

TOWNSHIP COMMITTEE MEETING – AUGUST 10, 2015

Deputy Mayor McMillan 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, Dr. Michael Brantley, Eric J. Houghtaling, and Kevin B. McMillan. Absent: Mayor Mary Beth Jahn.

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

Deputy Mayor McMillan announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 8, 2015, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

The Committee discussed the West Lake Avenue Redevelopment Plan. Dr. Brantley stated that we all know the history and the problems with the previous Redeveloper. He wants to move forward and make this work by looking at what the Township can do immediately. The block that contains the former Clara's Restaurant can be done first because the Township controls the property on that block. He suggested moving forward on this block rather than looking to appoint a Redeveloper for the entire project. Mr. Anthony stated that he would have to look at the Plan to see if the Township Committee can appoint more than one Redeveloper. He added that the original Redeveloper has lost its site plan approval; therefore, a new Redeveloper would need to appear before the Planning Board for new site plan approval. Mr. Bishop stated that the Committee could divide the Plan among Redevelopers and each Redeveloper would have to submit a site plan. He also indicated agreement to divide the project by block, but not by parcel so that some unity in the development is maintained. Mr. Gadaleta stated that the Township owns multiple parcels in the two blocks on the south side of West Lake Avenue; therefore, the Committee could move on those blocks more quickly. He suggested that an appraisal be obtained for the Township's parcels.

Mr. Bishop asked Mr. Anthony to confirm that the project can be divided among multiple redevelopers, obtain necessary appraisals, and be ready to move on this in September. The Committee also directed Mr. Gadaleta to continue discussions with the owner of one of the lots. Mr. Houghtaling stated that breaking the project into smaller segments will make the overall project easier to manage.

Mr. Bishop asked Maureen Mulligan from Coastal Habitat to address the Committee regarding a grant opportunity. Ms. Mulligan stated that Habitat is interested in applying for a \$100,000 grant to rehab homes for the elderly with the goal of aging in place. She is looking for the Township to assist financially through RCA credits and development fees. Mr. Bishop stated that he would like to focus on the midtown area and use the list of properties that have received a senior property tax freeze to identify potential candidates. The Committee indicated a desire to participate in this program.

The Committee reviewed a proposed ordinance which would permit the Police Department to ticket and remove unregistered vehicles in private parking lots. Mr. Anthony stated that Eatontown passed a similar ordinance. The Committee has the option to consider this ordinance or do an agreement to allow Title 39 enforcement to private property. The Committee asked that the ordinance be placed on the next meeting for introduction.

Dr. Brantley asked for a status on opening the new baseball field at Jumping Brook Fields. Mr. Gadaleta stated that the delay is the posting of a maintenance bond by the contractor. Once the bond is posted, the field can be opened and dedicated.

Mr. Gadaleta stated that the Engineer is exploring the availability of lower wattage lights on Broadway in response to some complaints received on the brightness of the new Broadway island lights.

Mr. Gadaleta advised that he will prepare a status report on all of the redevelopment areas in the Township.

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

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, 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:

Contract negotiations – Proposed License Agreement  
Personnel – Recommendation for two Driver positions  
Personnel – Housing Authority vacancy  
Contract negotiations – Sebastian Villa apartments

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; Houghtaling, aye; and McMillan, aye.

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

Mr. Anthony submitted a draft License Agreement that can be used for property encroachments into the municipal right-of-way. The Agreement would require an annual fee, insurance, indemnification, no further encroachments, and be recorded with the County in order for a property owner to continue the encroachment. The Committee discussed an appropriate amount for the annual fee and will look into it further. They asked that the Agreement be submitted for execution by the Southpointe Condo Association to address an on-going issue with encroachments with an annual fee of \$500.

The Committee reviewed recommendations for the hiring of two Drivers and took action by resolution at the regular business portion of the meeting.

Mr. Bascom was given direction to post for vacancies in the position of Police Officer.

Mr. Bascom reported that succession planning was performed with all department heads and further discussion will take place in the fall.

Mr. Anthony stated that he has requested 3 to 5 years of financials on all entities and principals connected with WAVE in regards to the North End Redevelopment Project.

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

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

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

After a moment of Silent Prayer and the Flag Salute, the Deputy 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"

Deputy Mayor McMillan announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 8, 2015, 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](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meetings held on June 22th and July 27th. All were in favor.

