

TOWNSHIP COMMITTEE MEETING – APRIL 22, 2013

Mayor Houghtaling 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, Mary Beth Jahn, Kevin B. McMillan and Mayor Eric J. Houghtaling. (Dr. Michael Brantley arrived during the workshop session)

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

Mayor Houghtaling 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 on January 4, 2013 and The Coaster on January 3, 2013, 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 gave a presentation on the 2013 municipal budget. He stated that the Township continues to have a stable tax rate and bond rating. Hurricane Sandy made this year a bit more difficult. The budget calls for a 2.8 cent increase bringing the municipal portion of the tax rate to 87.8 cents. This equates to a \$28 per year tax increase per \$100,000 in assessed value. An average home in Neptune would experience a tax increase of \$66.92. The budget has an increase of \$770,000 in the tax levy due to lack of state aid. Dr. Brantley arrived. There will be an amendment to the budget on the agenda this evening because the state has directed the Township to put 100% of FEMA payments to pay the special emergency notes. There will be a public hearing on the amendment at the next regular meeting on May 13th at which time the Committee will also consider adoption of the budget. Mr. Bascom highlighted several areas of the budget including the percentage of revenue from state aid in the overall budget has dropped to 12.5%. The budget is well below the tax levy cap and the Township has \$926,000 in banked levy cap. He reviewed the major drivers, cost centers and ratios comparing this budget compared to prior years. There will be no change in the sewer rate and the marina utility remains self-liquidating.

The Committee reviewed a recommendation to waive the \$25.00 road opening application fee for demolitions as a result of hurricane damage. The Committee asked that a resolution be prepared for the next regular meeting.

Mr. Gadaleta provided a review of Hurricane Sandy recovery. The marina restoration is continuing. The docks will be delivered in the next week or two. Work on the various parks continues in earnest. Several municipal properties still need work and a tree vendor will be going through and cleaning up these areas. On the private side, people are raising homes and there have been several demolitions. The new flood elevations are in place by ordinance and the flood insurance rate maps will be issued in July. There is a resolution on the regular agenda to allow the Township to participate in the removal of debris from private property. There could be four projects that this will impact; the sailboat stranded in Shark River Hills, debris in the water from the Shark River Hills Yacht Club and two other commercial properties. There is also an ordinance amendment on for consideration this evening which would permit uncovered decks and porches in the front yards of homes in association with the entrance to the home. This will be allowed in all residential zones with the exception of the historic district. Mr. Bascom stated that there is a meeting on April 23rd with the Ocean Grove Camp Meeting Association regarding the boardwalk issue, easements for sand replenishment and getting the sand piled at the North End back on the beach. Mr. Bascom added that the resolution to permit the Township to enter private property to for debris removal will allow the Township to receive reimbursement for any work done in this capacity.

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:

Personnel – Vacancy on Environmental/Shade Tree Commission
Potential Litigation – Collection of past due Marina fees
Contract negotiations – RFQ's for Public Relations and Marketing Consultant
Personnel – Police promotions

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

4. This Resolution shall take effect immediately.

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

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

Mr. Anthony stated that there are six past due marina accounts of over \$1,000. The Committee instructed Mr. Anthony to proceed with collection.

The Committee reviewed the proposals for submitted for Public Relations and Marketing Consultant and requested that the two firms that submitted proposals be invited in for an interview at the next meeting.

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

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

Also present at the dais were Richard J. Cuttrel, Municipal Clerk; Vito D. Gadaleta, 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 rear of the room and to my right. In case of fire you will be notified by bell and or public address system, then proceed to the nearest smoke-free exit"

Mayor Houghtaling 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 on January 4, 2013 and The Coaster on January 3, 2013, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. McMillan, to approve the minutes of the meeting held on March 25th. All were in favor.

REPORT OF THE CLERK

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

Minutes from the Monmouth County Board of Health March 19th meeting.

The Senior Center staff received thank you notes and cards from JSUMC, Diane Olsen, Harry Lynch & Joan Orsino, Lenora Alston and family, Barbara DeSantis, Anna McHale and Lena Grace Alson.

A letter from David Mooij, Superintendent of Schools, thanking Chief Adams for his participation in the Safe and Secure Schools Parent Forum.

COMMENTS FROM THE DAIS

Randy Bishop congratulated the newly elected school board officials for being elected to the Neptune Township School Board. He stated he attended along with the Mayor, the Protecting our School Forum thanks to the Chief of Police and Superintendent of Schools and it was very interesting. He also stated he attended the Mayor's Ball meeting, the Senior Mobility Workshop Planning Meeting which is was an interesting program that the DOT was coming to look at the barrier to our Seniors moving around the areas as they try to access our Senior Center, attended West Neptune's Homeowner's Association meeting, also the Gables Residents Association Meeting. He stated he had the honor of attending the 22nd Annual Workforce Investment Board dinner in which the Mayor was honored. He went on to state that tonight was an evening where they would do promotions and also discuss the budget even though they will not be able to pass it because of the State. He stated they must make the investment of protecting their most valuable assets which were the residents of the Township. He stated he was proud of this town and what they would be doing tonight.

