

TOWNSHIP COMMITTEE MEETING – OCTOBER 26, 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, and Kevin B. McMillan. Absent: Mayor Mary Beth Jahn. (Eric J. Houghtaling arrived during the executive session)

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; Edward J. Hudson, Assistant 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:

Mr. Gadaleta reviewed the fees charged at other marinas in Shark River and nearby rivers and bays. He stated that administration took these numbers and the suggestions of the Harbor Commission and came up with plan to increase summer dockage rates by 5% in each of the next three years. The end result will be rates that are still below other marinas. He added that the marina was 96% occupied last year and rates have not changed for the past two years.

Mr. Bishop stated that Roberta Grace will be reinitiating the Google calendars for the Committee's schedule.

Mr. Gadaleta stated that the Township is receiving a first place award at the Engineer Association annual luncheon in Atlantic City for the Veterans Park project.

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:

Personnel – Posting for Sergeant and Lieutenant
Personnel – Part-time Yard Attendant and part-time Customer Service Representative

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; and McMillan, aye.

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

Mr. Gadaleta stated that there are positions open for Sergeant in the Police Department and under the new procedures, it is about a 90 day process to promote. In addition, with the retirement of a Captain, there will be an additional opening in the rank of Lieutenant. The Committee approved the posting for Sergeant and Lieutenant. The Committee asked for a copy of the updated promotional procedures and asked to look at all of the applications when submitted.

Mr. Gadaleta presented the recommendations for part-time Yard Attendant and part-time on-call Customer Service Representative. The Committee took action during the regular meeting.

Mr. Anthony stated that resolution on this meeting's agenda is at the request of the new owners of the Winding Ridge and states the need for Winding Ridge to continue as affordable housing which helps the Township's Mt. Laurel obligation.

Mr. Anthony stated that Michael Celli, Assistant Township Attorney, will be assigned to handle summonses in Municipal Court issued under the abandoned property ordinance for cases that have been mentioned and discussed at Township Committee meetings.

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; Edward J. Hudson, Assistant 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.

PROCLAMATION - CURFEW

The Deputy Mayor announced a proclamation extending curfew hours for minors on October 30th and October 31st. All persons under the age of 18 must be off public streets and places between 9:00 p.m. and 4:00 a.m. unless accompanied by an adult.

PRESENTATION

Mr. Gadaleta present certificates to the Deputy Mayor from the County of Monmouth and FEMA acknowledging the Township's successful participation in the National Flood Insurance Program Community Rating System. Mr. Gadaleta added that the Township is a Category 6 municipality in the Rating System which means that all residents with flood insurance will see a 20% reduction in their premium.

COMMENTS FROM THE DAIS

Dr. Brantley stated that he attended the Wesley Lake Commission meeting on October 20th. The Commission is looking to take additional measures to control the vegetation growth in the lake. The Biergarten is holding a fund raising event on October 24th to support the lake. He attended the Omega Psi Phi Scholarship dance. The fraternal organization raised \$135,000 in scholarships though the years. He presented a proclamation and it was a great event.

Mr. Houghtaling stated that the Pound the Pavement event was held on October 24th with over 300 participants. The event raised about \$30,000 for the Lustgarten Foundation. He added that Mary's Place is in 3rd place in a fund raising competition for a \$1 million grant from Revlon. On October 25th, a human chain was formed from JSUMC to Mary's Place to raise funds. Finally, the Lions Club Night for Sight event will be held on October 31st.

Mr. Bishop extended congratulations to Mr. Houghtaling, Freeholder Tom Arnone and the many employees and volunteers of the Township for another successful Pound the Pavement event. He attended the Neptune Little League clothing drive and the first recreation event for grandparents and grandchildren which saw over 120 participants. The Mary's Place event was a

success and raised about \$2,000. The Homecoming Parade was a great day for Neptune. Finally, he stated that this is the last meeting before Election Day. He urged everyone to vote because every vote counts.

Mr. McMillan stated that he attended a ceremony to open a park on West Lake Avenue in Asbury Park. He added that JCP&L is doing work on the transmission lines to improve reliability. Finally, he made a proclamation at homecoming to designate this week as Red Ribbon Week to raise awareness to drug abuse and make a commitment for a drug free Neptune.

PUBLIC COMMENTS ON RESOLUTIONS

Mr. Cuttrell announced that the resolution regarding the Committee's position on the Monmouth County Assessment Demonstration Program will be amended to remove two points in the resolution because the matter is currently under review by the Attorney General. The Committee is reserving its right to review these points at a later date.

Michael Golub, 305 Cliffwood Drive, stated he was curious about Resolution #15-432 questioned what did the Township need with an on call part-time customer service representative.

