

TOWNSHIP COMMITTEE MEETING – JUNE 27, 2011

Mayor McMillan called the meeting to order at 6:00 p.m. (assisted by Honorary Mayor Dale Church) and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Eric J. Houghtaling, and Mayor Kevin B. McMillan. (Dr. Michael Brantley and Mary Beth Jahn arrived in executive session)

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; 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 6, 2011, 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. Cuttrell stated that an agreement has been received for the Shoreline Shuttle Service which will connect the Bradley Beach and Asbury Park train stations with the beachfront and Main Avenue in Ocean Grove. 75% of the cost is being covered by a federal grant with the Township and Bradley Beach splitting the remaining 25%. The Committee indicated that they were in favor of this initiative.

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

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Litigation – Dredging litigation/Neptune v. NJDEP
Personnel – Municipal Court Violations Clerk

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

4. This Resolution shall take effect immediately.

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

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

The Committee reviewed a recommendation for the hiring of a part-time Violations Clerk and took action during the regular business portion of the meeting.

Mr. Bascom discussed the hiring of part-time Community Service Officers (CSO). The concept is that two CSOs will respond to first aid calls anywhere in the Township Monday through Friday from 6:00 a.m. to 6:00 p.m. which is typically the time where less volunteers are available to respond. When not responding to calls, the CSOs can do Code Enforcement work and support the fire departments and Office of Emergency Management. The cost will be about \$40,000 for the balance of 2011 of which the Township will pay 50%, the Neptune Fire District will pay 35% and the Ocean Grove Fire District will pay 15%. The CSOs will be managed through the police department. The next step is to create the position via an amendment to the Township salary ordinance. The Committee took action to introduce the ordinance during the regular business portion of the

meeting.

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, Eric J. Houghtaling, Mary Beth Jahn, and Mayor Kevin B. McMillan.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; 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 direction I am indicating, in case of fire you will be notified by bell and or public address system. If you are alerted of fire, please move in a calm, orderly manner to the nearest smoke-free exit or the next nearest exit as directed over the public address system.

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 6, 2011, 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 available online at www.neptunetownship.org for public viewing before each Township Committee meeting.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meeting held on April 11th and June 20th. All were in favor, except Dr. Brantley who abstained.

PROCLAMATION

The Mayor proclaimed the month of July as Recreation and Parks Month in the Township of Neptune.

REPORT OF THE CLERK

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

Senior Beacon for July.

Monmouth County Board of Health agenda for the June 21st meeting and minutes of the April 19th meeting.

Notice of public hearing on an amendment to the Land Development Ordinance of the Township of Wall.

COMMENTS FROM THE DAIS

The Mayor requested comments from the dais and they were as follows:

Mary Beth Jahn stated she attended the Memorial Service for Nasire Nelson the young man who drowned in Bradley Beach and spoke to a couple of his friends that she knew from the neighborhood. She stated it was a nice celebration of his life. She went on to state that this coming Friday at the beach the Shore Link Shuttle would be unveiled in Belmar for the first time and several towns would be participating. She also stated that she read in the Star Ledger that Rutgers Engineering School had come up with a subscription only parking system. She stated she's spoken with several members on the Ocean Grove Parking Committee and they were looking into it as well.

Eric Houghtaling stated he attended the MURC Meeting when Chief Adams was there to discuss some of the problems that were going on down there. He attended the School House Square Block Party and eight units have been sold. He thanked MURC and all the volunteers for what they've done. He attended the last birthday party for the Senior Center. He stated the summer programs were underway. He stated the graduating class of 2011 did a wonderful job and have set the bar really high in getting scholarships.

Randy Bishop expressed his condolences to Dawn Crozier an employee in the Township on the passing of her grandmother Cora Hickson. He stated Ms. Hickson was very active in the Democratic Party. He also expressed his condolences to the family of Bob Carroll from the Coaster who recently passed away as well. He stated the Class of 2011 was incredible and the students were offered 7.5 million dollars in scholarships and they've really set the bar high for the Class of 2012. He went on to state that there were four speakers and three of them were from the Mayor's Youth Cabinet. He felt that they all should be very pleased because of that. He also attended the School House Square Block Party. He congratulated MURC and TRF and a great time was had by all. He urged the residents to take a walk through the units and they are incredible. He went to the New Jersey Natural Gas home dedication in Asbury Park. They had the Missions 101 Kick Off and in two weeks World Changers would be arriving. He attended the MURC meeting with the Chief of Police and it was a great evening with great dialogue with a perfect start. He stated today they began trying to finalize the selection for the new Senior Center and everything was going well.

