

TOWNSHIP COMMITTEE MEETING – NOVEMBER 9, 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; Edward J. Hudson, Assistant 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:

Mr. Gadaleta discussed the State-Local Cooperative Housing Inspection Program. If the Township participated, \$19,000 would be received from the state which would allow for the hiring of a part-time person in Code Enforcement. The employee is not permitted to perform the Township inspection at the same time as the state inspection, but the two inspections can be done by two different inspectors at the same time. The Committee indicated that they want to move forward with the Program. Mr. Anthony will prepare the necessary ordinance for the next regular meeting.

Mr. Bishop stated that he was contacted by New Jersey Natural Gas seeking support for the project to build a redundant east-west natural gas line into the western part of New Jersey. Only one line currently services this entire area with no back-up. The Committee asked that a resolution of support be placed on the next regular meeting.

Mr. Anthony discussed the ordinance regulating sales of precious metals and other secondhand merchandise that was tabled in September. The issue is that the ordinance regulates secondhand goods including furniture and jewelry. He contacted other municipalities and the language could be cumbersome for Ocean Grove businesses that sell this type of merchandise. Mr. Anthony recommended removing this section of the proposed ordinance. Mr. Bascom stated that the ordinance was recommended by the Prosecutor's Office and it is working in other counties and towns in New Jersey. Mr. Anthony believes that the ordinance would present no problems in municipalities that do not have a large number of businesses that sell secondhand merchandise. The Committee indicated to proceed with the removal of the language that would be cumbersome for this type of business.

Mr. Gadaleta stated that the Seaview at Shark Island Homeowners Association wants to install a new streetlight in the complex. The fixture they want is not one of the approved fixtures but it is in keeping with the gooseneck design for lighting on structures in the waterfront streetscape. Mr. Anthony stated that an agreement is necessary because these lights would remain the property of the Association. Mr. Gadaleta added that a portion of the lights will be on the Township's right-of-way. Mr. Houghtaling indicated that this is not a feasible expense for the Township's right-of-way, but if they want to pay for the lights in our right-of-way, we can support the idea. Mr. Bishop stated that he does not like the idea of buying a different fixture than the remainder of the Township. The Committee concluded that a more coastal design should be considered by the Homeowners, then the Township will consider assisting with the cost of the lights in the Township right-of-way.

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:

Personnel – Succession Planning

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.

The Committee discussed the formation of a Police Athletic League. Mr. Bascom is coordinating with various Township departments and agencies.

The Committee indicated that the interviews for EMS Manager can be scheduled.

Mr. Anthony will submit the Township's Responsible Contractor Ordinance to the Department of Community Affairs for approval.

The Committee asked that further discussion on the ordinance to implement a Revocable License Agreement procedure be scheduled for the next workshop meeting.

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; Edward J. Hudson, Assistant 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.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. McMillan, to approve the minutes of the meetings held on October 8th and October 26th. 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 the New Jersey Society of Municipal Engineers notifying the Township that the Veterans Memorial Park Project is the winner of the Society's Municipal Construction Project award.

Notice of public hearing on an amendment to the Tinton Falls and Development Ordinance.

A letter from JSUMC commending Sgt. Michael Zarro for his assistance with the hospital's annual Community Day.

The Senior Center received donations and/or thank you letters from Ruth Kuzava, Delphine

Whittaker, Flora Baldwin, Joan & Jay Bodine, Mary & Ron Carr, Catholic Men for Jesus Christ, Victor D'Anna, Tom Faust, Forever Young Group, Angela & George Germann, Dorothy Gilmore, Terry Halifko, Ed Halpin, Rich Kuchen, ShopRite, Variety Growers, Diane Curley & Susan Waters, Wegmans, Marie Wortman, Ruby Wright, Maxine Zea, the Villas at Jumping Brook Gardening Club, Betty & Mike Palermo, Christine Biddle, and Angela Germann.

COMMENTS FROM THE DAIS

Dr. Brantley congratulated Mr. Houghtaling on winning the election and becoming the new Assemblyman for the 11th District. He stated he worked very hard for this victory and they got their message out and apparently people liked what they heard. He was happy that Neptune came out very strong for Mr. Houghtaling. He stated Neptune supported Carol Rizzo as well and he was proud of what she's done. He stated on November 2nd the Police Accreditation Team came to Neptune and policies that they reviewed were policies that were put into place for quite some time and they were working on it for a long time. They were positive with what they saw and every three years they will look at what's going on. This is a voluntary thing that they are doing because they recognized that it needs to be done and he was proud of the team that put it together.