Mr. Gadaleta stated for years now we have had an on call customer service representative for the Public Works Department because that department is sometimes called out on 24/7 basis we may have staff on vacation and because of the volume of work when there is vacation or extended work there has been the need to fill in those slots. The person that held the position is no longer there and the Public Works Director has requested that we fill that slot and the resolution will do just that.

Mr. Golub also had questions pertaining to Resolution #15-428.

Mr. Cuttrell stated this is their second reduction and it was a credit for work completed.

Stephanie Sayer, South Riverside Drive commented on Resolution #15-437 and stated that she was one of the ones that was hit really hard with the assessment and is paying an additional \$800 per quarter and has made no improvements to the house. She also found out that she was in the R3 zone and is being charged with a river view whether you have it or not.

Mr. Gadaleta stated they are not in a position to debate what her tax assessment was and certainly there is a procedure to appeal and so forth if you feel that your assessment was unjust. This resolution goes to the demonstration program that was approved by the County Tax Board.

Ms. Sayer stated this was an implication of wrong doing on the part of the County and the contractors that did the assessment. She felt she was being unfairly and unjustly for the things that she did not have. She stated she had to call the Township to come in and assess her home. She questioned whether she was stuck paying this amount or will she get relief since they are experiencing problems.

Mr. Bishop stated he thought one of the misconceptions were that we had no choice in this. He credited Mr. Houghtaling in pushing that we do this but as of right now we have no choice.

Mr. Anthony stated they were looking at whether the program is working adversely to towns. He advised her not to give up her right to an appeal if she felt that she was not assessed properly.

Dorothy Argyros, 2100 Rutherford Avenue, came up for praise of this resolution and now you are pulling the teeth from Resolution #15-437. She felt it was a very good thing and was better until they pulled the teeth from it. She suggested they withhold the participation.

Mr. Anthony stated we are not legally allowed to bail out.

Mrs. Argyros questioned when were they going to stop and say no because they are nickel and diming the poor people. If it doesn't stop it is going to be a revolution in this country. She stated she's heard really bad things about this program and she wanted the Township to stand up and fight.

Michael Fornino, 120 Fulham Place, stated Bernie Haney did a very excellent presentation on this program and if anyone had any problem with this that was the time is act.

Beverly Fey, Corlies Avenue, thanked the Committee for the resolution in support of safe staffing levels of nurses which was adopted at the last meeting. She stated that she is a member of the Harbor Commission and the Commission recommended a 2% to 4% increase in the summer

dockage rates at the Municipal Marina. The Committee is adopting a 5% percent increase which is close to the recommendation. She thanked the Committee for this decision.

ORDINANCE NO. 15-47 - ADOPTED

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

ORDINANCE NO. 15-47

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN NEPTUNE TOWNSHIP AND SEBASTIAN-NEPTUNE URBAN RENEWAL, LLC FOR THE OWNERSHIP, OPERATION, MANAGEMENT AND REHABILITATION OF SEBASTIAN VILLA APARTMENTS

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

Diana Harris, Willow Drive, asked if this will require people to be moved out. Mr. Anthony responded no. There has been a PILOT on this property for 30 years which is expiring. The new buyer wants to continue the PILO and is receiving money from the state for rehabilitation of the units. There will be no displacement while the rehabilitation work proceeds. The rehabilitation will be substantial and will include converting some of the units to handicapped accessible.

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

The ordinance was adopted on the following vote: Bishop, aye, adding that he is very happy to support this and the Township needs quality affordable housing; Brantley, aye, adding that there will be substantial rehabilitation of this building and he is pleased to support the ordinance; Houghtaling, aye; and McMillan, aye.

ORDINANCE NO. 15-48 - APPROVED

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

ORDINANCE NO. 15-48

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON OCEAN PATHWAY AND HECK AVENUE

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

ORDINANCE NO. 15-49 - APPROVED

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

ORDINANCE NO. 15-49

AN ORDINANCE TO AMEND SECTION 419 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE ENTITLED FLOOD HAZARD REGULATIONS BY AMENDING THE ARCHITECTURAL DESIGN REQUIREMENTS

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

ORDINANCE NO. 15-50 - APPROVED

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

ORDINANCE NO. 15-50

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-41 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADOPTING AMENDMENTS TO THE AGREEMENT OF CHARTER OF THE WESLEY LAKE COMMISSION

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

ORDINANCE NO. 15-51 - APPROVED

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

ORDINANCE NO. 15-51

BOND ORDINANCE PROVIDING FOR SHARK RIVER DREDGING, BY AND IN THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The ordinance was approved on the following vote: Bishop, aye, adding that the dredging will be starting in about a week; Brantley, aye; Houghtaling, aye; and McMillan, aye, adding that this has been a long time coming.

Mr. Cuttrell stated that the Public Hearings on Ordinances 15-48 through 15-51 will be held on Monday, November 9th.

