

TOWNSHIP COMMITTEE MEETING – JULY 28, 2014

Deputy Mayor Jahn 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, Eric J. Houghtaling, Mary Beth Jahn, and Kevin B. McMillan. (Mayor Michael Brantley arrived at the start of the executive session)

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

Deputy Mayor Jahn 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 2, 2014 and The Coaster on January 3, 2014, 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:

Ms. Jahn asked if a decision was ever made regarding amendments to the ordinance regulating the removal of snow from sidewalks. Mr. Bishop stated that he likes the idea of requiring snow removal in areas surrounding schools. In other areas, it is difficult for seniors and the idea of establishing a list of people willing to shovel would be difficult to administer. Mr. McMillan asked if the Township can be named in a lawsuit in the event that landlords do not clear sidewalks. Mr. Anthony answered that Township is liable for sidewalks only if the Township is maintaining the sidewalk or the Township does not take action to respond when notified of a dangerous situation. Mr. Gadaleta advised that the current ordinance needs to be amended to allow for a fine rather than saying the Township will shovel and then apply a lien on the property. Mr. Gadaleta will prepare a draft ordinance to take out the lien section and include that requirement to shovel within 1000 feet of a school. Ms. Jahn suggested that the various homeowners groups could develop a referral service of individuals who can shovel for residents who are away or elderly.

Ms. Jahn stated that the Committee previously discussed hiring a Public Relations Consultant. Last year, a Request for Qualifications (RFQ) was advertised, firms responded, and no action was taken. Mr. Gadaleta suggested that the RFQ be redone and include an annual rate. Mr. Bascom stated that in the past, the Township had success with a local person who was retired with public relations experience. He added that the Township needs someone collecting positive information on a regular basis to get the word out on events and things the Township is doing. Mr. Bishop and Mr. McMillan offered to approach local colleges about the possibility of an internship program for a student in public relations/marketing.

Mr. Bascom stated that the next phase is of the Township's traffic calming initiative is the installation of traffic tables and speed humps with accompanying signage. This will occur at eleven locations in early August. These will be used in conjunction with the digital signs which record speed data to determine street which have the highest incidence of speeding.

Mr. Bishop stated that the "Do not enter" signage on Central Avenue at Atlantic Avenue needs to be looked at because vehicles frequently are traversing Central Avenue in the wrong direction.

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:

Litigation – Update on pending litigation

Personnel – Recommendation to fill vacant Driver position
Contract negotiations – Short term disability insurance coverage

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

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

Dr. Brantley arrived.

The Committee reviewed a recommendation for the hiring of a Driver and took action during the business of the meeting.

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

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

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

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor Brantley 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 2, 2014 and The Coaster on January 3, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meeting held on July 14th. All were in favor.

REPORT OF THE CLERK

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

Senior Center newsletter for August and minutes of the June 25th Senior Advisory Council meeting.

Thank you letters to Deputy Chief Hunt, Lt. Larry Fisher and Officer Lavendero for their participation in the Language Infusion Group at Jersey Shore University Medical Center.

Rosemary Gray sent letter of thanks to the following for recent donations to the Senior Center: Edith Reid, Susan Mead, Helen DeSarno, Arlene Weingartner, Lawrence J. Pergola, Jr., MariaGrace & Peter Bravman, Elizabeth Wolny, George Heyson, Nicholas Napolitano, Victor D'Anna and family, Edgar Halpin, Mary Moore, Joan Hunziker, Catholic Men for Jesus Christ, Wegmans, Burt Beam, Forever Young Group, Antoinette Ensenat, Virginia Faust, Michele D'Amato, Sue Radford, Louise Mohlehhoff & Bob Jenkins, Dee Reinhold, Thomas Donohue, Patti Amberg, Joan Letts, Theresa Scalcione, June Newman and American Legion Post #346.