Mayor Kevin McMillan stated he attended the various memorial services for two of the Neptune High School students as well as the Shark River Hills Yacht Club commissioning of the fleet. He also attended the Mayor's Roundtable in Trenton where the topics were on being green and also brownfield projects. He also attended the New Jersey Natural Gas home dedications. He attended the School House Square Block Party and a stated a great job was done by MURC and TRF. He attended the grand opening of the rehab center for Jersey Shore Medical Center. He attended the graduation and stated he was proud of the students. He concluded by stating that he conducted three weddings on Saturday.

Mr. Houghtaling stated he had the opportunity to attend the Ocean Grove Homeowner Meeting this Saturday and Mr. Bascom was the guest speaker.

PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda.

Dorothy Argyros stated she noticed that improvements to the Chidnese property was being paid for with grant money and that some of the grants were still pending approval. She questioned which resolutions were still pending approval and which ones were approved. She also questioned if it would be a special park. She questioned how could they assure that local minority people will be hired for that work. She stated she heard that the building across from the park has some responsibility for the park and she questioned if that was true.

Mr. Bascom stated approximately \$115,000 has been awarded and the amount pending was roughly \$33,000.

Mr. Bascom stated there was no other responsibility for the Chidnese property. He stated this would go out in a public business process and this project did not meet the requirement where they could enter additional requirements then what was in the public contracts law.

Hank Coakley questioned whether the Township knew the date of the hearing for the lawsuit on the dredging of the Shark River.

Mr. Anthony stated all he did was update the Township Committee on it and he did not have a date.

Michael D. Fornino commented on Resolution#11-279 and Resolution #11-285 and questioned the route of the shuttle.

Ms. Jahn stated it would pick people up from both the Asbury Park and Bradley Beach train stations and takes them up and down Main Avenue in Ocean Grove out on Ocean Avenue and back to the train stations. It has been partially funded by the County as a green initiative to bring more people to the shore by train and keep more cars off the road in Monmouth County.

Mr. Fornino stated Asbury Park also had a shuttle and it was being paid for by a major developer.

Mr. Jahn stated ours was being paid for by the Camp Meeting on Saturday's.

Mr. Fornino questioned whether the pick up trucks mentioned in Resolution # 281 was replacing vehicles.

Mayor McMillan confirmed that they were.

Mr. Fornino questioned what was the thermal imaging cameras mentioned in Resolution # 282 going to do for the residents in Neptune Township.

Mr. Bascom stated it was an emergency response and rescue it detects heat and chemical reactions.

ORDINANCE NO. 11-30 - ADOPTED

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

ORDINANCE NO. 11-30

AN ORDINANCE AUTHORIZING A LEASE AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND THE MONMOUTH COUNTY SHERIFF'S OFFICE AND THE TOWNSHIP OF NEPTUNE

The Mayor requested public comments on this ordinance. There being no comments, the Mayor closed the public hearing.

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

ORDINANCE NO. 11-31 - APPROVED

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

ORDINANCE NO. 11-31

AN ORDINANCE AUTHORIZING THE GUARANTY BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY OR PAYMENT OF PRINCIPAL AND INTEREST ON THE CAPITAL EQUIPMENT LEASE REVENUE BONDS, SERIES 2011 (NEPTUNE PROJECT) OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY

