

TOWNSHIP COMMITTEE MEETING – JANUARY 27, 2014

Deputy Mayor Jahn called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Eric J. Houghtaling, and Mary Beth Jahn (Kevin B. McMillan arrived just after roll call and Mayor Michael Brantley arrived during Executive Session)

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.

Deputy Mayor Jahn announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 2, 2014 and The Coaster on January 3, 2014, 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. McMillan arrived.

Mr. Bishop stated that several homeowners have approached him about residents who are still not back in their homes as a result of damage from Hurricane Sandy. They are seeking an extension of the waiver of sewer rent until they are able to return. Mr. Bascom stated that there are about 30 homes in Shark River Hills that remain uninhabitable. Ms. Jahn asked if anyone has determined who is rebuilding and who is not. Mr. Bascom stated there are various scenarios but in all cases the residents are not living in these homes and; therefore, not utilizing the sewer system. Mr. Bishop stated that the only criteria for waiver should be whether or not the home is occupied. The Committee asked that the appropriate resolution to grant the waiver be added to the next agenda.

The Committee discussed plans for 2014 Neptune Day. Ms. Jahn stated that the event seems to work better on Neptune Boulevard. Mr. Bishop stated that the event suffered towards the end of its run at that location. He asked if Dawn Thompson, Recreation Director, is looking at ideas to improve Neptune Day. Mr. Gadaleta responded that Recreation is looking into coordinating Neptune Day following a Friday night football game and getting more kids involved. The Board of Education liked this idea. Mr. Gadaleta will continue to work on this item.

The Committee discussed a bond ordinance and agreement on the agenda related to boardwalk repairs. Mr. Bascom stated that the boardwalk owned by the Ocean Grove Camp Meeting Association has been deemed eligible by FEMA for funds. The ordinance on for introduction this evening would assist them in getting started on the middle section of boardwalk that was totally destroyed. The Association would reimburse the Township the full amount and apply any award from FEMA towards the bond principal. The ordinance would be adopted on February 10th and we would then look to award a bid for boardwalk repairs in early March. The bid process and award would be in compliance with the Local Public Contracts Law. Mr. Bishop stated that the south and north ends of the boardwalk would remain as is for the summer with the process for repairs being looked at in the Fall. Mr. Bishop asked if the Committee wants to consider a Project Labor Agreement for the project. Such an agreement was used in Belmar and Sea Girt and both towns are happy with the results. Mr. Bascom stated that he will research how to move forward in that direction.

Mr. Jahn read an update on various on-going capital projects as provided by Mr. Gadaleta. Mr. Houghtaling asked for a meeting at the Welsh Farms site for pictures prior to the demolition of the building. Mr. Houghtaling asked why the bid award for Broadway lighting was not on this meeting. Mr. Gadaleta stated that the low bidder specified an alternate light fixture. The Township Engineer wants to ensure that it is compliant with the bid specifications. Mr. Gadaleta will also verify that each Broadway island will receive a light fixture.

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

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

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

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

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

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

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

Litigation – Update on pending litigation

Personnel – Recommendations for Customer Service Representative vacancies

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

4. This Resolution shall take effect immediately.

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

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

Mayor Brantley arrived.

Mr. Gadaleta made recommendations for two Customer Service Representative vacancies in the Code/Construction Department. The candidates were initially interviewed by Stephanie Oppegard. The second round of interviews was conducted by Bill Doolittle, Construction Official. Mr. Gadaleta recommended Ashley Curtis and Natasha Johnson for the positions. The Committee took action by resolution at the business portion of the meeting.

Mr. Bascom recommended Police Officer Michael Adam for assignment as a Detective in the Identification Bureau.

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

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

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 Brantley 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 2, 2014 and The Coaster on January 3, 2014, 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. Houghtaling, to approve the minutes of the meetings held on December 9th and December 23rd. All were in favor.

COMMENTS FROM THE DAIS

Eric Houghtaling congratulated Ocean Grove for being the 8th best beach in the whole world and they were ranked by voters travel, it's quite an honor. He also attended a refresher course provided by the League of Municipalities. He attended a MURC trustee meeting. It just so happened that Ermon Jones turned 90 on that day. He attended Gables Association meeting.