CONSENT AGENDA

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

DETERMINATION OF NEED FROM THE TOWNSHIP OF NEPTUNE TO WINDING RIDGE FAMILY VENTURES, LLC WINDING RIDGE APARTMENTS

WHEREAS, Winding Ridge Family Ventures, LLC (hereinafter referred to as the "Sponsor") a partnership between the Affordable Housing Alliance and The Alpert Group proposes to rehabilitate 99 units of affordable housing for families with low & moderate incomes (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the "HMFA Requirements") within the Township of Neptune (hereinafter referred to as the "Municipality") on a site described as Block 3052, Lot 10, C01 through C99 as shown on the Official Assessment Map of the Township of Neptune, Monmouth County; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will or may be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune (the "Committee") that:

- (1) The Committee finds and determines that Winding Ridge Apartments, the 99-unit family housing Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Committee finds and determines that Winding Ridge Apartments, the 99-unit family housing Project proposed by the Sponsor, meets all or part of the municipality's low and moderate income housing obligation;
- (3) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Law to enable the Agency to process the Sponsor's application for Agency funding to finance the Project.

PLACE LIEN ON 45 RIDGE AVENUE

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>
504/16	45 Ridge Avenue	908.00

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

GRANT SOCIAL AFFAIR PERMIT TO RICHARD S. BASCOM SCHOLARSHIP FUND

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 the Richard S. Bascom Scholarship Fund for a social affair permit at The Headliner, Route 35, on November 5, 2015 from 6:30 P.M. to 11:00 P.M.

GRANT SOCIAL AFFAIR PERMIT TO AMERICAN LEGION FREDERICK DEMPSEY 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 American Legion Frederick Dempsey Post #266 for a social affair permit at 240 Drummond Avenue, on October 31, 2015 from 8:00 P.M. to 12:00 A.M.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY 1700 ROUTE 33, LLC FOR SITE IMPROVEMENTS AT FOODINI (HAWTHORNE AND CORLIES AVENUES)

WHEREAS, on November 6, 2013, the Township Committee adopted a resolution which accepted a cash performance guarantee in the amount of \$6,000.00 filed by 1700 Route 33, LLC guaranteeing site improvements at Foodini, located at Hawthorne and Corlies Avenue; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a reduction in the performance guarantee in the amount of \$1,350.00 based on the percentage of site improvements completed and,

WHEREAS, since the guarantee was wholly posted in the form of cash, the reduced amount will be in the form of cash,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Foodini, Hawthorne Avenue and Corlies Avenue be and is hereby approved to the amount of \$4,650.00; and,

BE IT FURTHER RESOLVED, that the cash performance guarantee in the amount of \$1,350.00 shall be refunded to the Developer; and,

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

AUTHORIZE AN AMENDMENT TO THE 2015 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR BROWNFIELDS HAZARDOUS SUBSTANCES ASSESSMENT PROGRAM

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 2015 in the sum of \$200,000.00 which is now available from the U.S. Environmental Protection Agency in the amount of \$200,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$200,000.00 is hereby appropriated under the caption of U.S. Environmental Protection Agency – Brownfields Hazardous Assessment; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a United States Environmental Protection Agency for a local Brownfields Hazardous Substances Assessment Program in the amount of \$200,000.00; and,

BE IT FURTHER RESOLVED, that the Clerk shall forward a certified copy of this resolution to the Chief Financial Officer, Assistant C.F.O., and Auditor.

AUTHORIZE AN AMENDMENT TO THE 2015 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR BROWNFIELDS PETROLEUM SUBSTANCES ASSESSMENT PROGRAM

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 2015 in the sum of \$200,000.00 which is now available from the U.S. Environmental Protection Agency in the amount of \$200,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$200,000.00 is hereby appropriated under the caption of U.S. Environmental Protection Agency – Brownfields Petroleum Assessment; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a United States Environmental Protection Agency for a local Brownfields Petroleum Substances Assessment Program in the amount of \$200,000.00; and,

BE IT FURTHER RESOLVED, that the Clerk shall forward a certified copy of this resolution to the Chief Financial Officer, Assistant C.F.O., and Auditor.

AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO 10TH AVENUE

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune formally approves the grant application for the above stated project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2016-Neptune Township-00452 to the New Jersey Department of Transportation on behalf of the Township of Neptune; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Neptune and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and,

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

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE 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, on December 22, 2014, the Township Committee adopted Resolution #14-568, which authorized a reduction in the performance bonds to a total amount of \$1,553,312.70; and,

WHEREAS, Neptune Partners, LLC filed a single performance bond in the amount of \$1,553,312.70 with the Municipal Clerk on January 14, 2015; and,

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

WHEREAS, the Developer will be notified to post a Change Rider reducing the total amount of the performance bond from \$1,553,312.70 to \$986,904.00 and the Municipal Clerk will accept said Rider when posted; and,

