

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 10, 2012

Mayor Bishop called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Eric J. Houghtaling, and Mayor J. Randy Bishop. Absent: Mary Beth Jahn (Kevin B. McMillan arrived during the open workshop session where indicated)

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.

Mayor Bishop 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 5, 2012, 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. Bascom stated that an update to the Township's Hazard Mitigation Plan has been prepared and is available for review. The Township is one of a few municipalities that participate at this level which has resulted in several flood mitigation projects moving forward such as flood mitigation at South Riverside Drive and at South Concourse as well as new bulkhead around Shark River. The Township applied for lake dredging; however, FEMA is not granting funding for this purpose. Leanne Hoffmann stated that the flood mitigation project along South Riverside Drive is 95% complete. The South Concourse project is awaiting notification from FEMA on approval of a scope of work change before proceeding. This project will address the lack of bulkhead at the street ends and water backing up the storm drainage pipes during high tides. Mr. Bascom stated that the County has indicated that a new FEMA representative has been assigned to the South Concourse project and will put it through the approval process. Mr. Houghtaling asked if these two projects will result in all outfall pipes having a duck bill valve to prevent water backing up into the streets. Ms. Hoffmann replied that there will be one outfall between the Municipal Marina and the East End Avenue bridge that will not be installed with a duck bill valve. She indicated that information on the Township's Hazard Mitigation Plan will be available to the public starting with a display at Riverfest on September 29th.

Mr. Houghtaling stated that the Township should have a policy in place to recognize employees retiring from the Township. The Committee agreed to recognize retiring employees with 20 or more years of service to the Township with a plaque to be presented at a public meeting, or privately if the employee so desires.

Peter Avakian, Engineering Consultant provided an update on the Broadway drainage project. The paving that will complete the project is anticipated to be completed by late October or early November. The drainage system installed on Broadway is designed to move water underground faster to Fletcher Lake and alleviate flooding at Broadway and Central.

Mr. McMillan arrived.

Mr. Avakian explained that the pipe diameters in the drainage system and flow on Broadway east from Lawrence Avenue to Central Avenue and then under the playground to the lake will take care of standard rain events and will be an improvement in big rain events compared to the past. The only issue will be high tidal events that prevent the lake from draining into the ocean. Mr. Houghtaling asked if Broadway would have flooded during these past heavy rain events without the on-going construction. Mr. Avakian responded yes and no. The construction issues did cause some of the problems, but the rain events this summer that caused the flooding were abnormally heavy. Ms. Hoffmann stated that there is a change order on tonight's meeting for the construction and installation of new culvert to replace the culvert that collapsed and additional inlets at Broadway and Central and Broadway and Beach.

Mr. Avakian added that he met with the State Department of Transportation on handicapped accessibility and ramps. The ramps at the intersections cannot be more than 2% grade and must have level platforms at both the top and bottom of the sidewalk and road surface. This is impossible to accomplish at all of the intersection. There were handicapped accessible ramps installed at four north-south crossings along the length of Broadway and the state has approved the final installation of the ramps. Mr. Avakian indicated that he will put his comments in writing and submit to the Mr. Cuttrell. Dr. Brantley asked what ramps were present prior to the start of the project. Mr. Avakian stated that the project has resulted in a vast improvement because some of the existing ramps were not built to regulation, but all of the new ramps on Broadway meet regulations.

Mr. Bascom stated that Verizon has notified Neptune and numerous other municipalities that they will not be paying personal property taxes to municipalities in which they do not provide dial tone service to more than 51% of the populace. They still have their infrastructure here and this would result in a loss of about \$140,000 annually. The League of Municipalities is requesting joint cooperation among the municipalities affected to appeal this decision at a cost of \$220 per municipality. The Committee indicated that the Township should participate in this appeal and asked that a resolution be prepared for the next regular meeting indicating the Township's position.

The Mayor announced that the Committee would be moving into the business portion of the meeting and conducting the executive session at the conclusion of the business portion.

Mayor Bishop called the meeting to order and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Eric J. Houghtaling, Kevin B. McMillan, and Mayor J. Randy Bishop. Mary Beth Jahn participated via speaker phone with the exception of the Privilege of the Floor portion of the meeting.