Mary Beth Jahn congratulated the newly elected members to the Neptune Township School Board. She stated she came upon a lady during her employment who lived in Long Beach Island and her home had been destroyed and she was living in a motel until the money ran out and she basically had nothing and someone from Red Cross told her that they thought they could get her an apartment in Neptune and since she's been here her neighbors have helped her find a job and get the help that she needed. She doesn't expect to see money for her home in three years. She's glad to be here. Ms. Jahn stated some of the items that our meant for the people they are not getting it. Ms. Jahn also stated that she felt that our officers were investments and they were proud of them.

Kevin McMillan congratulated the Board of Education candidates on winning seats on the Board. He also gave a special appreciation to the families of the officers that were being promoted this evening. He thanked the officers for all that they do. He reported that he attended a Legislative meeting at the Marriott in Princeton.

Dr. Michael Brantley congratulated Jason and his ticket on their win to the School Board. He stated he went to a MURC meeting and they've been doing a wonderful job in serving the community. They are very productive. He hoped Dianna Harris and her board continue to do what they do. He stated he understood the importance of our police officers and our budget and taxes have been kept under control. He stated we needed a resolution to make sure Michael Bascom stays with the Township for another 15 years.

Mayor Houghtaling stated it was nice to see so many people here tonight. He stated he attended a school safety program and it was really nice. He attended the West Neptune Homeowners meeting in which Vito Gadaleta gave a nice presentation. He had the opportunity to attend a county/state update on where they stand with the beach front replenishment. He stated they were moving along. He stated they also discussed river dredging and bodies of water they are going to dredge with Fema. He stated they looked at maps and he saw the Shark River that needs to be dredged. The Dot is talking about dredging our channels. He went on to state that he attended a Homeowners meeting with Dianna Harris and MURC received a grant for training for the summer in conjunction with the Township which was a very good thing. He stated during the storm last year we were spending money left and right and he was concerned with how our budget would look like for this year but Mr. Bascom and the various departments worked well together to make this budget work. We are close to the bone this year without cutting services.

PUBLIC HEARING – 2013 MUNICIPAL BUDGET

The Mayor requested public comments regarding the 2013 Municipal Budget which was introduced on March 25, 2013. There were no public comments.

AUTHORIZE AN AMENDMENT TO APPROVED 2013 MUNICIPAL BUDGET

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

WHEREAS, the local municipal budget for the year 2013 was approved on the 25th day of March, 2013; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 22,

2013, and,

WHEREAS, it is desired to amend said approved as described below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, of the County of Monmouth, that the following amendments to the approved budget of 2013 be made:

	From	To
GENERAL REVENUES		
3. Miscellaneous Revenues – Section G: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Other Special Items:		
Reserve for FEMA (Hurricane Sandy) 1,250,504.00	775,000.00	
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations	2,052,497.95	2,527,501.95
SUMMARY OF REVENUES		
3. Miscellaneous Revenues:		
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services – Public and Private Revenues Offset with Appropriations	2,052,497.95	2,527,501.95
Total Miscellaneous Revenues 10,324,868.13	9,849,864.13	
5. Subtotal General Revenues	14,567,847.21	15,042,851.21
7. Total General Revenues	40,065,753.68	40,546,253.68
8. GENERAL APPROPRIATIONS		
(E) Deferred Charges and Statutory Expenditures- Municipal Excluded from “CAPS”		
Special Emergency Authorizations – 5 Years	720,000.00	1,200,500.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	6,781,213.68	7,261,713.68
(L) Subtotal General Appropriations	37,165,753.68	37,646,253.68
9. Total General Appropriations	40,065,753.68	40,546,253.68
SUMMARY OF APPROPRIATIONS		
(E) Total Deferred Charges	720,000.00	1,200,500.00
Total General Appropriations	40,065,753.68	40,546,253.68
DEDICATED SEWER UTILITY BUDGET		
10. DEDICATED REVENUES FROM SEWER UTILITY		
Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services		

FEMA Disaster Assistance – Hurricane Sandy	105,000.00	140,000.00
Total Sewer Utility Revenues	6,674,600.00	6,709,600.00

11. APPROPRIATIONS FOR SEWER UTILITY

Deferred Charges and Statutory Expenditures:

DEFERRED CHARGES:

Special Emergency Authorizations	100,000.00	135,000.00
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TOTAL SEWER UTILITY APPROPRIATIONS	6,674,600.00	6,709,600.00
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DEDICATED MARINA UTILITY BUDGET

11. APPROPRIATIONS FOR MARINA UTILITY

Disaster Assistance – Restoration of Marina Facilities	500,000.00	300,000.00
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Deferred Charges and Statutory Expenditures:

DEFERRED CHARGES:

Special Emergency Authorizations	200,000.00	400,000.00
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BE IT FURTHER RESOLVED, that said Budget Amendment shall be published in The Coaster in the issue of April 25 2013. A public hearing on this Budget Amendment will be held at the Neptune Township Municipal Complex, Township Meeting Room, 2nd Floor, 25 Neptune Blvd., Neptune NJ on May 13, 2013 at 7:00 P.M. at which time and place objections to said amendment may be presented by taxpayers or other interested persons.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Township Auditor.