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

ORDINANCE NO. 11-32 - APPROVED

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

ORDINANCE NO. 11-32

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

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

ORDINANCE NO. 11-33 - APPROVED

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

ORDINANCE NO. 11-33

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

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

ORDINANCE NO. 11-34 - APPROVED

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

ORDINANCE NO. 11-34

AN ORDINANCE TO AMEND ORDINANCE #09-43 ENTITLED "AN ORDINANCE AMENDING AND SETTING THE SALARY RANGES FOR EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH." BY CREATING THE POSITIONS OF AND SALARY RANGES FOR INTERLOCAL AGREEMENT – TAX ASSESSOR; INTERLOCAL AGREEMENT – ASSISTANT TAX ASSESSOR; AND COMMUNITY SERVICE OFFICER

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

ORDINANCE NO. 11-35 - APPROVED

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

ORDINANCE NO. 11-35

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 411.07 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE AS IT RELATES TO PORCHES AND DECKS

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

ORDINANCE NO. 11-36 - APPROVED

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

ORDINANCE NO. 11-36

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON NEW YORK AVENUE AND A NO PARKING ZONE ON A PORTION OF BENSON AVENUE

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

ORDINANCE NO. 11-37 - APPROVED

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

ORDINANCE NO. 11-37

AN ORDINANCE AMENDING VOLUME I, CHAPTER II OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY RESCINDING SECTION 2-67 AND THE RESPONSIBLE CONTRACTOR ORDINANCE AND REQUIREMENTS

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 11-31 through 11-37 will be held on Monday, July 11, 2011.

CONSENT AGENDA

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

AUTHORIZE THE EXECUTION OF SUBORDINATION AGREEMENTS IN CONNECTION WITH A UDAG MORTGAGE AND FAÇADE IMPROVEMENT MORTGAGES GRANTED TO ALL AMERICAN TURF (3502 WEST BANGS AVENUE)

WHEREAS, the Township of Neptune holds mortgages in connection with a UDAG loan, Façade Improvement Loan and Façade Improvement Grant awarded to Mole Hill Inn, LLC d/b/a All American Turf, Inc. at 3502 West Bangs Avenue; and,

WHEREAS, specifically, these mortgages are as follows:

<u>Program</u>	<u>Date</u>	<u>Amount</u>
UDAG Loan	June 14, 2007	\$100,000.00
Façade Loan	June 14, 2007	\$ 5,000.00
Façade Grant	June 14, 2007	\$ 5,000.00

WHEREAS, Mole Hill Inn, LLC has requested that the Township of Neptune subordinate these mortgages to second position in order that Mole Hill Inn, LLC may secure an additional mortgage on the premise; and;

WHEREAS, the Township desires to subordinate its mortgages to allow the business owner to secure additional capital,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute Subordination Agreements in connection with the UDAG loan, Façade Improvement Loan and Façade Improvement Grant issued to Mole Hill Inn, LLC d/b/a All American Turf, Inc. located at 3502 West Bangs Avenue; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Grant Coordinator.

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement 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 Director of Code Enforcement determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Director of Code Enforcement 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 Director of Code Enforcement 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>
167/335	1210 7 th Avenue	470.00

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

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMER CHIDNESE PROPERTY – REMEDIAL INVESTIGATION AND ACTION)

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$43,280.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the Remedial Investigation and Remedial Action along with report preparation of the former Chidnese property in West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMER CHIDNESE PROPERTY – SITE INVESTIGATION)

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$60,524.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the Site Investigation along with report preparation of the former Chidnese property in West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

AUTHORIZE BIRDSALL SERVICES GROUP TO PERFORM REMEDIATION ACTIVITIES AT THE FORMER CHIDNESE PROPERTY (1825 WEST LAKE AVENUE)

WHEREAS, the Township desires to engage the services of Birdsall Services Group to perform remediation activities in connection with a former underground fuel oil tank at the former Chidnese property at 1825 West Lake Avenue; and,

WHEREAS, Birdsall Services Group has completed, and is also currently engaged, in other remediation projects on this site; and,

WHEREAS, funds for this purpose will be provided through a Hazardous Discharge Site Remediation Grant in the amount of \$10,339.00 and the balance (\$4,886.00) through the 2011 Municipal Budget in the appropriation entitled _____, known as Account No. _____, 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 Birdsall Services Group to perform the services as stated herein at an amount not to exceed \$15,225.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Birdsall Services Group, Director of Engineering and Planning, and the Business Administrator.