#### REPORT OF THE CLERK

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

A letter from Anita and Samuel Fusaro complimenting the efforts of Donald Clare, Electrical Sub-Code Official.

#### COMMENTS FROM THE DAIS

Dr. Brantley stated that he attended National Night Out. It was a fun time and great to see the citizens interacting with the Police Department.

Mr. Houghtaling extended congratulations to the Police Department and the Township for National Night Out. There was a lot of great food and good information available. He also attended the Italian-American Festival in Ocean Township at Palaia Park.

Mr. Bishop attended the Shark River Hills Property Owners Association meeting and discussed the Shark River dredging. The National Night Out event was great. He also attended the annual Senior Center Volunteer Luncheon and extended his thanks and appreciation to all of the volunteers who help make the Senior Center a great place. Finally, he attended a memorial service at St. Pauls Church for long-time Ocean Grove resident Ouida Packard who passed away last winter.

Deputy Mayor McMillan stated that he attended National Night Out and it was a great job by all who helped to coordinate the event. He also attended a Health Fair sponsored by the 7<sup>th</sup> Day Adventist Church and the viewing for Virginia Allen, mother of Sgt. Michael Allen.

#### APPOINT MEMBER TO THE HOUSING AUTHORITY - TABLED

Dr. Brantley offered a motion, seconded by Mr. Bishop, to table a resolution to "Appoint a member to the Housing Authority". All were in favor.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue stated that there are two resolutions to put more money into the Marina. The Marina was purchased from relatives of former Mayor Catley and was supposed to make us rich, but was a terrible mistake. One resolution adds \$9,300 and the other \$25,606 for a total of over \$2 million. Mr. McMillan replied that the Marina is a self-sustaining entity.

#### ORDINANCE NO. 15-36 - APPROVED

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

#### ORDINANCE NO. 15-36

BOND ORDINANCE PROVIDING FOR RECONSTRUCTION OF THE SANITARY SEWER SYSTEM, BY THE SEWER UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

#### ORDINANCE NO. 15-37 - APPROVED

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

ORDINANCE NO. 15-37

BOND ORDINANCE PROVIDING FOR VARIOUS PARKS IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

ORDINANCE NO. 15-38 - APPROVED

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

ORDINANCE NO. 15-38

BOND ORDINANCE PROVIDING FOR VARIOUS FACILITIES IMPROVEMENTS (SENIOR CENTER/ MUNICIPAL COMPLEX/PUBLIC WORKS FACILITY/OEM FACILITY), BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$570,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

CONSENT AGENDA

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

AUTHORIZE THE CANCELLATION OF OPEN BALANCES AND CREDITS FOR MUNICIPAL MARINA STORAGE LESS THAN \$10.00

WHEREAS, the marina clients listed below for various reasons have small open balances or credits less than \$10.00; and,

WHEREAS, since the time and expense involved to collect these small amounts is greater than the amounts open; and

WHEREAS, the cancellation of these small balance would promote the efficiency of the marina by eliminating the need to research these small amounts; and

<b>Name</b>	<b>Small Balance</b>	<b>Credit</b>
James Vanselous		\$-2.00
Mark White		-0.75
Kevin Kelley		-0.50
Kris Black		-0.02
James Russotto	\$6.40	

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 cancel the amounts as stated herein; and,

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

SUPPORT THE "DRIVE SOBER OR GET PULLED OVER 2015 STATEWIDE CRACKDOWN"

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and,

WHEREAS, impaired driving crashes cost the United States almost \$50 billion a year; and,

WHEREAS, 27% of motor vehicle fatalities in New Jersey in 2013 were alcohol related; and,

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and,

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown*; and,

WHEREAS, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and,

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Lt. Michael McGhee and Sgt. Michael Zarro.

#### RESCIND HIRING OF TWO DRIVERS AUTHORIZED BY RESOLUTION #15-331

WHEREAS, on July 27, 2015, the Township Committee adopted Resolution #15-331 which authorized the hiring of three individuals as Drivers in the Department of Public Works; and,

WHEREAS, two of the individuals hired, Donald Coles and Steven Disandro, are now either unable to work or are no longer interested in the position; and,

WHEREAS, the Human Resources Specialist and Business Administrator have made a recommendation to rescind the hiring of both individuals,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the hiring of Donald Coles and Steven Disandro, as authorized by Resolution #15-335, be and is hereby rescinded; and,