Mr. Houghtaling congratulated Dr. Brantley for being reelected to the Township Committee and installing our newest Committee member Nick Williams. He stated he went to the Lions Club, Night For Sight on Halloween and it was a great night. It was the best function they had to date and they had almost 150 people there. All the money that was donated and received by that function will go to the Lions Club and what it stands for. The future of the Lions Club is very bright in Neptune and they are always looking for new members to sign up and help out. Last year he went to the Night for Sight and he ended up joining because he really believed in what they do. He stated if no one has been to our new Public Works for drop offs they have reinforced all of their drop offs with timber and it looks brand new over there and they've done a wonderful job and they are open seven days a week. He went on to state that he will have to step down from the Township Committee and it tears him up a little bit because being on the Committee was something that he honored. He stated he grew up in this Township and was once the Mayor but will be stepping down on January 11, 2016 and someone will be taking his spot and he hoped they would have the same values that he has. He stated it was great serving with this Committee.

Mr. Bishop stated there was a dredge in the Shark River and it was dropped a week ago last Friday and the hope was to get 16,000 cubic yards removed before the end of this year. He also stated it appears to be a misconception among some people about the accreditation process and it is that we come up with the ideas and then we get graded on them but that is not true. He stated there's a process in place and they were living by them and that is part of what the accreditation process is. It's not only the fact that they have these policies but that we are utilizing these policies today and they look at how we utilize them and what the policies are. He congratulated Dr. Brantley and the Police Department for working to get this done and to make it happen and to earn us this type of respect. We won't hear for sure until next year but we can be very proud of everything that our police, administration and governing body has done to make certain that we have a process that is and will be followed and they are doing what they should do to protect our residents. He went on to congratulate Dr. Brantley and Mr. Williams on winning the election. He also congratulated Diana Harris and Kevin Sheehan for running. He also challenged her to never stop trying and to continue working for her beliefs and dreams. He also congratulated Carol Rizzo for running an uphill battle. He congratulated Mr. Houghtaling for winning the Assembly race.

Mr. McMillan congratulated those who won their elections. He felt we would be represented well in Trenton. He also extended his congratulations to Carol Rizzo and Diana Harris. He also stated he went to the Lions Club party and presented a proclamation to St. Augustine's Church for their 125th anniversary for of serving the community. He also stated he performed a couple of weddings.

Mr. Houghtaling stated November was Pancreatic Cancer Awareness Month and the Lustgarten newsletter progress and promises there's a picture of Neptune Township in this very room presenting a check to the Lustgarten Foundation for \$35,000 and this year they raised \$33,000.

Dr. Brantley stated the Biergarten was having a happy hour tomorrow. They will take a portion of the sales and donate to the Friends of Wesley Lake. He urged the residents to pick up a flier and attend.

PUBLIC COMMENTS ON RESOLUTIONS

Diana Harris 17 Willow Drive, addressed the Committee and spoke regarding Resolution #15-441 which reclassified an employee to the position of Human Resources Director. She stated she knew she was currently classified as a specialist and questioned how it would change. She questioned whether she received an increase or an increase in responsibilities.

Mr. Gadaleta stated she was originally brought into the position and essentially the governing body wanted to see a time period as to how the position worked out and because the position requires the employee in that position to manage employees within certain bargaining units and so forth there was a position taken that at some point it would be reclassified as a Department Head position within the Township and that is essentially what is taking place by this resolution.

Ms. Harris questioned whether this position was open to other employees in other departments or was she hired for that position when she was originally hired.

Mr. Gadaleta stated there wasn't that position at that time. Her title was administrative assistant, then her current title was established specialist and then subsequently the director position and the management position was established by the governing body.

Mr. Bishop stated he thought the question Ms. Harris was asking was when the specialist position was established was that position posted.

Mr. Gadaleta confirmed that it was.

Mr. Bishop stated this position was a reclassification of an existing so you wouldn't repost.

Ms. Harris questioned whether additional classes had to be taken for that.

Mr. Gadaleta stated she continues to take classes.

Ms. Harris questioned whether there were guidelines if someone wanted to advance within the Township.

Mr. Gadaleta stated there were job descriptions for respective positions and there are regular Township positions, there are statutory positions such as the Clerk and Finance Officer who have educational requirements and licenses that go along with that.

Ms. Harris questioned who paid for the classes.

Mr. Gadaleta stated the Township does send employees to classes to allow them to move forward in positions within the Township.