COMMENTS FROM THE DAIS

Mr. Houghtaling stated that he attending the MURC Trustee meeting and bar-be-cue. The MURC members remain concerned about safety. He attended the Ocean Grove Picnic and the dedication of the 3rd floor of the Jersey Shore Arts Center. In addition, he attended the Concert in

the Park at Midtown Commons, Touch a Truck event, Movie in the Park at Volunteer Park, Shark River Hills Homeowners Meeting, Ocean Grove Homeowners Meeting and Music in the Park. He also went on a tour on the south side of Ocean Grove and attended a function where he met Senator Cory Booker. Senator Booker agreed to attend the dedication of Veterans Park in the fall.

Mr. Bishop attended the Men's Breakfast Group at the Senior Center where the police did a great presentation. He attended the dedication of the Jersey Shore Arts Center Culinary Institute on the top floor. He commended Herb Herbst for a great job with that project. He thanked Public Works and the Fire Department for a great evening at the Touch a Truck event.

Mr. McMillan attended the MURC meeting and bar-be-cue and had lunch at the Senior Center. He thanked the Ocean Grove First Aid Squad and Police Department for their response to his home and taking his daughter to the hospital. He recognized the efforts of the eight youth who are working this summer for the Township through the Urban Gateway Enhancement Grant. Finally, he attended the Midtown Music in the Park event.

The Mayor stated that West Lake Pharmacy is now open. Both Fletcher Lake and Wesley Lake will be stocked with fish now that they are dredged and becoming healthier. Wesley Lake has some vegetation growth in the lake which is also a sign the lake is healthier. He asked everyone to attend the July 29th Asbury Park vs. Neptune swan boat race on Wesley Lake.

ORDINANCE NO. 14-31 - APPROVED

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

ORDINANCE NO. 14-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED POLICE DEPARTMENT

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

PUBLIC COMMENTS ON RESOLUTION TO HIRE THREE POLICE OFFICERS

The Mayor requested public comments regarding the resolution to employ three police officers. There were no comments.

Mr. Bascom and Deputy Chief Hunt introduced the three individuals being recommended for hiring.

EMPLOY THREE POLICE OFFICERS ON A PROBATIONARY BASIS

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

WHEREAS, due to retirements, there are vacancies in the position of Police Officer; and,

WHEREAS, candidates were interviewed by the Police Department command staff; and,

WHEREAS, the Acting Police Director and Deputy Police Chief have made their recommendations; and,

WHEREAS, funds in the appropriation entitled Police S&W, known as Account No. 240-010 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Christopher Monahan, Angel Marerro, and Christopher Wilson be and are hereby employed as probationary Police Officers in the Police Department, pending favorable results of physical and psychological examinations, at an annual base salary of \$38,243.00, and to perform such other duties as prescribed by the Chief or Deputy Chief of Police effective July 23, 2014; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Deputy Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O, Human Resources, and P.B.A. Local 74.

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

The Mayor administered the Oath of Office to each new officer.

PUBLIC HEARING – GREEN ACRES APPLICATION FOR ACQUISITION OF PROPERTIES IN SHARK RIVER HILLS PRONE TO COASTAL FLOODING

The Mayor introduced Leanne Hoffmann, Township Engineer, for a presentation on the Township's Green Acres application

Ms. Hoffmann presented the application for the 2014 Green Acres Acquisition Project for the Township of Neptune. She stated the acquisition project came about post Sandy when the Township administration had a number of residents come forward inquiring what type of funding was available to purchase their property located in the flood zone. She stated that Vito Gadaleta, Business Administrator, reached out to all of the residents and property owners that are on the list for potential acquisition. The list of properties this evening consists of willing property owners that have come forward and expressed an interest in having their property acquired. She stated there were 16 parcels that are listed and located in the flood prone area of Shark River Hills. All of the properties are bordered by S. Riverside Drive, Riverview Court and Valley Road. Some parcels are contiguous to parcels that the Township has already acquired through prior rounds of green acres funding. Some parcels are encumbered by wetlands and four of the parcels have structures on them of which two structures are commercial and two are residential. Of the residential property, one is not habitable. Of the two commercial properties, one houses Current Trends hair salon. The list includes a large parcel that has a prior approval for a nine lot subdivision. The acquisition would help curtail development in the flood prone area. Ms. Hoffmann distributed and described three different maps providing further detail of the area.