Randy Bishop attended the last snow meeting along with Mr. Houghtaling. He commended the DPW, EMT, Police and every one else involved in doing a great job in the snow storm. He stated he attended the tail end of the meeting for the desilting of Fletcher and Wesley Lake. They started mobilization for the desilting of Wesley Lake. They had the first World Changers meetings and are getting read for their arrival on July 5th. He was also very happy to welcome the Mayor of Asbury Park Myra Campbell, because Asbury is also looking to bring World Changers into their town this year. We've offered to help them understand how we do it and give them the benefit of our expertise to run it in their city as well. He attended the MLK celebration commemoration and hats off to the Central Jersey Club for all that they do and for an incredible celebration. Senator Corey Booker has got to be one of the most entertaining speakers gets his message across. He attended the Senior Center Birthday party. He attended the Memorial Day Parade meeting and he also attended the Ocean Grove Homeowners Association meeting. He stated they were very proud that Ocean Grove was given the distinction of being the 8th best beach despite what they've been going through.

Kevin McMillian thanked Public Works for the great job they did with both snow storms. He stated he attended the MURC meeting where they had a celebration for Ermon's 90th birthday. He attended a Black History planning committee which was held in the library last Thursday. He also attended the YMCA, MLK celebration which was held at Branches. He also went to the Central Jersey Club event which was great with Corey Booker.

Mary Beth Jahn commended the snow command people. She stated the Public Works crew was fabulous and on the day of the snow storm they had a 5 o'clock wedding and it was held in this room with the snow as a backdrop. The custodians were great.

Dr. Michael Brantley received a lot of e-mails stating a great job was done in reference to the snow removal. He thanked everyone involved. He attended the MURC meeting and Mr. Jones' birthday party. He stated Mr. Jones was a part of Neptune's fabric. The snow caused him to cancel the Wesley Lake and the Mayor's Ball meetings. On January 19th he went to the First United Church in Asbury Park for a black history program. He represented Neptune on the 20th when he attended Martin Luther King's observation at Holy Spirit Church. It was a pleasure to share the stage with Corey Booker who is a great speaker and other professionals. He congratulated the Central Jersey Club on their 50th anniversary. They've done a lot for the community. On January 25th, he attended an Elected Officials seminar, it was a great experience. He stated he just left a hospital meeting and they are doing great things over there. He missed the Homeowners Association meeting because he was at a seminar on Saturday. However, he will make the West Neptune Homeowners Association meeting. He requested that questions be given to him prior to arriving so that he could have the best answer for them. He also gave an update on their outstanding projects.

AUTHORIZE LEON S. AVAKIAN, INC. TO PERFORM CONSTRUCTION ADMINISTRATION AND OBSERVATION IN CONNECTION WITH WESLEY LAKE WALL REPAIRS AND WESLEY LAKE AND FLETCHER LAKE DREDGING – TABLED

Mr. Bishop offered a motion, seconded by Mr. McMillan, to table a resolution to "Authorize Leon S. Avakian, Inc. to perform construction administration and observation in connection with Wesley Lake wall repairs and Wesley Lake and Fletcher Lake dredging". All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

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

Ann Horan, 69 Clark Avenue, asked for the amount of the lien being placed on 22 Lake Avenue. Mr. Cuttrell stated it was for boarding up windows and doors and the amount is \$750.

Mike Fornino commented on Resolution 14-91 and questioned the work that's not completed and if it was affecting any other part of the operation or marina in itself? He questioned whether it has it been contracted out to someone else to finish?

Gene Anthony stated the counter claim on this, is that the contract ended before the project was completed, so they had to get another contractor.

Mike Fornino also questioned what was a quiet title.

Mr. Anthony explained that a quiet title is where you do not know who has title to a piece of property and you've been in physical possession of it for many years so you claim the title but there's nothing in the deed books that would indicate that so you're taking possession through

quiet title.

Mike Fornino commented on Resolution 14-98 and stated he had a problem with them supporting this resolution. He asked whether they had sympathy for the people paying the tolls. He questioned why they were taking a stance against reducing cost.

Mary Beth Jahn commented and said that at one time the State outsourced the DMV and it turned out the services and cost did not actually bring the cost of services down enough. So they had to bring everyone back.

Randy Bishop stated he was not trying to rip out the heart of the middle class. We privatize and outsource all the time. We have to stop giving concessions to people who are lying to give other people more money.

