

TOWNSHIP COMMITTEE MEETING – NOVEMBER 23, 2015

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

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

Deputy Mayor McMillan announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 8, 2015, 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:

John Stanton provided a history of recycling and causes for the recent price decline. He stated that almost of the recycling generated in the United States is shipped to China. With the recent economic slowdown in China, the demand has dropped causing prices to fall. There is no processing center in Monmouth County, all of the recycling gets trucked to Passaic County. If the market for recycling continues to get worse, it may be difficult to get rid of recyclable products. He advocated to encourage and educate the public on cleaner recycling and what is recyclable and what is not.

The Committee reviewed a resolution from the Environmental/Shade Tree Commission opposing fracking and fracking waste. The Committee asked that the appropriate ordinance be placed on the next meeting to prohibit fracking.

Mr. Gadaleta stated that a replacement fixture with a softer/yellow light was installed at Broadway and Beach Avenue in response to the concern by residents that the lights are too bright. Several residents asked for additional replacement lights to get a good idea on how much different the newer lights are versus the original brighter lights. Mr. Gadaleta suggested that all of the Broadway lights be replaced with the softer yellow light. The original lights can be stored and used elsewhere. The Committee agreed with this suggestion and advised that they will not consider any further changes after the softer lights are installed.

Mr. Cuttrell stated that he received a request from the Jersey Shore University Medical Center to being construction an hour early (7:00 a.m.) Monday through Friday in connection with the HOPE tower and parking facility. The Committee asked that the appropriate resolution be placed on the next meeting.

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

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, 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:

- Contract negotiations – Southport License Agreement
- Potential Litigation – Ordinance on Revocable License Agreements
- Potential Litigation – Private road issues
- Contract negotiations – RFPs for professionals

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

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

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

The Committee reviewed the Request for Proposals for appointment of professionals for 2016. They will be sent as drafted. The Committee expressed the desire to classify the pool of consulting engineering into specific field of expertise.

The Committee asked that the Division Street Redevelopment project proceed to the next step of declaring the area in need of redevelopment to allow the Township to acquire the remaining parcels that are owned by NJDOT.

Mr. Bascom updated the Committee on the dredging project. He stated that there may be a need to use the Township owned property on Seaview Island for people who use the Belmar marina ramp to temporarily park their boat trailers because of the loss of parking due to the drying of the dredge material in Belmar.

Mr. Bascom stated that he and Chief Hunt will present recommendations for hiring police officers at the next workshop meeting.

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

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

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

After a moment of Silent Prayer and the Flag Salute, the Deputy 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"

Deputy Mayor McMillan announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 8, 2015, 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

Mr. Bishop offered a motion, seconded by Dr. Brantley, to approve the minutes of the meeting held on November 9th. All were in favor.

#### PRESENTATION

The Pound the Pavement for Purple Committee presented a check in the amount of \$35,550, representing the proceeds from the 5km run held on October 24th, to benefit the Lustgarten Foundation. The Lustgarten Foundation exists to advance the research related to the diagnosis, treatment, cure and prevention of pancreatic cancer. Freeholder Tom Arnone and Mr. Houghtaling offered words of appreciation and thanks to the Committee and to those who supported the event.

#### REPORT OF THE CLERK

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

A letter from the Health Professionals and Allied Employees Local 5058 thanking the Township Committee for passing a resolution in support of safe staffing levels.

A letter from The Rodgers Group to Police Director Bascom and Police Chief Hunt congratulating the Neptune Police Department for an outstanding job on the recent on-site law enforcement accreditation process.

#### COMMENTS FROM THE DAIS

Dr. Brantley stated on November 11<sup>th</sup> he spoke at Frederick Dempsey's VFW, Post 266 Veterans Day Ceremony to recognize the sacrifice of our veterans and the conditions they come back in and he wanted to recognize what they've done for the country. When they put their uniform on they put their lives on the line and they come back injured physically and or emotionally. They wanted to recognize the sacrifices they've made to this country and it was a very nice ceremony. He stated he went to the hospital's ground breaking ceremony and they had two patients talk about Jersey Shore Hospital and what they've done for their lives as far as cancer was concerned and this building was really doing a service for them and they are happy to see. He stated it was really emotional and he did a tour at the new neonatal intensive care unit. He went on to state that the Biergarten in Asbury Park donated 20% of their alcohol sales which was a thousand dollars to the friends of Wesley Lake. They will be doing bigger fundraisers in the future for Wesley Lake.