AUTHORIZE BIRDSALL SERVICES GROUP TO PERFORM REMEDIAL INVESTIGATION ACTIVITIES AT THE FORMER CHIDNESE PROPERTY (1825 WEST LAKE AVENUE)

WHEREAS, the Township desires to engage the services of Birdsell Services Group to perform remedial investigation activities at the former Chidnese property at 1825 West Lake Avenue; and,

WHEREAS, Birdsell Services Group has previously completed remediation work at this site and the NJDEP is requiring additional remediation work; and,

WHEREAS, funds for this purpose will be provided through a Hazardous Discharge Site Remediation Grant in the amount of \$32,941.00 and the balance (\$29,639.00) through the 2011 Municipal Budget in the appropriation entitled _____, known as Account No. _____, 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 Birdsell Services Group to perform the services as stated herein at an amount not to exceed \$62,580.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Birdsell Services Group, Director of Engineering and Planning, and the Business Administrator.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY NEPTUNE ESTATES, LLC FOR PHASE 1A SITE IMPROVEMENTS AT NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on May 10, 2010, the Township Committee adopted a resolution which accepted performance bond 1039630 in the amount of \$240,732.60 filed by Neptune Estates, LLC written by Lexon Insurance Company guaranteeing site improvements at Neptune Estates Phase 1A, 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Committee adopted Resolution #10-351 on September 13, 2010 authorizing a reduction in said bond to the amount of \$181,666.80; 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 to reflect the portion of the site improvements that have been completed; and,

WHEREAS, the Engineer recommends reducing the amount of the performance bond from \$181,666.80 to \$134,834.76; and,

WHEREAS, the Developer will be instructed to provide a Change Rider to the original performance guarantee to reflect the reduced amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Estates, LLC, Phase 1A (Block 7018, Lot 9) be and is hereby approved to the amount of \$134,834.76 and the Municipal Clerk is directed to accept a Change Rider submitted by the Developer to reflect said reduction; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of the performance guarantee in the amount of \$5,257.59 shall be refunded to the Developer; and,

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

ACCEPT PERFORMANCE GUARANTEE FILED BY NEPTUNE ESTATES, LLC FOR PHASE 1B OF THE NEPTUNE ESTATES SUBDIVISION (3351 HIGHWAY 33)

WHEREAS, Neptune Estates, LLC has filed performance bond 1070127, written by Lexon Insurance Company, Inc. in the amount of \$491,778.00, guaranteeing Phase 1B site improvements at the subdivision located at 3351 Highway 33 (Block 7018, Lot 9); and,

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

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, an executed Developer's Agreement has been received, executed and recorded which covers all phases of this project; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts the Performance Guarantee for Neptune Estates Phase 1B as stated above; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

AMEND AUTHORIZATION FOR THE REMOVAL AND DISPOSAL OF SOIL/MATERIALS AT THE FORMER CHIDNESE PROPERTY (1825 WEST BANGS AVENUE)

WHEREAS, on April 15, 2011, the Township Committee adopted Resolution #11-202 which authorized Enterprise Network Solutions, Inc. to remove and dispose of soil/materials at the former Chidnese property at 1825 West Bangs Avenue for the amount of \$19,123.00; and,

WHEREAS, based on soil test results, additional excavation of on container of soil/materials (up to 22 tons) is required; and,

WHEREAS, this extra material is above the original scope of the project and will require an additional appropriation of \$6,000.00; and,

WHEREAS, funds for this purpose will be provided in the 2011 Municipal Budget in the appropriation entitled Engineering O.E., known as Account No. 165-202, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #11-202, which awarded a contract to Enterprise Network Solutions, Inc. for the removal and disposal of soil/materials at the former Chidnese property at 1825 West Bangs Avenue, be and is hereby amended to authorize an additional \$6,000.00 to perform the services as stated herein; and,

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

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

AUTHORIZE EXECUTION OF AN AGREEMENT WITH MEADOWLINK TO PROVIDE A SUMMER SHUTTLE BUS SERVICE

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

WHEREAS, NJ Transit and the Federal Transit Administration has awarded Meadowlink with a federal grant under the Congestion Mitigation and Air Quality Improvement Program, which will cover 75% of the cost of a summer season shuttle service called *Shorelink*, connecting certain NJ Transit train stations with the beaches and Main Street in neighboring communities; and