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

ADOPT 2013 MUNICIPAL BUDGET – TABLED

Mr. Bishop offered a motion, moved and seconded by Dr. Brantley, that a resolution to adopt the 2013 Municipal Budget be tabled. All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS TO PROMOTE AND ASSIGN POLICE OFFICERS

The Mayor requested public comments regarding two resolutions to promote and assign police officers. There being no comments, he closed this portion of the meeting.

PROMOTE POLICE OFFICER TO THE POSITION OF DEPUTY CHIEF OF POLICE

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

WHEREAS, there is a vacancy in the position of Deputy Chief of Police; and,

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

WHEREAS, funds will be provided for the first four months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that James Hunt be and is hereby promoted to the position of Deputy Chief of Police in the Township of Neptune effective May 1, 2013; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute an Employment Agreement with the Deputy Chief, a copy of which is on file in the Office of the

Municipal Clerk; and,

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

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

PROMOTE OFFICERS TO VARIOUS RANKS AND ASSIGN OFFICERS TO THE DETECTIVE BUREAU IN THE POLICE DEPARTMENT

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

WHEREAS, at the request of the Chief of Police, the Business Administrator posted for Sergeant, Lieutenant and Captain positions in the Police Department; and,

WHEREAS, the resumes which were submitted were reviewed by the Chief of Police and interviews were conducted; and,

WHEREAS, the Chief of Police has submitted his recommendation to officers to the rank of Sergeant, Lieutenant and Captain; and,

WHEREAS, the Chief of Police has also recommended that officers be assigned to the Detective Bureau; and,

WHEREAS, funds will be provided for the first four months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, 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 following Police Officers in the Township of Neptune be and are hereby promoted to the rank as herein stated, effective May 1, 2013, as recommended by the Chief of Police:

To Captain of Police

Michael J. Emmons

To Lieutenant of Police

Scott T. Cox

To Sergeant of Police

J. Hunter Ellison and Paul Monahan

BE IT FURTHER RESOLVED, that the following officers are hereby assigned to the Detective Bureau and shall receive the appropriate Detective stipend as indicated in P.B.A Local #74 and F.O.P. Local #19 contracts effective May 1, 2013:

Assigned to Detective Bureau

Kevin O'Donnell and Gregory Washington

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

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

PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros, 2100 Rutherford Avenue questioned whether there was some notion as to how many officers were needed for a town of this size. She questioned how many Captains and Sgts.

were needed. She stated the Township has promoted a guy that's had two lawsuits against him. She questioned whether this was something that they kept doing.

Mayor Houghtaling stated right now we are taking comments on resolutions and if she wanted to she could bring this up at the privilege of the floor portion of the meeting and they would entertain it.

Michael Fornino, 120 Fulham Place commented on resolution #13-231 by stated there appeared to be a problem with search and seizure.

Mr. Anthony stated all the statutes that were referenced to in this resolution were approved years ago. He stated the Attorney General thought that these statutes could be used for this purpose. Mr. Fornino questioned whether it could be done by resolution. He stated he did not really agree and wasn't sure if it could be done.

Mr. Bascom stated it allows us to go onto private property to remove debris as a result of Sandy. He stated they were not breaking into anyone's home.

Mr. Bishop stated this resolution just states that we agree to participate in this program.

Hank Coakley, Valley Road commented on Resolutions #13-230 & 231. He stated two representatives walked onto his property and did not identify themselves and accused him of pumping petroleum into the river. He actually was pumping out his crawl space which was contaminated by an oil spill of his neighbors. He stated people should identify who they are when entering someone's property. He also stated when the Township shut down S. Riverside Drive was the impact considered for the residents and will there be any type of reimbursements for lack of use of the marina.

Mr. Gadaleta stated it was taken into consideration and boaters will not be denied access to the marina.

ORDINANCE NO. 13-15 - ADOPTED

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

ORDINANCE NO. 13-15

AN ORDINANCE TO ADD VOLUME I, CHAPTER VII, SECTION 7-10A OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO PROHIBIT THROUGH TRAFFIC ON MONROE AVENUE AT STATE HIGHWAY 35

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

Michael Fornino stated that only right turns will be permitted from Monroe Avenue to Highway 35 but it doesn't say which direction that would apply. Mr. Cuttrell stated that the ordinance prohibits through traffic and left turns are already prohibited at this intersection so that would that right turn only would apply to both directions on Monroe Avenue. Mr. Fornino asked how this would be enforced. Mr. Cuttrell stated that it would be enforced in the same manner as any other traffic regulation.