Mr. Houghtaling stated he also attended the Frederick Dempsey American Legion Veterans Day Ceremony and he felt that it was an honor to be invited to spend his time with all of the brave men and women that are a part of that post. He stated they were lucky in Neptune because they have two other posts. He went on to state that he attended the ground breaking ceremony at Jersey Shore Medical Center for the New Hope Tower which will be a ten story cancer research facility and a ten story parking garage. He stated it would not only be good for finding a cure for cancer but it would also bring added workers to our area and that will be very good for the economy. He stated he attended the PBA steak bake at Shark River Hills Fire House which was very well attended and had a lot of great food. He went to the League of Municipalities last week and the Township received an award from the NJ Society of Municipal Engineers for our new Veterans Memorial Park and it was quite an honor. He also attended the steak bake for Unexcelled Fire House.

Mr. Bishop stated he attended the Fredrick Dempsey Post 266 Veterans Day Celebration and it was wonderful to be with the men and women to see not only what they've done for their country but what they do every day for other veterans. He stated people think of the Post as a place that you just go and drink and you hang out but they help a multitude of veterans maneuver the VA system and to get the much needed help when they need it. He felt they were an incredible resource. He stated the Hope Tower was an incredible thing for Neptune Township. He also stated he was very proud to be with Mr. Houghtaling at the League of Municipalities when they received the award for Veterans Memorial Park. He felt it was a tribute of what this Township was about. He wished everyone a Happy Thanksgiving and asked everyone to be thankful for what they have. He asked them to remember the families in Paris

Mr. McMillan stated he attended the NJ League of Municipalities and discussed the meetings he attended and the professionals he met. He wished everyone a Happy Thanksgiving.

#### PUBLIC COMMENTS ON RESOLUTIONS

Michael Golub, Cliffwood Drive spoke in reference to Resolution #15-460 which authorized the realignment of the intersection of Jumping Brook Road and West Jumping Brook Road. He stated he did not remember any meetings or visioning sessions regarding this and felt there should be public input regarding it and not decisions made in a vacuum.

Mr. Gadaleta stated there has been a lot of ongoing discussions for more than a year about traffic calming needs on Jumping Brook Road between 33 and 66. There's been quite a bit of discussion about concerns raised by the residents, about speed and 4 ton trucks in that area. In addition to the new development we have ball fields out there and our youth are in that area quite a bit. He stated there has been ongoing discussion about the need to address some of those traffic issues and part of the traffic calming was the stripping done on the roadway, the speed humps that were put in along Jumping Brook Road and discussions about what other traffic calming improvements could be made there and one of those was the realignment of West Jumping Brook Road and Jumping Brook Road to require individuals who were moving south bound on Jumping Brook and then making that turn without thinking about it onto West

Jumping Brook Road at a much higher rate of speed and then moving into that residential area. So there was a sign developed through our traffic consultant to make that a t-intersection so that cars coming out of that neighborhood would have a defined left and right hand turn and those as well coming in off of Jumping Brook Road would have to slow their traffic pattern down and make that left or right hand turn into that intersection.

Mr. Golub stated he understood the complaints and concerns from the public but asked were various residents and organizations such as the Little League consulted.

Mr. Gadaleta stated they received commentary from the residents in that area on a regular basis and they have communicated with the Township on the administrative level and they've been apprised of the details.

Mr. Golub stated he wondered why his neighbors did not know about this. He questioned whether it was a selective process.

Mr. Gadaleta stated this was not a selective process and stated it was addressed with the residents on Jumping Brook Road who informed them of their concerns.

Stephanie Seyr, Shark River Hills, spoke regarding Resolution #15-453. She stated she got it on the email of the agenda but outside on the table it is just one sheet of paper and it says authorizes executive session as authorized by the Open Public Meetings Act and it has to do with four issues but her concern was regarding Ordinance on Revocable License Agreements and it say that the public shall be excluded from discussion and action hereinafter specified subject matters. She stated she was concerned because this had to do with an easement on everyone's property which was tabled a few weeks ago. She stated she did not know why they found it necessary to have a resolution eliminating the public on any discussion about whatever litigation there is.

Mr. Anthony stated the one subject which has to do with South Port they have contract negotiations with them and that is something you go into executive session for.

Mr. Bishop stated if they decided to move forward with this there will be an entire public discussion and public hearing and public meeting. This was for this governing body to sit down and say what do we want to do about this. We've heard what everyone is saying, what comes out of the discussion will then be presented to the public to tell us your opinion. He stated they virtually do this with every ordinance.

Ms. Seyr stated they just wanted to be in the planning process before it's an actual ordinance or resolution.

Dorothy Argyros, 2100 Rutherford Drive, commented on Resolution #15-455 and questioned what would happen after the home has been demolished.

