocation for the subject property, which Deed referenced in part, a 1997 Reciprocal Easement and Operating Agreement which purportedly allowed for the relocation of the existing drainage easements; and

WHEREAS, the Attorney for the Board of Adjustment, Monica C. Kowalski, Esq., reviewed the 1997 Reciprocal Easement and Operating Agreement which allows the relocation of the drainage easement upon completion of certain obligations by the Grantor of the Easement to Grantee; and,

WHEREAS, the completion of such obligations appears to be incumbent upon the Grantor AFTER completion of relocation work and filing of Easements, namely to obtain and file Releases between Grantor and Grantee; and,

WHEREAS, the reference of the recorded Reciprocal Easement and Operating Agreement of 1997 in the Deed of Easement Relocation between the current parties in interest places the Township on notice as to conditions to be satisfied between the named parties (and their successors) to the Reciprocal Easement and Operating Agreement, in their performance of obligations to each other, which may or may not be deemed to impact the development of the property or the title to said property, but which performance or compliance is outside the control of the Township of Neptune; and,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor or Deputy Mayor be and are hereby authorized to execute an Indemnification/Hold Harmless Agreement in consideration of the conditions as set forth above which shall indemnify and hold the Township of Neptune harmless from any of actions or inactions which occur between Chase Partners, LLC, or its successor and that Chase Partners or its successors shall be solely responsible for any liability or responsibility incurred with regard

to the duties or obligations as set forth in the 1997 Reciprocal Easement and Operating Agreement; and,

BE IT FURTHER RESOLVED, that in consideration of an October 21, 2013 deadline for property ownership conveyance, the authorization to execute the Indemnification/Hold Harmless Agreement by the Township shall be confirmed and acknowledged to have occurred on October 21, 2013; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Township Engineer, Administrative Assistant to the Zoning Board of Adjustment, Attorney to the Zoning Board of Adjustment and Jennifer Krimko, Esq.

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-462 – 10/28/13

AUTHORIZE EXTENSION OF GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT FROM JANUARY 1, 2014 TO JUNE 30, 2014

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Township was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and,

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and,

WHEREAS, funding has been made available to the Neptune Township Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding,

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Neptune hereby authorizes the submission of the grant extension for the Neptune Township Municipal Alliance grant in the amount of:

DEDR	<u>\$80,129</u>
Cash Match	<u>\$20,033</u>
In-Kind	<u>\$60,096</u>

The Township of Neptune acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Eric J. Houghtaling, Mayor

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-463 - 10/28/13

AWARD CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Business Administrator has negotiated with the organization supplying this service as required by NJSA 40:48-5.1; and,

WHEREAS, the current provider has proposed a rate of \$3.16 per capita which reflects no change over the rate charged in 2013; and,

WHEREAS, funds for this purpose will be provided in the 2014 Municipal Budget, when adopted, in the appropriation entitled Dog Account, 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 Mayor and Clerk be and are hereby authorized to execute an agreement with Associated Humane Societies for Animal Control for the year 2014 at a cost of \$7,477.00 per month based on a charge of \$3.16 per capita; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell", written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-464 – 10/28/13

TERMINATE TAXI LICENSE AND WITHDRAWAL OF TAXI MEDALLION
FROM TAXI DRIVER AHMED HASSABALLA

WHEREAS, a taxi license was issued to applicant, Ahmed Hassaballa, with an address provided of 1712 Ocean Avenue, #C9, Bradley Beach, New Jersey 07720, by the Township of Neptune; and

WHEREAS, it was determined by A. Lurker, Taxi License Coordinator for Neptune Township, and Sgt. Zarro of the Neptune Township Police Department, that the aforesaid taxi driver was driving his vehicle in Neptune Township on numerous occasions in 2013 without insurance; and