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

#### APPROVE THE FORM AND AUTHORIZE THE EXECUTION AND DELIVERY OF A LETTER OF REPRESENTATION AND A CONTINUING DISCLOSURE AGREEMENT IN CONNECTION WITH THE ISSUANCE AND DELIVERY OF THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY'S CAPITAL EQUIPMENT POOLED LEASE REVENUE BONDS, SERIES 2015 AND AUTHORIZE AN AUTHORIZED MUNICIPAL REPRESENTATIVE TO DO ALL OTHER THINGS DEEMED NECESSARY OR ADVISABLE IN CONNECTION WITH THE ISSUANCE, SALE AND DELIVERY OF SUCH BONDS

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

WHEREAS, the Authority will provide for the financing of the cost of the acquisition of the Equipment by the issuance of its Capital Equipment Lease Revenue Bonds, Series 2015 (Township of Neptune Project) (the "Bonds") payable from rentals by the Municipality pursuant to a Lease and Agreement by and between the Municipality and the Authority ( the "Lease"); and

WHEREAS, in order to induce the Authority to issue and deliver the Bonds and its Capital Equipment Pooled Lease Revenue Bonds, Series 2015, there has been prepared and submitted to the Municipality a Letter of Representative in the form attached hereto as Exhibit A; and

WHEREAS, there has been prepared and submitted to the Municipality a Continuing Disclosure Agreement in the form appended hereto as Exhibit B for execution by the Municipality if the Authority shall determine that the Municipality is or will be an "obligated person" with respect to the Authority's Capital Equipment Lease Revenue Bonds, Series 2015 within the meaning of Rule 15c2-12 of the United States Securities and Exchange Commission (an "Obligated Person"):

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

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

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

Section 3. That any Authorized Municipal Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or property for carrying out the sale, issuance and delivery of the Bonds, the Authority's Capital Equipment Pooled Lease Revenue Bonds, Series 2015 and all related transactions contemplated by this resolution.

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

Section 5. This resolution shall become effective immediately.

#### RESCIND RESOLUTION #15-320

WHEREAS, on July 27, 2015, the Township Committee adopted Resolution #15-320 which authorized a Change Order to Santorini Construction in connection with the Shark River Municipal Marina Building; and,

WHEREAS, the additional work authorized by said Resolution is for architectural and engineering work on the project and should have been authorized to H2M Architects and Engineers, not Santorini Construction

WHEREAS, the Township Committee desires to rescind Resolution #15-320 and consider a subsequent resolution to correctly authorize this additional work to H2M Architects and Engineers; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #15-320 be and is hereby rescinded in its entirety; and,

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

#### AMEND AUTHORIZED APPROPRIATION TO H2M ARCHITECTS AND ENGINEERS FOR ARCHITECTURAL SERVICES IN CONNECTION WITH NEW MUNICIPAL MARINA BUILDING

WHEREAS, on March 24, 2014, the Township Committee adopted Resolution #14-183 which authorized the execution of an agreement with H2M Architects and Engineers, the appointed Marina Architect, for architectural services at the new Municipal Marina Building at an amount not to exceed \$140,600.00; and,

WHEREAS, on February 9, 2015, the Township Committee adopted Resolution #15-84 to

authorize an additional appropriation of \$9,300.00 in connection with the addition of a diesel extraction system; additional FEMA cost opinions and revisions to the floor elevation; and,

WHEREAS, additional engineering work is required as a result of additional structural design and oversight for pile conflicts and the piles for the elevated generator; and,

WHEREAS, the Township Engineer recommends that these services be performed and the authorized appropriation be amended accordingly; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-18 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes an amendment to Resolution #14-183 for include an additional appropriation of \$9,000.00 to H2M Architects and Engineers, the appointed Marina Architect, for additional architectural services at the new Municipal Marina Building as described herein, resulting in a total authorized appropriation of \$158,900.00; 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., Township Engineer and Harbor Master.

#### AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH THE SHARK RIVER MUNICIPAL MARINA BUILDING

WHEREAS, a contract was awarded to Santorini Construction in the amount of \$2,622,001.00 in connection with the Shark River Municipal Marina Building; and,

WHEREAS, on June 22, 2015, the Township Committee adopted Resolution #15-280 which authorized Change Order #1 resulting in a net increase of \$36,800.00; and,

WHEREAS, changes to the contract have been experienced as a result of loading previously excavated soils from temporary storage lot and backfill excavated building pad area; and,

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

WHEREAS, funds for this purpose are available in Ordinance No. 15-04 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Santorini Construction in connection with the Shark River Municipal Marina Building resulting in a net increase of \$27,603.02 revising the total contract amount to \$2,686,404.02; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Business Administrator and Township Engineer.