Dorothy Argyros commended the Committee for Resolution 14-98 because she felt privatization takes away the accountability. If they build in a profit she would have to pay. She also questioned what was Resolution 14-95 for and why would the Township need to do this?

Gene Anthony stated that this was a part of the Public Works yard that they were supposed to receive in the 70's but the title was never completed. So it's been so many years and most of the people that were part of the ownership of this property have passed away. Quiet title can only be used if you've been in possession of it.

Dorothy Argyros referred to Resolution 14-90 and asked if they were going to appoint the same people.

Dr. Michael Brantley stated that the Committee was being appointed to subcommittees to oversee the departments.

Hank Coakley stated he did not feel that it was proper for the Township to support Resolution 14-98. He felt it should be given a shot and the government should not get involved with it.

ORDINANCE NO. 14-01 - ADOPTED

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

ORDINANCE NO. 14-01

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-11 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING STOP INTERSECTIONS AT CARDINAL ROAD AND HOOVER ROAD AND ROBIN ROAD AND HOOVER ROAD

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

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

ORDINANCE NO. 14-02 – PUBLIC HEARING POSTPONED

ORDINANCE NO. 14-02

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE, BY AMENDING SECTION 1006 ENTITLED INSPECTIONS

Mr. Cuttrell stated that this ordinance requires determination by the Planning Board that it is consistent with the Township's Master Plan. Due to the snowstorm, the Planning Board meeting was moved from January 22nd to January 29th; therefore, the Public Hearing on Ordinance No. 14-02 will be postponed until the next Township Committee meeting on February 10, 2014.

Mr. Bishop offered a motion, seconded by Ms. Jahn, to postpone and reschedule the public hearing for Ordinance No. 14-02 to February 10, 2014.

ORDINANCE NO. 14-03 - APPROVED

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

ORDINANCE NO. 14-03

AN ORDINANCE AUTHORIZING DEED OF EASEMENT FOR SANITARY SEWERAGE PURPOSES WITH MERIDIAN HEALTH REALTY CORPORATION, INC., LOT 33.01, BLOCK 266 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE IN CONNECTION WITH THE SENIOR HOUSING PROJECT

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

ORDINANCE NO. 14-04 - APPROVED

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

ORDINANCE NO. 14-04

AN ORDINANCE AMENDING THE LAND DEVELOPMENT ORDINANCE, VOLUME II, SECTION 1000, ENTITLED, "APPLICATION AND ESCROW FEES" AND AMENDING SECTION 1004, ENTITLED "APPROVAL BY TOWNSHIP ATTORNEY"

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

ORDINANCE NO. 14-05 - APPROVED

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

ORDINANCE NO. 14-05

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE, VOLUME II, §301, ENTITLED, "ZONING MAP" BY AMENDING THE ZONING FOR BLOCK 1007, LOTS 32 AND 34 FROM C-4 TO R-2

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

ORDINANCE NO. 14-06 - APPROVED

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

ORDINANCE NO. 14-06

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE, VOLUME II, §300, ENTITLED, "DISTRICTS" AND TO ADD §423 TO BE ENTITLED, "TRANSIT VILLAGE ZONE"

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

ORDINANCE NO. 14-07 - APPROVED

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

ORDINANCE NO. 14-07

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE, VOLUME II, TO ADD §415.20, ENTITLED, "CONVENIENCE STORE WITH GAS"

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

ORDINANCE NO. 14-08 - APPROVED

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

ORDINANCE NO. 14-08

AN ORDINANCE AMENDING LAND DEVELOPMENT ORDINANCE, VOLUME II, §300, ENTITLED, "DISTRICTS" AND TO ADD §424 TO BE ENTITLED, "HOSPITAL SUPPORT ZONE"

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

ORDINANCE NO. 14-09 - APPROVED

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

ORDINANCE NO. 14-09

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,330,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 14-02 through 14-09 will be held on Monday, February 10, 2014.

CONSENT AGENDA

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

APPOINT MEMBERS TO THE LOCAL EMERGENCY PLANNING COMMITTEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby appointed to the Local Emergency Planning Committee for the year 2014:

William Bailey – Ocean Grove Camp Meeting Association
Molly Berkowitz – JSUMC Trauma
Stephanie Oppegaard – Human Resources/Personnel

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Emergency Management Coordinator and the Business Administrator.

