

TOWNSHIP COMMITTEE MEETING – MARCH 28, 2016

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, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

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.

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 7, 2016, 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 stated that Blanche Dunbar, 40 Lynn Drive, appeared at the last Committee meeting regarding the removal of trees in the right-of-way in front of her home by the Township. On March 24<sup>th</sup>, the Shade Tree Commission dropped off replacement trees and a Contractor planted the trees on March 25<sup>th</sup>. A few more trees can be planted if necessary. Ms. Rizzo asked if the stumps were removed. Mr. Gadaleta stated that the stumps are in the right-of-way. He will ask Public Works to cut the stumps down to the ground. At this point, Ms. Dunbar walked into the meeting room and advised that the new trees are further back from the curb and more trees are needed on the side of the property.

Mr. Gadaleta stated that the Shade Tree Commission wants to plant trees in Gables Park for Arbor Day. This will replace trees that were felled in Hurricane Sandy. The Gables Homeowners Association was contacted and are in favor of the project.

Mr. Bishop asked Mr. Gadaleta to prepare a list of properties that are on the vacant and abandoned list and have questionable title. He suggested that the Township can get some information on ownership for these properties to get code enforcement issues resolved.

Ms. Rizzo stated that she wants to finalize the designation of Committee Sub-Committees. Mr. Bishop suggested that the matter be placed on the next workshop meeting for discussion.

Mayor McMillan distributed photographs to Mr. Gadaleta depicting code issues at 26 Maplecrest Drive.

Mr. Bascom stated that the Traffic Calming discussion and workshop is ready to take place. The Committee asked that the item be scheduled for the April 25<sup>th</sup> workshop meeting.

Bernard Haney, Tax Assessor, stated that postcards were mailed to property owners in Shark River Hills, Seaview Island, and parts of Green Grove, west Neptune and the Concourse, that inspections will be done on properties in these areas. This is the first 20% of the Township being inspected under the Assessment Demonstration Program. Since no properties were done in 2015, another 20% will be done this year and that area will be in midtown and Ocean Grove. These inspections are required by law and the entire five year program that will eventual inspection 100% of the Township has been contracted and paid for.

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

Mr. Bishop offered the following resolution, moved and seconded by Ms. Rizzo, 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 – Recommendation for Rent Leveling Board Alternate #2 member

Potential Litigation –Update on hospital tax legislation/legality of taxing options

Litigation – Zoning violation on commercial property

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; Rizzo, aye; Williams, aye; and McMillan, aye.

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

Jeff Klein was recommended for appointment to the Rent Leveling Board and the Committee acted by resolution at the regular meeting.

Terrell Brown was recommended for hire as a Special Law Enforcement Officer – Class I. The Committee requested the appropriate resolution be placed on the next regular meeting for consideration.

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

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, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

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.

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

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

Mayor 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 7, 2016, 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).

#### REPORT OF THE CLERK

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

The following individuals/organizations received thank you letters for recent donations to the Senior Center: Kay Anctil, Dolly & Dick Driscoll, Betty & Mike Palermo, Michael Harrigan, Kathy Henry, Jean Bozarth, Catholic Men for Jesus Christ, Diane Curley & Susan Waters, Regina & Thomas Donohue, Patricia Fahey, Edgar Halpin, Michael Harrigan, Rich Kuchen, Mary's Place, Stuart Monk, Lois Mumie, Wanda Nebido, Candi Pisano, Estella Robinson, Barbara Tatulis and Tab Baker.

#### COMMENTS FROM THE DAIS

Ms Rizzo stated that she attended the JSUMC community meeting. The parking garage is scheduled for completion by the end of the year. She attended the Ocean Grove Homeowners Association meeting and the MURC breakfast to support the Community Garden. MURC will also be sponsoring a summer job fair. Finally, she visited Ms. Dunbar's property on Lynn Drive to examine the removal of trees.

Mr. Williams stated that he attended a meeting on a new Clean Communities initiative which involves churches, the community and the schools in a program to keep the streets clean. He also attended the Recreation Department Easter egg hunt, the Board of Education 2016 budget presentation, the Shark River Hills Property Owners Association and the MURC breakfast for which he extended congratulations to Dianna Harris.