#### APPOINT SCHOOL CROSSING GUARDS FOR THE 2015-2016 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2015-2016 school year; and,

WHEREAS, the Chief of Police and Human Resources Specialist have made their recommendation to rehire certain crossing guards that served during the 2014-2015 school year and to hire four new crossing guards who submitted an application and were interviewed; and,

WHEREAS, funds are available for this purpose are available in the 2015 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ronald Coleman, Nancy Cole, Philip DeStaven, Carmelo Gonzalez, Clayton Harrison, Shirley Harrison, Alfred Holmes, Josephine Hughes, Juanita Jones, Ki Nam Kang, Russell King, Kathryn Kelly, Rosalee Lane, Rita Lee, Virginia Majewski, Carol McDonald, Everett Mitchell, Loren Moses, Amelia Okpanachi, Robert Perkins, Caroline Vandervort, Avis Williams and Alfreda Wright be and they are hereby reappointed as Crossing Guards for the 2015-2016 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate of \$14.05; and,

BE IT FURTHER RESOLVED, that the Township is hereby extending a conditional offer of

employment to Roseann Rode, Fred Kern, Samuel Mallory and Jeffrey Brenan to serve as School Crossing Guards for the 2015-2016 school year contingent upon favorable results of required pre-employment screening and background check; 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 Human Resources.

#### EMPLOY ON-CALL/PART-TIME CUSTODIAN

WHEREAS, there is a need for an on-call/part-time Custodian, with Black Seal License, in the Building Maintenance Department; and,

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

WHEREAS, the Human Resources Specialist has made her recommendation; and,

WHEREAS, funds will be provided in the 2015 municipal budget in the appropriation entitled Buildings & Grounds and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby extends an offer of employment to Jose Hidalgo as an on-call/part-time Custodian, with Black Seal License, in the Building Maintenance Department, contingent upon favorable results of the required pre-employment screening and background check, effective August 17, 2015, at a rate of \$19.68 per hour; and,

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

#### AUTHORIZE EXECUTION OF AN AGREEMENT WITH JCP&L FOR THE INSTALLATION OF A UTILITY POLE ON HILLCREST AVENUE

WHEREAS, there is a need for the installation of a utility pole on Hillcrest Avenue to provide electrical services to the new Municipal Marina building; and,

WHEREAS, JCP&L requires the execution of an Agreement for Installation of Electric Distribution Facilities and payment in the amount of \$10,252.21; and,

WHEREAS, funds for this purpose are available in Ordinance No 15-04 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute an Agreement for Installation of Electric Distribution Facilities for the installation of a utility pole and single phase transformer on Hillcrest Avenue at a cost of \$10,252.21 to provide electrical services to the new Municipal Marina building; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Township Engineer and Harbor Master.

#### AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH WAYSIDE ROAD IMPROVEMENTS – PHASE II

WHEREAS, a contract was awarded to Earle Asphalt, Inc. in the amount of \$355,813.11 in connection with Wayside Road Improvements – Phase II; and,

WHEREAS, changes to the contract have been experienced as a result of adding a doghouse inlet and final as-built quantities; and,

WHEREAS, these changes has been approved by the Township Engineer,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1(final) in the contract with Earle Asphalt, Inc.in connection with Wayside Road Improvements – Phase II resulting in a net decrease of \$117,656.45 revising the total contract amount to \$238,156.66; and,

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



AUTHORIZE PURCHASE OF A POWERED AMBULANCE STRETCHER AND TWO COT FASTENING SYSTEMS

WHEREAS, on August 29, 2014, the Purchasing Agent received bids for the award of a contract for the purchase of powered ambulance stretchers and power load cot fastening systems; and,

WHEREAS, on September 8, 2014, the Township Committee adopted Resolution #14-449 which authorized the purchase of four stretchers and four cot fastening systems through the Stryker Sales Corp., the lowest responsible bidder; and,

WHEREAS, the Purchasing Agent included an option to make additional purchases in the future through this bid award; and,

WHEREAS, the Township desires to purchase an additional powered ambulance stretcher and two cot fastening systems; and,

WHEREAS, funds for this purpose will be provided in Ordinances No. 13-31 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 Stryker Sales Corp. for a Powered Ambulance Stretcher plus a retro-fit kit and installation at a total cost of \$16,258.00 ; and,