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

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 \$986,904.00 and the Change Rider submitted to affect said reduction is hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate amount of cash portion of the performance guarantee in the amount of \$61,243.17 shall be refunded to the Developer; and,

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

AUTHORIZE THE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENVIRONMENTAL ASSESSMENTS ON VARIOUS PROPERTIES IN CONJUNCTION WITH GRANT AWARDS FROM THE US ENVIRONMENTAL PROTECTION AGENCY

WHEREAS, the Township Engineering Department and T&M Associates (Township Engineering Consultant), collaboratively prepared and submitted grant applications to the United States Environmental Protection Agency (USEPA) to perform up to fifteen Phase I property assessments, up to ten Phase II site investigations, and up to five Remedial Action Plans for brownfields sites throughout the Township; and,

WHEREAS, the Township of Neptune has received two grants from the USEPA totaling \$400,000.00 and is desirous to undertake said project utilizing this grant funding; and,

WHEREAS, it is necessary for a Township Engineer Consultant from the approved list of 2015 Engineering Consultants appointed via Request for Proposals to perform professional environmental services as described herein; and,

WHEREAS, T&M Associates prepared the grant application and has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in the 2015 Municipal Budget through grant funding received from the USEPA Brownfields Hazardous Substances Assessment Program and the USEPA Brownfields Hazardous Substances Assessment Program, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes T&M Associates to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$396,000.00, said proposal on file in the Office of the Municipal Clerk; and,

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

AUTHORIZE EXECUTION OF AN OFF-SITE CONTRIBUTION AGREEMENT WITH JERSEY SHORE UNIVERSITY MEDICAL CENTER IN CONNECTION WITH OFF-SITE IMPROVEMENTS NECESSITATED BY THE CONSTRUCTION OF THE HOPE TOWER AND PARKING GARAGE

WHEREAS, Jersey Shore University Medical Center has an Application pending before the Neptune Township Planning Board on Block 1201, Lots 4 & 5 which calls for the construction of a ten story building commonly referred to as the HOPE Tower and a nine level parking garage to be utilized in conjunction with the proposed HOPE Tower; and,

WHEREAS, in conjunction with the HOPE Tower and parking garage, off-site improvements are required as follows: a) construct a new sewer line; b) extend, relocate, or construct as necessary, the existing radio/cell tower located to the west of the Neptune Township Police Department Headquarters; and c) various street and intersection improvements to accommodate the anticipated increase in traffic; and,

WHEREAS, specifically, a new twelve inch sewer line under Route 33 is needed which will also benefit existing residents and businesses; the height of the HOPE Tower will block the signal from the existing radio/cell tower so a new tower may be required; and the municipal roads that will be improved are Davis Avenue, Washington Avenue and Neptune Boulevard, along with the intersections of these roadways; and,

WHEREAS, the Township and Jersey Shore University Medical Center desire to enter into an Off-Site Contribution Agreement to delineate cost responsibility for each off-site improvement,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes execution of an Off-Site Contribution Agreement with Jersey Shore University Medical Center (JSUMC), a copy of which is on file with the Municipal Clerk, in connection with the construction, by JSUMC, of a ten story building commonly referred to as the HOPE Tower and a nine level parking garage to be utilized in conjunction with the proposed HOPE Tower to delineate cost responsibility for off-site improvements as follows:

- a) Sanitary sewer improvements on Route 33 (total cost estimated at \$2,000,000) – Township will contribute \$200,000, JSUMC responsible for balance of total cost
- b) Township Radio/Cell Tower relocation or replacement (total cost estimated at \$200,000 to \$300,000) – JSUMC will contribute \$200,000, Township responsible for balance of total cost
- c) Various street and intersection improvements – JSUMC will be responsible for full cost

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

EMPLOY PART-TIME YARD ATTENDANT IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a need for an additional part-time Yard Attendant in the Public Works Department; and,

WHEREAS, the position was posted and the Human Resources Specialist has made her recommendations; and,

WHEREAS, funds will be provided in the 2015 Municipal Budget in the appropriation entitled _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby extends an offer of employment to James Brown as a part-time Yard Attendant in the Department of Public Works effective November 2, 2015, contingent upon favorable results of the required pre-employment screening and background check as applicable, at an hourly salary of \$13.98; 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., and Human Resources.