Mr. Bishop stated that he attended the corn beef & cabbage dinner at the Senior Center. He attended the MURC Trustees meeting to talk about the West Lake Avenue Redevelopment. MURC is contemplating a broad survey to get a better idea from Township residents and businesses on what they want to see as part of the redevelopment. He attended the MURC breakfast, the Memorial Day Parade Committee meeting and the Shark River Hills Sunrise Service on Easter. He noted that Jane Flynn, owner of five Dunkin Donuts and participant in many community events, passed away.

Dr. Brantley stated that he was sorry to miss the MURC breakfast. He attended the Wesley Lake Commission meeting where they are looking at alternatives to chemicals for weed removal in the lake. He also attended Fathers/Daughters Day at the Neptune Middle School.

The Mayor stated that he attended a candidate's forum to provide information on being an elected official to a college fraternity, the Biddy Basketball All-Star game, the MURC breakfast, a tour of colleges, and the Mt. Olive Good Friday service. He noted that Mt. Olive Church also has a soup kitchen on Thursdays.

#### PUBLIC COMMENTS ON RESOLUTIONS

Michael Fornino, 120 Fulham Place, commented on Resolution 16-178 and stated he was curious as to why they would tax the hospital because it did not make sense to him.

Mayor McMillan stated the hospitals were moving more from a fee base type of system to an outcome space and as a result of the Morris Town Memorial hospital case which proved that in some cases hospitals have profit entities in them. He stated they just wanted to protect the interests of the taxpayers.

Mr. Anthony stated the Morris Town case which is an Appellate Court decision found that most hospitals now though they are set up as non - profit have some profit oriented operations in their facility. We are not saying the entire hospital is non exempt. He stated they wanted to find out what parts were exempt and which parts weren't and tax them accordingly.

Mr. Bishop stated they wanted to pass this to protect themselves ourselves so that we have the ability to get the information so that we can respond as these decisions unfolds. He stated this was very rapidly an interesting unfolding of situations.

Mr. Fornino stated this is not what the resolution is saying.

Mr. Anthony stated you have to file a complaint challenging the total exemption in order to get the partial exemption unless the hospital is willing to meet with you a head of time.

Dorothy Argyros, 2100 Rutherford Avenue, stated she was in total support of this because she felt the rich was getting rich and the poor people were going broke. She questioned why hospitals were tax exempt so she looked it up. She stated this was not a free enterprise at all and we all were going broke for supporting the hospital. She thanked the Committee for this resolution and urged this to pass it.

#### ORDINANCE NO. 16-09 - ADOPTED

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

#### ORDINANCE NO. 16-09

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK FOR PURPOSES OF INTRODUCING THE 2016 MUNICIPAL BUDGET

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

Michael Fornino, 120 Fulham Place, asked why the Township was seeking a 3.5% cap and not the mandated 2% cap. Mr. Bascom responded that this refers to the appropriation cap. The 2% tax levy cap still applies.

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

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

ORDINANCE NO. 16-10 - ADOPTED

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

ORDINANCE NO. 16-10

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 LAWRENCE AVENUE AND SURF AVENUE

Mayor McMillan requested public comments on the above ordinance. There being no comments, he closed the public hearing.

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

ORDINANCE NO. 16-11 - ADOPTED

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

ORDINANCE NO. 16-11

AN ORDINANCE AUTHORIZING A DEED OF EASEMENT FOR UTILITY PURPOSES WITH JERSEY SHORE UNIVERSITY MEDICAL CENTER, BLOCK 1201, PORTION OF LOT 3, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE

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

Dorothy Argyros, 2100 Rutherford Ave., repeated that since they were subsidizing Jersey Shore Medical Center she felt we should have gotten more than a dollar for this easement, especially since people who are being charged high fees and penalties for encroaching on the Township's easements.

Michael Golub, 305 Cliffwood Drive, stated from what he believes there has been ten hospitals that have been challenged on their non-profit status. We are now questioning some of Jersey Shore's locations and they are not necessarily tax exempt, they are for profit. He questioned what was the hospital saying. He also stated a lot of conversations have taken place with the hospital including the Housing Authority as well. He questioned whether that discussion has ever been broached as a negotiation tool.

Mr. Anthony stated they were dealing with that right now with the Hope tower which is their new construction project and they've taken the stance that it is all subject to non exemption

and we are realizing that it is all not necessarily. We are saying that part of the tower may or may not be tax exempt. There position so far is that the entire project is an exempt project.

Hank Coakley, Valley Road, questioned the location of the underground conduit would be proposed and erected.

Mr. Bascom stated the underground conduit would run from the police department to the hospitals new towers.