Mr. Gadaleta stated this property was neglected by the property owner. It had two fires over a period of three weeks at the property and the Code & Construction Department took an action because of the condition of the property and the concerns about the safety of the residents and the fact that the fire fighters were continually going back to that structure. To demolish the structure they must put a lien on the property.

Mrs. Argyros questioned what happens with the lien that is placed against the property.

Mr. Gadaleta stated at some point someone may move to acquire the property or there may be a lien holder in the future that might foreclose on the property and they would have to satisfy that lien to the Township.

Mrs. Argyros questioned whether it would go on the tax sale list sooner or later.

Mr. Gadaleta confirmed that it would.

Michael D. Fornino, 120 Fulham Place, commented on Resolution #15-464. He questioned the route that would be used for this.

Mr. Gadaleta stated the concern was to be able to have a back up supply which was not available during Sandy and it would come through what's primarily the south western portion of the County (Upper Freehold, Allentown) and it will run through Burlington, Ocean County and the joint military bases in Ocean County and ultimately out to the Atlantic Coast.

Chris Shutz, 24 Oakcrest Drive, thanked the Committee for Resolution #15-460 which authorized the realignment of intersection of Jumping Brook Road and West Jumping Brook Road. She stated everything they have done has really helped with traffic calming. She also referred to Resolution #15-464 and questioned the route of the pipeline and the easement that's within the joint base of McGuire and Lakehurst.

Mr. Gadalata stated he did not know exactly which route was going through joint base. He stated from some of the discussions he's had with NJNG they were utilizing the base property to eliminate any impact on public rights of way in that area but he could not say specifically where it is running through joint base.

Frank Vitale stated he had questions regarding Resolution #15-466 which talked about a rider of revenues received from the Township Self Insurance Program. He stated he was wondering if the Township self-insures in some areas.

Mr. McMillan stated that was correct.

Mr. Bascom stated it was for prescription insurance.

Mr. Vitale stated the only point he wanted to make was that the Township elects to be able to decide to self insure but in the abandoned property act it is requiring people to obtain insurance which they can't obtain. He stated this triggered that they were taking away a person's right to self insure by insisting that they get insurance for something you have no insurable interest in. He asked Mr. Gadaleta if the employee that was suspended was Gene Anthony because he drafts the ordinances.

Mr. Gadaleta stated Mr. Anthony was still here and it was not him.

Rob Banstra, 27 Jumping Brook Road, stated Mr. Golub made comments earlier and he's been in constant communications with Mr. Bascom and he's very helpful. He may not have gotten the response he wanted but he did suggest something when he sent an email out thanking them for the progress they've made. He suggested a workshop where they all could work together and have more public input for the traffic concerns.

Dr. Brantley informed him to talk with Mr. Gadaleta and he would set it up.

Mr. Bascom stated the plan was that after the May meeting they were go to collect data throughout the season and when it became winter they would collect the data not just on Jumping Brook Road but any other areas where they use traffic calming devices or other enforcement methods and then they would come back and analyze that data and present that once again and then reevaluate what they were doing. He stated he thought this could be incorporating into that meeting if he liked.

Mr. Gadaleta stated with regards to the resolution this evening that project will be starting within the next two weeks.

Joan Venezia, 107 Mt. Hermon Way, commented on Resolution #15-461 questioned how much the Fletcher Lake retaining walls were going to cost and whose going to pay for it and when would it be done.

Mr. Cuttrell stated it was in the Resolution and the cost was \$21,900.00 and it was being done by Precise Construction.

Ms. Venezia questioned when would it be done.

Mr. Gadaleta stated if the weather permits it would be done within the next month.

Hank Coakley, Valley Road, thanked the Committee for supporting Resolution #15-464. He suggested they have a back up plan. He then referred to Resolution #15-457. He questioned how many dedicated inspectors were required or could they do it with the existing in house staff.

Mr. Gadaleta stated there plan once approved and authorized by the State there plan is to hire one part-time inspector to manage the program inspections.

Mr. Coakley questioned whether the salary would be determined.

Mr. Gadaleta stated it is to be determined.

ORDINANCE NO. 15-52 - APPROVED

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

ORDINANCE NO. 15-52

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 11-8 TO AUTHORIZE PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR THE LOCAL INSPECTION OF HOTELS, MOTELS AND MULTIPLE DWELLINGS

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

ORDINANCE NO. 15-53 - APPROVED

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

ORDINANCE NO. 15-53

AN ORDINANCE TO AMEND AND SUPPLEMENT VOLUME I, CHAPTER IV, SECTION 4-29 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED DEALERS OF PRECIOUS METALS AND JEWELRY

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 15-52 and 15-53 will be held on Thursday, December 3rd.