EMPLOY ON-CALL PART-TIME CUSTOMER SERVICE REPRESENTATIVE

WHEREAS, there is a need for an on-call part-time Customer Service Representative to serve in various Township departments as needed; and,

WHEREAS, the position was posted and the Human Resources Specialist has made her recommendations; and,

WHEREAS, funds will be provided in the 2015 Municipal Budget in the appropriation entitled _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby extends an offer of employment to Anita Lentz as an on-call part-time Customer Service Representative effective November 2, 2015, contingent upon favorable results of the required pre-employment screening and background check as applicable, at an hourly salary of \$12.89; and,

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

AMEND RESOLUTION #15-367 WHICH AUTHORIZES APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM TO CORRECT THE AMOUNT OF THE TOTAL COST OF THE PROJECT

WHEREAS, on September 14, 2015, the Neptune Township Committee adopted Resolution #15-367 which authorized Michael J. Bascom, Chief Financial Officer, on behalf of the Township of Neptune, to (a) make an application to the County of Monmouth for Open Space Trust Funds in the amount of \$250,000.00 for the project entitled "Improvements to Loffredo Fields", (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and,

WHEREAS, Resolution #15-367 incorrectly states the total cost of the project including all matching funds as \$333,000.00; and,

WHEREAS, the correct total cost of the project including all matching funds is \$506,000.00 and the Township Committee desires to correct this amount in Resolution #15-367; and,

WHEREAS, this does not change the amount of grant funding requested for the project as \$250,000.00 is the maximum amount of grant funding available under this program,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #15-367 be and is hereby amended to reflect the total cost of the project including all matching funds as \$506,000.00; and,

BE IT FURTHER RESOLVED, that all other findings, declarations and authorizations adopted in Resolution #15-367 remain in full force and effect including the amount of grant funding sought in the application (\$250,000.00); and,

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and be transmitted to the Monmouth County Municipal Open Space Program for inclusion in the grant application submitted by the Township of Neptune.

DESIGNATE 2016 FLOATING HOLIDAY

WHEREAS, Article XII, Section J, of the current contract between AFSCME Local #1844 and the Township provides for a floating holiday that is set upon mutual agreement of AFSCME and the Township Administrator by July 1st of the previous year; and,

WHEREAS, since the 2016 calendar does not provide for a logical date for the use of the floating holiday, the Township Administrator and AFSCME Local #1844 have requested that employees be permitted to utilize the 2016 floating holiday benefit at their discretion; and,

WHEREAS, the lack of a specific date for the 2016 floating holiday also means that there will be no designated 2016 floating holiday date on which municipal offices and operations will be closed,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2016 floating holiday benefit will be utilized by Township employees at their discretion at any time during the calendar year with the necessary approvals for employee time off; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all Department Heads and AFSCME Local #1844.

AUTHORIZE AN AMENDMENT TO THE 2015 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE STATE BODY ARMOR REPLACEMENT FUND

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 2015 in the sum of \$6,730.37 which is now available from the NJ Division of Criminal Justice Body Armor Replacement Fund in the amount of \$6,730.37; and,

BE IT FURTHER RESOLVED that the like sum of \$6,730.37 is hereby appropriated under the caption of Body Armor Replacement Fund – FY 2015; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a New Jersey Division of Criminal Justice Body Armor Replacement Fund Grant – FY15 in the amount of \$6,730.37; 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.

ADOPT 2016-2018 SUMMER DOCKAGE RATES FOR THE MUNICIPAL MARINA

BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves the following Summer Dockage Season Rate Schedule effective immediately and in effect until otherwise amended by subsequent resolution of the Township Committee:

a. Summer Dockage (April 1st to December 1st)

SLIP SIZE SEASON RATES

	2016	2017	2018
18'	\$1,559.00	\$1,637.00	\$1,719.00
20'	\$1,733.00	\$1,819.00	\$1,910.00
21'	\$1,819.00	\$1,910.00	\$2,006.00
23'	\$2,137.00	\$2,244.00	\$2,356.00
25'	\$2,323.00	\$2,439.00	\$2,561.00
28'	\$2,705.00	\$2,840.00	\$2,982.00
30'	\$3,024.00	\$3,175.00	\$3,334.00
32'	\$3,226.00	\$3,387.00	\$3,556.00
35'	\$3,528.00	\$3,704.00	\$3,890.00
38'	\$3,830.00	\$4,022.00	\$4,223.00
40'	\$4,032.00	\$4,234.00	\$4,445.00

BE IT FURTHER RESOLVED, all other marina rate schedule provisions adopted by Resolution 13-522 shall remain in full force and effect until otherwise amended by subsequent resolution of the Township Committee; and,

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

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

EXPRESS POSITION OF THE NEPTUNE TOWNSHIP COMMITTEE REGARDING THE MONMOUTH COUNTY ASSESSMENT DEMONSTRATION PROGRAM (ADP)

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

WHEREAS, as a result of an act of the NJ State Legislature, the Monmouth County Board of Taxation has instituted a pilot program for the management of Tax Assessments in the County and thereafter mandated a methodology for the implementation by local municipalities of a Monmouth County Assessment Demonstration Program (ADP); and

WHEREAS, the Township of Neptune was mandated by the County Board of Taxation to implement the ADP program and has, in reliance on that mandate, been compelled to expend large sums of moneys for reassessment and review by contractors who met the bid qualifications for services under the ADP program promulgated by the County; and