Ms. Harris questioned whether the Township selected them go to those classes or could they come to the Township own their own and request it.

Mr. Gadaleta stated they could actually come to the department head and request and the department head may look to an employee and say we would like to consider you in the future for promotion and in order for you to be considered for that these are the classes you will have to take and we offer them that ability.

Mr. Bishop stated for additional responsibility they can take a class.

Mr. McMillan stated this goes along with the succession planning process and the affordable care act.

Ms. Harris questioned whether she would have a staff.

Mr. Gadaleta stated she would not have a staff.

Mr. Houghtaling stated they were not creating a department just a position.

Michael Golub stated she would be a department head but she would not have a department.

Mr. McMillan stated that was correct.

Mr. Golub questioned whose decision was it to bring this before the Committee and why do they need a human resources director and why they couldn't just follow the model of that gentleman and just give somebody else additional responsibilities with a little stipend and use that advantage because her job went from thirty some odd thousand dollars a year to seventy thousand.

Mr. McMillan stated no not with this and that he could see the incremental differences.

Mr. Gadaleta stated she originally came in as an administrative assistant then was moved up to human resources specialist because there is a need for someone to be directly involved with human resources and it's more than just the employee involvement. This position involves the Affordable Care Act and all of our insurance with the Township and not just working directly with employees. It is anything that has to do with insurance, liabilities, pensions, all of that falls under this title.

Mr. Golub questioned who takes care of that now.

Mr. Gadaleta stated she does now.

Mr. Golub questioned who did it before she did it.

Mr. Gadaleta stated it was actually amongst a number of employees and this has now been consolidated. Essentially there were three positions that were doing a portion of this work and now more responsibility has come on board and it has now been consolidated into two positions.

Mr. Golub questioned whether they were doing their job poorly.

Mr. Gadaleta stated it was actually a retirement and there was a need to look at how they were going to restructure this department and the responsibilities.

Mr. Golub asked whether she was not willing to go on as a human resource specialist unless she became a department head and jacked up her salary. He stated he was curious about this and questioned how did it happen.

Mr. Gadaleta stated the position was established and putting certain job responsibilities under this umbrella of specialists. He pointed out earlier to Ms. Harris that this individual has a responsibility to oversee employees below management level.

Mr. Bishop stated one of the reasons they did this was because it was being done but was inconsistent depending on who was doing what and we were not meeting all the marks that we had to in terms of accreditation for things that they had to do. There were things that they did that could have put them at risk. It was the decision of the governing body to consolidate this in one place. We decided to do the specialist to determine whether we would make it an HR Director or not.

Mr. Golub stated the specialist position was posted but when this position was considered was the position posted to the general population of employees or was she the only person that was anointed to the position.

Mr. Bishop stated it was a reclassification they wouldn't do it because you would be creating a new position.

Mr. Golub stated it was a new position.

Mr. Bishop stated it was a reclassification of job title and individual and if they had reposted they would now have a specialist and they would have to hire a director if it was someone different. Therefore it would be creating a second position.

Mr. Golub asked whether the Township had a human resource director prior.

Mr. Bishop confirmed that they did not.

Mr. Golub asked if they were reclassifying at the same time they were creating a position.

Mr. Bishop stated they were renaming a position.

Mr. Golub did not agree that they were renaming a position. He still felt they were creating a position. He felt it could have been posted and there could have been another qualified person that could have applied.

Gail Oliver of Neptune City commented on Resolution #15-443 which pertained to the renewal of Alpha's Liquor License. She stated it mentioned that a Tax Clearance Certificate was not provided and questioned what it was.

Mr. Cuttrell stated that was a certification that each liquor license owner has to provide every year to renew their license that they paid their sales tax.

Ms. Oliver stated so one was not provided to the Township.

Mr. Cuttrell stated that was correct they did not have one from the Division of Taxation so they could not renew the license then they get temporary stays to keep the business going. Now we can renew it because they got the certificate from the Division of Taxation.

Ms. Oliver questioned whether there has been any complaints against the establishments.

Mr. Cuttrell stated not to this level.

Ms. Oliver stated a couple of years ago she made complaints regarding the hours in which they were still open and selling alcohol.