WHEREAS, Section 4-17.5 under the section entitled, "Taxicabs" of the revised General Ordinances of the Township of Neptune, specifically requires that any license issued to a taxicab operator or driver requires maintenance of insurance at all times, and in the case that insurance is cancelled or revoked for any reason whatsoever, the operator's license shall forthwith be revoked, subject to a hearing before the Township Committee, if requested by the licensee in writing; and

WHEREAS, Section 4-17.11 of the revised General Ordinances of the Township of Neptune also provides for revocation or suspension at any time after hearing by the Township Committee for any violation of the Taxicab Ordinance; and

WHEREAS, a notice of a public hearing concerning the proposed revocation or suspension of the taxi license was mailed by Certified Mail/RRR and regular mail to the licensee at his last known address as set forth in his application on September 20, 2013, notifying the aforesaid licensee that the hearing would be held before the Township Committee on Thursday, October 10, 2013 at 6 pm in the upstairs Township Committee Chambers at 25 Neptune Blvd., Neptune Township, New Jersey, for purposes of determining by the Township Committee whether the licensee's taxi license and all vehicles operated and driven by the licensee should be suspended or revoked as a result of the alleged violation of not maintaining insurance on the subject vehicles; and

WHEREAS, both the Certified Mail/RRR and regular mail were returned, indicating that the licensee moved from the aforesaid address but did not provide a forwarding address, and no such forwarding address had been provided to the Township in the form of a licensee's amended application, and therefore, the licensee failed to appear for the hearing scheduled on October 10, 2013; and

WHEREAS, a hearing was held by the Township Committee on October 10, 2013 with testimony concerning the violations aforesaid by Taxi License Coordinator, A. Lurker and Sgt. Zarro of the Neptune Township Police Department, and it was concluded factually that the licensee aforesaid did operate a vehicle after receiving said license without auto insurance covering his operation and use of the license as a taxi driver.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body of the Township of Neptune, as a result of the aforesaid

facts and testimony taken on October 10, 2013, for which the licensee, Ahmed Hassaballa, who was served with the appropriate notice at the only address known to Neptune Township, but apparently no longer lives there, and did not appear, hereby revokes the taxi license for all vehicles driven by Ahmed Hassaballa, and the same shall continue to be revoked until further notice, and that all renewals be denied without first having an application before the Township Committee for a hearing with regard to any right of renewal submitted in writing by the licensee, and that any taxi medallion held by the licensee should be returned to the issuing authority; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-465 – 10/28/13

TERMINATE TAXI LICENSE AND WITHDRAWAL OF TAXI MEDALLION
FROM TAXI DRIVER AHMED ELGAMASY

WHEREAS, a taxi license was issued to applicant, Ahmed Elgamasy, with an address provided of 1712 Ocean Avenue, #B3, Bradley Beach, New Jersey 07720, by the Township of Neptune; and

WHEREAS, it was determined by A. Lurker, Taxi License Coordinator for Neptune Township, and Sgt. Zarro of the Neptune Township Police Department, that the aforesaid taxi driver was driving his vehicle in Neptune Township on numerous occasions in 2013 without insurance; and

WHEREAS, Section 4-17.5 under the section entitled, "Taxicabs" of the revised General Ordinances of the Township of Neptune, specifically requires that any license issued to a taxicab operator or driver requires maintenance of insurance at all times, and in the case that insurance is cancelled or revoked for any reason whatsoever, the operator's license shall forthwith be revoked, subject to a hearing before the Township Committee, if requested by the licensee in writing; and

WHEREAS, Section 4-17.11 of the revised General Ordinances of the Township of Neptune also provides for revocation or suspension at any time after hearing by the Township Committee for any violation of the Taxicab Ordinance; and

WHEREAS, a notice of a public hearing concerning the proposed revocation or suspension of the taxi license was mailed by Certified Mail/RRR and regular mail to the licensee at his last known address as set forth in his application on September 20, 2013, notifying the aforesaid licensee that the hearing would be held before the Township Committee on Thursday, October 10, 2013 at 6 pm in the upstairs Township Committee Chambers at 25 Neptune Blvd., Neptune Township, New Jersey, for purposes of determining by the Township Committee whether the licensee's taxi license and all vehicles operated and driven by the licensee should be suspended or revoked as a result of the alleged violation of not maintaining insurance on the subject vehicles; and

