

**TOWNSHIP COMMITTEE WORKSHOP MEETING – DECEMBER 22, 2014 – 6:00 P.M.**

Mayor Brantley 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	_____
Eric J. Houghtaling	_____
Mary Beth Jahn	_____
Kevin B. McMillan	_____
Dr. Michael Brantley	_____

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

Mayor Brantley 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, 2014 and the Asbury Park Press on January 2, 2014, 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 – Fee for violation of parking ordinance. (PW)
  
2. Discussion – Requirements for on-site Manager at apartment complexes.
  
3. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 14-561 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Bishop, \_\_\_\_\_; Houghtaling, \_\_\_\_\_; Jahn, \_\_\_\_\_; McMillan, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**TOWNSHIP COMMITTEE MEETING – DECEMBER 22, 2014 – 7:00 P.M.**

Mayor Brantley 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
Eric J. Houghtaling	_____	
Mary Beth Jahn	_____	Anthony Panissidi Asbury Park Press
Kevin B. McMillan	_____	
Dr. Michael Brantley	_____	

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene J. Anthony, Township Attorney; 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 Brantley 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, 2014 and the Asbury Park Press on January 2, 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](http://www.neptunetownship.org).

**APPROVAL OF MINUTES**

Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meeting held on December 8th.

**RECOGNITION OF COMMUNITY EMERGENCY RESPONSE TEAM (C.E.R.T.) GRADUATES**

The Mayor and Township Committee will recognize and present certificates to graduates of the Community Emergency Response Team Program.

**REPORT OF THE CLERK**

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

Notification that Bill Doolittle, Construction Official, was elected to the position of 2<sup>nd</sup> Vice President of the New Jersey Building Officials Association.

Minutes of the November 12<sup>th</sup> meeting of the Senior Citizens Advisory Council.

**COMMENTS FROM THE DAIS**

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 is permitted one visit to the microphone with a limit of five minutes.

ORDINANCE NO. 14-48 - An ordinance amending Land Development Ordinance, Volume II, §300, entitled, "Districts" and to add §423 to be entitled, "Transit Village Zone" – Final Reading

*Explanatory statement: This ordinance amends the Land Development Ordinance as a result of the recommendations of the Planning Board's January 2012 Comprehensive Master Plan to create a new Transit Village (TV) Zone with three subforms and setting forth principle uses, setbacks and development standards. (This ordinance contains the same text as Ordinance No. 14-06 which was tabled on February 10, 2014).*

PUBLIC HEARING (tabled from December 8<sup>th</sup> meeting):

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

**CONSENT AGENDA**

Res. # 14-563 – Accept performance guarantee filed by Macedonia Baptist Church for site improvements at 1924 Heck Avenue.

Res. # 14-564 – Rescind employment of Special Law Enforcement Officer – Class II and reclassify existing Class I Officer to Class II status.

Res. # 14-565 – Authorize the execution of a Shared Service Agreement with the County of Monmouth to provide computer related services to support emergency dispatching functions.

Res. # 14-566 – Authorize purchase and installation of a pump at the Clinton Avenue Pumping Station.

Res. # 14-567 – Cancel checks outstanding for over ninety days.

Res. # 14-568 – Authorize a reduction in the performance guarantees filed by Neptune Partners, LLC for site improvements at Signature Place at Neptune (Jumping Brook Road and Route 66).

Res. # 14-569 – Reclassify Izameek Harris as a permanent full-time Driver in the Department of Public Works.

Res. # 14-570 – Reclassify Romell Wilson as a permanent full-time Driver in the Department of Public Works.

Res. # 14-571 – Authorize the purchase of tablet computers through the State Cooperative Purchasing Program.

Res. # 14-572 – Authorize the transfer of 2014 budget appropriations.

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

Res. # 14-573 – Authorize Change Order #1 in connection with Jumping Brook Ball Field improvements.

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

Res. # 14-574 – Authorize the payment of bills.