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 Bishop 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 5, 2012, 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. McMillan offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meeting held on July 23rd. All were in favor, except Ms. Jahn who abstained.

PRESENTATION

The Mayor and Committee presented certificates to members of the Neptune Sailing Team. The teens were the first Neptune team to win the annual regatta on Shark River and capture the Mayor's Cup.

REPORT OF THE CLERK

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

A letter from Ted Freeman thanking Mayor Bishop for the Township's proclamation recognizing Harry Eichhorn for 60 years as Director of the Ocean Grove Summer Band.

Minutes of the August 6th meeting of the Senior Citizens Advisory Council.

A letter from the Neptune Board of Fire Commissioners thanking Vito Gadaleta for his assistance in preparing an Assistance to Firefighters Grant application.

Rosemary Gray, Ellen Sanderson and Gigi Johnson completed mandatory training from the State Division on Aging.

COMMENTS FROM THE DAIS

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

Dr. Michael Brantley stated they would be holding a revitalization of Wesley Lake Forum on

September 25th at 11am. They would be having a brunch in a restaurant on Cookman Avenue in Asbury Park. They will discuss the history of Wesley Lake, what has been done and what will be done to the lake to restore it to its past glory.

Eric Houghtaling read a prepared statement from Ms. Jahn who is currently on the road to recovery. He wished her a speedy recovery.

Kevin McMillan stated he attended a Chant fair that was held at the Shark River Hills Fire House this past Saturday and it was a wonderful event.

Eric Houghtaling stated they were taking a few more strides in their community garden. He stated MURC held their welcome back to school function. He stated he was unable to attend it but they were able to distribute 350 book bags and school supplies to the kids. He attended the Chant fundraiser that was held this past weekend and a lot of money was raised. He went on to state that he was unable to attend the MURC function because he went to North Carolina to visit his daughter who just had her third child.

Mayor Randy Bishop stated there were orange ribbons on the pillar of the building outside and that is a reminder that October is Hunger Action Month. He stated he had the opportunity to speak at the press conference at the Food Bank of Monmouth County on August 29th. He stated in the 52 years that they have had statistics on hunger in Monmouth County this is the highest it has ever been. He stated there is also a shopping cart in the rotunda and the library for anyone wishing to drop off donations. On Saturday night he went to the Chant Fundraiser dinner. It was a wonderful evening for Annie Hainesworth who basically run Chant on her own. People come to Neptune from other towns because they are too embarrassed for people to see them get food in their own town. He urged everyone to donate. He attended the MURC back to school book bag give away. He met with the engineers regarding the Broadway Drainage Project. He attended the fall flea market and stated he also wanted to address concerns regarding Riverfest. He urged everyone to thank an educator in their life because his English teacher recently passed away at 95 and he felt she really made an impact on his life. He reminded everyone that the Mayor's Ball was on September 28th.

PUBLIC COMMENTS ON RESOLUTIONS

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

Brett Schwartz stated he was present this evening because he represents the Mr. Sharon who is the owner of Neptune's Estates and a developer who is developing 13 homes in Neptune Township. He stated there was ongoing litigation and he was commenting on Resolution #12-355 which will authorize the transfer of authorized released cash escrows to Charles Saka, in c/o Saka International per a pledge agreement which they believe is fraudulent. He stated Mr. Sharon was currently in litigation with his partners and they are going into arbitration. He requested they hold this resolution.

Mr. Anthony agreed that this resolution should be held until they received something from the courts.

Dorothy Argyros, 2100 Rutherford Avenue stated she was worried about tax and it appeared that Resolution #12-344 & 12-350 appeared to be picking up money from various places because it is being offered. She stated she did not see what was being bought or whether we need it. She went on to state that she did see a required local match, which means it will come out of her pocket. She reiterated that she felt they were only grabbing money because it was being offered and not for a need of thing. She stated she would like to know more as to what is being done.

Mr. Bascom stated Resolution #12-344 was a matching grant that addresses deficiencies that have been noted in previous drills and responses to major emergencies. The funds are being used to purchase personal protection equipment for emergency responders. He stated Resolution #12-350 is for simulation equipment so that the emergency responders who practice fighting fires and things of that sort.