Mr. Bishop asked if a property owner was interested in acquisition, but the appraisal amount is not the amount they are seeking, can they back out of the program.

Mr. Gadaleta stated this was an at-will program and that there was no eminent domain. There would be appraisals and if the first round of appraisals were not acceptable, then there would be a second round of appraisals done and once the second set of appraisal were done, then there could be a third party review of a value but ultimately the property owner would have to accept the appraisal offer. They are not required to accept the appraisal amount.

Mr. Bishop questioned what would happen to the Township's desire for acquisition should it become a patchwork type of thing, where on property owner wants it, but the contiguous property owner does not. Would this type of situation eliminate the project as a whole?

Mrs. Hoffman stated the answer was yes and no. She stated it depended on which parcels would opt out. She stated some of the properties were already contiguous to property owned by the Township. The Township would have to make a decision because the goal is not to hopscotch additional lots, but to acquire blocks of contiguous parcels.

Mr. Bishop questioned what would happen to our application and whether there were detrimental effects on our application if in fact it is a hopscotch situation. He questioned if there is a certain point of properties opting out that would eliminate the entire application.

Mrs. Hoffman stated she did not know if she could answer that.

Mr. Bascom stated he could provide information based on past history where Green Acres provided funding in phases. He stated this was a two million dollar project and what they've done in the past with our four million dollar project was fund the Township at about one and a half million dollars in Phase I and then funded the balance in subsequent phases. He stated they also gave an at risk letter while they waited to continue with subsequent funding.

Ms. Hoffman stated the estimated cost for the 16 parcels totals \$2,221,733.33 and that is based on the most current information available. The appraisal still has to be done if the application is successful and then there are soft costs such as title work, property surveys, preliminary assessments and appraisal costs which would be capped at 20% of the land cost. The estimated total of both acquisition and soft costs is \$2,426,733.00 which is the amount of the application.

Mr. Houghtaling questioned how much would Green Acres pay.

Ms. Hoffmann stated as an urban aid community, the Township qualifies for 75% grant/25% match. Mr. Bascom stated a typical green acres program is funded at 50% grant/50% match.

The Mayor requested public comments regarding the Township's Green Acres Application to acquire properties in Shark River Hills prone to coastal flooding.

Hank Coakley, Valley Road, asked where the nine lot parcel was located.

Mr. Hoffmann responded by stating that it was located at 101 S. Riverside Drive, Block 480, Lot 1.

Jack Bredin, 94 ½ Heck Avenue, stated in the past municipalities could purchase the properties with their own money and in the future they would sell it but now with green acres it is deed restricted and it restricts towns from ever doing anything with it. In the past, he has voted for open space and he is in support of this and urged the Committee to vote in favor of it.

Ms. Hoffmann added this acquisition was consistent with the Township Master Plan.

Dorothy Argyros questioned whether the 75% was paid by green acres and the 25% was paid by the Township. Mr. Bascom stated yes. She also stated that in her research she found that if it becomes part of open space, the Township cannot sell it. She also questioned whether anyone would be forced to sell if they did not like the appraised value.

Mayor Brantley stated there was no eminent domain involved.

Jack Pensabene, 1306 Ninth Avenue, asked if there will be any park development on the site.

Mr. Bascom stated so far nothing has been proposed. The property will simply be open space.

Mr. Pensabene questioned the maintenance requirements of the land.

Mr. Bascom stated the property would require basic maintenance such as grass cutting.

Mr. Pensabene stated he was afraid that he would see a proposal for bonding and then later on there's a proposal to increase that bond. He stated the Committee is not sure of the ratable loss and expenses are increasing. He felt that more homework needs to be done.