CONSENT AGENDA

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

CONFIRM ACTION OF THE BUSINESS ADMINISTRATOR TO SUSPEND EMPLOYEE

BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the action of the Business Administrator to suspend Jahiad Postell, Driver in the Department of Public Works, for a period of thirty (30) days without pay from November 14, 2015 through December 13, 2015; and,

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

PLACE LIEN ON 10 VANDERBILT PLACE DUE TO COSTS ASSOCIATED WITH DEMOLITION OF A STRUCTURE

WHEREAS, the Construction Official has determined that the condition of the fire damaged structure at 10 Vanderbilt 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 demolished; and,

WHEREAS, the Construction Official has ordered the owners of said property to demolish the structure and they have failed to do so; and,

WHEREAS, the Construction has obtained a quote for demolition and the structure has been demolished 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 a lien of \$11,300.00 against 10 Vanderbilt Avenue (Block 302, Lot 24) for costs associated with the demolition of the fire damaged structure; and,

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

RELEASE SOIL STABILIZATION BOND POSTED BY RBA DEVELOPMENT CORP. FOR 403 PALMER AVENUE

WHEREAS, RBA Development Corp. posted a Soil Stabilization Bond in the form of cash in the amount of \$1,500.00 guaranteeing site stabilization at 403 Palmer Avenue (Block 1903, Lot 2.04); and,

WHEREAS, on November 13, 2015, the Township Engineer certified that grass seed has grown and all site stabilization has been completed,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the Soil Stabilization Bond for 403 Palmer Avenue as stated herein; and,

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

AUTHORIZE PARTICIPATION IN THE STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM (SLCHIP) FOR THE PERFORMANCE OF LOCAL INSPECTIONS, CYCLICAL INSPECTIONS AND COMPLIANCE INSPECTIONS OF HOTELS, MOTELS AND MULTIPLE DWELLINGS

WHEREAS, the New Jersey Department of Community Affairs, Bureau of Housing Inspection enforces the Hotel and Multiple Dwelling Law through the State Local Cooperative Housing Inspection Program (SLCHIP); and

WHEREAS, through the SLCHIP Program, qualified, local inspectors may perform Cyclical Inspections and Compliance Inspections of hotels, motels and multiple dwellings, while earning compensation for the municipality; and

WHEREAS, N.J.A.C. 5:10-1 et seq., provides that the Commissioner of the Department of Community Affairs, Bureau of Housing Inspection, may authorize any municipality to enforce the provisions of the Hotel and Multiple Dwelling Act within the corporate limitations of the municipality, subject to the supervision and control of the Commissioner, and subject to the terms and conditions of N.J.A.C. 5:10-1.3.

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, hereby authorizes this Resolution to be submitted to the Bureau of Housing Inspection, seeking approval by the Commissioner of the Department of Community Affairs and the Director of the Bureau of Housing Inspection, for Neptune Township's participation in the State Local Cooperative Housing Inspection Program (SLCHIP), and authorizing the Mayor, or Deputy Mayor, to sign an agreement with the State of New Jersey to join the SLCHIP Program; and

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

AMEND ESCROW AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND NEPTUNE ESTATES, LLC

WHEREAS, on January 14, 2013, the Township Committee adopted Resolution #13-76 which authorized the execution of an Escrow Agreement with Neptune Estates, LLC, the owner of property located at Block 7018, Lot 9 on the Subdivision Plot of the Township of Neptune, New Jersey, with a Storm Water Management Basin located on Block 7018, Lot 9.12, and Final Site Plan Approval by the Township of Neptune Planning Board for the development of the aforesaid property for residential occupancy; and

WHEREAS, the Escrow Agreement concerned the resolution of a Storm Water issue, which may be affected by the operation of the detention basin on Lot 9.12; and

WHEREAS, the Escrow Agreement limited the number of Certificate of Occupancies to a maximum of three pending resolution of the Storm Water issue; and

WHEREAS, it is in the best interest of Neptune Township to allow the issuance of Certificates of Occupancies for completed homes that comply with the applicable construction codes and standards, and would otherwise be eligible for a Certificate of Occupancy absent the on-going Storm Water issue; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Governing Body hereby authorizes an amendment to the Escrow Agreement between Neptune Township and Neptune Estates, LLC, dated January 14, 2013, to remove Section 2(f) to allow the issuance of Certificates of Occupancy for residential housing; and,

BE IT FURTHER RESOLVED, that all other terms, conditions and provisions of the Escrow Agreement remain in full force and effect.