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

**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**

RESOLUTION #14-562 – 12/22/14

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 – 2015 appointments

Potential Litigation – Correspondence regarding amended towing ordinance

Contract negotiations – Marina building

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 #14-563 - 12/22/14

ACCEPT PERFORMANCE GUARANTEE FILED BY MACEDONIA BAPTIST CHURCH  
FOR SITE IMPROVEMENTS AT 1924 HECK AVENUE

WHEREAS, on December 5, 2013, Macedonia Baptist Church submitted a performance guarantee in the form of cash in the amount of \$35,640.00 guaranteeing site improvements at 1924 Heck Avenue (Block 266, Lot 35); and,

WHEREAS, Macedonia Baptist Church has now filed performance bond 1113114, written by Lexon Insurance Company, Inc. in the amount of \$35,640.00 and has requested a refund of the cash performance guarantee; and,

WHEREAS, the Township Attorney has reviewed and approved said bond,

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 Bond as stated above be and is hereby accepted and replaces the cash performance guarantee submitted on December 5, 2013.
2. The cash performance guarantee be and is hereby authorized to be refunded.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Township Engineer, 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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-564 - 12/22/14

RESCIND EMPLOYMENT OF SPECIAL LAW ENFORCEMENT OFFICER CLASS II  
AND RECLASSIFY EXISTING CLASS I OFFICER TO CLASS II STATUS

WHEREAS, on December 8, 2014, the Township Committee adopted Resolution #14-555 which authorized the employment of six Special Law Enforcement Officers – Class II and Jailers in the Police Department on a part-time hourly basis; and,

WHEREAS, one of the six individuals hired is no longer able to accept the position; and,

WHEREAS, the Police Director has made his recommendation to rescind the employment of Julian Morgan and reclassify an existing Special Law Enforcement Officer – Class I to the positions of Special Law Enforcement Officer – Class II and Jailer; and,

WHEREAS, funds will be provided in the 2014 municipal budget in the appropriation entitled Police S&W 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 employment of Julian Morgan as authorized by Resolution #14-555 is hereby rescinded; and,

BE IT FURTHER RESOLVED, that Samantha Marcus be and is hereby reclassified to the position of part-time Special Law Enforcement Officer - Class II and part-time Jailer, and to perform such other duties as prescribed by the Chief of Police, effective immediately, at an hourly rate as established by prior resolution of the Township Committee; and,

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-565 - 12/22/14

AUTHORIZE THE EXECUTION OF A SHARED SERVICE AGREEMENT  
WITH THE COUNTY OF MONMOUTH TO PROVIDE COMPUTER RELATED  
SERVICES TO SUPPORT EMERGENCY DISPATCHING FUNCTIONS

WHEREAS, the Township of Neptune, mindful of its duty and responsibility to protect and maintain the public health, safety and welfare of its inhabitants, has determined that its best interests would be served by entering into a Shared Services Agreement with the County of Monmouth for computer related services to support any call taking and dispatching functions for the Township which will meet the technical requirements and operational standards as set forth in N.J.S.A. 17:24-1 et seq.; and,

WHEREAS, the Township of Neptune and the County of Monmouth desire to enter into a Shared Service Agreement pursuant to N.J.S.A. 40:65-1 et seq. for the Township and County to cooperatively participate in this project; and,

WHEREAS, the County shall provide these services and determine an annual fee each calendar year based upon the service proposal distributed to the Township on November 15<sup>th</sup> of the prior year,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Shared Service Agreement with the County of Monmouth and the Monmouth County Sheriff's Department, a copy of which is on file in the Office of the Municipal Clerk, providing for the County to provide computer related services to support any call taking and dispatching functions for the Township commencing January 1, 2015 and continuing for a period of five years at an annual fee to be determined in the manner prescribed herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Business Administrator, Assistant C.F.O., Chief of Police, and the Monmouth County Sheriff's Department.

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk



RESOLUTION #14-566 - 12/22/14

AUTHORIZE PURCHASE AND INSTALLATION OF A PUMP  
AT THE CLINTON PLACE PUMPING STATION

WHEREAS, the Purchasing Agent solicited quotes for the purchase and installation of a replacement pump at the Clinton Place pumping station; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Assistant Director of Public Works and Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in 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 purchase and installation of a replacement pump at the Clinton Place pumping station be and is hereby authorized through Pumping Services pursuant to their quote of \$22,030.00 for all six containers; 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., Public Works Director and Assistant Public Works Director.