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

APPLY FOR A GREEN ACRES PROGRAM GRANT/LOAN FOR ACQUISITION OF FLOOD PRONE PROPERTIES IN SHARK RIVER HILLS

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

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Township of Neptune desires to further the public interest by obtaining funding in the amount of \$1,820,060.80 (75% grant/25% loan) from the State to fund the following project: Acquisition of the Flood Prone Properties in Shark River Hills at a total cost \$2,426,733.33; and,

NOW, THEREFORE, the Township Committee of the Township of Neptune resolves that Michael J. Bascom or the successor to the office of Chief Financial Officer is hereby authorized to:

- a) make application for such a loan and/or such a grant;
- b) provide additional application information and furnish such documents as may be required;
- c) act as the authorized correspondent of the above named applicant; and,

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules,

regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project,

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

1) That the Chief Financial Officer of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State for the project known as Acquisition of Flood Prone Properties in Shark River Hills; and,

2) That the applicant has its matching share of the project, if a match is required, in the amount of \$606,683.33.

3) That in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,

4) The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

5) That this resolution shall take effect immediately.

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

PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, asked the Committee to table the amend the budget to realize monies from a U.S. Department of Justice Grant until the public is told what will be purchased through the grant. The federal government is giving money to local governments to buy military weapons, surveillance equipment and drones. Mr. Bascom stated that this is a fully funded federal grant that the Township shares with Asbury Park and Long Branch. The Township's share is about \$16,000 which is being used to purchase an e-ticketing system to print tickets from patrol cars that get automatically loaded into the Municipal Court system.

Jack Pensabene, asked how many weeks youth were employed through the Urban Gateway Enhancement Program. Mr. Gadaleta responded eight weeks. Mr. Pensabene asked how \$8.50 an hour for eight children for eight weeks equals \$32,000. Mr. Gadaleta stated that the total amount also includes administrative costs and supplies.

Michael Fornino, 120 Fulham Place, asked why the Township is going all the way to Galveston, TX to make purchases. Mr. Bascom responded that Galveston has the national pricing cooperative for large vehicles.

ORDINANCE NO. 14-24 - ADOPTED

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

ORDINANCE NO. 14-24

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT
ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY REZONING
CERTAIN PROPERTIES ALONG ROUTE 66 TO C-1 PLANNED
COMMERCIAL DEVELOPMENT ZONE

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

Andy Noor, attorney representing EI properties, stated his client owns five buildings in Parkway 100 and they have very serious concerns to the viability of this park. He cannot be put in a position to go for a zoning variance every time they get a new tenant. It would affect their assets. They've been good corporate citizens and feels the Township would be doing itself a disservice. His clients company brings rateables into the township and this could affect future rateables. They also provide employment in the Township. He requested the Township not take action until they have further time to review this and they were willing to work with the Township.

Mr. Bishop stated this was presented to the Committee awhile back to look at this and it was determined that this was considered spot zoning and not in our best interest, nor was it legal. Also existing businesses were allowed to stay there and they were not putting anyone out

of business. The Planning Board and the Planning Sub-Committee was very specific in how they looked at this and what their vision was. The Township Committee voted on that vision and took it forward. They understood there were challenges and the client was asked to come to the Zoning Board to give some desired uses. He stated they've entertained this request before and the Planning Board and the Planning Sub-Committee all looked at this and they all are aware of this and they stand behind the recommendation that this be passed.

Jen Beahm stated they went through two years of hearings and it has been zoned commercial for at least 15 years. The vision of the Planning Board was for commercial in this corridor. Owner advised for a blanket use variance for uses they applied for then withdrew application. The hospital supports zone overlays entire Route 66 Zone which allows for some light industrial. It is zoned commercial.

Leanne Hoffman stated they asked for a list of uses they would foresee in the future and they never received it.

Mayor Brantley questioned whether this ordinance could be amended.

Mr. Bishop confirmed that it could.

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

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

ORDINANCE NO. 14-25 - ADOPTED

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

ORDINANCE NO. 14-25

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY REZONING BLOCK 9025, LOTS 53, 54, 55, 55.01 FROM C-1 PLANNED COMMERCIAL TO R-2 RESIDENTIAL

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: Bishop, aye; Houghtaling, aye; Jahn, aye; McMillan, aye; and Brantley, aye.