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

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

ORDINANCE NO. 13-16 - APPROVED

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

ORDINANCE NO. 13-16

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVIII OF THE CODE OF THE TOWNSHIP OF NEPTUNE KNOWN AS "HARBOR UTILITY, SECTIONS 18-2.2 AND 18-2.13" BY ESTABLISHING PROCEDURES FOR ABANDONED OR DISABLED VESSELS

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

ORDINANCE NO. 13-17 - APPROVED

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

ORDINANCE NO. 13-17

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE VOLUME II, SECTION 411 ENTITLED "SUPPLEMENTARY ZONING REGULATIONS FOR RESIDENTIAL ZONES", SECTION 802A ENTITLED "DEVELOPMENT APPLICATION COMPLETENESS CHECKLIST" AND SECTION 802B ENTITLED "COMPLETENESS CHECKLIST FOR USE VARIANCE AND BULK VARIANCE REQUEST"

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

ORDINANCE NO. 13-18 - APPROVED

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

ORDINANCE NO. 13-18

BOND ORDINANCE PROVIDING FOR VARIOUS MARINA UTILITY IMPROVEMENTS, BY THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,500,000 THEREFOR (INCLUDING A GREEN ACRES GRANT IN THE AMOUNT OF \$600,000) AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE MARINA UTILITY OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 13-16, 13-17 and 13-18 will be held on Monday, May 13, 2013.

CONSENT AGENDA

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

EMPLOY TOURISM REPRESENTATIVES FOR THE 2013 SUMMER SEASON

WHEREAS, there is a need for personnel to operate the Tourism Bureau for the 2013 Summer Season; and,

WHEREAS, funds will be provided for the first four months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kathryn Goslee, Carol Bernard and Debbie Clark be and are hereby employed as Tourism Representatives in the Tourism Bureau not to exceed an average of 25 hours per week per employee or an average of 40 hours per week in total staffing beginning April 16, 2013 and ending October 1, 2013, at \$12.54 per hour; and,

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

AUTHORIZE THE EXECUTION OF A COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and,

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2013 through September 30, 2018; and,

WHEREAS, it would be in the best interest of this Municipality to become or remain a member of the Monmouth County Commodity Resale System for that period,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Municipal Clerk be and they are hereby authorized to execute the attached Commodity Resale Agreement with the County of Monmouth; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to Stephen G. Callas, Director, Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

ACCEPT THE RESIGNATION OF VICTOR SANTOS AS A SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, the Township Committee has received a letter from Victor Santos resigning as a Special Law Enforcement Officer – Class I in the Police Department effective April 10, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Victor Santos as a Special Law Enforcement Officer – Class I in the Police Department is hereby accepted effective April 10, 2013; and,

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

EXTEND DEADLINE FOR PAYMENT OF SUMMER DOCKAGE FEES AT THE MUNICIPAL MARINA

WHEREAS, due to the ongoing repairs and improvements at the Municipal Marina as a result of damage from Hurricane Sandy, the start of the summer dockage season will be delayed; and,

WHEREAS, in consideration the Harbor Master recommends that the deadline for payment for 2013 summer dockage fees be extended from April 1st to May 31st,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the deadline for full payment of 2013 summer dockage fees be and is hereby extended from April 1st to May 31st; and,

BE IT FURTHER RESOLVED, that late fees shall be charged for payments made after May 31st in accordance with rates established by Resolution #12-395; and,

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

AMEND BOAT RAMP DAILY FEE AND ADOPT ADDITIONAL RATES FOR THE MUNICIPAL MARINA

WHEREAS, on October 22, 2012, the Neptune Township Committee adopted Resolution #12-395 which established a Marina Rate Schedule for the Municipal Marina; and,

WHEREAS, the Harbor Commission recommends that the boat ramp daily fee be amended and rates for launching/haul-out and land storage be established,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves the following changes to Resolution #12-395 which established the 2013 Marina

Rate Schedule, said changes to be effective immediately and in effect until otherwise amended by subsequent resolution of the Township Committee:

c. Boat ramp

Daily - One boat or PWC - \$10.00 single use/\$20.00 round trip
Daily - Two PWCs same trailer - \$10.00 single use/\$20.00 round trip

(Annual boat ramp charges remain unchanged as established by Resolution #12-395)

l. Launching/Haul-out fees (based on length overall)

Launch from trailer/haul-out to trailer -	\$6.50 per foot
Short haul-out (slings) -	\$5.00 per foot/per hour
Haul-out and blocking (including re-launch) -	\$12.00 per foot
Emergency haul-out/blocking -	\$17.00 per foot

m. Land Storage

Short term land storage (up to 14 days) -	\$20.00 per day
Short term land storage (15 to 30 days) -	\$25.00 per day
Daily land storage (more than 30 days) -	\$5.00 per foot/per day

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

AUTHORIZE THE CANCELLATION AND REFUND OF SUMMER DOCKAGE AT THE MUNICIPAL MARINA

WHEREAS, Michael Formichella has made a deposit in the amount of \$744.00 for summer dockage fees at the Municipal Marina; and,

WHEREAS, Mr. Formichella utilizes his vessel for a commercial charter business and has charters booked beginning April 27, 2013 and continuing throughout the boating season; and,

WHEREAS, due to the ongoing repairs and improvements at the Municipal Marina as a result of damage from Hurricane Sandy, the start of the summer dockage season will be delayed past April 27th; and,