Mrs. Argyros stated they should put what the need is or were they just purchasing things from their friends.

Heinz Weck asked what was Resolution #12-347 about.

Mr. Cuttrell stated the resolution would be extending the license premises for the Headliner for Riverfest.

Francis Paladino commented on Resolution #12-358 which authorized Change Order #2 in connection with improvements to Broadway. He stated this should be the final elements to get this job done.

Mayor Bishop stated the result will be as good as they can get.

Alan Albree, 55 Broadway addressed Resolution #12-358 and questioned whether the parts have been ordered.

Mrs. Hoffmann stated what she said at the last meeting was that they did not have the resolution on the meeting because they did not have the pricing. She went on to state that prior to him arriving she went into a pretty thorough update with the Committee. She stated the contractor far has done the shop drawings and submitted them to Peter's Avakian and Peter has signed off on the shop drawing and he has submitted the drawing to the fabricator but she was not authorized to spend money until the Committee authorized the change order. She stated it was her understanding that he ordered the colbert.

Mr. Albree stated he's never seen such a sloppy contractor.

Mary Ellen Tollefson , 19 Broadway, thanked the Township for sending someone out to help every time that it rains. She asked before the streets are paved and the roads are completed would they be able to test the drainage.

Peter Avakian stated until the project was complete they would not know how it would work fully. He went on to state that by merely paving a roadway does not cause additional water to flow on the surface.

Ms. Tollefson stated there seemed like there were drains that were gone from other streets in town.

Mayor Bishop stated they did not remove any drains.

Helen Forpe, 49 Broadway, addressed the Committee and stated that people were using the portable potty for their own personal use and it was unlocked.

Mayor Bishop stated this was not specifically about this resolution but they would note it. He stated he would make sure that it was locked and if it wasn't he would make sure that it was.

Marilyn Lafferday stated this past week she observed something disturbing and felt there was a significant problem with drainage.

Mrs. Hoffmann stated what they were doing would address those issues.

ORDINANCE NO. 12-27 - ADOPTED

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

ORDINANCE NO. 12-27

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON BROADWAY AND MCCLINTOCK STREET

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

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

ORDINANCE NO. 12-28 - APPROVED

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

ORDINANCE NO. 12-28

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, SECTION 12-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE PROVISIONS REGARDING THE MAINTENANCE OF BRUSH, HEDGES TREES AND ANY PLANT LIFE

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

Mr. Cuttrell stated that the Public Hearing on Ordinance No. 12-28 will be held on Monday, September 24, 2012.

PUBLIC HEARING – APPLICATION TO MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

Mayor Bishop introduced Leanne Hoffmann, Township Engineer, and requested that she provide a presentation on the Township's application to the Monmouth County Municipal Open Space Program for Improvements to Jumping Brook Ball Fields Complex.

Ms. Hoffmann stated that the application to the County Open Space Program will complete the ball fields at the Jumping Brook Ball Fields Complex and provide a rain garden and walking path adjacent to the fields. The application requests funding for a backstop, fencing, two dugouts, drainage improvements, bleachers, foul poles, plantings, excavation of an unused access roadway, creation of a rain garden, installation of a walking path and lighting for the existing parking lot. Ms. Hoffmann estimated that the Township will be notified if the grant application is successful by the end of the year. If awarded funding, the project would go out to bid in the Spring of 2013 and work would commence in the Summer of 2013.

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

Joel Wenning, 2 Tall Pines Drive, stated as a resident of the Villas at Jumping Brook, he is in favor of the grant application and urged approval by the Committee.