BE IT FURTHER RESOLVED, that a contract be awarded to Stryker Sales Corp. for two (2) Power Load Cot Fastening Systems at a total cost \$42,500.00; and,

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

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

EMPLOY TWO DRIVERS IN THE DEPARTMENT OF PUBLIC WORKS ON A PROBATIONARY BASIS

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

WHEREAS, due to the recent resignations, there are two vacancies in the position of Driver in the Public Works Department; and,

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

WHEREAS, the Human Resources Specialist and Business Administrator have made their recommendations; and,

WHEREAS, funds will be provided in the 2015 municipal budget in the appropriation entitled Solid Waste S&W, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby extends an offer of employment to Bernard Crudup, Jr. and Frank Martuscelli, Jr. to the position of Driver in the Department of Public Works, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon favorable results of the required pre-employment screening and background check, effective August 17, 2015, at an annual salary of \$28,560.00; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Houghtaling 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	\$1,121,216.46
FEDERAL & STATE GRANT FUND	27,654.45
TRUST OTHER	36,449.21
GENERAL CAPITAL FUND	173,937.70
SEWER OPERATING FUND	82,754.27
SEWER CAPITAL FUND	85,167.41
MARINA OPERATING FUND	39,266.17
MARINA CAPITAL FUND	500.00
UDAG TRUST	10,733.38
LIBRARY TRUST	7,187.76
BILL LIST TOTAL	\$1,584,866.81

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

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Bredin, Mt. Hermon Way, reviewed the timeline when WAVE and the Ocean Grove Camp Meeting Association decided that they would be co-Redevelopers of the North End Redevelopment Plan before they were appointed as such by the Township. He reviewed the process of conducting Visioning Sessions and input by various people prior to adoption of the Plan. He stated that the Ocean Grove Camp Meeting Association did not do extensive research, as indicated in a Township resolution, into potential redevelopers because they already picked WAVE prior to the Plan being adopted. Mr. Anthony stated that the Township is in the process of preparing a Redevelopment Agreement. Some financials have been submitted but he has asked for 3 to 5 years which hopefully will be submitted within two weeks. Mr. Bredin repeated his contention that the Plan is not valid. Mr. Anthony responded that the courts have held that the Plan is legitimate.

Tim Harris, Roberta Drive, stated that he was happy to see the West Lake Avenue Redevelopment Plan being discussed. He asked is the amount of the Township's liability insurance in the Municipal Budget, if the Township has had any claims exceeding the insurance limits and the details of the bond information and if the Township looks to see if better interest rates can be obtained. Mr. Bascom replied that the liability insurance amount is a specific line item in the budget, the Township has not had a claim that exceeded its insurance limits. He added that the Township evaluates its bonds and prevailing interest rates on a regular basis. The Township refinanced some of its debt this year and the longest term of debt issuance is 20 years. In regards to the West Lake Avenue project, Mr. Anthony stated that the Committee will be advertising for Requests for Proposals for certain sections of the West Lake Plan; therefore, there could be different redevelopers for the project. Dr. Brantley added that the Committee ended the previous agreement because they did not get the project done. He made the proposal to do the Plan section by section rather than all one single project.

Erin O'Connell, 35 Embury, stated she was a fifteen year resident of Ocean Grove and she purchased this property across from Serenity Inn which is located at 32 Embury. In the past 2 ½ years she's seen a decline in the Serenity Inn. The general appearance has declined and trash marks the alleys and remain there for months. Some neighbors even

suspect drug activity. They have even witnessed under drug enforcement officers going into the Inn on several occasions. At 10:00 yesterday morning, Randi the owner of the restaurant was there and told the manager to put out the weeks trash out front and her neighbor requested the manager take the trash back to the alley until Monday's pick up. The owner then began screaming at her neighbor and threatened him saying "you wait and see what kind of trash I bring in here now." She stated she called the police and this year the police have responded to dozens of calls about neighborhood concerns about Serenity Inn including domestic violence, suspected drug deals, fights among residents and fires. In 2014, Police, EMS and Fire responded to cars at 32 Embury 52 times. She stated this residential block is filled with families and children of all ages. Neighbors enjoy sitting on their porches and the children walk to one another's home. As conditions at 32 Embury continue to deteriorate the quality of their lives and the safety of their families and real estate value is negatively impacted and they are here for the Township's help. She stated she had comments from one of the residents at Serenity Inn who stated that there was smoking in the rooms, drug dealing, the fire light exits are broken, the water is rusty, there is urine and fecal matter on the carpets, there is garbage inside and outside, the porches are rotten, the roof leaks, the pipe leaks, the water and electric are off intermittently, the fire escapes are rust and unsafe, the siding is missing from the outside of the building, the foundation is compromised, peeling paint inside and there are dogs and nesting birds inside the building. She stated she also had two letters from neighbors who had to go back up north and pictures which she presented to the Committee.