PLACE LIEN ON 22 LAKE AVENUE

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>
29/1907.03	22 Lake Avenue	600.00

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 SUBCOMMITTEES FOR THE GOVERNING BODY AND APPOINTMENTS TO SAID SUBCOMMITTEES

WHEREAS, the governing body of the Township of Neptune is desirous of creating Subcommittees with representatives from the governing body participating with said Subcommittees as liaisons to the various departments and activities of the Township of Neptune for the benefit of the governing body and the Township of Neptune; and

WHEREAS, Committeepersons appointed to said Subcommittees shall serve in an advisory capacity and report back to the governing body as a liaison to report on departmental activities and make recommendations for improvements; and

WHEREAS, each subcommittee, to the extent limited by State Statute and Law, may also serve as a screening committee for personnel matters that need to be decided by the entire governing body.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the following subcommittees and confirms appointments to the same:

A. Land Use, Code, Construction, Senior Center and Tourism.

Committeeperson J. Randy Bishop (Chairperson)
Mayor or Deputy Mayor as requested
Land Use Administrator
Senior Center Director
Construction Official
Township Engineer
Business Administrator

B. Public Works, Public Safety and MURC

Committeeperson Eric J. Houghtaling (Chairperson)
Mayor or Deputy Mayor as requested
Police Chief, Deputy Police Chief or other Police Department designee:
Police Director or Acting Police Director
Public Works Director
Business Administrator

C. Economic Development, Finance and Marina

Committeeperson Mary Beth Jahn (Chairperson)
Mayor as requested
Chief Financial Officer
Harbor Master
Business Administrator/Economic Development Director

D. Library, Recreation, Community Development and MURC

Committeeperson Kevin B. McMillan (Chairperson)

Mayor or Deputy Mayor as requested
Recreation Director
Library Director
Community Projects Coordinator
Business Administrator

E. Health, Welfare, MURC and Administration

Mayor Michael Brantley (Chairperson)
Deputy Mayor as requested
Municipal Clerk
Registrar of Vital Statistics
Chief Financial Officer
Code Enforcement Supervisor
Business Administrator

AUTHORIZE COUNTERCLAIM AGAINST MIDCOAST ELECTRIC CORPORATION, INC.

WHEREAS, the Township Committee of the Township of Neptune awarded a contract for electrical services to Midcoast Electric Corporation by Resolution 13-92 on January 28, 2013; and

WHEREAS, by Resolution 13-405 on August 26, 2013, the Township Committee authorized termination of the contract for failure of Midcoast Electric Corporation to fulfill its obligations under the contract with Neptune Township; and

WHEREAS, Midcoast Electric Corporation has filed a Complaint for Breach of Contract as of December 17, 2013 against Neptune Township; and

WHEREAS, Neptune Township has been damaged as a result of Midcoast Electric Corporation's Breach of Contract by its refusal to complete work contracted for and abandonment of the marina worksite; and,

WHEREAS, funds will be provided for the first three months of 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided in the Budget for the year 2014, 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 governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., to file a Counterclaim along with the Answer to the Complaint in this matter against Midcoast Electric Corporation for damages as a result of the Breach of Contract; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purposes of this litigation, subject to possible transfer should and when Neptune Township's insurance carrier decides on coverage; and,

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

CORRECT HOURLY RATE FOR PART-TIME BUILDING INSPECTOR

WHEREAS, on January 1, 2014, the Township Committee adopted Resolution #14-55 which established hourly rates for part-time positions in the Township of Neptune that are not covered by a collective bargaining contract; and,

WHEREAS, the rate for part-time Building Inspector was stated incorrectly,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #14-55 to correctly state the hourly rate for part-time Building Inspector as \$30.00 for the year 2014; and,

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

AWARD FAÇADE IMPROVEMENT LOAN/GRANT TO ASBURY CIRCLE CAR WASH

WHEREAS, the Township Committee created a Façade Improvement Loan/Grant Program

by adoption of Ordinance 00-3; and,

WHEREAS, the Façade Review Committee approved an application filed by Asbury Circle Car Wash, 707 Highway 35, Neptune for a \$5,000 grant and \$5,000 loan; and,

