

TOWNSHIP COMMITTEE MEETING – NOVEMBER 8, 2010

Mayor Jahn 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, James W. Manning, Jr., Kevin B. McMillan and Mayor Mary Beth Jahn. (Dr. Michael Brantley arrived during executive session)

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

Mayor Jahn 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 August 19, 2010, 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:

The Committee was informed of the need to hold a special meeting to authorize the sale or refunding bonds to the Monmouth County Improvement Authority. The meeting must be held between December 7<sup>th</sup> and December 9<sup>th</sup>. The Committee agreed on December 7<sup>th</sup> at 4:30 p.m.

The Mayor asked Mr. Huhn to follow up with the owner of a car that was struck by a recycling truck on Lakewood Road. The owner needs assistance with the procedure to get his car repaired.

Mr. Manning stated that the County Parks Department will be starting the project to relieve drainage issued at Hamilton Commons in the Spring of 2011.

Mr. Huhn stated that the New Year's Day holiday will be observed on Friday, December 31<sup>st</sup>.

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

Mr. Bishop offered the following resolution, moved and seconded by Mr. McMillan, 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 – 1019 Old Corlies/OCAPA  
Real Estate negotiations – Property behind Inskip Avenue along Bradley Beach border  
Potential Litigation – Responsible contractor ordinance  
Potential Litigation – Resolution regarding porch railings  
Real Estate negotiations – Former Clara's property  
Personnel – Planner for Master Plan revisions
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; Manning, aye; McMillan, aye; and Jahn, aye.

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

Mr. Anthony asked the Committee if they desire to amend the responsible contractor ordinance to require that sub-contractors also must have an apprenticeship program. Mr. Bascom

stated that additional language is also needed to indicate whether or not the lack of an apprenticeship certification is a fatal flaw or correctable. The Committee asked Mr. Anthony to draft an ordinance to address both of these issues.

Mr. Bascom stated that he and Mr. McMillan met with the Passion Group about the concept of having this organization run Neptune Day. The Passion Group proposed a re-branding of the event. The cost would be \$10,000; however, the Township would receive that money back through vendor's fees. The Committee indicated that this is a great idea and should be pursued.

Dr. Brantley arrived.

Mr. Bascom reported that winter storage revenues at the marina are much lower than last year because of the change to allow boats to be parked in driveways. He added that the FEMA grant applications for bulkheading and flood valves were successful. The amount of the grant was not disclosed but it will be in excess of \$1 million.

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

Mayor Jahn called the meeting to order and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Dr. Michael Brantley, James W. Manning, Jr., Kevin B. McMillan and Mayor Mary Beth Jahn.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Philip D. Huhn, Township 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 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 Jahn 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 August 19, 2010, 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](http://www.neptunetownship.org) for public viewing before each Township Committee meeting.

#### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Manning, to approve the minutes of the meeting held on October 7th. All were in favor, except Mr. McMillan and Dr. Brantley who abstained.

#### REPORT OF THE CLERK

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

Notice of adopted Re-Examination Amendment to the Township of Ocean Master Plan.

Tax Collector's monthly statement for October.

#### COMMENTS FROM THE DAIS

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

Randy Bishop extended his sympathies to the families of Mary Meade and Clark Mitchell both of who passed away recently. He thanked the residence for their generosity in donating food for the Monmouth and Ocean Food Bank. He also stated he attended the Homecoming Parade and because of a slight problem with the Deputy Mayor he presented the Mayor's trophy on behalf of the Township Committee. He also attended the RSB Scholarship fund event which he stated he had a great time. He went on to thank Warren Lapp for a good campaign and congratulated his running mate Eric Houghtaling

James Manning stated the Homecoming Parade was great but the game did not turn out the way that he wanted to. He congratulated Warren Lapp for running for office as an elected official. He congratulated Randy Bishop and Eric Houghtaling on his win.

Dr. Michael Brantley stated he was absent for the last two meetings due to surgery. He stated approximately 55% of all men over the age of 50 have enlarged prostates which can cause inconveniences and lead to problems later in life. He stated he experienced those inconveniences and opted for surgery so that he would not have to take medication or develop serious problems in his later years. He also stated he attended the homecoming event and his niece was the princess for the junior class. He stated he missed the workshop meeting because he was at the Jersey Shore Advisory Board Meeting and listed the awards they've won and congratulated them. He also congratulated Randy and Eric.