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

AUTHORIZE APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

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

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and,

WHEREAS, the Governing Body of the Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the project known as "Improvements to Jumping Brook Ballfields Complex" located at 160 Jumping Brook Road, also known as Block 10016.01, Lot 1.01; and,

WHEREAS, the total cost of the project including all matching funds is \$333,000.00; and,

WHEREAS, the Township of Neptune is the owner of and controls the project site,

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

1. Michael J. Bascom, Chief Financial Officer, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Township of Neptune is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael J. Bascom, Chief Financial Officer, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

AUTHORIZE TRANSFER OF AUTHORIZED RELEASED CASH ESCROWS FILED BY DEVELOPER, NEPTUNE ESTATES, LLC FOR PHASE 1A AND 1B SITE IMPROVEMENTS AT NEPTUNE ESTATES (3351 HIGHWAY 33) TO LENDER, CHARLES SAKA, IN C/O SAKA INTERNATIONAL, PER PLEDGE AGREEMENT - TABLED

Mr. McMillan offered a motion, seconded by Mr. Houghtaling, to table a resolution to “Authorize transfer of authorized released cash escrows filed by Developer, Neptune Estates, LLC for Phase 1A and 1B site improvements at Neptune Estates (3351 Highway 33) to Lender, Charles Saka, in c/o Saka International, per Pledge Agreement. All were in favor

CONSENT AGENDA

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

AUTHORIZE AN AMENDMENT TO THE 2012 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF STATE POLICE

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 2012 in the sum of \$14,000.00 which is now available from the NJ Department of Law & Public Safety – Division of State Police FY2011 EMPG Exercise Improvement Grant in the amount of \$14,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$14,000.00 is hereby appropriated under the caption of FY 2011 EMPG Exercise Improvement Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of State Police FY2011 EMPG Exercise Pass Thru Grant in the amount of \$14,000.00; and,

BE IT FURTHER RESOLVED, that the required local match of \$14,000.00 is available through a General Obligation Ordinance and the Chief Financial Officer has so certified in writing; 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 A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY GILMAN LAND, LLC FOR SITE IMPROVEMENTS AT ROBIN ROAD

WHEREAS, on February 13, 2002, the Township Committee adopted a resolution which accepted a cash performance guarantee in the amount of \$27,240.00 filed by Gilman Land, LLC

guaranteeing site improvements at the subdivision on Robin Road (Block 1007, Lots 32, 33.01 and 34-37); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a 70% reduction in the performance guarantees which is the maximum amount of reduction permitted under the Municipal Land Use Law; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Gilman Land, LLC (Block 1007, Lots 32, 33.01 and 34-37) be and is hereby approved to the amount of \$10,656.00; and,

BE IT FURTHER RESOLVED, that 70% of the posted cash performance guarantee in the amount of \$16,584.00 shall be refunded to the Developer; and,

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
175	504	WYNN	1319 EMBURY AVE	2012	877.39
417	67	117 ARNOLD LLC	117 ARNOLD PL	2012	2,207.56

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

AUTHORIZE EXECUTION OF A PETITION TO TEMPORARY EXTEND LICENSED PREMISES FOR THE HEADLINER

WHEREAS, The Headliner, 1401 Route 35, Liquor License #1334-33-011-003, has submitted a Petition to Extend Licensed Premises for September 29, 2012 from 11:00 a.m. to 6:00 p.m.; and,

WHEREAS, the Police Department has reviewed said petition and has no objection,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Petition to Extend Licensed Premises submitted by The Headliner, 1401 Route 35, be and is hereby approved for September 29, 2012 from 11:00 a.m. to 6:00 p.m.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed in the Headliner Liquor License File in the Office of the Municipal Clerk

GRANT SOCIAL AFFAIR PERMIT TO RICHARD S. BASCOM SCHOLARSHIP FUND

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of the Richard S. Bascom Scholarship Fund for a social affair permit at The Headliner, Route 35, on October 23, 2012 from 7:00 P.M. to 11:00 P.M.

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 Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
199/1	1612 Bradfiske Avenue	330.00
215/107	155 Fisher Avenue	330.00
473/36	8 Summit Road	330.00
3029/18	801 Halton Court	412.50
451/1	115 Lakewood Road	1,627.50
10021/9	17 Toomin Drive	208.75
473/38	6 Summit Road	440.00
175/516	1205 Embury Avenue	770.00

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

AUTHORIZE AN AMENDMENT TO THE 2012 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF STATE POLICE EMPG OPEN INITIATIVE SUBGRANT