ORDINANCE NO. 14-26 - ADOPTED

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

ORDINANCE NO. 14-26

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 404.04 ENTITLED C-1 PLANNED COMMERCIAL DEVELOPMENT

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

Andy Noor, stated this ordinance also affects his client and they are looking into submitting an application to the Planning Board. They would like to continue the same use as the past 30 years. Light industrial uses were permitted and that is why his client has not been engaged.

Jen Beahm stated this makes uses broader and easier to work with property owners.

Michael D. Fornino stated his neighbor parks on his front lawn and questioned whether this would affect them.

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

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

ORDINANCE NO. 14-27 - ADOPTED

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

ORDINANCE NO. 14-27

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT
ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING
SECTION 412.18 ENTITLED PARKING IN FRONT SETBACK

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

Jennifer Beahm, Township Planner, stated that front yard parking variances in commercial zones area granted every time. This is an effort to zone by ordinance and not by variance as well as to eliminate the burden of a zoning board application.

Barbara Burns, 4 Ocean Avenue, asked if the ordinance only applies to commercial uses. Ms. Beahn responded yes.

Michael Fornino, 120 Fulham Place, stated that he has a neighbor that parks his cars on the front yard to avoid his car being struck by people speeding. Ms. Beahm stated that this only applies to commercial zones.

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

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

ORDINANCE NO. 14-28 - APPROVED

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

ORDINANCE NO. 14-28

AN ORDINANCE TO AMEND CHAPTER IV OF THE GENERAL
ORDINANCES OF THE TOWNSHIP OF NEPTUNE CREATING
RENT CONTROL, PROTECTIVE TENANCY AND RENT LEVELING
BOARD

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

ORDINANCE NO. 14-29 - APPROVED

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

ORDINANCE NO. 14-29

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND
ORDINANCE NUMBER 14-13 (WHICH PROVIDES FOR THE
DEVELOPMENT OF VETERANS PARK BY AND IN THE
TOWNSHIP) HERETOFORE FINALLY ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN
THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON
MARCH 24, 2014, TO INCREASE THE APPROPRIATION THEREIN
TO \$1,000,000, TO INCREASE THE AUTHORIZATION OF BONDS
OR NOTES THEREIN TO \$950,000 AND TO INCREASE THE DOWN
PAYMENT THEREIN TO \$50,000

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

ORDINANCE NO. 14-30 - APPROVED

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

ORDINANCE NO. 14-30

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 11-05 (WHICH PROVIDES FOR THE UNDERTAKING OF THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 24, 2011, TO INCREASE THE APPROPRIATION THEREIN TO \$850,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$399,353 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$20,470.25

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

ORDINANCE NO. 14-32 - APPROVED

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

ORDINANCE NO. 14-32

AN ORDINANCE TO AMEND VOLUME 1, CHAPTER VII, SECTION 7-21 OF CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "HANDICAPPED PARKING"

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 14-28 through 14-32 will be held on Monday, August 11, 2014.

CONSENT AGENDA

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

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>
192/54.01	1706 Summerfield Avenue	\$ 55.00

396/7	535 Glenmere Avenue	375.00
1402/16	4 Jumping Brook Drive	250.00
201.01/28	1309 11 th Avenue	297.50

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

AMEND RESOLUTION TO EMPLOY TEMPORARY SEASONAL PERSONNEL THROUGH THE URBAN GATEWAY ENHANCEMENT PROGRAM

WHEREAS, the Township of Neptune received grant funding in the amount of \$32,000.00 through the Urban Gateway Enhancement Program to employ youth on a temporary basis during the summer season; and,

WHEREAS, on July 14, 2014, the Township Committee adopted Resolution #14-351 which authorized the employment of temporary seasonal personnel through the grant program; and,

WHEREAS, one of the eight individuals hired stopped working after July 10, 2013 and the hourly rate of the participants requires an amendment from \$8.25 to \$8.50 per hour; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget through an Urban Gateway Enhancement Program grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #14-351 be and is hereby amended to reflect that Joel Ruiz is no longer employed in the Urban Gateway Enhancement Program effective July 11, 2014 and the pay rate for the remaining seven Youth Participants is hereby amended to \$8.50 per hour; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Community Programs Coordinator, Chief Financial Officer, Assistant C.F.O., Business Administrator and Human Resources.

AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING IN CONNECTION WITH THE FALL HARVEST FESTIVAL

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a Fall Harvest Festival on October 11, 2014; and,

WHEREAS, it is necessary to close portions of Main Avenue and Pilgrim Pathway and designate no parking during the event; and,

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

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

Saturday October 11, 2014 - 7:00 A.M. to 6:00 P.M.

- 1) No parking and road closed on Main Avenue between New York Avenue and Central Avenue
- 2) No parking and road closed on Pilgrim Pathway between Heck Avenue and Pitman Avenue
- 3) No parking on the east side of Pilgrim Pathway between Pitman Avenue and Mt. Carmel Way.

BE IT FURTHER RESOLVED, that the Department of Public Works shall provide barricades at the intersections of Main and New York; Main and Central; and Pitman and Pilgrim Pathway; and,

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

RECLASSIFY TWO PUBLIC SAFETY OFFICERS TO THE POSITION OF SENIOR PUBLIC SAFETY OFFICER

WHEREAS, there is a need to reclassify two current part-time Public Safety Officers to the

title of Senior Public Safety Officer; and,

WHEREAS, the Office of Emergency Management and Acting Police Director have made a recommendation to reclassify two existing employees to said title; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled 290-010, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ryan Moses and Brian Magnin be and are hereby reclassified to the position of Senior Public Safety Officer at an hourly rate of \$18.39 effective August 1, 2014; and,

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

APPOINT SENIOR CITIZEN REPRESENTATIVES TO THE MONMOUTH COUNTY DIVISION ON AGING, DISABILITIES AND VETERANS AFFAIRS QUARTERLY MUNICIPAL COORDINATORS MEETING

WHEREAS, the Monmouth County Office on Aging, Disabilities and Veterans Affairs conducts a quarterly Municipal Coordinators meeting and requests Senior residents appointed as representatives from each county municipality; and,

WHEREAS, the Senior Center Director recommends that the appointments be made from the current membership of the Senior Advisory Council,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Arthur Bauter (regular representative) and Walter Drummond (alternate representative) be and are hereby appointed as the Neptune Township representatives to the Monmouth County Office on Aging, Disabilities and Veterans Affairs quarterly Municipal Coordinators meeting; and,

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

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR SITE IMPROVEMENTS AT 2109 HECK AVENUE

WHEREAS, on April 26, 2010, JLRZ Holdings, Inc. filed a maintenance bond written by American Southern Insurance Company in the amount of \$19,605.00, guaranteeing the maintenance of site improvements for two years at 2109 Heck Avenue (Block 266.02, Lot 141); and,

WHEREAS, the two year maintenance period has expired and said maintenance bond may be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance bond as stated herein and deems the major site plan, as approved by the Planning Board on October 27, 2007, as complete; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded; and,

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

AUTHORIZE AN AMENDMENT TO THE 2014 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE UNITED STATES DEPARTMENT OF JUSTICE

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 insertion of an item of revenue in the budget for the year 2014 in the sum of \$59,448.00 which is now available from a United States Department of Justice - Justice Assistance Grant in the amount of \$59,448.00; and,

BE IT FURTHER RESOLVED that the like sum of \$59,448.00 is hereby appropriated under the caption of 2014 JAG Law Enforcement Equipment Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the United States Department of Justice – JAG Law Enforcement Equipment Grant in the amount of \$59,448.00; 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.