Kevin McMillan stated he did make it to the Homecoming event but passed out after eating a cheese steak. He thanked Dave Shotwell, Neptune Police, Neptune First Aide and Jersey Shore University Medical Center for their great care. He stated he was scheduled for hip replacement surgery which has been changed to December 21. On Saturday, he stated he had the opportunity to go to local 595 and he enjoyed himself with the retirees. He congratulated Randy and Eric on their win. He also congratulated Warren Lapp for running in the election.

Mayor Mary Beth Jahn remembered Mary Meade and relayed her experiences with her. She congratulated Randy and Eric on their win. She congratulated Mr. Lapp on running for election and he ran a good race.

#### PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda and they were as follows:

Diana Harris requested a break down of the cost for Resolution #10-437 and whether it included remediation.

Mr. Bascom stated the plans and cost were available in the engineer's office and it does include remediation cost.

Dr. Brantley asked whether this would be a passive park.

Mr. Bascom stated it had elements of a passive park and would be used according to the plan.

Michael Fornino congratulated the winners in the recent election and stated he noticed the township was buying another truck. He questioned whether it was a replacement truck.

Mr. Bascom responded that it was replacing a truck and it was a pick up truck with a plow.

Mr. Fornino also stated he's mentioned in the past that the snow should be plowed into the middle of the street especially in Ocean Grove and the merchants there thought it would be great as well. He commended Wayne Rode on the fine job he's doing in Public Works.

Mike Golub questioned Resolution #10-442 which pertained to the change order in connection with the housing rehabilitation program.

Mr. Cuttrell stated the change order called for changing the windows and there was actually a decrease in the cost.

#### ORDINANCE NO. 10-43 – APPROVED

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

#### ORDINANCE NO. 10-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A PARKING TIME LIMITATION ON THE SOUTH SIDE OF WEST LAKE AVENUE BETWEEN HIGHWAY 35 AND DRUMMOND AVENUE AND A NO PARKING ZONE ON A PORTION OF THE NORTH SIDE OF WASHINGTON AVENUE

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

ORDINANCE NO. 10-44 – APPROVED

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

ORDINANCE NO. 10-44

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVI, SECTION 16-3.5 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO ADD AN EXCEPTION TO THE REQUIREMENT TO UTILIZE PUBLIC SEWERS

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 10-37, 10-43 and 10-44 will be held on Monday, November 22, 2010.

CONSENT AGENDA

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

AUTHORIZE AN AMENDMENT TO THE 2010 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE LOCAL GOVERNMENT ENERGY AUDIT 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 2010 in the sum of \$24,250.00 which is now available from a Local Government Energy Audit Program incentive in the amount of \$24,250.00; and,

BE IT FURTHER RESOLVED that the like sum of \$24,250.00 is hereby appropriated under the caption of Local Government Energy Audit Program; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a Local Government Energy Audit Program through the New Jersey Board of Public Utilities Clean Energy Program in the amount of \$24,250.00; 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.

AUTHORIZE SUBMISSION OF A GRANT APPLICATION FOR NEW JERSEY DEPARTMENT OF TRANSPORTATION FUNDING FOR THE WEST LAKE AVENUE PARK

WHEREAS, the New Jersey Department of Transportation has notified the Township that a limited amount of grant funding is available for community projects; and,

WHEREAS, the Township of Neptune desires to apply for and obtain a grant for the West Lake Avenue Park project,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that application is hereby made to the Commissioner of Transportation for an allotment of aid for the improvement of West Lake Avenue Park in the Township of Neptune, County of Monmouth, State of New Jersey. The total cost estimate for this improvement is \$599,660.00. The Township requests

\$23,933.23 in State funds and anticipates contributing \$0; and,

BE IT FURTHER RESOLVED, that any aid received as a result of this application will only be used for eligible costs for the project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute and attest this Resolution, as well as the Application and Agreement; and,

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

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION WITH A FAÇADE IMPROVEMENT LOAN GRANTED TO JOHNSON'S RESTAURANT EQUIPMENT

WHEREAS, the Township of Neptune holds a mortgage dated November 10, 2005 in connection with a Façade Improvement Program Loan awarded to Bob Johnson d/b/a Johnson's Restaurant Equipment, LLC, 1100 Corlies Avenue; and,

WHEREAS, the loan has been paid in full and the façade has been maintained for the required five year period; and;

WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage note,

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 a cancellation of mortgage in connection with the Façade Improvement Project located at Johnson's Restaurant Equipment, 1100 Corlies Avenue; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary to the Economic Development Corporation.