#### RECLASSIFY EMPLOYEE TO THE POSITION OF SENIOR CENTER OUTREACH COORDINATOR

WHEREAS, there is a vacancy in the position of Outreach Coordinator in the Senior Center; and,

WHEREAS, the Human Resources Director and Senior Center Director have made a recommendation to reclassify an existing employee within the Department of Senior Services and Senior Center to said position; and,

WHEREAS, funds will be provided in the 2015 Municipal Budget in the appropriation entitled Senior Center 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 Ryan Ugrovics be and is hereby reclassified to the position of Outreach Coordinator in the Department of Senior Services and Senior Center at an annual salary of \$30,600.00 effective December 1, 2015; and,

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

#### AUTHORIZE REALIGNMENT OF INTERSECTION OF JUMPING BROOK ROAD AND WEST JUMPING BROOK ROAD

WHEREAS, the Township Engineer solicited quotes for repairs to the realignment of the intersection of Jumping Brook Road and West Jumping Brook Road; 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 Township Engineer who has recommended that the low quote submitted by Precise Construction be accepted in accordance with the Open Public Contracts Law; 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, by the Township Committee of the Township of Neptune that Precise Construction be and is hereby authorized to perform construction work in connection with the realignment of the intersection of Jumping Brook Road and West Jumping Brook Road to provide for a more perpendicular intersection pursuant to their quote of \$23,050.00; 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 Public Works Director.

#### AUTHORIZE REPAIRS TO FLETCHER LAKE RETAINING WALL

WHEREAS, the Township Engineer solicited quotes for repairs to the retaining wall at the western end of Fletcher Lake; 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 Township Engineer who has recommended that the low quote submitted by Precise Construction be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 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 Precise Construction be and is hereby authorized to perform repairs to the retaining wall at the western end of Fletcher Lake pursuant to their quote of \$21,900.00; 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 Public Works Director.

GRANT SOCIAL AFFAIR PERMIT TO FREDERICK DEMPSEY VFW POST #266

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of Frederick Dempsey VFW Post #266 for a social affair permit at the Frederick Dempsey VFW Post #266, 240 Drummond Avenue, on December 4, 2015 from 8:00 P.M. to 12:00 A.M.

AUTHORIZE THE PURCHASE OF SEARCH AND RESCUE EQUIPMENT THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Special Operations Unit wishes to purchase search and rescue equipment 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, Continental Fire & Safety has been awarded New Jersey State Contract No. A80970 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 \$103,722.75; 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 search and rescue equipment through the New Jersey Cooperative Purchasing Program for the Neptune Township Special Operations Unit be and is hereby authorized at an amount not to exceed \$103,722.75; and,

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

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

SUPPORT THE CONSTRUCTION AND OPERATION OF THE SOUTHERN RELIABILITY LINK PIPELINE PROJECT BY NEW JERSEY NATURAL GAS COMPANY

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

WHEREAS, the New Jersey Natural Gas Company (NJNG) is a lifeline service provider that safely and reliably serves over half a million customers throughout New Jersey, including the homes and businesses in the Township of Neptune; and

WHEREAS, NJNG's distribution system is currently served by one primary interstate pipeline

feed that supplies the majority of natural gas to customers in Monmouth, Ocean and Burlington Counties, who rely on it to heat their homes and run their businesses;

WHEREAS, disruption of this supply to NJNG's system could have a significant, adverse effect on our residents, businesses and Township; and

WHEREAS, NJNG is planning to construct and operate the Southern Reliability Link (SRL), a 28-mile, 30" transmission pipeline, which will connect to a second interstate pipeline feed, providing a diversified supply natural gas to NJNG's customers, significantly enhancing NJNG's system and supporting the safe, reliable, resilient distribution of natural gas to the region; and

WHEREAS, Hurricane Sandy demonstrated the vulnerabilities of many public utilities and services that we often take for granted that require added resiliency; and,

WHEREAS, in Neptune Township alone, many miles of natural gas pipeline maintained by NJNG lay safely beneath municipal roadways, rights of way and individual residential and commercial properties.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey that it hereby supports NJNG's Southern Reliability Link as it will directly benefit Neptune Township residents and businesses with safe, reliable, resilient natural gas service, which has become exponentially more important in the wake of Hurricane Sandy; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution be sent to the New Jersey Board of Public Utilities, the Monmouth County Board of Chosen Freeholders, and the representatives of the 11<sup>th</sup> Legislative District.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Houghtaling offered the following resolution, moved and seconded by Dr. Brantley, 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	\$8,497,170.56
FEDERAL & STATE GRANT FUND	8,987.74
TRUST OTHER	94,084.64
GENERAL CAPITAL FUND	5,727.34
SEWER OPERATING FUND	175,761.25
SEWER CAPITAL FUND	7,538.81
MARINA OPERATING FUND	217,024.80
MARINA CAPITAL FUND	3,582.92
LIBRARY TRUST	257.95
BILL LIST TOTAL	\$9,010,136.01