AUTHORIZE AN AMENDMENT TO THE 2014 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 insertion of an item of revenue in the budget for the year 2014 in the sum of \$85,000.00 which is now available from a New Jersey Department of Law & Public Safety Hazardous Mitigation Grant in the amount of \$85,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$85,000.00 is hereby appropriated under the caption of Hazardous Mitigation – Energy Allocation Initiative; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety Hazardous Mitigation Grant Program – Energy Allocation Initiative in the amount of \$85,000.00; 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.

ACKNOWLEDGE THE RETIREMENT OF FOUR EMPLOYEES FROM THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has received notification that four Drivers in the Department of Public Works will be retiring between August 1, 2014 and November 1, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirements of the following employees in the Public Works Department be and are hereby acknowledged:

Jose Davila – effective August 1, 2014
Sylvester Griffin – effective September 1, 2014
Jeff Brenan – effective November 1, 2014
Curney Beauford – effective November 1, 2014

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

AUTHORIZE AN AMENDMENT TO THE 2014 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DIVISION OF HIGHWAY TRAFFIC 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 insertion of an item of revenue in the budget for the year 2014 in the sum of \$11,000.00 which is now available from a NJDL&PS Division of Highway Traffic Safety Grant in the amount of \$11,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$11,000.00 is hereby appropriated under the caption of 2015 Pedestrian Safety Enforcement; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety 2015 Pedestrian Safety Grant in the amount of \$11,000.00; 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.

AUTHORIZE A COOPERATIVE PRICING AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND THE HOUSTON - GALVESTON AREA COUNCIL, AS LEAD AGENCY

WHEREAS, N.J.S.A. 52:34-6.2(b)(3) authorizes any contracting unit to purchase goods, or to contract for services through the use of a nationally recognized and accepted cooperative purchasing agreement that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state; and

WHEREAS, the Houston-Galveston Area Council (H-GAC), as the Lead Agency, has offered voluntary participation in a National Government Cooperative Pricing System for the provision of goods and services; and

WHEREAS, the Qualified Purchasing Agent and the Township Administrator have recommended to the Township Committee that the Township participate in this Cooperative Pricing System for the provision of goods and services; and

WHEREAS, based on such recommendations the Township Committee has determined that said participation offers lower prices and is in the best interests of the citizens of the Township;

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

1. This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Neptune and the Houston-Galveston Area Council.
2. Pursuant to the provisions of N.J.S.A. 52:34-6.2(b)(3), the Mayor is hereby authorized to execute and the Municipal Clerk to attest, on behalf of the Township a Cooperative Pricing Agreement between the Township of Neptune and the Houston-Galveston Area Council, as Lead Agency, a copy of which is annexed hereto and is on file in the Office of the Municipal Clerk and is available for public inspection.
3. This resolution shall take effect immediately upon its passage.
4. Certified copies of this resolution shall be distributed to the Business Administrator, Chief Financial Officer and Assistant C.F.O.

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye, except abstain on the street closures for the Fall Harvest Festival; Houghtaling, aye; Jahn, aye; McMillan, aye; and Brantley, aye.

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

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

WHEREAS, due to a retirement, 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 Human Resources Specialist and Public Works Director have made their recommendation; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled 290-010, 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 Izameek Harris 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 August 4, 2014, 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 Human Resources.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Houghtaling 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	711,031.46
FEDERAL & STATE GRANT FUND	35,545.20
TRUST OTHER	134,950.96
GENERAL CAPITAL FUND	9,235.90
SEWER OPERATING FUND	11,415.29
MARINA OPERATING FUND	17,140.17
MARINA CAPITAL FUND	654.08
DOG TRUST	7,477.00
UDAG RECIPROCAL TRUST	2,975.13
LIBRARY TRUST	319.86
BILL LIST TOTAL	\$930,745.05

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; Houghtaling, aye; Jahn, aye; McMillan, aye; and Brantley, aye, except abstain on the checks to Bidy Basketball and Robert Dykeman.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Carol Sloge, 3 Sean Drive, stated that residents of Wells Brook apartments are parking on her cul-de-sac and blocking her mailbox. The Post Office told her that if the mailbox is blocked, the mail carrier will not leave the vehicle. Mr. Anthony stated that some towns have ordinances that prohibit parking in front of mailboxes. Mr. Bishop asked Mr. Anthony to prepare an ordinance for review at the next meeting.