ORDINANCE NO. 15-48 - ADOPTED

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

ORDINANCE NO. 15-48

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON OCEAN PATHWAY AND HECK AVENUE

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

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

ORDINANCE NO. 15-49 - ADOPTED

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

ORDINANCE NO. 15-49

AN ORDINANCE TO AMEND SECTION 419 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE ENTITLED FLOOD HAZARD REGULATIONS BY AMENDING THE ARCHITECTURAL DESIGN REQUIREMENTS

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

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

ORDINANCE NO. 15-50 - ADOPTED

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

ORDINANCE NO. 15-50

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-41 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADOPTING AMENDMENTS TO THE AGREEMENT OF CHARTER OF THE WESLEY LAKE COMMISSION

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

Mike Golub, Cliffwood Drive asked what is changing in the Charter. Dr. Brantley responded that the changes include adding Commission members, adding that the watershed is included in the Commission's jurisdiction, and making the term three years for Commission members.

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

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

ORDINANCE NO. 15-51 - ADOPTED

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

ORDINANCE NO. 15-51

BOND ORDINANCE PROVIDING FOR SHARK RIVER DREDGING, BY AND IN THE MARINA UTILITY OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$160,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$152,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Dorothy Argyros, 2100 Rutherford Avenue, stated that this is another example of spending taxpayer dollars to benefit relatively few yacht owners. Mr. McMillan explained that the funds were coming from the marina utility and not the current fund so local taxes are not funding this ordinance. She asked if the dredge material would be stored on Seaview Island. Mr. Bascom stated that two locations were approved as drying sites; the Belmar marina area and property at Seaview Island. The plan now is to use the Belmar marina area as the primary site with Seaview Island only being used as back-up. Mr. Bascom also explained that the material will be trucked to the County landfill and not stockpiled at either drying site.

Frank Vitale, 111 Olive Street, stated that he was in support of this project.

Hank Coakley, Valley Road, stated that the river is an asset that can be used 24 hours a day, 365 days a year and he commends the Committee for taking this action.

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

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

CONSENT AGENDA

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

AWARD CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Business Administrator has negotiated with the organization supplying this service as required by NJSA 40:48-5.1; and,

WHEREAS, the current provider has proposed a rate of \$3.16 per capita which reflects no change over the rate charged in 2015; and,

WHEREAS, funds for this purpose will be provided in the 2016 Municipal Budget, when

adopted, in the appropriation entitled Dog Account, 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 an agreement with Associated Humane Societies for Animal Control for the year 2016 at a cost of \$7,477.00 per month based on a charge of \$3.16 per capita; and,

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

RECLASSIFY EMPLOYEE TO THE POSITION OF HUMAN RESOURCES DIRECTOR

WHEREAS, by adoption of Ordinance No. 15-29, the Township Committee created the position of Human Resources Director; and,

WHEREAS, the Business Administrator has made a recommendation to reclassify the existing Human Resources Specialist to said position without adding additional personnel to the Human Resources Department; and,

WHEREAS, funds will be provided in the 2015 Municipal Budget in the appropriation entitled General Administration 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 Stephanie Oppegaard be and is hereby reclassified to the position of Human Resources Director at an annual salary of \$70,000.00 effective November 15, 2015; 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.

EMPLOY SEASONAL/ON-CALL DRIVERS IN THE DEPARTMENT OF PUBLIC WORKS FOR SNOW PLOWING

WHEREAS, the Township employs a pool of individuals with a commercial drivers license on a seasonal basis to operate snow plows during and after major snowstorms as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works and Human Resources Specialist have made their recommendations; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Raymon Koepfel, William Burge, Michael Finer, Greg D. LaFrance, Greg E. LaFrance, Sidney Chasey, Denize Jemaly, Samar Reid, Caesar Cowart, Frank Martuscelli, Sr., and Mark Maxwell be and are hereby employed in the Department of Public Works as Casual Employees on an on-call basis only for snow plowing during major snow/ice events during the 2015-2016 winter season at an hourly rate of \$25.00; and,

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

RENEW LIQUOR LICENSE HELD BY VPK, INC.

WHEREAS, VPK, Inc. is the holder of a retail consumption liquor license 1334-44-022-002; and filed the required application for license renewal for the 2015-2016 licensing term; however, a tax clearance certificate was not provided; and,

WHEREAS, in accordance with state statute, a municipality cannot renew a liquor license without a tax clearance certificate for the corporation holding the license; and,

WHEREAS, the Division of Taxation issued a Tax Clearance Certificate for VPK, Inc. dated October 29, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune

that the Plenary Retail Distribution Liquor License known as 1334-44-022-002 be renewed to VPK, Inc. t/a Alpha Liquors, located at 1515 West Lake Avenue for the 2015-2016 licensing year under the following condition (continued from the prior licensing periods):

- Hours of operation will be limited to no later than 11:00 p.m. from Sunday through Thursday and 11:30 p.m. on Friday and Saturday.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and the License Holder.