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

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

REQUEST THE DIVISION OF LOCAL GOVERNMENT SERVICES TO GRANT APPROVAL OF A DEDICATION BY RIDER OF REVENUES RECEIVED FROM THE TOWNSHIP SELF INSURANCE PROGRAM

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

WHEREAS, the Township of Neptune has a Self Insurance Program; and,

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance: and,

WHEREAS, N.J.S.A. 40A:10-1 et seq. authorizes a municipality to receive funds through a Self Insurance Program; and,

WHEREAS, N.J.S.A. 40A4:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of said monies by dedication by rider;

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

1) The Township Committee does hereby request permission of the Director of the Division of Local Government Services to utilize funds received from the Township Self Insurance Program.

2) The Township Clerk is hereby directed to forward two certified copies of this resolution to the Director of the Division of Local Government Services.

3) The Township Clerk shall forward certified copies of this resolution to the Business Administrator, Chief Financial Officer and Assistant C.F.O.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Joan Venezia, 107 Mt. Hermon Way, questioned whether they've received any information from WAVE regarding the North End.

Mr. Anthony stated he spoke to their attorney today and they were on the verge of completing an amendment to their agreement with the Ocean Grove Camp Meeting Association. He stated they were also putting together a package on the new contractor who will be a part of their group that will participate in the construction. He stated he should have a package which will indicate both shortly.

Ms. Venezia questioned whether he said there would be an additional contractor and not investor.

Mr. Anthony stated it was investor/contractor.

Ms. Venezia stated she sent an email regarding the last OPRA Request she put in that was dated October 17<sup>th</sup> asking for information and her concern was that there was no plan on record for the Redevelopment Plan.

Mr. Cuttrell stated the attachment she sent in her email was the only plan that they had and there was no update after that.

Ms. Venezia stated the attachment she sent was an email that was sent directly from Randy to her. She stated she has never been able to obtain that document through an OPRA Request. Her concern was that it was not a record in the Town.

Mr. Bishop stated it was their working document that they presented to us and they allowed us to release it. He stated it really hasn't been accepted by us.

Mr. Anthony stated it wasn't really a public record because it is no more a public record than the redevelopers agreement he's negotiating until it is completed and accepted by the

Town. That plan is something they suggested and it may be considered when he completes the negotiations for the redeveloper's agreement and then it would be a public record.

Mr. Bishop stated they have not negotiated the agreement yet. He had agreed to release what they had planned and he mistakenly had thought they were going to have it available but because it something that is not actually official accepted by us as part of our negotiations then it is not really a part of public records. He stated in essence it belongs to the developer. The developers has stated he's willing to release it so that it can be seen.

Ms. Venezia stated as far at 68 Clark on the documents she's received for that there's a comply date of October 24<sup>th</sup> and she did not think that any inspections have been set up on that. She questioned when would an inspection date have to be set up for that.

Mr. Gadaleta stated if the comply date was October 24<sup>th</sup> there should have been an inspection subsequent to that date. He stated he would follow up on it tomorrow morning.

Ms. Venezia also thanked them regarding 102 Mt. Hermon Way.

Frank Vitale asked if the Township could set up a workshop which he would like to participate in and perhaps discuss abandoned properties. He made suggestions such as no additional taxes as incentives for improving their homes. He requested they work together to afford conflicts and accomplish their objectives together.

Michael Golub stated he did not know that Sgt. Zarro, Rob, Chris and Mr. Gadaleta were involved intimately in this process therefore he retracted the statement he made earlier but it appears there has been substantial input on the part of the residents. He discussed the RFP and the \$300 fee that was removed when Mr. Bishop volunteered his copy to Diana Harris. He stated he had a conversation with her where she specifically said to him that Mr. Cuttrell told her that it would cost her \$300. He questioned if Mr. Cuttrell was wrong in telling her that amount and if it was the Township Committee's intention to charge public groups, especially stakeholder groups in Midtown or did she get it wrong because somebody got it wrong because it is a lot of back peddling here.

Mr. Bishop stated it wasn't back peddling.

Mr. Golub stated his second issue was that the Asbury Park Press reported there were GPS reports from Sgt. Phil Seidles police vehicle that intimated that he was stalking his wife. He questioned how often do those GPS reports get monitored because obviously it was an extended period of time and somebody didn't review it. He questioned why weren't they read because it could have potentially stopped the stalking on government time and at the government dime. He questioned if that was not grounds for suspension for somebody. He stated somebody was asleep at the switch and a woman was shot multiple times and somebody should be held accountable.