WHEREAS, the Township Committee desires to authorize the award of said loan/grant as approved by the Façade Review Committee; and,

WHEREAS, funds will be provided from the U.D.A.G. Reciprocal Loan Account and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an award of \$5,000/grant and \$5,000/loan be and is hereby approved under the Façade Improvement Loan/Grant Program for the business known as Asbury Circle Car Wash, 707 Highway 35, pursuant to the application approved by the Façade Review Committee in January, 2014; and,

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

CORRECT SALARY FOR PUBLIC AGENCY COMPLIANCE OFFICER

WHEREAS, on January 1, 2014, the Township Committee adopted Resolution #14-56 which established annual salaries for stipend positions in the Township of Neptune that are not covered by a collective bargaining contract; and,

WHEREAS, the salary for Public Agency Compliance Officer was stated incorrectly,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #14-56 to correctly state the annual salary for Public Agency Compliance Officer as \$1,200.00 for the year 2014; 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 Sandra Petersen.

AUTHORIZE ADDITIONAL APPROPRIATION IN CONNECTION WITH QUIET TITLE LEGAL ACTION TO CLAIM TITLE TO BLOCK 1008, LOT 10 (RT. 18 AND WEST BANGS AVENUE)

WHEREAS, Neptune Township by Deed of November 26, 1985 agreed to exchange Block 3052, Lot 9, owned by the Township of Neptune with Block 1008, Lot 10 on the Tax Map of the Township of Neptune, at the time owned by Geraldine Silverman; Charlotte Silverman Mitterhoff and Francis Mitterhoff; Judith Silverman Altman and Anne Konvitz and Philip Konvitz for Thirty Thousand (\$30,000.00) Dollars; and

WHEREAS, the Deed of Exchange providing transfer of Neptune property to the aforesaid Grantees was executed and recorded in the Clerk's Office of Monmouth County on December 6, 1985 in Book 4615, Page 95, but the Grantees never provided the Township with the Exchange Deed of Transfer; and

WHEREAS, since 1985, the Township has been in possession and rightful color of title to property identified as Block 1008, Lot 10 on the Tax Map of the Township of Neptune, a true copy of said map identifying said property is attached hereto and made a part hereof as Exhibit "A;" and

WHEREAS, the present Township Attorney has attempted to contact the Estate of Anne Konvitz and Ethel Silverman in order to effectuate the transfer of title as promised in 1985, but has been unsuccessful in obtaining full cooperation from the estates or acknowledgment that action need be taken; and.

WHEREAS, on August 27, 2012, the Township Committee adopted Resolution #12-341 which authorized a Quiet Title action be brought by the Municipal Attorney, Gene J. Anthony, Esq., 48 South Street, Eatontown, New Jersey, in order to obtain full title to property identified as Block 1008, Lot 10 at an amount of legal fees not to exceed \$10,000.00; and,

WHEREAS, an additional \$5,000.00 is necessary to complete this work as a result of high search costs and additional service searches; and,

WHEREAS, funds will be provided for the first three months of 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided in the Budget for the year 2014, 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 an additional appropriation of not to exceed \$5,000.00 be and is hereby authorized in order to complete the Quiet Title action in connection with the property identified as Block 1008, Lot 10, as further described herein; and,

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

AUTHORIZE THE REFUND OF A DEPOSIT FOR SUMMER DOCKAGE FEE AT THE MUNICIPAL MARINA

WHEREAS, Christian Mockler has made a payment in the amount of \$644.00 for 2014 summer dockage; and,

WHEREAS, Mr. Mockler advises that the mean low water depth of the channel approaching the Municipal Marina is insufficient for his boat; and,

WHEREAS, the Harbor Master recommends a refund of the deposit for summer dockage,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to refund the deposit for summer dockage in the amount of \$644.00 as stated herein; and,

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

OPPOSE PRIVATIZATION OF TOLL COLLECTION SERVICES ON THE NEW JERSEY TURNPIKE AND GARDEN STATE PARKWAY

WHEREAS, the New Jersey Turnpike Authority seeks to privatize toll workers jobs, which would eliminate pensions, health benefits and job protections of the unionized workers; and