RELEASE SOIL STABILIZATION BOND POSTED BY JOHN D. PITTENGER BUILDER, INC. FOR 102 PROSPECT AVENUE

WHEREAS, John D. Pittenger Builder, Inc. posted a Soil Stabilization Bond in the form of cash in the amount of \$1,500.00 guaranteeing site stabilization at 102 Prospect Avenue (Block 5413, Lot 4); and,

WHEREAS, on November 2, 2015, the Township Engineer certified that grass seed has grown and all site stabilization has been completed,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the Soil Stabilization Bond for 102 Prospect Avenue as stated herein; and,

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

EMPLOY TEMPORARY SEASONAL PERSONNEL FOR THE RECREATION ADULT WINTER BASKETBALL PROGRAM

WHEREAS, the Township of Neptune Recreation Department will be sponsoring an Adult Open Gym Basketball Program at the Midtown Community School on Tuesday evenings from November through March; and,

WHEREAS, it is necessary to employ a part-time seasonal Role Model to staff the program; and,

WHEREAS, funds will be provided in the 2015 Municipal Budget in the appropriation entitled Recreation 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 Mark Clark be and is hereby employed as a part-time seasonal Role Model in the Recreation Department assigned to the Adult Open Gym Basketball Program on Tuesday evenings from November 2, 2015 through March 29, 2016, at an hourly rate of \$10.00; and,

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT (10 DIANNE DRIVE)

WHEREAS, the properties listed below reflect overpayments; and,

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

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

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
4501	77	Sackeyfio-Quartey	10 Dianne Dr	2015	1,462.10

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 SEWER RENT

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

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 hereby is authorized to cancel Sewer Rent as stated herein; and,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
2506/18	VB Heritage, LLC	3029 West Bangs Ave	2015	230.00

REASON: Sewer disconnected 3/12/15

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
909/7	James Lawson	2100 West Lake Ave	2015	460.00

REASON: Demolished second house 10/2014

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
516/3	Gourmet Kitchen	1244 Corlies Ave	2015	460.00

REASON: Demolished house 3/2014

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
516/2	Gourmet Kitchen	1246 Corlies Ave	2015	920.00

REASON: Demolished house 3/2014

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

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 019

WHEREAS, Beryl Simpson is the owner of Neptune Township Taxi Medallion No. 019; and,

WHEREAS, she has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Gurkiran Kaur; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 019 to Gurkiran Kaur; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

The resolutions of the Consent Agenda were 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	\$997,455.16
FEDERAL & STATE GRANT FUND	15,635.26

TRUST OTHER	46,613.88
GENERAL CAPITAL FUND	26,120.54
SEWER OPERATING FUND	36,288.04
SEWER CAPITAL FUND	120,607.62
MARINA OPERATING FUND	4,414.49
MARINA CAPITAL FUND	286,698.36
LIBRARY TRUST	442.26
BILL LIST TOTAL	\$1,534,275.61

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.

INVITE COMMITTEEPERSON-ELECT NICHOLAS WILLIAMS TO BECOME INVOLVED IN 2015 TOWNSHIP BUSINESS

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

WHEREAS, at the election on November 3, 2015, Nicholas Williams was elected as a member of the Township Committee to begin a three year term on January 1, 2016; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Committeeperson-Elect Nicholas Williams to sit in on any and all meetings scheduled for the Township Committee of the Township of Neptune for the balance of 2015.

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

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

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

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

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

WHEREAS, the Chief of Police and Police Director have made their recommendations; and,

WHEREAS, funds will be provided 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 Aaron Haskins be and is hereby employed as a part-time Special Law Enforcement Officer - Class I and Patrick Keating be and is hereby employed as a part-time Special Law Enforcement Officer – Class II, effective November 10, 2015, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate as established by prior resolution of the Township Committee; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of

Police, Business Administrator, Chief Financial Officer, Assistant C.F.O., and Human Resources.