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-567 - 12/22/14

CANCEL CHECKS OUTSTANDING FOR OVER NINETY DAYS

WHEREAS, the Finance Department has advised that there are a number of outstanding checks that are over ninety (90) days old; and,

WHEREAS, the cancellation of said checks must be approved by resolution of the Township Committee,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following checks outstanding for greater than ninety (90) days be and are hereby approved for cancellation:

General Account #7859177649

CHECK NO.	PAYABLE TO	AMOUNT
016963	The Sports Authority	\$ 247.39
016167	Lertch	164.58
017639	NJ MVC	25.00
017922	NJ MVC	85.00
018105	Neptune Little League	200.00
018686	John & Janice Gallagher	300.78
018743	NJ MVC	60.00
019026	Lynn's	348.99

Dare Account #037076396

CHECK NO.	PAYABLE TO	AMOUNT
01371	Lynne Dunn	\$ 471.85

Grant Account #7867107331

CHECK NO.	PAYABLE TO	AMOUNT
010635	OG First Aid	\$ 400.00

Payroll Account #7859177532

CHECK NO.	PAYABLE TO	AMOUNT
6156	Higher Education Auth	\$ 27.78
3592	IRS	682.41
3752	PBA Dues	3680.00

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-568 - 12/22/14

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEES FILED BY  
NEPTUNE PARTNERS, LLC FOR SITE IMPROVEMENTS AT SIGNATURE PLACE  
AT NEPTUNE (JUMPING BROOK ROAD AND ROUTE 66)

WHEREAS, on November 6, 2013, the Township Committee adopted a resolution which accepted three performance bonds issued by First Indemnity of America Insurance Company in the total amount of \$3,655,200.00 filed by Neptune Partners, LLC guaranteeing site improvements at the Signature Place complex at the intersection of Jumping Brook Road and Route 66 (Block 1500, Lots 23.04 and 23.05); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a reduction in the performance guarantees; and,

WHEREAS, the Developer will be notified to post Change Riders or a new consolidated bond reducing the total amount of the performance bond from \$3,655,200.00 to \$1,553,312.70 and the Municipal Clerk will accept said Riders or consolidated bond when posted; and,

WHEREAS, the cash portion of the performance guarantee will also be reduced by the proportionate amount of reduction of the performance bonds,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Partners, LLC for site improvements at Signature Place complex, intersection of Jumping Brook Road and Route 66 (Block 1500, Lots 23.04 and 23.05) be and is hereby approved to the amount of \$1,533,312.700 and the Change Riders or consolidated bond submitted to affect said reduction are hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate 70% amount of cash portion of the performance guarantee in the amount of \$212,929.70 shall be refunded to the Developer; and,

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-569 - 12/22/14

RECLASSIFY IZAMEEK HARRIS AS A PERMANENT FULL-TIME  
DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Izameek Harris was hired as a Driver in the Department of Public Works on September 2, 2014; and,

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

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

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

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 12/22/2014

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell".

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-570 - 12/22/14

RECLASSIFY ROMELL WILSON AS A PERMANENT FULL-TIME  
DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Romell Wilson was hired as a Driver in the Department of Public Works on March 12, 2014; and,

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

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

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-571 - 12/22/14

AUTHORIZE THE PURCHASE OF TABLET COMPUTERS THROUGH  
THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Police Department wishes to purchase GETAC tablet computers with accessories through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, GTBM, Inc. has been awarded New Jersey State Contract No. A75583 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$36,000.00; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of GETAC tablet computers with accessories through the New Jersey Cooperative Purchasing Program for the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$36,000.00; and,

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-572 - 12/22/14

AUTHORIZE THE TRANSFER OF 2014 BUDGET APPROPRIATIONS

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

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

<b>APPROPRIATION</b>	<b>FROM</b>	<b>TO</b>
Electricity O.E.	\$25,000.00	
Solid Waste Disposal O.E.	55,000.00	
Debt Service – Green Acres	1,000.00	
Legal O.E.		\$11,000.00
Group Insurance O.E.		42,000.00
Natural Gas O.E.		25,000.00
Debt Service – Note Interest		3,000.00
<b>TOTAL</b>	<b>\$81,000.00</b>	<b>\$81,000.00</b>

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that 2014 Budget Appropriations be transferred as stated herein; and,

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-573 - 12/22/14

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH  
THE JUMPING BROOK BALL FIELD IMPROVEMENTS

WHEREAS, a contract was awarded to Down to Earth Landscaping in the amount of \$356,616.20 in connection with Jumping Brook Ball Field Improvements; and,

WHEREAS, changes to the contract have been experienced as a result of the need for additional irrigation zones around newly planted trees and the arboretum; and,

WHEREAS, this change has been recommended by the Environmental/Shade Tree Commission Chairperson and approved by the Township Engineer and; and,

WHEREAS, funds for this purpose are available in Ordinance No. 12-17 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 #1 in the contract with Down to Earth Landscaping in connection with Jumping Brook Ball Field Improvements resulting in a net increase of \$10,000.00 revising the total contract amount to \$366,616.20; 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 12/22/2014