Mr. McMillan stated the most important thing is that we got in right in the end. He stated time after time for several months he has been going back and forth taking advantage of a tragic situation and politicizing it. He stated it was not up to them to try that case in a court of public opinion because they will have their day in court. He told him that he should be ashamed of himself for coming here going back and forth and taking advantage of a tragic situation.

Mr. Bishop stated he promised it do Diana, he was not sure how it would be delivered to her but the moment she called him she had the report that evening.

Russell Harmstead stated he was getting concerned with the maintenance of the area near Veterans Memorial Park and one of the lights out there is filled with water. He questioned whether the Township hired a service contractor to maintain it.

Mr. Houghtaling stated they were in the process of doing that now with their committee. He thanked him for bringing it to his attention.

Mr. McMillan asked Mr. Gadaleta to look into it.

Diana Harris thanked Mr. Bishop for the report and stated she just wanted to look over the report and it was nothing more than that. She questioned the resolution that authorized the Committee to go into executive session.

Mr. McMillan stated a resolution to go into executive session was done at every meeting.

Ms. Harris questioned whether they've heard anything else about 1943 West Lake Avenue.

Mr. Gadaleta stated that Code Enforcement was addressing it and some of those items they do not have the ability to remove from the property. Code Enforcement has been directed to have Public Works clean up all the garbage on the property and they will place a lien on it. He stated they larger items they could not address but securing the building they can do as well.

Ms. Harris questioned whether there has been communication with the owner or her children.

Mr. Gadaleta stated there has been communication and both of them are out of the State and are no longer in New Jersey and there is communication back and forth but we are not seeing any action from the owner or the family to do anything with the condition of the property. He stated they could not haul vehicle off of the property.

Ms. Harris questioned whether the same thing holds true for 505 Fisher Place.

Mr. Gadaleta stated Code Enforcement has addressed that as well.

Ms. Harris stated it doesn't appear as though anything has been done to either of the properties.

Mr. Gadaleta stated he would give her an update on both of the properties tomorrow.

Michael D. Fornino, Fulham Place, he questioned what was going on with his street because it was a mess.

Mr. Gadaleta stated he thought that they had a discussion about what was happening with his street.

Mr. Fornino questioned the status.

Mr. Gadaleta stated he told him that they had been back in contact with the contractor and we are not satisfied with the work he has done and we may be bringing in a new contractor to do that temporary work but of course that trench has to sit over the winter and then it will stabilize and then they will do the final repavement in the Spring. He stated they were on top of it.

Mr. Fornino stated G/O Thermals were more practical than solar panels and speeding was taking place on Oxford Way. He thanked Sgt. Zarro for his due diligence in his traffic safety operations. He stated there was a new house on Walnut Grove that is vacant and been there for eight or nine months. He questioned what could they do with that.

Members of the Committee stated they were aware of it.

Mr. Gadaleta stated he did not have an answer for him but he could certainly respond to him in the future.

Mr. Fornino stated when variances were denied department heads should be required to be in attendance at the meeting and not receive overtime.

Barbara Burns, 4 Ocean Avenue, asked if she could have a summary of the discussion regarding Broadway lighting.

Mr. Gadaleta stated the discussion was held at the Workshop meeting regarding the concerns raised by the residents and the petition that was filed. They put in one sample warmer light fixture and after discussion this evening we are moving forward with replacing all of the other internal fixtures with the warmer lighting.

Ms. Burns questioned whether it would be the entire length of Broadway.

Mr. Gadaleta confirmed that it would be.

Ms. Burns questioned whether they had a rough time table.

Mr. Gadaleta stated the purchase order will be cut tomorrow and as soon as we get the material from the vendor they will be installed.

Dorothy Argyros, 2100 Rutherford Drive, asked Mr. Anthony how was he going against banks for properties that were on the vacancy list.

Mr. Anthony informed her that she would have to speak to Mr. Doolittle regarding it because he is the one who draws up the list and sends out the notices to all of the lienholders and the property owners and he does not know who is on the trial list. He suggested she OPRA him so that she could get the list.

Mrs. Argyros stated she thought Mr. Anthony was the person that said he was going after the banks so she thought he was the logical person she could ask about the details of going after banks. She asked if he could find that out for her.

Mr. Anthony suggested she make an OPRA for that information because he did not have access to the information until it reaches the court and she wants to know it before it reaches the court.

Mrs. Argyros stated she felt it was crucial to know because they were enabling legislation and that is intending to go after banks. She stated she has been going to these meetings for a long time and she often see there are underlying reasons why they are not told about things are being done. She stated she thought this vacancy stuff was a second round of eminent domain and no one is saying it but she is thinking it. She reviewed both list and 17 are the same properties. She went out to look at the properties and they were in pretty bad shape and what came to her mind was, Where is Code Enforcement? She questioned where has Doolittle been all this time because it takes time for properties to get in this condition. She questioned whether Mr. Doolittle should be fired or just do away with the Department.