AUTHORIZE SETTLEMENT OF CLAIMS CONCERNING 11 MURRAY LANE, NEPTUNE, NEW JERSEY AND THE COST OF SANITARY SEWER RELOCATION

WHEREAS, the Township of Neptune Sewer Department determined that a sanitary sewer lateral at 11 Murray Lane was originally improperly installed raising issues of safety and health and requiring a immediate action by the Township of Neptune Sewer Department in repairing and properly relocating the sanitary sewer connection resulting in a total cost of \$4,885.00; and

WHEREAS, the improper connection and placement of the aforesaid lateral was determined to have been constructed when the subject house was first built many years ago, prior to the present owners' purchasing the subject property and apparently was not discovered by municipal officials at that time; and

WHEREAS, it is in the best interests of the Township to seek an amicable resolution of proper and equitable payment by the Township and the property owner for the work performed; and

WHEREAS, after negotiations the parties have agreed that the owners of 11 Murray Lane, Neptune Township, New Jersey, namely Samuel and Barbara Ballinger, shall reimburse the Township for one-half (1/2) of the costs of the repair and replacement, for a total of \$2,442.50, by making quarterly payments in the amount of \$125.00 per quarter until the balance has been paid in full with the further understanding that the assessment runs with the land so that if the property is sold, then the current balance would likely be paid at the time of closing and that as long as timely payments are made, interest shall not be required,

THEREFORE BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune that the governing body hereby authorizes settlement of all claims in this matter by the owners of 11 Murray Lane, Neptune Township, New Jersey, Samuel and Barbara Ballinger, paying and reimbursing the Township of Neptune \$2,442.50 for and towards the cost of repair and proper installation of a sanitary sewer lateral and making quarterly payments in the amount of \$125.00 per quarter until the balance has been paid in full, without interest, as long as payments are made in a timely fashion; and,

BE IT FURTHER RESOLVED that this settlement runs with the land and should title to the subject property be transferred the balance due shall be paid, in full, at the time of transfer; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Deputy Tax Collector, Director of Public Works, Sewer Department Supervisor and Township Attorney.

RELEASE PERFORMANCE BOND AND DEVELOPERS ESCROW FOR IMPROVEMENTS AT IMPERIAL CARE CENTER (919 GREEN GROVE ROAD)

WHEREAS, The Grove Healthcare and Rehabilitation Center filed a performance bond written by Western Surety Company in the amount of \$37,800.00, guaranteeing the performance of site improvements at the project known as Imperial Care Center, 919 Green Grove Road (Block 10000, Lot 5); and,

WHEREAS, on October 28, 2010, the Township Engineer certified that all site work is complete; and,

WHEREAS, the Township Engineer is recommending a waiver of the two year maintenance guarantee requirement because all site work has been complete for over four years,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the performance bond as stated herein and authorizes a waiver of the posting of a two year maintenance guarantee; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded; and,

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

AUTHORIZE THE SUBMISSION OF A GREEN COMMUNITIES 2011 GRANT APPLICATION

WHEREAS, the Neptune Township Shade Tree/Environmental Commission has recommended that an application be submitted for a 2011 Green Communities grant; and,

WHEREAS, if successful, the grant funds will be used to pay for a State Certified Forester to assist with the renewal of the Township's Community Forestry Management Plan,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a 2011 Green Communities Grant Application and authorizes the appropriate municipal officials to execute said application as required; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Environmental/Shade Tree Commission, Director of Engineering and Planning, Business Administrator and Chief Financial Officer.