Richard J. Cuttrell, Municipal Clerk



RESOLUTION #14-574 – 12/22/14

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	2,896,804.25
FEDERAL & STATE GRANT FUND	5,928.68
TRUST OTHER	119,762.96
GENERAL CAPITAL FUND	55,230.80
SEWER OPERATING FUND	1,133,285.53
SEWER CAPITAL FUND	32,135.00
MARINA OPERATING FUND	32,888.80
MARINA CAPITAL FUND	28,470.97
DOG TRUST	7,638.40
LIBRARY TRUST	597.39
BILL LIST TOTAL	\$4,312,742.78

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #14-575 – 12/22/14

AUTHORIZE SETTLEMENT IN THE MATTER OF MIDCOAST ELECTRIC CORP. v.  
TOWNSHIP OF NEPTUNE, SUPERIOR COURT OF NEW JERSEY, COUNTY OF  
MONMOUTH, LAW DIVISION, DOCKET NO. L-4343-13

WHEREAS, this matter was brought by Midcoast Electric Corp. against the Township of Neptune; and,

WHEREAS, the parties have reached a settlement, as evidenced by a Stipulation of Settlement, attached hereto and made a part hereof as Exhibit "A", setting forth the rights and obligations of the parties.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes settlement in the above referenced matter as set forth in the Stipulation of Settlement attached hereto as Exhibit "A" and authorizes the Township Attorney, Gene J. Anthony, Esq., to execute the aforesaid Stipulation of Settlement as stated; and,

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

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 12/22/2014



Richard J. Cuttrell, Municipal Clerk

**PAUL V. FERNICOLA & ASSOCIATES, LLC**

219 Broad Street  
Red Bank, New Jersey 07701  
(732) 3450-600

Attorneys for Plaintiff, Midcoast Electric

MIDCOAST ELECTRIC CORP.

Plaintiff,

v.

NEPTUNE TOWNSHIP, a municipal  
corporation,

Defendant.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MONMOUTH COUNTY  
DOCKET NO. MON-L-4343-13

Civil Action

**STIPULATION OF SETTLEMENT**

Plaintiff, Midcoast Electric Corp., and Defendant, Neptune Township have reached an amicable settlement of all claims in this litigation as set forth herein.

1. Plaintiff is owed the sum of \$43,186.67 and Defendant shall pay said sum within ten (10) calendar days of the next scheduled meeting of the Township Committee which will approve and ratify this Stipulation of Settlement or within 10 days of Plaintiff executing and returning all necessary payment vouchers and the Township Committee approving the same at a regular Township Committee meeting.
2. A “holdback” in the amount of \$8,405.79 will be allowed by the Township to cover the amount of the Mechanic’s lien dated June 17, 2014 held by Cooper Electric

Supply Co. That amount will be held in the attorney trust account of The Law Offices of Gene Anthony and will be immediately paid pursuant, to the terms of this Agreement, upon proof of the discharge of the lien to the Township's attorney.

3. This Stipulation of Settlement shall settle all claims in this matter including those found in the Complaint and Counterclaim and shall release all parties from all claims and liabilities to each other with regards to any claims or potential claims that may exist as a result of this action.
4. Payment due under this agreement shall be made in the form of a single check payable to the Attorney Trust Account of Paul V. Fernicola, Esq.
5. In the event of a Default, Defendant will be put on written notice and have seven (7) days to cure.
6. In the event that Defendant fails to comply with the terms of this agreement then either party can seek a judgment by motion of enforcement, in the case of the plaintiff for a judgment of \$52,239.44, the total amount claimed by the Plaintiff.
7. Upon full compliance by the parties to this agreement a Consent Order to Reinstate and Dismiss with prejudice without costs shall be filed with the Clerk of this Court.
8. The aforesaid parties in effectuating settlement of this matter do consent and agreed to the terms and conditions of this agreement on the date set forth below.

LAW OFFICES OF GENE J. ANTHONY  
Attorney for Defendant, Neptune Township

BY: \_\_\_\_\_  
GENE J. ANTHONY, ESQ.

Dated: \_\_\_\_\_

PAUL V. FERNICOLA & ASSOCIATES, LLC  
Attorneys for Plaintiff, Midcoast Electric Corp.

BY: \_\_\_\_\_  
PAUL V. FERNICOLA, ESQ.

Dated: \_\_\_\_\_