Mr. Bishop stated he felt it was time to call DCA and have them come down because they continue to place people in hotels and not a rooming and boarding house which it is not and they do it under the guise that they have to have a place to place people because they have no other place to put them. So now they are putting people in a situation and placing them illegally where they should not be placing them. He stated they need to go to Trenton because this was not their only place like this. He stated the Township either needs to go to Trenton or they need to come to us and this has got to get taken care of.

Dr. Brantley suggested Mr. Gadaleta detail everything she said in his report to the DCA.

Mr. McMillan suggested sending someone out there tomorrow. He also stated as far as the illegal activity to make sure that Sgt. Zarro had her information.

Suzanne Zadik, 33 Embury, stated her family has resided at this address for thirty eight years and they love Ocean Grove and is actively involved in the Town. Unfortunately, their time here is marred daily by the activities at 32 Embury known ironically as Serenity Inn. It is hard to know what to focus on with the vast amount of problems that place provides. She stated there was the general dilapidated state the structure is in, the garbage and bed bug infested mattress and furniture that pile up for months at a time on both sides of the house or the occupants who reside there. She went on to state that on any given day they will be subjected to a number of disturbing instances which leave her and her three young children upset and frightened. She stated some examples were domestic violence, drug deals, fist fights and general cursing and screaming at all times. They house people who are struggling with drug addiction, people who have been released from jail and have psychological illness. She stated there was absolutely no supervision of these residents and they present a danger to themselves as well as the surrounding community. In the past six weeks alone her immediate family have been involved in two separate encounters and on June 30<sup>th</sup> her mother had dozed off watching television on the couch and was awoken at midnight by a woman standing over her. This woman was clearly disoriented and confused. She said she simply came into the wrong house and could not find her way home. Her father then escorted her back to Serenity. Her aunt who lives at 99 Embury found a man in her on July 31<sup>st</sup>, she asked what was he doing in her home and he replied do not worry I am from Serenity. That man was subsequently arrested and they have since learned that this is the fifth run in he's had with the law since July 1<sup>st</sup>. The police informed her aunt that this was not someone they wanted living in their neighborhood and yet they were warned that he would be returned to Serenity. She stated her family often hear the vile language and cat calls daily that are coming from across the street. The calls are often directed at the innocent passerby who do not know enough not to walk in front of that building. She stated they believed in rehabilitation, however there is absolutely no evidence that there is any sense of monitoring, counsel or treatment that these residents receive. She went on to state that this establishment needs to be shut down and residents moved to a facility that can offer them the kind of help they really need. She stated the owner Randi Evangelista is not a reasonable individual whose only interest is to collect a hefty monthly income from that place.

Linda Nero, 30 Embury, stated she was also a homeowner and was a neighbor to 32 Embury as well. She's owned her home since 2007 and Embury is a lovely street with wonderful neighbors but the Serenity Inn is just a 24/7 nuisance. She has tenants that rent a second floor apartment and they are kept awake five nights out of seven by the constant screaming, fighting, cursing, loud television and radios. She stated she has instructed them to call the police. She has tried to be a live and let live type of neighbor and kind of put up with it but she is now at the end of her rope. She stated she now has her home up for sale because she is moving out of state and regardless of the reason she's not sure that she will be able to sale it. She has had literally hundreds of people come through and see the house. It's a beautiful house and she loves it but the reason why people won't buy it is because of the Serenity Inn. People with children will not buy her home because they go on the internet and they know that there are sex offenders at Serenity. She stated the smell was so bad that she cannot open her windows on the side of home because the smell is intolerable. She stated with respect she asked them to close Serenity down because it was a nuisance and a health hazard and it was disrupting the lives of innocent people who just want to live their lives in peace.

Mr. Bishop stated he heard there was a compromise of the foundation. He wondered if there was any way the Construction could go in there to look at certain things and take a look at the foundation.