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 2012 in the sum of \$24,000.00 which is now available from the NJ Department of Law & Public Safety – Division of State Police FY10-FY11 EMPG Open Initiative Subgrant in the amount of \$24,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$24,000.00 is hereby appropriated under the caption of FY10-FY11 EMPG Open Initiative Subgrant; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of State Police FY10-FY11 EMPG Open Initiative Subgrant in the amount of \$24,000.00; and,

BE IT FURTHER RESOLVED, that the required local match of \$26,865.00 is available in the 2012 Municipal Budget through Grant Matching Funds in the amount of \$20,000.00 and through Ordinance No. _____ in the amount of \$6,865.00 and the Chief Financial Officer has so certified in writing; and,

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

ADOPT SOCIAL MEDIA POLICY FOR TOWNSHIP EMPLOYEES

WHEREAS, the Township understands that social media has become a fun and rewarding way to share life and opinions with family, friends and co-workers around the world; and,

WHEREAS, use of social media also presents certain risks and carries with it certain responsibilities; and,

WHEREAS, the Township Committee desires to establish and adopt guidelines for appropriate use of social media for distribution to all Township employees,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby adopts a Social Media Policy for all Township employees and hereby directs the Business Administrator to provide a copy of said Policy to each Township employee; and,

BE IT FURTHER RESOLVED that a copy of the Social Media Policy shall be maintained on file in the Office of the Municipal Clerk for review by any interested person; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator.

AUTHORIZE EXECUTION OF A TRAFFIC SIGNAL AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR INSTALLATION AND MAINTENANCE OF A TRAFFIC SIGNAL AT THE INTERSECTION OF ROUTE 35 AND HECK AVENUE

WHEREAS, a traffic condition exists along Route NJ 35 and Heck Avenue, in the Township of Neptune, County of Monmouth, which requires the installation and operation of a semi-actuated traffic control signal with pedestrian push buttons, and areas of presence detection in order to minimize the possibility of accidents; and,

WHEREAS, it is necessary to expedite the safe movement and conduct of pedestrian and vehicular traffic; and,

WHEREAS, the State of New Jersey has indicated a willingness to install a traffic control signal at said intersection; and,

WHEREAS, the State of New Jersey has proposed a form of Agreement pertaining to maintenance of said traffic signal.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk of the said Township of Neptune be and hereby are authorized to enter into an Agreement with the State of New Jersey, acting through its Commissioner of Transportation, for the purpose aforesaid, a copy of said agreement being attached hereto and made a part hereof.

ACCEPT THE RESIGNATION OF CLARK CATE AS A MEMBER OF THE OCEAN GROVE SEWERAGE AUTHORITY

WHEREAS, the Township Committee has received correspondence from Clark Cate resigning as a member of the Ocean Grove Sewerage Authority effective September 4, 2012,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Clark Cate as a member of the Ocean Grove Sewerage Authority is hereby accepted effective September 4, 2012; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Ocean Grove Sewerage Authority.

AUTHORIZE THE REFUND OF MUNICIPAL MARINA SUMMER DOCKAGE FEE

WHEREAS, Joseph & Carol Fisher have submitted payment in full for summer dockage at the Shark River Municipal Marina in the amount of \$4,300.00; and,

WHEREAS, due to on-going improvements at the Marina, electrical service was not able to be provided to the slip assigned to the Fishers; and,

WHEREAS, the Fishers have moved their boat to another marina; and,

WHEREAS, the Marina Manager and Harbor Commission recommend the granting of a prorated refund of the summer dockage fee based on the number of days the boat was actually docked at the slip,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the refund of a Municipal Marina summer dockage fee to Joseph &

Carol Fisher in the amount of \$3,192.75; and,

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

AUTHORIZE TEMPORARY USE AND OCCUPANCY AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND SEAVIEW ISLAND ASSOCIATION

WHEREAS, Wentworth Property Management, on behalf of Seaview Island, has requested that Seaview Island's residents and guests be allowed to use vacant property located on Seaview Island owned by Neptune Township, more particularly Block 563, Lots 1 and 2, in order to park motor vehicles while the roads within Seaview Island are being paved; and

WHEREAS, such a use would be a temporary use under a Temporary Use and Occupancy Agreement, a true copy of which is attached hereto as Exhibit "A," that would allow motor vehicles over a period of thirty (30) days to use the vacant Township property for parking purposes only.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes the execution of the attached Use and Occupancy Agreement as Exhibit "A" between Neptune Township and Seaview Island Association, to allow for the temporary use of Township property for parking purposes while Seaview Island undertakes road paving for a period of thirty (30) days; and,

BE IT FURTHER RESOLVED, that the Township Committee hereby authorizes the Mayor and Clerk to execute the Temporary Use and Occupancy Agreement attached hereto as Exhibit "A" and authorizes the Township Attorney to pursue all terms of the Use and Occupancy Agreement with Seaview Island Association.