Dorothy Argyros, stated that she is tired of hiring attorneys to defend police officer's actions.

She read excerpts of a lawsuit against police officers alleged excessive force. The Mayor stated that is meeting regularly with the Police Commissioner and the Department's top brass. The police will be great going forward and they have been great in the past.

Celestine Overbey, Bingham Street, stated that people are turning off of Route 35 because of congestion and speeding through her neighborhood.

Joan Venezia, 107 Mt. Hermon Way, stated a couple of months ago she asked for a time frame of separating Ocean Grove's ordinances from Neptune Township.

Mr. Gadaleta stated the process was ongoing and a very lengthy process.

Ms. Venezia questioned whether it could be shortened to less than a year.

Mr. Gadaleta stated he was not sure if it could be but would respond back to both her and the Committee.

Ms. Venezia questioned the criteria to get property on the vacant property list and how would they go about getting corrections to it.

Mr. Anthony stated they were meeting to discuss the vacant property ordinance. And he's preparing the ordinance which will list the criteria and it will be kept up to date by the construction/code official.

Mr. Bishop stated the State gives them a criteria as to what is considered vacant and abandoned properties and they were putting the States language into their ordinance. This will codify and utilize the list.

Ms. Venezia questioned whether the use for that was just for the vacant properties or do they share it with the Fire Department.

Mr. Gadaleta confirmed that it was shared with various departments.

Ms. Venezia stated on her block the yard waste was half hazard and there were days when it was missed.

Kennedy Buckley, 65 Broadway, stated that he is happy to hear that the snow removal ordinance is being discussed. He added that the Committee needs to raise the priority on the effort to separate the Ocean Grove zoning ordinances from the remainder of the Township to achieve Certified Local Government status.

Kathy Ault, Abbott Avenue, thanked Mr. Houghtaling for attending the second derelict house tour. She went on to state that she spoke to Mr. Cuttrel regarding the dead plant material in the tree pit at 80 Main Avenue. She stated the woman who was cutting it down could no longer do it and neither could she. She also stated the matter of separating the ordinances was discussed two years ago. She stated that she did not see that it should be that hard to do and would like to see the committee move in a direction similar to that of Cape May. She also discussed 101 Clark Avenue by stating that it's been vacant since 2009 and was in foreclosure since 2009 but it was forgiven in 2013. She stated she hoped they were advocating a fee for these properties. At a homeowners meetings she stated that Mr. Haney stated antique homes were worth more than a new home and she wishes the Township would take that into consideration.

Mr. Bishop stated he did not like the idea of it being said that they did not take this seriously when in fact they did. He stated they also had to rank their priorities in how they spend their money. He stated they had to look at the big picture.

Mayor Brantley stated they had a lot of issues to address but they were serious about it and they were trying to get to it as fast as they could.

Ms. Jahn stated Mr. Anthony's files would show they were taking it seriously but there were other parts of town as well. She stated they've even gone to court regarding some of the cases in Ocean Grove.

Jack Breden, stated that there is no proof of DEP approval of the underground parking in the North End Redevelopment Plan.

Michael Fornino, stated at the last meeting he brought up having a bicycling ordinance because he felt that it was illegal to tie a bicycle to a pole. He felt the Township should have one

and should enforce it.

Mayor Brantley stated they would discuss it at the next Workshop Meeting.

Mr. Fornino stated that a guy tried to pass him on Wakefield Road but he would not let him and he told the guy that the speed limit was 25mph.

Heinz Weck stated last night there was a power failure in Ocean Grove. He thanked the police department for doing such a great job. He also stated he had a neighbor who expressed how happy she was to have the pot holes repaired.

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

Richard J. Cuttrell,
Municipal Clerk