WHEREAS, New Jersey's unemployment rate is 7.8%, as reported in the December 19, 2013 New Jersey Department of Labor and Workforce Development jobs report, which is one of the highest unemployment rates in the region, and our poverty rate is at an all-time high; and

WHEREAS, New Jersey workers and their families need decent middle-class jobs; and

WHEREAS, firing more workers at a time when unemployment is already extremely high and decent jobs are hard to find will only put more of a burden on the public, increasing the need for social services and public assistance, and result in more home foreclosures; and

WHEREAS, New Jersey Turnpike toll collectors have already sacrificed by taking pay cuts of 30%, and making many other concessions to save their jobs; and

WHEREAS, newly hired New Jersey Turnpike toll collectors make less than \$35,000 a year, and privatization will reduce the workers' wages to poverty levels; and

WHEREAS, privatization has a track record in the State of New Jersey of failing to take into consideration the interests of taxpayers, residents, and employees, and often does not live up to lofty cost-savings projections; and

WHEREAS, there is limited oversight and a lack of accountability to the public because private companies do not fall under the Open Public Records Act and there is no state agency that monitors privatization contracts; and

WHEREAS, the New Jersey Turnpike Authority has saved more than \$30 million dollars as a result of the pay cuts and concessions toll workers have already made; and

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby acknowledges its support of the workers and union members on the New Jersey Turnpike and Garden State Parkway and recommends that the New Jersey Turnpike Authority not privatize toll workers jobs.

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT (457 LEXINGTON AVENUE)

WHEREAS, the property listed below reflect an overpayment; and,

WHEREAS, the property owner has furnished the necessary documentation and has 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
3051	21C457	Sims	457 Lexington Ave	2014	1,391.39

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (501 HELEN TERRACE)

WHEREAS, the property known as Block 445, Lot 23, with an address of 501 Helen Terrace, assessed to John Kritsky is eligible for a Totally Disabled Veteran Exemption effective December 23, 2013; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against the above property effective December 23, 2013 and refund same to the owner of record in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts are as follows;

YEAR	AMOUNT TO CANCEL	AMOUNT TO REFUND
2013	\$ 185.84	\$ 185.84

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

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (146 MAIN AVENUE, UNIT 1)

WHEREAS, the property known as Block 144, Lot 254c01, with an address of 146 Main Avenue, Unit 1, assessed to Linda Dousis is eligible for a Totally Disabled Veteran Exemption effective December 4, 2013; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against the above property effective December 4, 2013 and refund same to the owner of record in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts are as follows;

YEAR	AMOUNT TO CANCEL	AMOUNT TO REFUND
2013	\$ 480.87	\$ 480.87

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

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

AUTHORIZE THE TRANSFER OF 2013 BUDGET APPROPRIATION RESERVES

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of previous year appropriations during the first three months of the fiscal year; and,

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

FROM:

Solid Waste Disposal O.E. 25,000.00

TO:

Clerk O.E. 650.00
Financial O.E. 750.00
Revenue O.E. 600.00
Legal Services O.E. 10,150.00
Engineering O.E. 6,300.00
OEM O.E. 350.00
Streets and Roads O.E. 4,700.00
Health Services O.E. 1,500.00

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2013 Budget Appropriation Reserves be transferred as stated herein; and,

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

SUPPORT COASTAL RESILIENCY COMPETITIVE GRANT PROPOSAL FOR IMPROVEMENTS TO FLETCHER AND SYLVAN LAKES

WHEREAS, the National Fish and Wildlife Foundation offers a Coastal Resiliency Competitive Grant Program that provides funding for environmental initiatives to improve habitat availability, water quality, biodiversity and flood resiliency in local lakes; and,

WHEREAS, The Borough of Bradley Beach, in cooperation with the Borough of Avon-By-The Sea, Neptune Township, and the Ocean Grove Camp Meeting Association are proposing innovative nature and anthropogenic-based improvements to Fletcher and Sylvan Lakes that would reduce surrounding communities' risks from coastal storms, sea level rise, flooding, and erosion, but would ultimately benefit fish and wildlife; and,

WHEREAS, the integrity of these lakes have been compromised due to impacts from Hurricane Sandy and the protection of these lakes is invaluable to surrounding coastal communities; and,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution and submission of a Letter of Support on behalf of the Township of Neptune for the multi-jurisdictional Coastal Resiliency Competitive Grant Proposal as described herein; and,