WHEREAS, Mr. Formichella has requested a refund of his summer dockage deposit so that he can dock elsewhere on the Shark River; and,

WHEREAS, given the nature of the operation of Mr. Formichella's vessel and the financial hardship that would be created by the inability to operate his charter business, the Harbor Master recommends a refund of the deposit for summer dockage fees,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to cancel and refund the 2013 Summer Dockage deposit in the amount of \$744.00 as stated herein; and,

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

PLACE LIEN ON 25 SOUTH RIVERSIDE DRIVE

WHEREAS, Ordinance #843 of the Township of Neptune states that when 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 property 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>
481/34	25 South Riverside Drive	1,785.00

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

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

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

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

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

WHEREAS, funds will be provided for the first four months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Matthew C. McDonough, Tyrell J. Thompson, Christina M. Nesheiwat and Marcus A. Neal be and are hereby employed as part-time Special Law Enforcement Officers - Class I, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the Special Law Enforcement Officer – Class I training at the Monmouth County Police Academy at an hourly rate as established by prior resolution of the Township Committee; 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., and Mandy To.

CONFIRM EMPLOYMENT OF PART-TIME TEMPORARY PLUMBING INSPECTOR

WHEREAS, the Township Plumbing Sub-Code Official was on vacation from April 12th through April 19th; and,

WHEREAS, on August 9, 2013, the Construction Official notified the Business Administrator of the need to employ a part-time temporary Plumbing Inspector to cover plumbing inspections during this period; and,

WHEREAS, the Township Committee desires to confirm the employment of this temporary employee at this time; and,

WHEREAS, funds will be provided for the first four months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the employment of Philip Price as part-time temporary Plumbing Inspector for the period April 12, 2013 through April 19, 2013 not to exceed thirty hours at an hourly rate of \$35.00; and,

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

APPOINT MEMBER TO THE ROOMING AND BOARDING SITE LICENSURE BOARD

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Herbert Herbst be and is hereby appointed to the Rooming and Boarding Site Licensure Board for a three year term expiring April 30, 2016; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Rooming and Boarding Site Licensure Board.

AUTHORIZE EXECUTION OF A TEMPORARY CONSTRUCTION/ACCESS EASEMENT WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION FOR REPAIRS TO THE WESLEY LAKE WALL

WHEREAS, the Ocean Grove Camp Meeting Association owns a parcel of land identified as Block 146.03, Lot 1, also known as Lake Avenue, adjacent to Wesley Lake; and,

WHEREAS, the Township needs to make repairs and improvements to the Wesley Lake wall requiring access to Wesley Lake and the existing wall area over a portion of Block 146.03, Lot 1, for purposes of construction equipment to reach Wesley Lake; and,

WHEREAS, the aforesaid construction work not only serves to stabilize the banks of Wesley Lake, but may assist in addressing erosion and drainage problems on the Association's property,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute a Temporary Construction/Right of Entry Agreement/Access Easement with the Ocean Grove Camp Meeting Association to allow the Township access to Association property known as Lake Avenue to permit repairs and improvements to the Wesley Lake wall; and,

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

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH A HURRICANE SANDY BENEFIT CONCERT AT RIVERSIDE PARK

WHEREAS, various community organizations have scheduled a concert to benefit residents impacted by Hurricane Sandy on Saturday, June 1, 2013 at Riverside Park on South Riverside Drive; and,

WHEREAS, it is necessary to temporarily close streets and designate no parking on the streets bordering Riverside Park during the event; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the temporary closure and posting of temporary no parking on the following streets on June 1, 2013 from 10:00 A.M. to 7:00 P.M.:

South Riverside Drive between Prospect Avenue and Hillcrest Avenue
Highland Avenue between South Riverside Drive and Valley Road
Melrose Place between South Riverside Drive and Valley Road

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

GRANT GOVERNING AUTHORITIES' RIGHT OF ENTRY ONTO PRIVATE PROPERTY WITHOUT OBTAINING PERMISSION OF OWNER AND CONCERNING OTHER MATTERS TO FACILITATE RECOVERY FROM HURRICANE SANDY

WHEREAS, Hurricane Sandy struck the State of New Jersey, inflicting unprecedented damage throughout the State, and causing catastrophic flooding and damage to communities across the State of New Jersey, including the Township of Neptune, which has threatened the safety and security of the citizens of the Township of Neptune, along with private property and public facilities and,

WHEREAS, the Governor of the State of New Jersey on October 27, 2012, declared a state of emergency for the entire state pursuant to Executive Order No. 104, and such is currently still in effect (a copy of said Executive Order is attached as Attachment A); and,

WHEREAS, the President of the United States declared a major disaster for the State of New Jersey, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121 *et seq.* (the “Stafford Act”) which, by subsequent amendments, includes all counties in the State; and,

WHEREAS, N.J.S.A. 40:48-2.13 confers upon the local governing authority, Township of Neptune, the power to remove debris from private property without a court order or the owner’s consent, if conditions constitute a health or safety hazard; and,