WHEREAS, Neptune Township is desirous of participating in the proposed shuttle program and improve the circulation system in the Township during the peak summer months, which would benefit its businesses, the residents and the visitors. In particular, the shuttle will serve the Ocean Grove section of Neptune Township; and,

WHEREAS, the Shorelink Shuttle Service will connect the Bradley Beach Train Station, Ocean Grove beach, Ocean Grove Main Avenue business district and the Asbury Park Train Station from July 1, 2011 to September 5, 2011, Thursdays through Sundays (including Monday, July 4th and Monday, September 5th) with the option to extend service through the balance of September; and,

WHEREAS, the Township of Neptune and Borough of Bradley Beach will equally share in

the 25% of the cost not covered by the federal grant, which equates to \$8.75 per hour of shuttle operation; and,

WHEREAS, funds for this purpose will be provided in the 2011 Municipal Budget in the appropriation entitled _____, known as Account No. _____, 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 the Mayor and Clerk to execute an Agreement with Meadowlink, a copy of which is on file with the Municipal Clerk, to provide a Summer Shuttle Bus Service during specified days as further described herein; and,

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

The resolution was adopted on the following vote: Bishop, aye, with thanks to Ms. Jahn for coordinating this; Brantley, aye; Houghtaling, aye, adding that this will only cost the Township \$8.75 per hour; Jahn, aye; and McMillan, aye, with thanks to Ms. Jahn.

A RESOLUTION OF THE TOWNSHIP OF NEPTUNE, NEW JERSEY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2011 AND AUTHORIZING AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

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

WHEREAS, the Township of Neptune, New Jersey (the "Municipality") desires to lease and permanently finance the cost of acquisition of certain capital equipment (the "Equipment") from The Monmouth County Improvement Authority (the "Authority"); and

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2011 (Neptune Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority (the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2011, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2011 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person");

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP OF NEPTUNE AS FOLLOWS:

Section 1. That the Letter of Representation, in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative (as that term is defined in the Lease) is hereby authorized to, and one of such officers shall execute the Letter of Representation, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addressees designated on such Letter of Representation, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 2. That the Continuing Disclosure Agreement in the form presented to this meeting, be and the same is hereby approved, and any Authorized Municipal Representative is hereby authorized to, and one of such officers shall execute the Continuing Disclosure Agreement, with such additions, deletions or modifications as such officer shall approve, and to deliver the same upon the determination by the Authority that the Municipality is or will be an Obligated Person, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2011 and all related transactions contemplated by this resolution.

Section 4. All resolutions or proceedings or parts thereof, in conflict with the provisions of this resolution are to the extent of such conflict hereby repealed.

Section 5. This resolution shall become effective immediately.

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

AUTHORIZE THE PURCHASE OF FOUR PICK-UP TRUCKS UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Township of Neptune wishes to purchase four 2011 Ford F-350 pick-up trucks for the Public Works Department (with one of the four having a diesel engine and assigned to the Sewer Department) through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Warnock Fleet has been awarded New Jersey State Contract No. A78848 for this equipment; and,

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

WHEREAS, the amount of the three pick-up trucks assigned to the Public Works Department shall not exceed \$34,612.00 each (total of \$103,836.00); and the amount of the pick-up truck with a diesel engine assigned to the Sewer Department shall not exceed \$38,842.00; and,

WHEREAS, funds for the purchase of three pick-up trucks for the Public Works Department are available in Ordinance No. 09-36 and funds for the diesel engine pick-up truck for the Sewer Department are available in Ordinance No. 09-37, 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 the purchase of four 2011 Ford F-350 pick-up trucks through the New Jersey Cooperative Purchasing Program at an amount not to exceed \$103,836.00 for three pick-up trucks assigned to the Public Works Department and \$38,842.00 for one diesel engine pick-up truck assigned to the Sewer Department; and,