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH HOUSING REHABILITATION PROJECT #1072

WHEREAS, a contract was awarded to Sparklehouse Works in the amount of \$14,866.68 in connection with Housing Rehabilitation Project #1072; and,

WHEREAS, changes to the contract have been experienced as a result of replacing all windows with vinyl double hung windows (or equivalent); removing all roof shingles and installing new sheathing and shingles and; installing four stainless steel straps to anchor the main house structure; and,

WHEREAS, these changes have been approved by the Neighborhood Preservation Program Coordinator; and,

WHEREAS, funds for this purpose are available in the Neighborhood Preservation Program – Bradley Park,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves Change Order #1 in the contract with Sparklehouse Works for Housing Rehabilitation Project #1072 resulting in a net decrease of \$2,265.60 revising the total contract amount to \$12,601.08; and,

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

SUPPORT INTENDED REDEVELOPMENT OF FORMER CHIDNESE PROPERTY INTO A MUNICIPAL PARK IN CONNECTION WITH THE WEST LAKE AVENUE REDEVELOPMENT PLAN

WHEREAS, the Township Committee has adopted the West Lake Avenue Redevelopment Plan; and,

WHEREAS, in furtherance of this Plan, the Township has acquired and is performing environmental remediation on the former Chidnese property located on the north side of West Lake Avenue between Highway 35 and Drummond Avenue; and,

WHEREAS, the Township has been awarded funding from the Hazardous Discharge Site Remediation Fund to conduct Remedial Investigation and Remedial Action on the site; and,

WHEREAS, the Township continues to support the intended redevelopment of this site as a municipal park in connection with the Redevelopment Plan,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby supports the intended redevelopment of the former Chidnese property, located on the north side of West Lake Avenue between Highway 35 and Drummond Avenue, as a municipal park within three years of the completion of the environmental remediation, which is consistent with the provisions of the West Lake Avenue Redevelopment Plan; and,

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

AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH TO PROVIDE MUTUAL AID FOR HAZARDOUS MATERIALS EMERGENCY RESPONSE INCIDENTS

WHEREAS, the Monmouth County Health Department and Neptune Township Office of Emergency Management each maintain a hazardous materials team so that trained, on-call emergency response personnel will be able to respond to hazardous materials/Chemical, Biological, Radiological, and Nuclear (CBRN) incidents that result from accidental or deliberate acts; and,

WHEREAS, to be effective against large scale incidents, these activities must be conducted in collaboration and in support of designated regional, state, and federal emergency response assets, including any hazmat team operating with the County of Monmouth; and,

WHEREAS, the New Jersey Department of Environmental Protection has mandated that County Environmental Health Act funding for hazmat/CBRN emergency response activities will require written Shared Services Agreements with all hazmat teams operating within the jurisdictional boundaries on Monmouth County,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Shared Services Agreement with the County of Monmouth, a copy of which is on file in the Office of the Municipal Clerk, to provide mutual aid for hazmat/CBRN emergency response incidents, including the use of equipment and trained personnel, for any emergency condition occurring within the jurisdictional boundaries of Monmouth County; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator and O.E.M. Coordinator and Deputy O.E.M. Coordinator.

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY NEPTUNE LODGING REALTY, LLC FOR SITE IMPROVEMENTS AT THE HOLIDAY INN EXPRESS (3310 ROUTE 66)

WHEREAS, on May 7, 2008, Neptune Lodging Realty, LLC filed an Irrevocable Letter of Credit issued by Sun National Bank in the amount of \$327,780.00 guaranteeing site improvements at the Holiday Inn Express, 3310 Route 66 (Block 10000, Lot 29); and,

WHEREAS, the Township Engineer has certified that all site improvements have been

completed in a satisfactory manner as of October 28, 2010 and said Letter of Credit can be released; and,

WHEREAS, Neptune Lodging Realty, LLC has posted cash maintenance guarantee in the amount of \$45,540.00 to guarantee said site improvements for a period of two years; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the Letter of Credit is authorized to be released; and,

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

AUTHORIZE THE TRANSFER OF 2010 BUDGET APPROPRIATIONS

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

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

FROM:

Solid Waste Disposal O.E. 22,000.00

TO:

Clerk O.E. 2,000.00

Legal O.E. 20,000.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that 2010 Budget Appropriations be transferred as stated herein; and,

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

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

INVITE COMMITTEEPERSON-ELECT ERIC J. HOUGHTALING TO BECOME INVOLVED IN 2010 TOWNSHIP BUSINESS

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

WHEREAS, at the election on November 2, 2010, Eric J. Houghtaling was elected as a member of the Township Committee to begin a three year term on January 1, 2011; and,

WHEREAS, it is desirable that this Committeeperson-Elect be aware of on-going Township business;

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Committeeperson-Elect Eric J. Houghtaling to sit in on any and all meetings scheduled for the Township Committee of the Township of Neptune for the balance of 2010.