WHEREAS, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53 confer upon the local governing authority, Township of Neptune and Monmouth County Board of Health, the power to remove debris from private property without a court order or the owner’s consent, upon due notice, if the debris is the cause of ill health or disease; and,

WHEREAS, the New Jersey Department of Health has issued a notice dated December 7, 2012, pursuant to N.J.S.A. 26:1A-26 (the “Commissioner’s Notice”), finding that certain kinds of accumulated storm-generated debris on public and private property constitute a public health hazard and are the cause of ill health or disease (a copy of the Commissioner’s Notice is attached as Attachment B); and,

WHEREAS, the New Jersey Attorney General has issued an opinion letter addressed to the Federal Emergency Management Agency (FEMA), dated December 7, 2012, (the “Attorney General’s Letter”), stating that under New Jersey law a municipality has the power to authorize the removal of debris from its jurisdiction, without a court order or the owner’s consent, upon due notice, if conditions constitute a health or safety hazard (a copy of the Attorney General’s Letter is attached as Attachment C); and,

WHEREAS, N.J.S.A. 40:48-2.13, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53 authorize the local governing authority to remove debris from private property following a hurricane, upon due notice, if the authority determines that such removal is necessary for the public welfare, or to protect the public from ill health or disease; and,

WHEREAS, an emergency exists of the nature provided for in the Attorney General’s Letter referred to above, which triggers the local governing authority’s right of entry on private property when the landowner is not available to sign a Right of Entry form in order to remove debris in the public interest to eliminate an immediate threat to public safety, health, and welfare,

NOW THEREFORE, BE IT RESOLVED, for the reasons recited above and in exercise of powers vested in us as the Township Committee of the Township of Neptune, we now hereby specifically find, determine and certify as follow:

1. Removal of Hurricane Sandy-generated debris from private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by the Commissioner’s Notice.
2. Under N.J.S.A. 40:48-2.13, N.J.S.A. 26:3-48, N.J.S.A. 26:3-49, N.J.S.A. 26:3-50, and N.J.S.A. 26:3-53, the Township of Neptune and Monmouth County Board of Health have the legal responsibility, duty and authority to remove debris from private property.
3. Based upon “1” and “2” above, we have determined to exercise these authorities to enter onto private property in order to abate the declared public health nuisance and safety emergency by removal of the hurricane-generated debris.
4. We certify that before we initiate removal, when at all practicable, we will satisfy all the legal processes and receive all legal permissions to carry out these actions of debris removal on private property through the use of rights of entry with indemnity clauses signed by the property owner/those with legal interest in the property or we shall use a legal process for condemnation or nuisance abatement.
5. There may be circumstances where, because of the immediate urgency of the situation, the procedures of obtaining a Right of Entry or pursuing a condemnation proceeding, as set out in paragraph “4” above, may be too time consuming. We then will act under the auspices of the attached Attorney General’s Letter and the attached Commissioner’s Notice which together confirm the legal basis under law for the Township of Neptune and Monmouth County Board of Health to proceed to remove the debris on these private properties utilizing its police power. We certify that Township of Neptune and Monmouth County Board of Health has a written process to determine

which properties will require this extraordinary process to protect the public safety. In these circumstances, a reasonable period of time will be provided for public notification before private property debris removal will commence. During this period a homeowner may inform the Township of Neptune and Monmouth County Board of Health that entry is denied. This request will be respected unless it is determined that protection of the public interest requires Township of Neptune and Monmouth County Board of Health action in which case the forgoing emergency process will take precedence.

6. The Township of Neptune and Monmouth County Board of Health will recognize and respect all laws and regulations that concern historic preservation and environmental protection.
7. As required by section 407(b) of the Stafford Act (42 U.S.C. 5173(b)), Township of Neptune and Monmouth County Board of Health hereby agrees that it shall indemnify and hold harmless the Federal Government and its respective employees, agents, contractors, and subcontractors from any claims arising from debris removal. The Township of Neptune and Monmouth County Board of Health hereby acknowledges that, in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.
8. To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155) the Township of Neptune and Monmouth County Board of Health will obtain from private property owners, who participate in this debris removal program, information and documentation relating to insurance coverage, proceeds and settlements and provide this information and documentation to the New Jersey Office of Emergency Management and FEMA.
9. This Resolution shall apply to all private properties in the Township of Neptune with the municipal addresses within areas that require debris removal in the public interest in order to eliminate immediate threats to life, public health, and safety.