Ms. Rizzo asked if \$1 was the usual amount for an easement. Mr. Anthony stated that the Township is getting the benefit of conduit and construction to network the hospital to the Police Department

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

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

#### ORDINANCE NO. 16-12 - APPROVED

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

#### ORDINANCE NO. 16-12

AN ORDINANCE AUTHORIZING ACCEPTANCE OF ASSIGNMENT OF NOTES AND MORTGAGES FROM RIDGE AVENUE, LLC CONCERNING PROJECT KNOWN AS "SCHOOLHOUSE SQUARE"

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

Mr. Cuttrell stated that the public hearing on Ordinance 16-12 will be held on Monday, April 11<sup>th</sup>.

#### CONSENT AGENDA

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

#### AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH INTERFAITH NEIGHBORS, INC. TO PROVIDE CONGREGATE MEALS AT THE NEPTUNE SENIOR CENTER

WHEREAS, Interfaith Neighbors, Inc., provides noon-time meal services to senior citizens at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc., wishes to continue the engagement of services of Neptune Township and Neptune Township wishes to continue to provide services to Interfaith Neighbors and to the senior citizens who participate in this program at the Neptune Senior Center; and,

WHEREAS, Interfaith Neighbors, Inc. will provide payment to the Township of Neptune in the amount of \$1,859.00 per month for kitchen staff,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute an agreement with Interfaith Services, Inc. to provide payment in the amount of \$1,859.00 per month to the Township of Neptune for noon-time meals to senior citizens at the Neptune Senior Center for the year 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Acting Senior Center Director, Chief Financial Officer, and Grant Coordinator.

AUTHORIZE USE OF LIBERTY PARK BY THE YOUNG LEADERS OF NEPTUNE AND ASBURY FOR A COMMUNITY BLOCK PARTY AND GARDEN CLEAN-UP

WHEREAS, the Young Leaders of Neptune and Asbury has requested the use of Liberty Park for a Community Block Party and Garden Clean-Up on Saturday, April 9, 2016; and,

WHEREAS, the Township is a co-sponsor and desires to grant approval to conduct this community event,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves the use of Liberty Park on Monroe Avenue by the Young Leaders of Neptune and Asbury for a Community Block Party and Garden Clean-Up on April 9, 2016 from 10:00 A.M. to 2:00 P.M.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. Zarro, and Police Director.

ACCEPT MAINTENANCE GUARANTEE AND DEDICATION OF ROADWAYS IN CONNECTION WITH THE SCHOOLHOUSE SQUARE DEVELOPMENT

WHEREAS, TRF DP Ridge Avenue, LLC constructed Cherry Lane, Plum Lane, and an extension to Embury Avenue, in connection with the Schoolhouse Square development within Blocks 504, 519 & 520; and,

WHEREAS, the Township Engineer has inspected these roadways and has certified that they were constructed as required and recommends they be accepted by the Township; and,

WHEREAS, TRF DP Ridge Avenue, LLC has posted a cash maintenance bond in the amount of \$4,517.75 to guarantee the maintenance of these roadways for a two year period,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the roadways known as Cherry Lane, Plum Lane, and extension of Embury Avenue be and hereby accepted and dedicated to the Township of Neptune as public roadways under the control and jurisdiction of the Township; and,

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

AUTHORIZE TEMPORARY CLOSING AND TEMPORARY NO PARKING ON VARIOUS STREETS IN CONNECTION WITH THE NEW JERSEY MARATHON

WHEREAS, the New Jersey Marathon is scheduled for Sunday, May 1, 2016 and,

WHEREAS, it is necessary to temporarily close a portions of roadways and designate no parking in the same areas; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the following temporary street closures and temporary no parking on May 1, 2016 from 6:00 A.M. to 1:00 P.M. for the New Jersey Marathon:

- 1) Pilgrim Pathway between Asbury Avenue and Great Auditorium
- 2) northbound side of Ocean Avenue between Ocean Pathway and Broadway
- 3) eastbound side of Broadway between Ocean Avenue to Central Avenue
- 4) Central Avenue between Broadway and Pilgrim Pathway

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

AUTHORIZE A PUBLIC AUCTION OF SURPLUS VEHICLES AND TRAILERS

WHEREAS, there are vehicles and trailers owned by the Township of Neptune which are no longer of use to the Township and the Director of Public Works, Purchasing Agent and Business Administrator have recommended that they be sold; and,

WHEREAS, the Township of Neptune will auction said vehicles through an on-line auction in compliance with state rules and regulations for a period of five days; and,