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

AUTHORIZE A PERSON TO PERSON TRANSFER OF THE LIQUOR LICENSE PRESENTLY ISSUED TO SUDSY ENTERPRISES, INC. T/A SUDSY MUG SALOON

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

WHEREAS, Foxybella, LLC has applied for a person-to-person transfer of Plenary Retail Consumption License # 1334-33-024-003 which is presently issued to Sudsy Enterprises, Inc. t/a Sudsy Mug Saloon for premises at 1105 6th Avenue, Neptune, NJ; and,

WHEREAS, the application is complete in all respects; and,

WHEREAS, the required Affidavit of the source of funds of said liquor license has been filed by the applicant for the transfer and examined by the members of the Township Committee; and,

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey statutes, the regulations promulgated thereunder as well as the pertinent local ordinances and conditions imposed consistent with Title 33; and,

WHEREAS, all transfer procedures as outlined by state statute and local ordinances have been completed satisfactorily,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the person-to-person transfer of Plenary Retail Consumption License #1334-33-024-003 as stated herein to Foxybella, LLC t/a The Grand Tavern effective November 20, 2015; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Division of ABC, the Chief of Police and the Applicant.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Joan Venezia, Mt. Hermon Way stated she received her OPRA information in the mail today and she had questions about the North End. She also stated she hasn't been able to get information about 68 Clark despite her numerous phone calls. She also stated she would like to see an email blast go out regarding the 20% flood insurance discount.

Mr. Gadaleta stated it's on our website and on Facebook.

Ms. Venezia stated it was never sent out as an email blast.

Mr. Gadaleta stated they would check that out.

Ms. Venezia also stated that people should be aware of surcharges. She also stated she sent a request to both Mr. Gadaleta and Mr. Cuttrell regarding 102 Mt. Herman Way.

Mr. Gadaleta stated they received it and he sent the Code Officials out today and they brought back a piece of asbestos siding and he has it sitting on his desk. He stated he will be meeting with Public Works tomorrow. They may have to follow up back with the property owner because he may have to dispose of that material because we cannot take it. It has to go to a licensed facility and they will follow up on it tomorrow.

Mr. Anthony stated that as far as the North End he hasn't gotten any financials but he did get a letter after her OPRA request after he submitted everything from WAVE indicating that they are amending their developer's agreement with the Camp Meeting Association. They finalized that and they were also taking on a new partner.

Kennedy Buckley, 65 Broadway, discussed street sweeping in Ocean Grove and questioned why tickets were not given out when people do not move their vehicles. He questioned whether there was an ordinance pertaining to it and if not could they create one so the flooding on Broadway could be contained.

Mr. stated he would look into it and get back to him.

Mike Fornino, 120 Fulham Place, congratulated the electoral winners. He also stated he went to an Asbury Park Council meeting and they had an LED time clock and there was very good control of the meeting and it ran smoothly. He suggested the Committee look into getting one as well and offered to pay for it. He went on to state that it annoyed him that Department hands are not required to be at Board of Adjustment meetings or Planning Board Meetings because when questions came up and there is no one there to defend or affirm the decisions. He stated he did not want to see in their contracts that they will be paid overtime because he did not feel that they should be paid overtime to do what is part of their job. He felt it was a disservice to the applicant and to the Township by not having them attend the meetings. He stated since Mr. Houghtaling would be the Assemblyman for this area, he figured he could fix the nightmare at the circle. He questioned why the Township was running eight snow plows on Hwy 33 when for over thirty years they did it with three plows. He felt heavy money was going into this. He also discussed the taxes in New Jersey.

Mr. McMillan stated on Route 33 they were State plows.

Dr. Brantley stated that both he and Mr. Gadaleta met with Congressman Smith at the WaWa and they talked about Hwy 66 and he injected a lengthy conversation about the Asbury Circle and another job for our Assemblyman is that Congressman Smith said that he will look into that and he would hope do the same thing in that area. He asked Mr. Houghtaling to follow up on that and see if they can get the circle restructured.

Mr. McMillan stated when they have workshops, new developments or talk about the budget they have the Department Heads present. He stated they also come to the homeowners meetings, but he understood their concerns.

Diana Harris, 17 Willow Drive, stated she called Mr. Cuttrell regarding the RFP for the Wesley Lake Ave Redevelopment Project and she asked for a copy of it for MURC and he told her it was \$300. She stated she was a little concerned with the price. She stated she did research with the Local Public Contract Laws and they said that fees maybe charged but should not exceed \$50 or the cost to reproduce the documents. She questioned why was the price set so high.

Mr. Gadaleta stated that was the price set by the governing body so that they would have groups and redevelopers who had a serious interest in coming to Neptune Township and working on that project.

Ms. Harris then asked whether or not they had to abide by the law she mentioned.

Mr. Gadaleta stated it was an RFP not a bid spec for a project and so forth it is separate and it is a separate request.