Mr. Gadaleta stated absolutely he would send a team out there from both Code and Construction to take care of that.

Joseph Thompson 38 Embury questioned whether the documentation that has been provided could be applied to the public nuisance ordinance that the Township has. He stated this was a commercial operation and questioned why was the Township carting their garbage.

Mr. Gadaleta stated they could research the public nuisance aspect as far as noise and condition of property and so on and so forth and they would follow up on that and he was sure that Mr. Bascom would follow up on the police side of it. He also stated he would address the refuse issue.

Mr. Bishop stated it was established a long time ago that if the amount of trash for small establishments is considered to have normal amounts of trash they did not have to go to a commercial cartage.

Mr. Thompson stated based on the pictures you can see that it is more than that. He also stated the police are there more than three or four times a week and they have no idea what they are walking into.

Dorothy Argyros, 2100 Rutherford, stated she has been seething for some time regarding the Sgt. Phillip Seidle case where he murdered his wife in front of a number of police officers who stood around watching. She stated former Committeewoman Pat Monroe always said she wanted to put Neptune on the map, well the Seidle case has done it. He murdered his wife in cold blood after 21 warnings to the Department. She stated she felt bad that it was her tax dollars that were paying Sgt. Seidle his six figure salary, his Cadillac benefits and the \$25,000 required yearly pension deposit and it's her taxes that have to pay judgement and settlement figures to victims who have had to sue us because of very little internal discipline. She stated it was partly her vote that elected a relatively do nothing Township Committee. She stated she has come before the Township Committee for the past of couple of months reading lawsuits and the only thing she's gotten was the alleged accreditation which is dragging its feet. They named the new Police Chief James Hunt who was a defendant in three police abuse lawsuits, one in which he headed up a team of policemen who twisted a citizens broken arm behind his back and in another of which he told two police women who complained about abuse that they better get use to it because that was their culture and the Township paid \$660,000 in the settlement of that case. She questioned where was the deterrent because she was trying to be a deterrent and she hates this abuse. She went on to state that in Japan before a student could study from a Jujitsu master they would test him to see if he could control his feelings and if he was intolerant he did not become a student. She questioned where did Sgt. Seidle sit down and think he better not do it or he would be punished. She asked that they follow the advise of the Asbury Park Press editorial of July 16 of this year where the editor said the Seidle murder must be investigated by the State Attorney General not by the Neptune keystone cops who play a game of keeping information from the public. We all know about the blue wall of silence and officers covering for their buddies. She stated she had a banner that's in her window at home that read,

“Are Killer Cops Above the Law?” in Neptune apparently the answer is yes. She stated if it had been the other way around and Mrs. Seidle had gone gunning for her husband she was certain he would be alive and well and her corpse would be lying in the streets with 89 bullets in it. That did not happen when he shot her.

Michael D. Fornino, 120 Fulham Place, stated he was curious about the situation on Embury Avenue. He suggested Mr. Anthony look it up because in 1979/1980 there was a similar problem in Asbury Park and he was the one to blow the whistle on it. A property was sold on Kinsley and Seventh and the new owner was pipe lining these types of people end. The end result was that the City of Asbury took the State of New Jersey and won. The courts stopped this in its tracks. This was a money grab and no one was taking care of the people. He spoke regarding the amount of the Township’s umbrella insurance policy. He also commended Mr. Bishop for trying to get the river dredged. He said that if there ever comes to pass they would see bigger boats coming into that river and bigger boats are owned by people with disposable income. He felt the river would be self sustaining and become an economic boom.

Kathy Arlt, Ocean Grove Homeowners Association, stated compared to what’s going on at 32 Embury it almost seems churlish to talk about abandoned houses because they do disturb the neighbors but certainly not to that extent. She stated at the last meeting Mr. Anthony stated we were getting ready to start taking some of these people to court.

Mr. Anthony stated he told her that Bill Doolittle was filing up to one hundred summonses. We are suppose to have a first bunch of cases the last Thursday of this month. He has not gotten notices from the court but that is the anticipated first set.

Ms. Arlt stated the ordinance causes for rather hefty fines. She stated she would assume that Judge Wernik does not have the discretion to lower the fines.

Mr. Anthony stated that he did believe that she have the discretion.

Ms. Arlt stated so otherwise these great fines that they were kind of promised in the passage of this ordinance they are not going to get.

Mr. Anthony informed her that she was already predicting what both he and Judge Wernik were going to do. He stated she was assuming a lot of things and reiterated they had to follow the State statute in terms of fines and there are limitations.