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

AUTHORIZE PURCHASE OF TRUCK WITH SNOW PLOW

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

WHEREAS, the Purchasing Agent solicited quotes for the purchase of a 2010 Ford F350 truck with snow plow; and,

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

WHEREAS, said quotes were reviewed by the Purchasing Agent and Chief Financial Officer who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 07-42 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a 2010 Ford F350 truck and a Western 8' snow plow be and is hereby authorized through Motors Fleet pursuant to their quote of \$29,575.00 for the truck and \$4,998.25 for the plow; 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., and Public Works Director.

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

EMPLOY SPECIAL LAW ENFORCEMENT OFFICER - CLASS II IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

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

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

WHEREAS, the position was duly posted and advertised and applicants have been interviewed; and,

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael Lance be and is hereby employed as a part-time Special Law Enforcement Officer, and to perform such other duties as prescribed by the Chief of Police, pending favorable results of the required physical, 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; Manning, aye; McMillan, aye; and Jahn, aye.

AUTHORIZE THE PAYMENT OF BILLS

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

BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	2,969,816.11
FEDERAL & STATE GRANT FUND	42,876.68
TRUST OTHER	20,665.98
GENERAL CAPITAL FUND	7,897.53
SEWER OPERATING FUND	21,753.33

MARINA CAPITAL FUND	1,050.00
DOG TRUST	226.80
U.D.A.G. TRUST	242.40
LIBRARY TRUST	2,105.15
BILL LIST TOTAL	\$3,066,633.98

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; Manning, aye; McMillan, aye; and Jahn, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Marc Gordon congratulated everyone involved in the recent election. He also commented on the marathon that was held in the Gables by the employees of JSMC. He stated the participants of the race commented on how well kept their neighborhood was and he was happy to hear something positive from the hospital rather than fighting with them.

Mike Golub stated he felt it would be a fitting tribute to rename Gables Park after Sgt. Steven Sherman who lived in Neptune Township and was killed during the war. He stated Mr. Sherman's mother was still a resident in West Neptune and would be honored if the Township would follow through with this. He also stated he had a union magazine in his hand and he listed his involvement in the union. He stated he was a supporter of unions and was despondent over this last campaign and how it was carried out in town. He stated the day after the last forum was held they were protesting and put up a large blow up pig in front of the Senior Center. He stated he called the union today and informed them that they did not help out with the campaign but that they were the campaign. He also stated he spoke with the Police Department and they agree that something has to be done on the Township level as to how they deal with signage. He also discussed campaign signs on private property such as the hospital and Exxon Mobile. He felt that guidelines should be implemented.

Mr. Manning stated the residents could clearly see now that the signs that were remaining were not only on residential property but on public, business and vacant lots.

Hank Coakley questioned the status of the dredging lawsuit.

Mr. Anthony stated they were currently in the appellate division and they would be exchanging trial briefs in January and February and they hoped to settle the case and they were looking in April or May for a decision.

Denis McCarthy stated at her viewing the proclamation that was given by the Township was wonderful. On behalf of the Board of Trustees he thanked the Committee very much.

Mr. McMillan stated she was a fixture at the meetings and they really loved her.

Dr. Brantley stated she was one of the few residents that showed up at the Wesley Lake meetings.

Michael D. Fornino requested clarification with regard to an inflated pig being placed at the new senior center. He questioned the process of submitting a bid and what was required.

Mr. Anthony stated they had the public contract law and the local ordinance and a lot of it is the same and there were no specifics on benefits.

Melissa Pyle stated she wanted to follow through with Mr. Bishop regarding the Historic designation of the Old Corlies site and questioned what was the deadline to form an HPC. She also asked if there were any guidelines that could be given to them

Mr. Bishop suggested they sit down first so that he could actually have the opportunity to understand what it was that they wanted.

Mayor Jahn stated there were HPC members that were willing to help them form their own committee.

Ms. Pyle asked if the dairy property was going to be on a protective property list.

The Committee confirmed that it was.

Ms. Pyle also discussed her concerns regarding parking on West Bangs Avenue near American Turf in the area of the slope and the traffic light. She stated she believed there was an accident in that area tonight. She stated there was a no parking sign near the cemetery and requested at least two additional no parking signs as well as a warning sign to the Wellsbrook residents.