Ms. Harris asked if MURC could get a copy of that.

Mr. Bishop requested a copy of the RFP.

Ms. Harris provided pictures of 505 Fisher Place and questioned whether it was on the abandoned property list because the conditions were horrible.

Mr. Gadaleta stated he would speak with Code Enforcement again.

Ms. Harris also commented on 1943 West Lake, the house with the hole in the roof and a trailer in the back. She stated she was aware the property owner wanted to maintain ownership of the property but they still needed to clean it up.

Mr. Gadaleta stated she was now living in Maryland with her son and he was working through the courts down there to get power of attorney for the property and he knows that he is looking to market the property.

Both Mr. Bishop and Ms. Harris stated they were still in violation.

Ms. Harris stated they moved the cars which is great but there is still a trailer back there and garbage is everywhere.

Mr. Gadaleta stated he would follow up on that.

Ms. Harris then asked as far as the accreditation process was concerned would they have to go to the Police Department to see the binder.

Mr. Bascom stated it is available in the Police Department and if she wanted to see what was in the binder it was on the NJ Association of Chiefs of Police Website. He stated it was basically their policies but the assessor report will not be done until sometime during the end of the year.

Mr. Golub, Cliffwood Drive, stated he did not think that Sean Kean would not want to be a legislator designing highways. He thanked Mr. Bishop for asking for a copy of the RFP. It was said they wanted to weed out the people that were not serious. He stated he thought it was amazing that MURC could be put into that company of people that would be suspect of not being serious. There isn't another stakeholder or organization that has a larger stake in redevelopment than MURC and its members and the notation that they would have to come up with \$300 is disgusting and grotesque. It is not a profit center. He felt \$50 was more reasonable. He also stated the dredging was important and he did not think it would last 15 years and if they did enough due diligence the dredging is a maintenance process and we will get better funding and success if we curb everything going on in the western part of Neptune. He also mentioned the change in zoning near the border of Neptune.

Mr. Bishop stated he did not believe it was the intention of this governing body that people who wanted information in terms of understanding what the RFP was to charge them \$300. What their intentions were, if there was a developer who comes to pick it up and registers when they pick one up they have to pay \$300 because we have been burnt far too often by developers who came in to pick something up without absolutely no wherewithal and it's a waste of taxpayer money and our time just to hand these out like candy.

Helen Stocum, 22 Lynn Drive spoke regarding the proposed zoning change in Tinton Falls.

Dorothy Argyros, 2100 Rutherford Drive, stated all of these years they have been supporting Code Enforcement and suddenly they have two ordinances 14-36 and 15-43 which purports to do the work of Code Enforcement on vacant and abandoned homes but with outlandish penalties and requirements. She stated she lives in her home and is not on the list but she was worried about this and she objected to the huge fines. She said Committeeman McMillan caught her after a meeting and said don't worry about it. It is aimed at banks. She stated they were supposed to go against banks and not the poor owner who lost the property and can't afford the fines.

Mr. McMillan stated the overall intent is to get the land owner to fix their properties.

Mr. Anthony stated there are cases when a property is abandoned and has no bank at all and those are some of the cases they had today. There are cases in which they have a foreclosure and they include the lienholder as a defendant.

Mr. Bishop questioned whether our ordinance follows what the enabling legislation says that it can do.

Mr. Anthony confirmed that it did.

Frank Vitale, 111 Olive Street, stated this was an issue where both he and Dorothy agree on 90% of what she just presented to the Committee. He felt she made some really intelligent and important points for the first three quarters of what she said. He stated the only part that he did not agree with that he did not feel that it was their intention to hurt anyone. He felt it was their intention to improve the property and he's on the same side of improving the property; however, there are code enforcement violations that can be addressed. He stated none of his property was on a list but he does have a friend that is going through this. He stated he sincerely believed that this ordinance was illegal. He stated he asked Mr. Doolittle to provide him a list with property owners who have supplied provided proof that the Township is listed on their insurance and the answer was zero. He stated Mr. Anthony could not go to court and say they were in compliance because they are not because they cannot supply insurance because

they have no insurable interest. He stated the Township drafted the ordinance and he's prosecuting the cases. He felt it was a conflict of interest which he has no right to be there and if they wanted a prosecutor that's fine they are trying this case and they are going to take it as far as it needs to be taken. He went on to state that today Mr. Anthony had to dismiss himself from our trial because there was a conflict of interest but yet he can hammer people in the hallway and convince them that this \$2,000 fine will suspend \$1,500 of it and give you a break and you just pay \$500 now that's a prosecutor negotiating a plea bargain. He stated they needed to get him out of this.