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

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

EMPLOY CUSTOMER SERVICE REPRESENTATIVE IN THE CODE/CONSTRUCTION OFFICE ON A PROBATIONARY BASIS

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

WHEREAS, due to the retirement of Noel Clark, there is a vacancy in the position of Customer Service Representative in the Code/Construction Office; and,

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

WHEREAS, the Construction Officer and Business Administrator have made their recommendation; and,

WHEREAS, funds will be provided for the first three months of 2014 in the 2014 Temporary

Budget and funds for the balance of 2014 will be provided in the Budget for the year 2014, 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 Ashleigh Curtis at an annual salary of \$25,000.00 be and is hereby employed as a Customer Service Representative in the Code/Construction Office, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective February 3, 2014; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Construction Official and Human Resources.

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

EMPLOY CUSTOMER SERVICE REPRESENTATIVE IN THE CODE/CONSTRUCTION OFFICE ON A PROBATIONARY BASIS

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

WHEREAS, due to the resignation of Jennifer Liddick, there is a vacancy in the position of Customer Service Representative in the Code/Construction Office; and,

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

WHEREAS, the Construction Officer and Business Administrator have made their recommendation; and,

WHEREAS, funds will be provided for the first three months of 2014 in the 2014 Temporary Budget and funds for the balance of 2014 will be provided in the Budget for the year 2014, 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 Natasha Johnson at an annual salary of \$23,000.00 be and is hereby employed as a Customer Service Representative in the Code/Construction Office, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective February 3, 2014; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Construction Official and Human Resources.

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

AUTHORIZE THE PAYMENT OF BILLS

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

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	4,125,916.13
FEDERAL & STATE GRANT FUND	850.08
TRUST OTHER	6,670.04
GENERAL CAPITAL FUND	5,532,413.46
SEWER OPERATING FUND	161,561.22
SEWER CAPITAL FUND	7,444.03

MARINA OPERATING FUND	2,576.55
DOG TRUST	7,477.00
BILL LIST TOTAL	\$9,844,908.51

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

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

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION REGARDING FINANCIAL RESPONSIBILITY FOR THE RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK

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

WHEREAS, on October 29, 2012, storm surge caused by Hurricane Sandy resulted in severe damage to the Ocean Grove boardwalk; and,

WHEREAS, the Township desires to enter into an Agreement with the Ocean Grove Camp Meeting Association (Association) regarding the financial responsibility for the reconstruction of the boardwalk in Ocean Grove located in the Township of Neptune; and,

WHEREAS, this Agreement is contingent upon the Township Committee's approval of a Bond Ordinance appropriating \$1,400,000.00 for the project; and,

WHEREAS, the Association has agreed to pay back the Township for the initial financing and reconstruction of the project as detailed and set forth in said Agreement; and,

WHEREAS, the Township and Association recognize that the project, which represents a reconstruction of the boardwalk for public use by the citizens of Ocean Grove, Neptune Township, State of New Jersey and beyond, is of mutual benefit to all parties,

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 an Agreement with the Ocean Grove Camp Meeting Association, a copy of which is on file in the Office of the Municipal Clerk, which sets forth the terms and conditions of financial responsibility of the Association for the reconstruction of the Ocean Grove Boardwalk; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, and Ocean Grove Camp Meeting Association.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Tassie York asked if she could get a copy of the protocol for hiring because she felt there were things going on that shouldn't. She said that when she sends the Township qualified people they are not hired and she had concerns about that.

Dr. Michael Brantley stated she could obtain the existing protocol from Mr. Cuttrell and went onto state that they were in the process of updating the Personnel Ordinance now and soon it will be revised.

Jack Breden stated in the opinion of the Township Committee five minutes to speak is enough time to address a citizens concern. The Planning Board and Zoning Board have now adopted the same policy and he felt it was being misused. He felt this was fair for the Township Committee but not for the Planning and Zoning Boards. He felt a different protocol should be applied because personal opinions were being given.

Mayor Brantley stated as far as the Township Committee, the only time a personal opinion

coincides is when it's with a constituent.

Randy Bishop stated the Zoning Boards had adopted time limits before the Committee had. He asked Mr. Anthony whether there has been case law regarding other boards.