AUTHORIZE A PLACE-TO-PLACE TRANSFER (EXPANSION OF PREMISES) OF THE LIQUOR LICENSE ISSUED TO NEPTUNE ALE HOUSE, LLC T/A MJ'S

WHEREAS, an application has been filed for a place-to-place transfer (Expansion of Premises) of Plenary Retail Consumption License 1334-33-023-006, for purposes of expanding the premises under license wherein the sale, service, and storage of alcoholic beverages are authorized;

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves, effective September 11, 2012, the expansion of the aforesaid Plenary Retail Consumption licensed premises located at 3295 Highway 66, Neptune, New Jersey, to place under license the area delineated in the application form and the sketch of the licensed premises attached thereto; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Applicant the Division of A.B.C.

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

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH IMPROVEMENTS TO BROADWAY

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

WHEREAS, on June 13, 2011, a contract was awarded to James R. Ientile in the amount of \$937,525.00 in connection with the Improvements to Broadway; and,

WHEREAS, on May 24, 2012, the Township Committee adopted Resolution #12-221 which authorized Change Order #1 which increased the contract amount by \$68,238.02 to a total amount of \$1,005,763.02; and,

WHEREAS, changes to the contract have been experienced as a result of the replacement of a failed culvert, adding a new basin at Broadway and Central, adding new inlets at Broadway and Central and Broadway and Beach, eliminating the removal of two trees, eliminating composite sheet pile bulkhead and adjustments for fuel and asphalt prices; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances No. 07-40, 08-52 and 09-27 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 Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with James R. Ientile in connection with Improvements to Broadway resulting in a net increase of \$118,236.98 revising the total contract amount to \$1,124,000.00; 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 Township Engineer.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan 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	1,251,695.41
FEDERAL & STATE GRANT FUND	7,352.96
TRUST OTHER	8,748.11
GENERAL CAPITAL FUND	85,727.09
SEWER OPERATING FUND	97,364.65
SEWER CAPITAL FUND	447.26
MARINA OPERATING FUND	16,975.28
MARINA CAPITAL FUND	8,302.90
DOG TRUST	172.20
LIBRARY TRUST	615.11
BILL LIST TOTAL	\$1,477,400.97

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: Brantley, aye; Houghtaling, aye; Jahn, aye; McMillan, aye; and Bishop, aye.

(The conference call with Ms. Jahn was terminated)

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Marilyn Laberde 11 Broadway, stated at the last meeting there was the belief that they would try and fix the problem on Broadway. She felt the flooding was created more by the drainage project.

Mayor Bishop stated this has consumed all of them concerning this project. He stated they were concerned with this project, the residents and their property. He stated he hoped the improvements would help alleviate the flooding problem in that area. They had hoped that this project would have been done by the end of June.

Mr. McMillan stated they were sensitive with this situation and asked that they just bare with them until this situation was fixed.

Dr. Brantley stated he respected the people who live in that area.

Alan Aldren, 55 Broadway, presented the Committee with pictures taken on August 15th from his porch. He stated it was true that Broadway floods and questioned whether the engineer's solution was the problem. He stated he would like to see another consultant brought in to verify what they were doing.

Mayor Bishop stated he both heard and understood his comments but at this point what was in the ground was in the ground. He stated he had trust in the engineer and believed that they had done the work within the constraints that they have to address this. He stated he did not know if the money would be well spent if they were to spend the money to bring in another consultant.

Dr. Brantley stated he believed that by the time another consultant was brought in, the project would be finished.

Mr. McMillan stated he felt they should wait and see what happens because they had competent engineers working on it.