WHEREAS, the Municipal Clerk shall provide proper advertisement and notice in accordance with state statute in addition to posting the auction information on the Township's web site; and,

WHEREAS, said vehicles and trailers to be sold are as follows:

VIN #	YEAR	MAKE
2G1WD5EM8B1144337	2011	Chevy Impala
2G1WD5EM8B1143494	2011	Chevy Impala
2G1WS553081351150	2008	Chevy Impala

2G1WS553189231942	2008	Chevy Impala
2G1WS553489231692	2008	Chevy Impala
2G1WS57MO91267918	2009	Chevy Impala
2G1WS57MX91266081	2009	Chevy Impala
1GCDT19W41K172219	2001	Chevy Pick Up
1GNGK26K5NJ356093	1992	Chevy Suburban
1F7DF15Y6SNA78521	1995	Ford F-150 Pick Up
1FTEE14N6SHA86308	1995	Ford Van
1B7KE2626LS737966	1990	Dodge Box Truck
JJGO221967	1995	Case Tri NCV - Backhoe
1G6KD54Y42U113751	2001	Cadillac
1FTSF21P86ED26641	2006	Ford Pick Up
1FTRF172X2KA83141	2002	Ford Pick Up
1M2ACO7C11M005175	2001	MAC Truck
1B6MM3653LS769647	1990	Dodge Ram Pick Up
Portable Changeable Message Signs		Message Sign Models 20 CMST 330 Series & GP 232-GP 432
Police Box Trailer		
SOV Box Trailer		
1FMPU162042LA88476	2004	Ford Explorer (OGFD vehicle)
1K9AK17233C172089	2003	KASI Inferred machine
43003276	2002	Tennant vacuum 4300-1854

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

1. that the above listed vehicles are declared as surplus and not needed for public use,
2. that the execution of a contract with Auction Liquidation Services to provide on-line auction services is hereby approved,
3. that the sale of the above vehicles is hereby authorized through an on-line auction at [www.usgovbid.com](http://www.usgovbid.com), the details of which will be provided in the required legal advertisements and on the Township web site,
4. that the said vehicles are being offered "as is - where is";
5. that should any vehicle be unsuccessfully sold at auction, disposal of such vehicle is hereby authorized in accordance with state law,



BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Purchasing Agent, Chief Financial Officer, and Director of Public Works.

SUPPORT THE ST. JUDE CHILDREN'S RESEARCH HOSPITAL WALK/RUN TO END CHILDHOOD CANCER ON SEPTEMBER 24, 2016

WHEREAS, each year, the parents of approximately 15,700 kids will hear the words "your child has [cancer](#)." Across all ages, ethnic groups and socio-economics, this disease remains the number one cause of death by disease in children. Despite major advances – from an overall survival rate of 10 percent just fifty years ago to nearly 90 percent today, for many rare cancers, the survival rate is much lower. Furthermore, the number of diagnosed cases annually has not declined in nearly 20 years; and,

WHEREAS, the mission of St. Jude Children's Research Hospital is to advance cures, and means of prevention, for pediatric catastrophic diseases through research and treatment. Consistent with the vision of founder Danny Thomas, no child is denied treatment based on race, religion or a family's ability to pay; and,

WHEREAS, A group of dedicated supporters and volunteers will gather in Asbury Park on Saturday, September 24, 2016, joining supporters in 60 other US cities for the Annual St. Jude Walk/Run to End Childhood Cancer; and,

WHEREAS, the Township Committee wishes to convey its support for this event and encourage Neptune Township and Monmouth County residents to participate in this important fund raising event,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby expresses its full support of the St. Jude Walk/Run to End Childhood Cancer, event on September 24, 2016 and urges all citizens of the Township of Neptune and County of Monmouth to participate in this important event which benefits efforts to combat childhood cancer.