WHEREAS, as a result of a broad range and thorough review of the implementation and management of the ADP program by the Asbury Park Press, it has come to the attention of the general public that the ADP program is resulting in gross inequalities in the reassessment process and the implementation of safeguards that were granted to property owners by statute and practice in the Tax Courts and procedures for appeals; and

WHEREAS, as a result of the same investigation, it has become a matter of public record of the troubling interlocking relationships between the County Tax Board and contractors and subcontractors who have a familial, and local tax assessment responsibilities and business relationships that were not disclosed to the general public in a transparent manner of the time that the ADP was adopted; and

WHEREAS these troubling revelations cast the pall of interlocking familial, professional and business interests that are to be avoided in public policy initiatives and has caused the public to express its dissatisfaction with the legitimacy of the mandate from the County Tax Board; and

WHEREAS, the Township of Neptune is concerned that the local taxpayers of Neptune Township must pay for these mandated programs.

NOW THEREFORE BE IT RESOLVED that the governing body of the Township of Neptune, County of Monmouth and State of New Jersey hereby resolves the following:

1. Request the County Tax Board to exercise its authority in suspending the implementation of the program immediately;

2. Request that Senator Beck and Assemblypersons Casagrande and Angelini support legislative efforts to terminate the program immediately;
3. Request that the State Attorney General investigate the adoption and implementation of the program and its execution of same and allotment of contracts to participating entities;
4. Request the County and State of New Jersey fund the costs of all future assessment programs.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Senator Beck, Assemblypersons Casagrande and Angelini, the Monmouth County Tax Board, Township Attorney and Tax Assessor

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	\$3,129,917.50
FEDERAL & STATE GRANT FUND	1,017.61
TRUST OTHER	25,397.01
GENERAL CAPITAL FUND	10,454.84
SEWER OPERATING FUND	124,980.00
SEWER CAPITAL FUND	27,907.58
MARINA OPERATING FUND	4,376.64
MARINA CAPITAL FUND	19,058.24
DOG TRUST	7,708.00
UDAG TRUST	1,500.00
LIBRARY TRUST	5,552.48
 BILL LIST TOTAL	 \$3,357,869.90

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.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dr. Brantley excused himself due to a personnel emergency and left the room.

Michael Fornino, 120 Fulham Place, stated that the Township of Ocean has a program in which residents are issued a card and when they shop in participating businesses within Ocean Township, they receive a credit against property taxes. He suggested that Neptune look into doing a similar program.

Selma Bonelli-Hensen, 215 Moss Place, stated her same complaints were cars and boats on lawn and now mattresses. She called Code Enforcement and they asked for an address all they have to do is drive past and they will see it. She felt something needed to be done to tell people they cannot park cars on their lawn. She also discussed a buffer that's on her property. The township said it was her property but it is not on her deed. She questioned who should maintain the clean up.

Deputy Mayor McMillan stated they would look into it.

Mr. Gadaleta stated they would look into it and call her back tomorrow.

Ms. Bonelli-Hensen also reported people allowing their dogs to poop on everyone's property without picking up behind them.

Ann Horan, 69 Clark Ave. stated there was a lot of work going on in Ocean Grove and she knew that if the companies dig up the street they have to fill in where they dig but it is a mess. She questioned what would happen after all of this.

Mr. Gadaleta stated whenever there is an extensive road opening relative to the install of mains and the necessary lateral connections the utility company is responsible for paving the entire length of road one half width of the roadway. We are coming into the winter season and the trench is just being restored so the trench needs to settle and we probably will not be seeing final repaving until the Spring but the utility companies will have to maintain the trenches and the lateral connections as well. Our Engineer will follow up on that. Regarding the removal of slate pieces from the sidewalk & curbing, the Contractors were advised today by the Engineering Department that those will have to be stock piled and reinstalled at completion of the project. Those areas where there is concrete sidewalk and there was a new meter head established and they put in black top that is a temporary install and they have also been advised that concrete will have to be reinstalled. Our Engineering Department today advised them that they noticed that there are some transitional issues in those areas and they have been advised to go out and inspect those temporary patches and make sure they have not created a tripping hazard. So the Engineering and Public Works Department is aware of it and communication has been provided to the utility companies.

Ms. Horan stated in the Winter time it is going to be a mess.

Mr. Gadaleta stated if there was an issue to address him and it will be addressed accordingly.

Ms. Horan also questioned if they were going to do the same thing with the bagging regarding leaf pick up.

Mr. Gadaleta stated he would presume yes because it worked last year and he will make sure that Public Works get notification out to you on that.

Ms. Horan also stated that people are using an area as a doggy park.

Mr. Bishop stated Founders Park is becoming dog heaven and we really need to start addressing that.