AUTHORIZE THE CANCELLATION AND REFUND OF SUMMER DOCKAGE AT THE MUNICIPAL MARINA

WHEREAS, Robert Pollock has made a deposit in the amount of \$720.00 for summer dockage fees at the Municipal Marina; and,

WHEREAS, Mr. Pollock has indicated that due to circumstances caused by Hurricane Sandy, he will be unable to place his boat in the water for the season; and,

WHEREAS, Mr. Pollock has requested that a portion of the summer dockage deposit be applied to winter land storage fees and the balance be refunded; and,

WHEREAS, given the circumstances caused by Hurricane Sandy, the Harbor Master recommends a refund of the deposit for summer dockage fees minus the amount of payment due for winter land storage,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to cancel the 2013 Summer Dockage deposit in the amount of \$720.00 as stated herein; and,

BE IT FURTHER RESOLVED, that the amount refunded to Mr. Pollock shall be \$526.00 with the remaining amount of \$194.00 being applied to an outstanding winter storage fee; and,

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

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

SUPPORT LEGISLATION TO PROTECT RESIDENTIAL PROPERTY TAXPAYERS FROM THE LOSS OF TELECOMMUNICATIONS TAX SUPPORT

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

adopted:

WHEREAS, in 1997, at the request of incumbent utilities, the laws regarding State taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition; and

WHEREAS, the amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax ("BPPT"); and

WHEREAS, the statute defines local exchange companies as those telecommunications carriers "providing dial tone and access to 51% of a local telephone exchange"; and

WHEREAS, Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51% of the local telephone exchanges; and

WHEREAS, Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009; and

WHEREAS, Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law; and

WHEREAS, as things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose more millions in the future; and

WHEREAS, remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments; and

WHEREAS, we anticipate the introduction of companion legislation by Senator Bob Smith, as soon as the Senate next convenes;

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune commends Assemblyman Caputo and Senator Smith and strongly supports A-3393, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation; and

BE IT FURTHER RESOLVED, that we urge our State Senator and our representatives in the General Assembly to join as co-sponsors of A-3393 and its companion bill; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Honorable Governor Chris Christie, the Honorable Speaker of the General Assembly Sheila Oliver, the Honorable President of the State Senate Stephen M. Sweeney, the Honorable Assembly Republican Leader Jon Bramnick, the Honorable Senate Republican Leader Thomas H. Kean, Jr., and our own State Senator and Representatives in the General Assembly, and to the New Jersey State League of Municipalities.

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

REQUEST THAT THE FEDERAL GOVERNMENT REIMBURSE NEPTUNE TOWNSHIP RESIDENTS FOR THE ENTIRE COST OF RAISING HOMES TO COMPLY WITH THE ADVISORY BASE FLOOD ELEVATIONS

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

WHEREAS, on October 29, 2012, Hurricane Sandy made landfall in the State of New Jersey and inflicted unprecedented damage and catastrophic flooding across coastal communities, including the Township of Neptune; and,

WHEREAS, the Federal Emergency Management Agency (FEMA) released Advisory Base Flood Elevations (ABFE) and Advisory Flood Hazard Maps (AFHM) in December 2012; and

WHEREAS, on January 24, 2013, Governor Christie announced an emergency rule that mandates that the ABFE and the AFHM be the standard for new construction and substantial improvement throughout the entire state; and,

WHEREAS, many of the flood impacted areas within the Township of Neptune have changed to a higher base flood elevation and the residents in substantially damaged homes are required to raise their homes to comply with these higher standards; and,

WHEREAS, the financial impact of the cost of raising homes to comply with the new standards is significant and the \$30,000 benefit from the Increased Cost of Compliance Program is insufficient to reimburse the residents; and.

WHEREAS, due to this financial hardship, the Township Committee of the Township of Neptune believes that the Federal Government should reimburse the complete cost of raising homes in the Township of Neptune to comply with the mandated higher base flood elevations; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune requests that the Federal Government authorize complete reimbursement of the cost of raising homes to comply with the Advisory Base Flood Elevations; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the President of the United States, Senator Frank R. Lautenberg, Senator Robert Menendez, Congressman Chris Smith, the Federal Emergency Management Agency and the New Jersey State League of Municipalities.

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

APPLY FOR A GREEN ACRES PROGRAM GRANT FOR SHARK RIVER MARINA IMPROVEMENTS

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

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Township of Neptune desires to further the public interest by obtaining a loan of \$0 and/or grant of \$600,000.00 from the State to fund the following project: Shark River Marina Improvements; and,

NOW, THEREFORE, the Township Committee of the Township of Neptune resolves that Michael J. Bascom or the successor to the office of Chief Financial Officer is hereby authorized to:

- a) make application for such a loan and/or such a grant;
- b) provide additional application information and furnish such documents as may be required;
- c) act as the authorized correspondent of the above named applicant; and,

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project,

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

1) That the Chief Financial Officer of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State for the project known as Shark River Marina Improvements; and,

2) That the applicant has its matching share of the project, if a match is required, in the

amount \$1,311,395.00.

3) That in the event the State’s funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,

4) The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

5) That this resolution shall take effect immediately.

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

AWARD BID FOR MAINTENANCE OF TOWNSHIP GROUNDS

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

WHEREAS, on April 3, 2013, the Purchasing Agent received bids for the award of a contract for maintenance of Township grounds; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by GreenLeaf Landscape Systems & Service, Inc.; and,

WHEREAS, said bids were advertised, received and awarded in a “fair and open” competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds will be provided for the first four months of 2013 in the 2013 Temporary Budget and funds for the balance of 2013 will be provided in the Budget for the year 2013, when finally adopted, and funds in subsequent years will be subsequent year’s budgets, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to GreenLeaf Landscape Systems & Service, Inc. on their lowest responsible bid of \$353,298.00 (\$117,766 annually) for maintenance and fertilizer of municipal grounds for a period of three years; 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; Jahn, aye; McMillan, aye; and Houghtaling, aye.