AUTHORIZE ELECTRICAL INSTALLATION MATERIALS AND LABOR THROUGH THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION PURCHASING PROGRAM

WHEREAS, the Township Committee wishes to authorize the purchase of materials and labor for electrical installations at multiple Township owned facilities utilizing pricing through the Middlesex Regional Education Services Commission Cooperative Purchasing Program; 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, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally or state recognized cooperative agreement; and;

WHEREAS, the Middlesex Regional Education Services Commission Cooperative Purchasing Program is recognized purchasing cooperative (#65MCESCCPS) and has awarded Contract No. 14/15-19 GC3 to Ascend Construction Management, Inc. for this item; and,

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

WHEREAS, the amount of the purchase of materials and labor not exceed \$63,984.74; and,

WHEREAS, funds for this purpose are available from various Township bond ordinances, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of materials and labor for electrical installations at multiple Township owned facilities be and is hereby authorized through Ascend Construction Management, Inc., an approved vendor through the Middlesex Regional Education Services Commission Cooperative Purchasing Program – Contract No. 14/15-19 GC3, at an amount not to exceed \$63,984.74; and,

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

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

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

WHEREAS, Walter Thomas Taylor was employed in this capacity in the past, but has not worked for several years; and,

WHEREAS, the Public Works Director recommends that he be returned to active employee status; and,

WHEREAS, funds will be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, when finally adopted, 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 Walter Thomas Taylor to be returned to active employee status as an on-call part-time Yard Attendant in the Department of Public Works effective April 3, 2016, at an hourly salary as established by prior resolution of the Township Committee; and,

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

APPOINT ALTERNATE MEMBER TO THE RENT LEVELING BOARD

WHEREAS, there is a vacancy in the Alternate #2 position on the Rent Leveling Board,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Jeff Klein be and is hereby appointed to the Rent Leveling Board as the Alternate #2 member to an unexpired one year term expiring December 31, 2016; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Rent Leveling Board.

RELEASE PERFORMANCE GUARANTEE FOR SANITARY SEWER AND ROADWAY IMPROVEMENTS AT EMBURY ARMS CONDOMINIUMS (WHITEFIELD AVENUE)

WHEREAS, on March 17, 2014, 3119 Embury Arms Condominium Association filed Performance Bond #SNN0000028, written by Nationwide Mutual Insurance Company in the amount of \$75,094.50, guaranteeing sanitary sewer and roadway improvements at Embury Arms Condominiums (Whitefield Avenue between Heck Avenue and Abbott Avenue); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of March 24, 2016 and said performance guarantee can be released; and,

WHEREAS, the release of said bond is contingent upon the posting of a maintenance bond in the amount of \$12,515.75 to serve as a maintenance guarantee of said site improvements for a period of two years,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Bond as stated above be and is hereby authorized for release contingent upon the posting of a two year maintenance bond in the amount of \$12,515.75 with the Municipal Clerk; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$8,358.00 deposited with the Township be and is hereby authorized to be refunded; and,

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

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; Williams, aye; and McMillan, aye, except abstain on the check payable to him for expenses reimbursement.

AUTHORIZE THE PAYMENT OF BILLS

Mr. Bishop offered the following resolution, moved and seconded by Ms. Rizzo, 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	\$4,875,255.56
FEDERAL & STATE GRANT FUND	4,832.48
TRUST FUND	39,957.22
GENERAL CAPITAL FUND	5,585.30
SEWER OPERATING FUND	1,028,995.65
MARINA OPERATING FUND	4,282.65
MARINA CAPITAL FUND	229,462.53
UDAG TRUST	5,000.00
BILL LIST TOTAL	\$6,193,371.39

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

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

AUTHORIZE TAX APPEAL COMPLAINT AGAINST JERSEY SHORE UNIVERISTY MEDICAL CENTER'S EXEMPTION

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

WHEREAS, the case of AHS Hospital Corp, d/b/a Morristown Memorial Hospital v. Town of Morristown, many not-for-profit hospitals are operating for profit and are losing their exemption status; and,

WHEREAS, it is the belief of the Township that Jersey Shore University Medical Center may be a not-for-profit hospital acting for profit,

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 the Municipal Attorney, Gene J. Anthony, Esq., 48 South Street, Eatontown, New Jersey to file a Complaint in the Tax Court of New Jersey, appealing the present not-for-profit exemption status of Jersey Shore University Medical Center; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Ten Thousand Dollars (\$10,000.00) without additional approval for the purposes of this litigation; and,

BE IT FURTHER RESOLVED, that funds will be provided for the first three months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, when finally adopted, and the Chief Financial Officer has so certified in writing; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief Financial Officer, Tax Assessor and Township Attorney.

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Janel Jones, Stamford Drive, asked how the recent settlement in litigation involving the Neptune Fire District was paid. The Mayor stated that the Fire District is an autonomous body. Mr. Anthony added that the Township would not have that information and questions should be directed to the Board of Fire Commissioners.