Gene Anthony stated he has not seen any case laws as it applies to Zoning and Planning Boards. He stated there is a difference there because if an applicant is before a body, he may need more than five minutes because he is presenting an application. He stated he saw Mr. Breden's position but could also see if you start creating tiers that you would completely destroy the whole idea of trying to structure the meeting. He stated he was not sure how it would work with the Planning Board and the Board of Adjustment.

Joan Venezia stated Ordinance 14-09 mentions 1.4 million dollars for the boardwalk. She questioned whether that was for the whole boardwalk or a portion of it.

Michael Bascom stated based on the engineers estimate it's for the central portion of the boardwalk.

Ms. Venezia questioned with respect to 4 Boardwalk who she could go to, to find out if the extension on the outside of the building could be protected from the boardwalk because it has been pointed out that it's a possible hazard.

Vito Gadaleta stated she would have to go to the Construction Department and ask for Mr. Bill Doolittle.

Ms. Venezia questioned where she would go to find out if the fines for 4 Boardwalk have been satisfied.

Mr. Gadaleta stated she could also reach out to Mr. Gadaleta because that was within his department as well.

Dorothy Argyros stated last week they had three people raise the issue regarding the lawsuits against the Police Department where they have done bad things and have never been punished, but instead the taxpayers were being punished by having to pay settlements and judgments. She stated she took the trouble of finding the lawsuit, which she stated she had in front of her which were filed by two women police officers who have been subjected to a continuing pattern of harassment, disparage treatment, discrimination and retaliation. She stated her whole soul objects to this and yet she has to pay her share of the attorneys and settlements. She stated if this is proven true in a court of law, the Township should offer some type of disincentive by saying that if they were convicted they have to give back her money and give back what they had to pay to the women officers because they mistreated them. She read the complaint out loud.

Gene Anthony stated the Committee could not respond due to pending litigation.

Dorothy Argyros stated it was not about pending litigation but about creating a disincentive for the police to stop doing this.

Michael Fornino questioned whether the Township knew what spot zoning was.

Randy Bishop stated they were not doing spot zoning they were laying out the criteria whereby that kind of convenience can exist so that we don't have 5 marts with gas stations side by side which creates another issue. He stated the Ordinance was only setting out conditions.

Mr. Fornino questioned what happens to the bond that will be used for the boardwalk if FEMA comes through and pays for it all.

Michael Bascom stated the bond would be cancelled.

Mr. Fornino stated he was the one that urged the Township to have a snow plan and no one commended him.

Mayor Brantley stated they listened to all of their constituents.

Jim Granelli commended the Neptune Police Department for their professionalism in a family matter. He stated he really appreciated it and he also thanked several members on the Township Committee as well.

Nancy Candell, felt a bank being built in Ocean Grove by the Gannon's is a black eye, and they are building again. It would appear the township would have their back but it appears the Gannon's can do whatever they want. They did work without permits or approvals. She felt this was unheard of. She felt they were going to be living in "Gannon Grove" instead of Ocean Grove. She also stated that they started construction more towards the water. She questioned why everyone was turning their heads. She also questioned whether any one contacted the State.

Mayor Brantley stated they did have her back and no one should be building where they shouldn't. He stated sometimes the public has to let them know because they may not see it.

Nancy Candell stated she understood there were fines and they were reduced.

Vito Gadaleta stated there was interior work that was done without permits being issued and penalties issued. There are still penalties outstanding, additional permits have been requested and interior work doesn't go before the HPC. This application has been deemed complete and they are going to be appearing before the HPC for the exterior work.

Hank Coakley questioned what was the Township's bond rating and where were they as far as the bond debt limit percentage wise.

Michael Bascom stated the Township was at less than 20% of the bond debt capacity. We are at .65 roughly and we can go up to 3.5 before we can request the State's approval to go further. The Township's rating is A1 and A+.

Hank Coakley stated he would like for people to have headlights on during the snow storm. He also felt that snow should be removed off the top of vehicles and the Township should enforce it.

Heinz Weck stated he remembered when former Mayor Joe Krimko's Rule was that you could talk as long as you wanted to but you could only speak once. He stated he played a joke on him and that was the end of that rule. He also commended the Public Works Department for doing a great job in plowing the roads during the snow storm.

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

Richard J. Cuttrel,
Municipal Clerk