Gail Oliver, Neptune City, stated West Lake Avenue has not received the attention that she felt it needed. It's been 17 years since we've been in this process of redevelopment. Midtown residents have been waiting. She has a personal stake in this and she's been waiting a long time. She does not feel that they have an advocate for West Lake Redevelopment. She stated at one point she was ashamed to live there because it looked terrible and things got started when she complained but then you don't hearing anything about West Lake Avenue any more. She stated Dr. Brantley used to live in that area but he moved away and she doesn't live there because she agreed to move but it was with the understanding that those three blocks of West Lake Avenue were going to be redeveloped in her lifetime. She stated she was very disappointed.

Mr. Gadaleta stated they rescinded the agreement with Cityworks because it was not moving forward other than the initial building on the corner of West Lake and 35. There has been a new RFP developed and advertised to allow for a scale down redevelopment block by block to try and see if there was interest rather than try and find someone to come in and undertake the entire project. He stated since it was advertised they've had three or four telephone calls requesting information but no one to this date has picked up an RFP. Additionally the Township received a grant through the EDA in the amount of \$800,000 for a streetscape to finish a project on West Lake Avenue. They are getting ready to finalize the plans for bid and get out to bid on that project and

undertake the improvements. He stated things have been progressing and no one have forgotten West Lake Avenue.

Ms. Oliver questioned who was the elected advocate for West Lake Avenue. She also stated they did not have lighting.

Mr. Houghtaling stated they all were advocates for West Lake Avenue.

Joan Venezia, Mt. Hermon Way, questioned whether the Township has heard anything regarding the Profit and Loss Statement from Wave and other investors and are we going to put a time limit on them. The financial statement that they previously provided is missing elements of what a financial statement is. She thanked the Committee for dating the list of abandoned properties. Kathy Arlt believes that three properties she mentioned previously should be on the list. They are 9 Broadway, 83 Stockton and 103 Clark Avenue. How do we check to see if these properties are in the six month waiting period. She asked if the Parkview Inn is being torn down and being replaced with four houses. She stated she thought the Whitefield Hotel was being torn down but two meetings ago it was mentioned that there was inspection there. She asked why it was being inspected if it is vacant. She expressed concern that a recent document she received regarding the North End is not an official public record. She asked if it was true that no dredge material from the Shark River will be put on Seaview Island. Finally she asked if the Township was applying for RSIS and why would the Township be doing it now. If the Township were to get an RSIS exemption would we lose all angular parking in Ocean Grove.

Mr. Anthony stated he thought they had given her everything they had on the North End. She asked for correspondence which they did not give her in the past and as soon as he puts it together he will give it to her and that will take care of the OPRA Request. He stated he was on vacation when she requested it but assured her he would satisfy the request.

Mr. Bishop stated she questioned how long will we wait. He state that is a redevelopment area and it doesn't sunset and this Township Committee has made a very strong stand that it is not going to start negotiating with someone and find out three weeks later that all of the players have changed. So there's no sense in sitting down and negotiating or doing anything.

Mr. Anthony stated not much has happened since the last time that he talked with her because he went on vacation right after the last meeting but they know that they have to produce the financials in order for us to go to the next step and there are no redevelopers knocking at the door either. There is no legal requirement to set a time limit as long as the Township Committee is willing to wait there is no statutory limitations on it.

Mr. Bishop stated they keep wanting us to sit down and negotiate the agreement so it is not to their advantage because they want to get started.

Mr. Anthony stated he talks to the attorney about this every week with the exception of this week because he was on vacation so she would have to ask the same question in two weeks. He informed her that she could do an OPRA request to check the abandoned list whenever she wanted to. He stated on 68 Clark Avenue he received a copy of the notice of violation. He doesn't know when it went out but if they did not respond by the time period that is in there then the next step is a summons. The Parkview Inn had a 90 day period. They went before the HPC for demolition permission and the 90 day waiting period which ran out a week ago so now they proceed to demolition and their goal is to have three single family homes.

Mr. Gadaleta stated the owners of the Whitefield Hotel do have a project that has been approved by the HPC that includes demolition of the structure and the construction of three new dwellings on the property. Currently the Whitefield is occupied and has numerous violations and the Township along with the County Health Department is moving forward on the condemnation of that building because of those hazards. There are 25 rooms and one apartment occupied and we stopped have the State putting people there.

Mr. Bishop asked Mr. Gadaleta to have Mr. Doolittle update the abandoned property list and put a new date on it once a month. So that we know that it is being looked at and is being updated.

Mr. Gadaleta stated just because a property is not on the abandoned property list does not mean that it hasn't been looked at by Code Enforcement. When it rises to that level and meets that criteria he will place it on the list. He stated he believed 9 Broadway was in court as well. He could stock specifically speak on 83 Stockton and 103 Clark Avenue but he will follow up on the status.

Mr. Bishop stated the first portion of the dredging will be done and Seaview Island is not to

be used we are not abandoning the fact that we may have to use it at a later date but at this time they are looking at a site in Belmar.