Jack Bredin, 94 ½ Heck Avenue, tipped his hat to the Neptune Township Police Department and then he talked about Wesley Lake and it becoming an estuary.

Dr. Brantley stated the best thing they can do is make the lake better as it stands.

Joan Venezia, 107 Mt. Hermon Way, thanked everyone who has been answering her emails. She's stated she's been provided with good information. She questioned whether there were any updates on the North End as far as environmental issues. She stated she no longer had a contact with the Camp Meeting. She questioned when would the RSIS application be complete and be available to the public.

Mr. Gadaleta stated it would be available at some point in the future but he did not have a date at this point.

Mr. Bishop stated both he and Ms. Rizzo attended separate meetings and they were taking what they hear back to make sure that the Planner and Engineer were hearing that.

Michael Golub, 305 Cliffwood Drive, stated someone needed to address the issue of the rock on the corner of Route 33 and West Bangs Avenue because it was disgusting and is stupid because it is not working.

Mr. Gadaleta stated both he and Committeeman Williams have had numerous discussions on this and they were continuing to look at it. The issue there were site triangular issues.

Mr. Golub suggested they paint the lines yellow near the little league field. He also stated the police department recently received accreditation and questioned whether a contract was signed.

Mr. Bascom stated there was a fee for the review.

Mr. Golub questioned whether he could OPRA the contract. He also stated additional work was needed on the fields on Jumping Brook because there is a problem with the drainage. He stated someone on the engineering side did not get it.

Mr. Williams stated he's been up there and reported the improvements and what is being done to address his concerns.

Mr. Golub stated as far as the car wash was involved, Natasha who works in Code Enforcement was a home run and she knew how to handle people on the phone. He commended Sgt. Zarro for the work he's done as far as the traffic.

(Dr. Brantley left the meeting)

Dorothy Argyros, 2100 Rutherford Avenue, stated the assessment demonstration program was a disaster and many towns have opted out of it. She stated Mayor Robert Mayhun of Avon stated it has resulted in increased financial burdens for Monmouth County taxpayers already struggling with an excessive tax burden. She felt there was no need for Neptune to stay in this program and to throw the residents under the bus.

Roger Wenzig, 507 South Riverside Drive, stated his neighbors in Shark River Hills have received cards that they will be inspecting their homes but no one is understanding what is going on. He questioned whether this was just for data collection or are they going to hit each person again with a reassessment and their taxes will go up.

Mr. Bishop asked if the homeowners association would be willing to share with the Committee the emails that they've received and have Bernie put together a fact sheet that we post and put out to answer your questions.

Mr. Gadaleta stated Mr. Haney has been in contact with the President of the property owners association. He also stated he had conversation with Mr. Haney today and the individuals that were coming out into the fields are in fact data collectors. They will not be in the field reassessing your property. What they are doing is collecting the data, compiling that information and bringing it back to our tax assessment office. It is to make sure that the information we have on file is accurate information. He stated he would suggest to Mr. Haney that they would take a page off of his department page to talk about the demonstration assessment program.

Kathy Arlt, 106 Abbott Avenue, announced that they have two representatives of SHIPPO coming to an Ocean Grove Homeowners meeting on April 23<sup>rd</sup> to talk about the certified local government program and how they can apply and what they will need to do to apply. This project is very close to her heart because her family has history in Ocean Grove. She questioned if anyone knew anything about 69 Webb Avenue. She stated it was in really bad shape. She stated she did not know where it came from that they needed to separate zoning ordinances for zoning.

Michael Fornino, 120 Fulham Place, stated in his opinion the tax pilot program was valid and the concept was to reinstate rolling assessments so that you don't get bombed every ten years. He also stated Wesley Lake and Deal Lake were once both estuary's to the Ocean. He also discussed drainage throughout the town both past and present.

Kennedy Buckley, Broadway, discussed the bird problem that was at Fletcher Lake, the snow problem and the parking in Ocean Grove.

Christina Schuetz, 24 Oakcrest Drive, stated she was here to remind them about the density and wildlife in her area and they needed protection.

Carol Ayoub, Summit Road, stated that she is supporting the St. Jude's walk in Asbury Park. Her parents were long time supporters of St. Jude and she asked the Committee and Township for support. She will be walking with Committeeman Williams.

Ricardo Biancho, stated that he is a cancer survivor and is supporting the St. Jude's walk. He added that it is great to see Asbury Park and Neptune joining forces for a good cause.

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

Richard J. Cuttrel,  
Municipal Clerk