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

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

AUTHORIZE THE PURCHASE OF TWO THERMAL IMAGING CAMERAS AND ASSOCIATED EQUIPMENT UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Neptune Township Office of Emergency Management wishes to utilize grant funding to purchase two thermal imaging cameras and associated equipment through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Firefighter One has been awarded New Jersey State Contract No. A76364 for this equipment; and,

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

WHEREAS, the amount of the two thermal imaging cameras and associated equipment shall not exceed \$24,508.70; and,

WHEREAS, funds for this purpose are available through a 2009 EMPG/Exercise Support Grant 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 the purchase of two thermal imaging cameras and associated equipment through the New Jersey Cooperative Purchasing Program for the Neptune Township Office of Emergency Management at an amount not to exceed \$24,508.70; and,

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

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

EMPLOY PART-TIME VIOLATIONS CLERK IN THE MUNICIPAL COURT ON A PROBATIONARY BASIS

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

WHEREAS, on June 13, 2011, the Township adopted Resolution #11-263 which authorized the employment of Sean Brown as a part-time Violations Clerk; and,

WHEREAS, the Municipal Court Administrator recommends that this authorization be rescinded and that a different individual be employed in the position; and,

WHEREAS, funds will be provided in the 2011 Municipal Budget in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the employment of Sean Brown as a part-time Violations Clerk, as authorized by Resolution #11-263, be and is hereby rescinded; and,

BE IT FURTHER RESOLVED, that Rosa Aubrey be and is hereby employed as a part-time Violations Clerk in the Municipal Court, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective June 28, 2011, at a hourly salary of \$12.00, for an average of 20 hours per week (no health benefits); and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Municipal Court Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Carina Santos and Mandy To.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Houghtaling, aye; Jahn, 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	3,734,832.01
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FEDERAL & STATE GRANT FUND	4,885.29
TRUST OTHER	15,865.79
GENERAL CAPITAL FUND	206,020.07
SEWER OPERATING FUND	360.24
MARINA OPERATING FUND	967.68
MARINA CAPITAL FUND	13,164.28
DOG TRUST	7,646.50
LIBRARY TRUST	1,310.65
BILL LIST TOTAL	\$3,985,052.51

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; Jahn, aye; and McMillan, aye.

AUTHORIZE CHANGE IN TITLE AND TEXT IN 2011 MUNICIPAL BUDGET TO PROVIDE MATCHING FUNDS FOR SUMMER SHUTTLE BUS SERVICE

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

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Finance may, at the request of, or with the consent of, the governing body of the county or municipality, make changes of the title, text or amount of any appropriation appearing in the budgets as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality; and,

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S. 40A:4-85, the Township of Neptune hereby requests the Director of the Division of Local Finance to make the following corrections in the budget of the year 2011;

<u>Appropriations:</u>	<u>From</u>	<u>To</u>
Matching Funds for Grants	\$ 10,000.00	\$ 5,000.00
Shorelink Shuttle – Match	\$ 0.00	\$ 5,000.00

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the governing body, warranted and authorized by the statute above referred to, and is necessary for the orderly operation of the municipality for the reasons hereinafter set forth: The appropriation "Matching Funds for Grants" is a non-spending appropriation which must be transferred into a specific line-item for use by the municipality. The municipality has been awarded funding from New Jersey Transit and the Federal Transit Administration, under the Congestion Mitigation and Air Quality Improvement Program which requires a 25% municipal cash match for operations which is expected to be \$5,000.00 for 2011.

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

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

EMPLOY SPECIAL LAW ENFORCEMENT OFFICERS IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

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

WHEREAS, there is a need for an additional Special Law Enforcement Officers – Class II in the Police Department on a part-time hourly basis; and,

WHEREAS, the positions were duly posted and advertised and applicants have been interviewed; and,

WHEREAS, the Chief of Police has made his recommendations; and,

WHEREAS, funds will be provided in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael Kyle and Robert Miller be and are hereby employed as part-time Special Law Enforcement Officers – Class II and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective July 5, 2011, at an hourly rate of \$17.00; and,

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michael D. Fornino presented the Committee with pictures of the sidewalk on Wakefield Road. He stated he's brought this matter to the Committee before and he would like for them to fix it now and place a lien on the property owner. He stated he felt the sidewalks should be fixed immediately.