AUTHORIZE THE PAYMENT OF BILLS

Ms. Jahn offered the following resolution, moved and seconded by Mr. McMillan, 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	3,835,412.30
FEDERAL & STATE GRANT FUND	17,590.00
TRUST OTHER	10,107.25
GENERAL CAPITAL FUND	13,245.96
SEWER OPERATING FUND	18,374.81
MARINA OPERATING FUND	126,970.15
DOG TRUST	7,945.00

UDAG RECIPROCAL	84,785.50
LIBRARY TRUST	967.50
BILL LIST TOTAL	\$4,115,398.47

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; Jahn, aye, adding that \$188,000 is payable to the Neptune Fire District and \$54,000 is payable to the Ocean Grove Fire District; McMillan, aye; and Houghtaling, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Cindy Nelson stated she waited months to have the Township clean up the mess behind her home that was left by Sandy only for her and her husband to remove it themselves and then receive a violation notice from Public Works on March 25th. She stated she sent emails to several Township officials some of them on the Committee. She stated if she received a violation she would also like for the owner of the property behind her to receive one as well for all of the trees that are down on their property. She stated this was the third time they were cleaning up themselves. She stated she spoke to someone named Mindy who is an environmental liaison to the Township. She read a letter from her. She also stated she received several email apologies from some of the Committee people. She stated she started cleaning again and received another violation. She stated someone was spreading hatred and was working for the Township. She suggested the Township clean up their own property before getting onto her property. She stated she was also concerned with mosquito issues and the west Nile virus.

Ms. Argyros stated she would not complain that Mrs. Nelson went over the allowed five minutes because she felt it was unconstitutional anyway. She stated she was in support of Rent Control because owners have the option to gauge tenants with high rates. She also stated that she was concerned with homelessness as a result of this and that is why she urged the Committee to support rent control as well.

Jim Granelli questioned whether Ord.#13-17 changed anything.

Mr. Gadaleta stated it only pertained to front yard decks.

Mr. Granelli stated he wanted volunteers park renamed to Riverside Park and also stated he supported Cindy Nelson.

Mike Fornino stated as in the past that he wanted the Committee to have speed tables placed on Wakefield and Oxford Road in the Gables because people were still speeding.

Mayor Houghtaling stated that maybe they could look into a trial one.

Hank Coakley, Valley Road stated he was under the impression that dredging would take place on the 11th but as of this morning nothing has started, there was no equipment there.

Mr. Gadaleta stated the dredging of the basin should begin the end of this week or the early part of next week. He stated it was never discussed to start on the 11th and it was never scheduled for that date.

Ms. Rochelle, 204 Hillcrest Dr. stated she lives near Cindy Nelson and carnage was definitely there and the trees were down between her home and Highland Avenue. She stated all of the living trees were taken down but left the dying ones. She stated she felt the residents have been patient and she would like something done in the near future.

Bob Ukus, Oliver Brothers, stated he felt that Cindy Nelson had a legitimate gripe and he also felt that some has a vendetta against them and was following up on it. He thanked Mr. Gadaleta for his Emergency Management presentation.

Dianna Harris, 17 Willow Dr. thanked the Township for their accolades and she appreciates what the Township does for MURC. She discussed the rent increases that were taking place in Neptune Gardens and the apartments on both Monroe and Bangs Avenue. She stated the

proposed rent increases were between 18% to 30% but after the Mayor spoke with the owners the increase was a \$89 rather than over \$150. She went on to stated that MURC did a cleanup with students at the park and community gardens.

Kennedy Buckley thanked Mr. Bascom for his budgeting because it enables the Township to provide the necessary services and the level of police we have.

Heinz Weck, Ocean Grove stated he was happy to see that everyone was in good health. He wished Mr. Bascom a happy birthday. He questioned whether the law for cameras would expire next year.

Mayor Houghtaling stated they haven't had a conversation on it.

Mr. Weck stated the Coaster and the Star Ledger were the only two newspapers that cover Neptune and the newspaper in our town doesn't.

Mayor Houghtaling stated Cindy Nelson raised a number of issues that were not brought to his attention and he felt blind sided by them tonight because he was never in the loop. He stated there was always a certain time when you can put things out on your curb and the Township would never deliberately do anything to hurt someone. He stated the Township looks into taking care of problems. He asked Mrs. Nelson not to give up on them because they were sincere in what they do.

Vito Gadaleta addressed Cindy Nelson's comments by stating when it was brought to his attention he looked into and he had serious concerns. He stated he could not discuss personnel issues but the trees that were hazardous were addressed and that had to take down some of the healthy one to get to the others. It's a process that they must follow with Fema in order to receive funding.

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

Richard J. Cuttrell,
Municipal Clerk