Ms. Arlt stated she was making assumptions based on experience and specifically the experience of 80 Main Avenue which has paid less than \$2,000 in fines after five years of litigation so she did not think she was assuming or was completely off the wall.

Mr. Anthony stated there was not much that he could do to make the judge decide otherwise. He would do his best to get the maximum fines but the judge decides that. He stated he did not have control and neither did anyone on the Township Committee have control over the judge.

Ms. Arlt stated she has spoken many times about the advantages of adopting a vacant property registration ordinance. She went on to state if they had a vacant property registration ordinance it wouldn’t be so much that Judge Wernik could lower the fines for not registering it would be that you get a registration fee. She stated they have the potential to raise \$100,000 that could probably go towards Code Enforcement. She went on to state as far as the NJ Bankers Association was concerned she wanted anything that will solve this problem especially in the historic district where these properties are a disgrace and affect the economics of Neptune Township. She stated in talking to the Bankers Association and being promised legislation in the future does not solve the problem now and the problem is kind of solvable at least on some level. She stated she did not understand the reluctance.

Joel Popkin, stated as far as 32 Embury they had a similar situation in Neptune City on Steiner Avenue with the Charlene Motel. They went for years calling up DCA because they were the ones who inspected the buildings and it wasn’t our local inspectors. After realizing for a couple of years of this happening that nothing was going to happen. The excuse was that they did not have a place to put the people and they were not allowing us to shut it down for that reason. They said that if we could place them somewhere that could be fine but they placed them there and would not move them anywhere else. What it took was a multi-jurisdictional approach where he got the people from their Construction Department, Code Department, Fire Department, Police and especially the Health Department because there was a lot of health issues there. They went down to the DCA in March they explained what was happening and

questioned what were they going to do. So what they did was they levied heavy fines on them because of everything that was going on there. It took another year because they did not pay the fines. Then they went there again and finally the place was shut down. When push came to shove they did find a suitable place for the people.

Mr. Bishop stated the problem in the past with Serenity was that the State places them there and it was against Township's ordinances that they do the placement. Mr. Bishop questioned whether he had any luck with stopping the placement because that starts to dry up the whole money flow.

Mr. Popkin stated it started to slow down for a while.

Janice Thompson, 271 Fisher Avenue, raised several questions. She questioned who was responsible for selecting another redeveloper, are there any property owners along West Lake Avenue, between Myrtle and Route 35 that may hinder the redevelopment process. She stated at one of the MURC meetings it was mentioned that the developer of the new apartments being built on Jumping Brook Road would pay \$750 in credits to go towards affordable housing. She questioned the status of that.

Mr. Gadaleta stated the five elected members on this governing body would make a decision on a developer or multiple developers and they are in the process of having the municipal council review that procedure so that he could report back to governing body within the next two weeks. With regard to hindering development there are a number of individual property owners along West Lake Avenue not one individual controls all of that property. That was one of the things discussed at Workshop this evening. It was about segmenting the redevelopment and individuals could sit on their properties and may decide they do not have an interest in redevelopment. As far as the development on Jumping Brook Road there are developers fees that are paid for this type of construction project and that money goes into a fund that can be utilized for housing rehabilitation to meet our COAH obligation for affordable housing.

Mr. Bishop stated West Lake Avenue is the only place that this governing body and preceding governing bodies have left this tool in place for that.

Ms. Thompson discussed public safety on Fisher Avenue. She stated as soon as the sun goes down illegal activity starts. The house next to her which is 269 Fisher Avenue there's a lot of drinking and drugs and they throw bottles onto her lawn.

Mr. McMillan asked Mr. Bascom if he could look into that.

Mr. Bascom stated they've served search warrants on that house several times and they've made arrests and they come back out. He stated the Police have a strong presence in that area.

Kennedy Buckley, 65 Broadway Ocean Grove, questioned whether the Committee has discussed any relief for the parking situation in the Northern section of Ocean Grove near Asbury Park.

Mr. Gadaleta stated certainly there has been ongoing discussion and parking is a problem and trying to come up with a reasonable approach is not very easy. A lot of things have been discussed some of which were his comments. It's a process to see what works best and what makes the most sense.

Mr. Buckley stated but nothing has happened.

The Committee members commented but Mr. Buckley expressed his disappointment

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

Richard J. Cuttrell,  
Municipal Clerk