Jack Bredin, 94 ½ Heck Avenue, stated that it was stated earlier in the meeting that developers are not knocking down the door to do the North End Redevelopment Project. He asked the Committee if a Request for Proposal was ever done for this project. Mr. McMillan responded no. Mr. Bredin stated that he thinks the entire project is a big swindle.

Stephanie Sayer, South Riverside Drive asked if a commission could be created for Shark River and have cooperation with Belmar and Neptune City and everyone being advocates for it.

Mr. Bishop stated for years we've had a group of shore towns that met on a regular basis to try and get the dredging done. He stated his hope is that as the dredging goes we can come back together to start looking at what goes on with the maintenance of the dredging. They've actually hit their first major goal. He stated it was a good idea to try and call everyone back together.

Ms. Sayer stated the Clean Up Coalition had an event on Saturday where they went around cleaning up but the bags are still at the curb line around the river and no one has picked it up yet.

Mr. Gadaleta stated he would follow up on that in the morning.

Dorothy Argyros, 2100 Rutherford Avenue, mentioned Ordinances #14-36 & 15-33 and stated she heard there was enabling legislation. She questioned what was the legislation.

Mr. Anthony stated the ordinance cites the statute but he did not have the file with him. He stated the only thing that has not been cited was registration because that's based on police power that has been upheld in the courts.

Mr. Cuttrell advised her to check in Ordinance #14-36.

Helen McCahill, 66 Whitefield Avenue, stated she was here on a housing issue because she spent all day with a resident in public housing. She congratulated them on meeting the needs of its residents. It was her opinion that Neptune as much or more than any other town she has seen when providing for persons who are of low income or disabled. She stated in March the State Supreme Court declared that every community in the State of New Jersey by the end of this year would have to provide a plan and describe how it would be enacted to meet new dwellings in their town. Her job provides services free of charge and they have a group of individuals who are willing to help out for free. It is mostly seniors helping seniors. She owned low income rental property and she found that when she respected them they respected her. She's never met worse landlords than in Monmouth County. She would love to see what's being planned and to be a part of it.

Mr. Anthony stated the Supreme Court decision required that each municipality provide a financial plan based on a schedule. Every town in Monmouth County filed what's called a Declaratory Judgment Act in July as required. They went before the board and they gave us a schedule for presenting affordable housing plans. We've had an affordable housing plan for years. What through it off track were the COAH rules, the third round was never really finished and approved. So we don't have third round rules yet but we do have an affordable housing plan which list all of the affordable housing projects that we are under taking in the town and we are revising it based on the court decision and we should be submitting a draft to a master that has been appointed by the court to review the plans. He explained the process.

Mr. Bishop stated they have not been sitting on things and they are also proud to be working with Coastal Habitat.

Sandra Solley, Farmingdale stated she was told that she could not put leaves in bags.

Mr. Gadaleta stated they established a policy last year for Ocean Grove that leaves only in bags and they would be picked up and that will probably be started again very shortly. The rest of the Township cannot put them in bags. He asked her who did she speak to.

Ms. Solley stated she spoke with a woman and a man was talking behind her and he said no bags so she had to borrow cans from her neighbors.

Mr. Gadaleta asked her whether it was yard waste or leaves.

Ms. Solley stated it was both.

Mr. Gadaleta stated yard waste was one thing and leaves were another they could not be incorporated together.

Ms. Solley stated she heard something about slate curbs and questioned when they do the construction work in Ocean Grove would they put curbs in.

Mr. Gadaleta stated no and if they have to remove existing slate curbs they need to replace those once the work is completed.

Ms. Solley asked if there was no curb what would be done.

Mr. Gadaleta stated it would continue to be no curb.

Ms. Solley asked if property owners were responsible for curbs.

Mr. Gadaleta stated if there is no curb currently we do not require property owners to install them but if there are curbs and they are damaged it is the responsibility of the property owner.

Ms. Solley stated Embury and Lawrence has curbs and Webb and Lawrence doesn't have curbs, Abbott and Lawrence doesn't have curbs either. So there's no requirement to have curbs.

Mr. Bishop stated the trick in Ocean Grove is the decree says face to face so it would in fact be your responsibility to install them.

Ms. Solley stated she had slate curbs and asked them to explain the specifics of snow removal for cleaning your sidewalks.

Mr. Gadaleta stated he did not have it in front of him but stated there is a time frame from when the snow begins to within a period after the snow fall ends and he believed it was twelve hours. He stated it was just an amendment to an existing ordinance. They will be enforcing the ordinance.

Ms. Solley listed the properties that did not remove their snow and questioned the enforcement of the ordinance.

Mr. Cuttrell advised her that the ordinance was on line.

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

Richard J. Cuttrell,
Municipal Clerk