Mayor McMillan asked Mr. Cuttrell to have Mr. Huhn look into it. He also stated he would put the matter on their list of parking lot items.

Mr. Fornino stated he called Mr. Bascom and he was able to review the snow program which he found to be complete. He questioned the personnel assignment and where would it be located in the program.

Mr. Bascom stated the job titles would be in the operations plan.

Mr. Fornino stated he would like to encourage developers to put porches on homes because to him they made the neighborhood and it would allow residents to sit outside and see what was going on rather than sit in the house.

Tim Harris discussed the gun violence in the Midtown area and the meeting that was held with the Chief of Police recently. He stated there was a lot going on in that area and the residents are afraid to sit on their porches. He stated they needed more done. They needed more of a police presence and they needed surveillance cameras

Chief Adams assured the residents that they were meeting with their officers and coming up with new strategies and approaches. He stated residents have stated they wanted neighborhood watches because they want their neighborhoods back. He stated they were trying all that they could to make progress. He assured them that they were as concerned as they were are trying to see what available assets are out there that they could utilize. He stated they needed their help in reporting something that was not right.

Bonnie Baity owner of a daycare center in the Midtown area expressed her concerns of the violence in the neighborhood.

Mr. Bishop discussed the organization of a Neighborhood Watch for that area.

Chief Adams stated they've already started putting that into motion.

Mike Golub stated he's heard a lot about deployment of assets but felt that they should win back the people who are taking over the neighborhoods. He felt they should get community leaders and the

residents together and go to the streets and safely engage some of these young people in conversation and win them over. He stated he did not see any programming in the Township proactively preventing this. He stated they were moving Neptune Day from outside this building and moving it further away from midtown and it is less likely that young people will not participate. He felt that something was missing and it was not always about cash and profitability and some of it is about association. He stated these kids were looking for a structured environment.

Dorothy Argyros stated she supported Mr. Golub's comments and stated we should obey Section 3, start implementing it and hire these minority young men. She stated she was excited that the Mayor came forth with a business forum where they would be discussing grants and Section 3 hiring. She stated the problem was that you had to register by email.

Mayor McMillan stated the reason for that was because they were going to order food.

Mrs. Argyros stated she did not feel that they should have to register. She questioned whether someone would be turned away if they did not register.

Mayor McMillan stated no one would be turned away.

Mrs. Argyros stated the reason for the shootings was because they had no hope and they had all this energy and nothing to do.

Diana Harris thanked everyone from the midtown community for coming out. She stated she was in agreement with everything that was said this evening. She agreed that the residents needed jobs and she felt the Mayor was doing great in having the forum. She asked them to take it one step further and to look at the kids that were having problems. A lot of what is going on is retaliation and it has to stop. She was told that you have to keep talking to them to let them know that you care. She felt this was a community respect and it was not just in midtown.

Mayor McMillan stated he spoke to the relatives of the shooting victims and there are a lot of different risk factors and he planed on working with them. He stated he was available to all kids.

Cordelia Bullock questioned what activities were available for the kids and where did the parks go and what do the kids do. She felt without positive activity there would be negative activity. She felt that they had to come up with a plan or it would get worse.

Brenda Schulmer stated she lived across the street from the shooting but she was looking for a timeframe for when they would see a change. She stated she had to stop working at night because of the gun violence on Atkins Avenue.

Denise Richardson stated she lives in Asbury near the city line and a couple a weeks ago she called the police department and told them that there was a fight down the street from where she lived and the officer asked her whether they had guns and she said she wasn't going down there to find out. She stated by the time the police got there it was over. She stated while he was asking her so many questions something could have happened. She questioned whether a persons name would be blasted across the scanners if they made a call. She said she did not want that.

Mayor McMillan stated they did not do that.

Ms. Richardson stated there were certain streets that she did not ride through and it was not just the big kids it's the little ones as well.

Heinz Weck stated he attended the Ocean Grove Homeowner Meeting and Mr. Bascom was the guest speaker and he was great.

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

Richard J. Cuttrel,
Municipal Clerk