Mr. Aldren stated he had to park around the corner from his home because he could not leave his car on his street because every time it rained real hard it floods.

Sam Bassone, Broadway, stated what was missing for all of them was a level of comfort. She also stated there was confusion as to what is being said. She suggested they be allowed to see the schedule of the work to be done because they've never seen flooding on their street like it is now.

Mayor Bishop stated if they had come to them in March he could have told them what would be done and then they would turn around and call the Township a bunch of idiots, it didn't happen, it didn't work the right way and it isn't done. He stated they were all gun shot at the moment but the contractor is going to continue on with the project. He stated they were giving them their best estimate in having the project completed in October. He stated he would continue to communicate to everyone and that was the best he could promise them.

Stuart Mills stated he was a resident and vendor of Neptune Township and this was the second year he has tried to rent a space at Neptune Day and was unable to. He asked the Committee to look into it.

Mayor Bishop asked Mr. Bascom to look into it and to inform the Passion Group who organizes Riverfest that residents who live and work in Neptune Township are to be given preference. He stated this has not been the first complaint that he has received.

Jack Bredin , Heck Avenue, spoke regarding the North End Redevelopment in Ocean Grove and the commercial buildings.

Mayor Bishop stated they have a concept but there still are no exact plans because their permits and things have to be granted. He said right now all there is, is zoning.

Shaun Mazur stated he's had some damage to sidewalks and curbs and he's spoken to both Leanne and Tim. He wanted to make sure that the contractor would come back and make the repairs. He also stated the FEMA maps were outdated and they would see things get worse before it gets better. He felt there was a lack of communication between the Township and the County as far as the drainage of Ridge and Sixth Avenue. He felt it was the Township's responsibility and not the Counties.

Mayor Bishop asked Mr. Huhn to follow up with Wayne Rode and the contractor to make sure that the repairs would be made.

Dorothy Argyros stated she objected to the number of police hired, their salaries and the amount of money paid into their pensions. She stated she became very upset when she saw someone beatup on unharmed students.

Mr. McMillan questioned whether it has been done hear.

Mrs. Argyros stated it hasn't been done here but she was quite sure that if someone told them to do it they would. She stated someone told her the police and military were against the new world order

which was started by an award policeman. She read their mission statement.

Michael Fornino, Fulham Place, stated while he was out walking he noticed that the speeders were still out. He again stated that he felt there should be speed bumps.

Mayor Bishop stated they would take another look into it.

Kennedy Buckley stated coming from the ocean towards 71 everyone knows that there is a depression so they slow down and perhaps that is a cheap way to see if that system works.

Diana Harris thanked Mayor Bishop for coming out to their back to school event. She also thanked Mr. Houghtaling and Mr. McMillan for thinking about them. She stated the light at Liberty Park appears to be on a sensor and it keeps going out.

Mayor Bishop stated he would have Mr. Huhn report that to Wayne Rode.

Mrs. Harris questioned whether there would be any type of consideration to having Neptune Day or any community event brought back to this particular part of town. She stated that Riverfest has become more of a commercialized event for Neptune as opposed to a community event.

Mayor Bishop suggested to the Committee that they meet and discuss that.

Mrs. Harris requested an update on the equipment for Liberty Park.

Mrs. Hoffman stated she was working with Public Works to order and install the equipment.

Mrs. Harris stated the weeds and garbage in that area does not look good and the skateboarders are still digging up the dirt.

Mayor Bishop stated they have to look into it and assess what's going on.

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

Mr. McMillan 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:

Potential Litigation – Request for retroactive tax exemption
Personnel – Vacancy on OGSA
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: Brantley, aye; Houghtaling, aye; McMillan, aye; and Bishop, aye.

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

The Committee discussed and asked to reiterate its policy that property tax exemptions for totally disabled veterans is effective on the date the disabled veteran makes application to the Township not the effective date on the letter declaring totally disabled status.

The Mayor stated that the Library Board of Trustees is recommending Maureen Pampaloni for the vacancy on the Board.

The Committee will seek interest to fill the vacancy on the Ocean Grove Sewerage Authority.

The Committee returned to open session in the Meeting Room.

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

Richard J. Cuttrell,
Municipal Clerk