Mr. Anthony stated he did not draw up the list again reminded her that she had to speak to Mr. Doolittle.

Mrs. Argyros stated she was taking away from this that they were not going after banks and just poor people like her.

Randy Evangelista stated she was present to represent the Serenity Inn and questioned what was going on over there because all of a sudden they've made a task force for code. She stated she's never had a problem with one person on her block and now she has one person harassing her and the police raided her place on false allegations. She stated she has had enough and it is one person that has the whole block corrupted and she doesn't understand. She stated her building was inspected every year and not every five years. She went on to state that she was not a slum lard.

Mr. Houghtaling stated it was not one person who complained, there were multiple complaints and they have a responsibility to look into it and that's what they are doing and if she doesn't have any problems then she shouldn't have a problem at all.

Ms. Evangelista stated there was one person that got them all started and she did not have any problems with them for twenty years.

Mr. Gadaleta stated there were multiple individuals that not only came here and spoke but presented multiple photographs with conditions around the property and the property itself and the task force was not just established for 32 Embury Avenue. He stated there were ongoing issues throughout the Township and in Ocean Grove that they were going to begin to address. He stated multiple violations were found at her property and he has the violation notices.

Ms. Evangelista stated the complaints made were minor complaints and not violations. She went on to state that the people that were complaining did not like black people and they did not want them in her building.

Jack Bredin, 94 ½ Heck Avenue, stated it was a good thing he was not the Mayor because if he were he would have knocked the Serenity Inn over with a bull dozer a long time ago. He stated the Committee filed an application with the Department of Community Affairs for a waiver from the streets and parking regulations residential site improvement standards. He referred to a resolution where he stated the North End was exempt from the State standards, it also states that the North End was exempt and it also says that the North End would abide by the State standards, the streets and parking. He questioned whether the North End was exempt or what if they were to withdraw the plan.

Mr. Bishop stated the application deals with the entirety of Ocean Grove save that piece which is under the redevelopment plan at this time. Also the North End has stricter requirements

than the RSIS Standards do. He stated if there were more units, then more parking would be required, less units less parking.

Mr. Bredin stated the recommendation of the Committee was that the entirety of the Ocean Grove Historic District be deemed a special area of redevelopment by the New Jersey Site Improvement Advisory Board. He stated it did not give exceptions of the North End.

Mr. Bishop stated if the North End Redevelopment Plan were withdrawn then that would go under the RSIS Standards. It would go under the exemption. He stated it was for all of this except right now this is set aside.

Mr. Bredin stated he could not accept anything this Committee tells him.

Anthony Banyola, 1205 Embury Avenue stated he received a letter in the mail stating he has not obtained a mercantile license for his rental property. He stated he does not rent property and he complies with everything that he has to do.

Mr. Gadaleta stated if he was not going to be a landlord and rent his property then he could withdraw his mercantile license with the understanding that if you ever want to get back into that business he would have to come back and get a mercantile license.

Hank Coakley questioned who controlled the identification for voting in local elections.

Mr. Anthony stated the requirements were State required.

Mr. Coakley stated when he went to vote they did not ask him for identification but if he were to go to the bathroom at the library they would ask for his identification. He stated something was wrong in this municipality. He also questioned approximately how much money does the Township have on hand if it gets a bill for \$100 or \$5,000. He asked if they would have to run to a bank or would they have to bond.

Mr. Bascom stated there were various funds and each fund has a different account and he explained the process.

Mr. Coakley stated he did not think it was proper to give a law breaker a license. He stated he did not believe people should cater to people that were illegal and law breakers instead of law abiding citizens.

Chris Schuntz, 24 Oakcrest Drive, thanked Sgt. Zarro for addressing the safety concerns at Summerfield School in the way that people were driving. She also spoke regarding Ordinance #15-08 which was approved in March and it was bulk zoning regulations affecting residential zones and it had to do with net density so that wetlands could not be counted in density and she has a lot of wetlands in her neighborhood. She stated many of her neighbors were shocked to hear what they heard at the zoning board meeting and at that meeting they were told that this ordinance nor any of the other bulk zoning regulations apply. She stated they apply only to residential zones but not to commercial or other zones in which there could be a residential use. She asked if they could fix that.

Mr. Anthony stated the Planner prepared this but he would have to look at it.

Mr. Bishop stated they would find out what was going on.

Richard J. Cuttrell,  
Municipal Clerk