WHEREAS, although the licensee refused to accept the Certified Mail notice, the regular mail notice was not returned, and therefore there is a presumption that he did receive the aforesaid notice, but failed to appear for the hearing scheduled on October 10, 2013; and

WHEREAS, a hearing was held by the Township Committee on October 10, 2013 with testimony concerning the violations aforesaid by Taxi License Coordinator, A. Lurker and Sgt. Zarro of the Neptune Township Police Department, and it was concluded factually that the licensee aforesaid did operate a vehicle after receiving said license without auto insurance covering his operation and use of the license as a taxi driver.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body of the Township of Neptune, as a result of the aforesaid facts and testimony taken on October 10, 2013, for which the licensee, Ahmed Elgamasy, was given appropriate notice but did not appear, that the tax license for all vehicles driven by Ahmed

Elgamasy, are hereby revoked and continue to be revoked until further notice, and that all renewals be denied without first having an application before the Township Committee for a hearing with regard to any right of renewal submitted in writing by the licensee, and that any taxi medallion held by the licensee should be returned to the issuing authority; and

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and cursive. A small number "2" is written at the bottom of the signature.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-466 - 10/28/13

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 007

WHEREAS, S&G Florida Management, LLC is the owner of Neptune Township Taxi Medallion No. 007; and,

WHEREAS, the owners of the corporation have notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Bashir Malik; 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. 007 to Bashir Malik; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

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Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-467 - 10/28/13

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 024

WHEREAS, S&G Florida Management, LLC is the owner of Neptune Township Taxi Medallion No. 024; and,

WHEREAS, the owners of the corporation have notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to US Way, LLC; 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. 024 to US Way, LLC; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', written in a cursive style.

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-468 - 10/28/13

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR SOUTH RIVERSIDE DRIVE BICYCLE PATH

WHEREAS, the Township of Neptune has received a grant from the New Jersey Department of Transportation for the South Riverside Drive Bicycle Path and is desirous to undertake said project; and,

WHEREAS, it is necessary for an Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer recommends that Sam Schwartz Associates perform the work based on experience in bicycle path designs; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-28, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Sam Schwartz Associates to perform the services as stated herein at an amount not to exceed \$35,000.00; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-469 - 10/28/13

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR IMPROVEMENTS TO WAYSIDE ROAD

WHEREAS, the Township of Neptune has received a grant from the New Jersey Department of Transportation for Improvements to Wayside Road and is desirous to undertake said project; and,

WHEREAS, it is necessary for an Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer recommends that Leon S. Avakian, Inc. perform the work based on experience in roadway improvement designs; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-14, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Leon S. Avakian, Inc. to perform the services as stated herein at an amount not to exceed \$39,100.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-470 - 10/28/13

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR IMPROVEMENTS TO THE JUMPING BROOK BALLFIELDS

WHEREAS, the Township of Neptune has received a grant from the Monmouth County Open Space Program for Improvements to Jumping Brook Ballfields and is desirous to undertake said project; and,

WHEREAS, it is necessary for an Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer recommends that CME Associates perform said work; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-13, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes CME Associates to perform the services as stated herein at an amount not to exceed \$33,500.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-471 - 10/28/13

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

WHEREAS, the Director of Code Enforcement 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 Director of Code Enforcement 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>
3041/2	7 Arnold Avenue	\$ 430.00
198/9	43 Ridge Avenue	375.00

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-472 - 10/28/13

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND
FILED BY RD AMERICA, LLC FOR SITE IMPROVEMENTS AT RESTAURANT DEPOT