Mr. Bishop stated he would look to see if there could be more things that they could do.

Clare Freda questioned Ordinance #10-44.

Mr. Anthony stated that was directed to any homeowner that was not already tied into the sewer system.

Eric Houghtaling expressed his sympathies regarding Mary Meade's passing and thanked those who voted for him. He stated he would try and continue to make Neptune a better place to live.

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

Richard J. Cuttrel,  
Municipal Clerk

#### EXECUTIVE SESSION – NOVEMBER 8, 2010

(Dr. Brantley arrived were indicated)

#### Litigation – 1019 Old Corlies/OCAPA

Mr. Anthony stated that the Supreme Court will not hear the cast brought by OCAPA so the litigation in this matter should be concluded. Mr. Bishop stated that OCAPA wants a sign that designates the area as historic.

#### Real Estate negotiations – Property behind Inskip Avenue along Bradley Beach border

The Committee reviewed a letter from the Ocean Grove Camp Meeting Association seeking to convey property to the Township located along the Bradley Beach border behind the homes on Inskip Avenue between Benson and Pennsylvania Avenues. The Committee indicated that they see no value to the Township in acquiring this property but asked that the matter be referred to Bernie Haney for input.

#### Potential Litigation – Resolution regarding porch railings

The Committee reviewed the text of a resolution from the HPC denying an applicant the installation of vinyl porch railings. The case is unusual in that the applicant was denied originally by the HPC, appealed to the Board of Adjustment and then to Superior Court. The Superior Court referred the matter back the HPC. The text of the denial resolution was perceived to be harsh and personal toward the applicant. The Committee asked Mr. Anthony to contact the HPC Attorney and instruct him reduce the tone and personal comments in the resolutions.

#### Real Estate negotiations – Former Clara's property

Mr. Anthony stated that two appraisals have been received. The appraisals show a large spread between market value with one appraisal at \$164,000 and the other at \$220,000. The Committee instructed Mr. Anthony to offer midway between the two appraisals. Ordinances to authorize the condemnation and the appropriation will be on the December meetings for consideration.

#### Personnel – Planner for Master Plan revisions

Mr. Bishop stated that the Township contracted with Birdsall Engineering to perform revisions to the Master Plan. The individual who was working on the project for Birdsall has left the firm and the replacement is not working out. Mr. Huhn suggested a meeting with Scott MacFaddan, President of Birdsall Engineering with Mr. Bishop and Mr. Manning in attendance. The Township can ask Birdsall to drop the contract or sub-contract the job with the original person working on the project.

#### Contract negotiations – North End Redevelopment

Mr. Bascom stated that a sub-Committee needs to be designated by the Township Committee for the purpose of negotiating the North End redevelopment agreement. The Committee indicated that Mayor Jahn, Mr. Bishop, Mr. Bascom, Mr. Huhn, Leanne Hoffmann and Mr. Cuttrell will comprise the Committee.

#### Personnel – Police Department hiring and promotions

Mr. Bascom stated that the Township receiving a police hiring grant. The Department is down ten officers and the plan is to hire three in January and three in July. The 2011 budget will plan for 72 officers. At the end of 2011, the Committee can look at what the staffing level is and decide if more officers need to be hired. The grant application committed the Township to a staffing level of 72 for the next three years.

The Committee discussed police promotions at the next Township Committee meeting. The promotions include Chief of Police, a Captain and a Lieutenant. Mr. Manning stated that he understood and is in agreement with promoting Robert Adams to Chief of Police because Chief O'Neil is retiring. However, the Committee sent out a directive to all Department Heads that there would be no hiring and no promotions in 2010. Mr. Bascom stated that his understanding is that the Police Department is concerned that after the promotion of Deputy Chief Adams to Chief, one of the remaining Captains will be performing the tasks of the Deputy Chief which would leave only one Captain. They asked for one Captain and one Lieutenant now with discussion on further promotions in 2011. Mr. Manning stated that there is only a difference of one month if the Committee waits until January and promoting now goes against their own directive. Dr. Brantley stated that he agreed with Mr. Manning. The Mayor, Mr. McMillan and Mr. Bishop indicated that they want the process to move forward with promotions to Captain and Lieutenant being made at the next meeting, effective December 1, 2010.