Mr. McMillan questioned whether these violations had a certain amount of time.

Mr. Anthony confirmed that they did and there was a whole procedure and under the ordinance first of all they are put on the abandoned property list or given notification by certified mail that it's published in the newspaper, it's registered with the Clerk of Monmouth County they have the right to appeal after that. Most of these people do not respond until they have a summons situation. Then notice goes out for the summons issued and then there's a summons. Mr. Anthony stated Mr. Vitale was interesting because he wouldn't even know that there was a conflict of interest if he didn't bring it up in the first place. He stated he was the one who said it was a conflict whenever someone comes before the Committee and makes an issue about an ordinance he prepared and Mr. Vitale's friend did not feel it was a conflict and wanted him to go ahead. He stated he recused himself from two cases because both defendants came before the Township Committee and engaged in him regarding an ordinance which was partly created by himself and partly by Bill Doolittle. He stated he did the right thing in recusing himself. In terms of other things he had to say, Ted Wardell who is our insurance agent has already invested this and has indicated we do have an insurable interest in this case. If they wanted to remove one portion of the ordinance for individuals to make it easier it was up to them. This ordinance relies on a number of enabling statutes. It's also based on another town.

Sandra Sollee, Birdsell Road Farmingdale, questioned at what point did the Committee decide to add interior to this ordinance. She asked if they were not trying to rent it and get a C/O why did they have to let someone into their house. She also commented on Ordinance 14-36 which mentioned putting people in jail for 90 days. She asked was that meant for a bank or a little old lady who owns a house and she can't come up with the money. She also stated someone was fined \$500 today because they did not have insurance. She stated she had insurance on her home and if it's never going to be thrown down why would she need a rider. She stated she was never told she had to do anything with her home and now she's being told her home has to be rehabbed. She felt she should have been given more notice.

Mr. Anthony stated jail in the amount of 90 days was your standard penalty clause which sets the maximum amount of \$2000 and it does provide for remedies of community service but it's not likely that something like this will lead to that but these are the standard provisions because there's a statute that allows most of the ordinances to have that whether it is utilized or not and that depends on the judge and not them. He stated as far as \$500 for demolition the judge actually made that decision and no one else made that decision. He went on to state that he had many cases where people are in the process of demolishing their house and it may take five more years before they do it. So just because someone tells me they are going to demolish their house doesn't mean that it is going to happen. Then you're saying the notice is not enough but the notice is exactly what provided by the enabling statute any more notice would be more than what the statute even provides for.

Ms. Sollee stated they were not given enough time to abate the problem.

Mr. Anthony stated she was given notice that she was on the abandoned property list in March and she was given notice later that she had to follow certain criteria of the ordinance and then the summons was issued in August. She had quite a few months to do something and hasn't done anything under the ordinance.

Ms. Sollee stated she was waiting on her hearing and appeal.

Hank Coakley, Valley Road, stated he was at the Recycling Center on Saturday and all he saw were the non-migratory geese. He asked if the Township could spend the money to get rid of them from there and other areas of the town. He stated the breeding season was in the Spring and suggested they oil the eggs.

Ann Horan, 69 Clark Avenue, stated she sent a letter to Mr. Gadaleta regarding 68 Clark. She also stated the duck situation has gotten out of hand at Fletcher Lake. They are beautiful but there are too many of them.

Dr. Brantley stated Mr. Coakley mentioned something that Asbury has done in the past and they oiled the eggs. He questioned whether the Township has been doing that.

Mr. Bishop stated Fletcher Lake oils the eggs in the Spring and there are certain times you can do it and there are certain times that you can't. He stated they have used the dogs before and it is semi affective and then they come back.

Dr. Brantley stated that Asbury said the oiling really worked but they stopped doing it.

Mr. Bishop stated you could only doing it a certain time of a year and you have to get permission to do it. He stated it was highly regulated.

Mr. Gadaleta stated you had to be certified to oil the eggs. There's an agency that comes down and runs the program and shows you how to do it. Mr. Gadaleta stated he only knew you could do it with geese and not ducks.

Joel Popkin, 88 Inskip Avenue, stated it is a big problem over there. The ducks are sitting on your car in the morning. He felt the Township should have an Ordinance and place a posting over there. The Police should stop residents from other towns from feeding them.

Richard J. Cuttrel,
Municipal Clerk