WHEREAS, on May 13, 2011, RD America, LLC filed a performance bond written by RLI Insurance Company in the amount of \$325,512.00 guaranteeing site improvements for Restaurant Depot, 3560 Route 66 (Block 10000, Lot 7.03); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of August 21, 2013 and said performance bond can be released; and,

WHEREAS, Restaurant Depot has posted a maintenance guarantee in the form of cash escrow in the amount of \$45,210.00 guaranteeing 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 addition to funds received in the amount of \$14,802.20, will be retained as the maintenance guarantee; and,

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-473 - 10/28/13

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH
IMPROVEMENTS TO GREEN GROVE ROAD – PHASE II

WHEREAS, a contract was awarded to Lucas Construction Group in the amount of \$418,914.97 in connection with Improvements to Green Grove Road – Phase II; and,

WHEREAS, the Township Committee adopted Resolution #13-331 on July 8, 2013 which authorized Change Order #1 increasing the contract amount by \$60,525.00; and,

WHEREAS, changes to the contract have been experienced as a result of final as-built quantities; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances No. 11-25 and 13-14 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 Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Lucas Construction Group in connection with Improvements to Green Grove Road – Phase II resulting in a net increase of \$6,070.93 revising the total contract amount to \$485,510.90; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-474 - 10/28/13

AUTHORIZE CHANGE ORDER #3 IN CONNECTION WITH
NORTH RIVERSIDE DRIVE PUMP STATION IMPROVEMENTS

WHEREAS, a contract was awarded to DeMaio Electrical Co. Inc, in the amount of \$495,000.00 in connection with North Riverside Drive Pump Station Improvements; and,

WHEREAS, the Township Committee approved Change Order #1 by adoption of Resolution #13-309 which increased the contract amount by \$6,363.00; and,

WHEREAS, the Township Committee approved Change Order #2 by adoption of Resolution #13-451 which increased the contract amount by \$22,898.00; and,

WHEREAS, additional changes to the contract have been experienced as a result of removal and replacing an enclosed flow meter; and,

WHEREAS, this change has been approved by the Township Engineering Consultant; and,

WHEREAS, funds for this purpose will be provided in the Special Emergency Appropriation – Sewer Utility and Ordinance No. 12-14, 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 Mayor and Clerk be and are hereby authorized to execute Change Order #3 in the contract with DeMaio Electrical Co. Inc. in connection with North Riverside Drive Pump Station Improvements resulting in a net increase of \$7,500.00 revising the total contract amount to \$531,761.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-475 - 10/28/13

AWARD BID FOR REPLACEMENT OF A PORTION OF THE
WESLEY LAKE RETAINING WALL

WHEREAS, on October 17, 2013, the Township Engineering Consultant received bids for the award of a contract for the replacement of a portion of the Wesley Lake retaining wall; and,

WHEREAS, the apparent low bidder, Mixalia Enterprises, LLC withdrew their bid due to a misinterpretation of the project; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that the bid be awarded to the lowest responsible bid submitted by Precise Construction, 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 Ordinances No. 05-21, 11-24 and 13-23 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 Precise Construction, Inc. on their lowest responsible Base Bid plus Alternate #1 bid of \$1,093,000.00 to replace a portion of the Wesley Lake retaining wall; 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 Engineering Consultant, Public Agency Compliance Officer, Township Engineer and Wesley Lake Commission.

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #13-476 – 10/28/13

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	3,095,273.83
FEDERAL & STATE GRANT FUND	35,761.70
TRUST OTHER	44,058.34
GENERAL CAPITAL FUND	22,663.21
SEWER OPERATING FUND	21,775.76
SEWER CAPITAL FUND	168,189.90
MARINA OPERATING FUND	900.57
MARINA CAPITAL FUND	50,460.19
DOG TRUST	7,477.00
LIBRARY TRUST	4,003.50
BILL LIST TOTAL	\$3,450,563.90

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

CERTIFICATION
I HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP
OF NEPTUNE ON 10/28/13



Richard J. Cuttrell, Municipal Clerk