

TOWNSHIP COMMITTEE MEETING – APRIL 11, 2016

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, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

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.

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 7, 2016, 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 reviewed the appointment of Governing Body Subcommittees. They agreed to assign Committee members as both Departmental Chairs and as secondary members to other subcommittees. Meetings will be held monthly and Committee members will report back to the full Committee with results and recommendations. A resolution appointing the Subcommittees will be prepared for the next regular meeting.

Mr. Gadaleta reviewed engineering proposals for Sunshine Village Fields track improvements. One proposal included a cost for a Freshwater Wetlands Permit while two others did not include such an allowance for such a permit. The Township Engineer will get updated proposals so that all three include a cost of this permit and a resolution to award the lowest cost proposal will be on the next regular meeting. Ms. Rizzo requested detail on the items included in the proposals.

Mr. Bishop reviewed a status report on the Abandoned Property List. Since March, 2015, twelve properties have been removed from the list and six were added for a current total of 61. Thirteen properties are under new ownership. The Township has collected \$19,500 in fees. Mr. Bishop asked that title work be done on the five properties that have title issues so that the property owner can be identified.

Mr. Bishop stated that Greenville cemetery located at Old Corlies Avenue and Gully Road was sold to American Legion Post 346 by the Township in 2002. The Post Commander has indicated that the property has become burdensome for the Post to maintain. They are meeting on April 14th to decide if they want to return the property to the Township. The Committee indicated that they would be agreeable to take the cemetery back if so desired by the Legion members.

Dr. Brantley asked that press release be on the Mayor and the Mayor's Youth Cabinet trip to a National Action Network event in New York City. Mr. Gadaleta will prepare a release for the Coaster.

Mr. Gadaleta announced a Dedication Ceremony of the Municipal Marina on April 27th at 11:00 a.m.

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

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

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

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

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

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

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

Litigation – OPRA litigation argued in early, 2015, decision rendered in February, 2016.
Personnel – Recommendation to hire Driver in DPW
Potential Litigation – Code enforcement issues at Neptune Estates

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; Rizzo, aye; Williams, aye; and McMillan, aye.

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

Paul Green was recommended for the position of Driver and action was taken by resolution during the regular meeting.

Code Enforcement and the County Health Department will be inspecting Neptune Gardens and the Monroe Avenue apartments due to a number of code violations.

The Committee indicated that Mal Woolfolk should be removed from the Rent Leveling Board for non-attendance at meetings and the list of individuals expressing a desire to serve on the Board be reviewed for action at the next regular meeting.

Mr. Gadaleta stated that the final 20 units at Schoolhouse Square may be completed by a new developer.

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

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, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

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 Mayor asked the Clerk to indicate the fire exits.

The Clerk stated, "Fire exits are located in the rear of the room and to my right. In case of fire you will be notified by bell and or public address system, then proceed to the nearest smoke-free exit"

Mayor 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 7, 2016, 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 Ms. Rizzo, to approve the minutes of the meeting held on March 14th. All were in favor.

PRESENTATION

Chief William Nally, New Jersey State Association of Chiefs of Police, presented the Neptune Township Police Department Accreditation Certificate to the Township Committee. Chief Nally reviewed the accreditation process and complimented the Police Department Command Staff for their efforts.

REPORT OF THE CLERK

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

Notice of a public hearing on an amendment to the Land Development Ordinance of the

Township of Wall.

Notice of a public hearings on a petition of NJNG for approval of an increase in natural gas rates.

Donald Clare, Electrical Sub-Code Official, has been selected as the 2016 Electrical Inspector of the Year by the Municipal Electrical Inspector's Association.

COMMENTS FROM THE DAIS

Ms. Rizzo stated that she attended the MURC breakfast for the community garden, the Ocean Grove Homeowners Association meeting and the Rent Leveling Board meeting. She felt people in the community should start going to the Rent Leveling Board to see what some of our tenants are facing. She had a meeting at Winding Ridge and the Tenants Association appears to be very involved. She stated she attended the DOT meeting with Nick Williams to talk about the crosswalk issues. They were accompanied by Senator Jen Beck and they were hoping the DOT comes forward with recommendations on how they will fix the problems at the crosswalk near Jersey Shore Hospital. She also met with Dr. Tammy Crader and it was a very nice meeting. She attended a financing meeting with Mr. Bishop and felt it was very educational. She also met with Blanche Dunbar.

Mr. Williams stated that he attended the MURC breakfast and extended congratulations to Dianna Harris and Mike Golub on a successful event. He attended a meeting with the NJDOT to look at traffic concerns and crosswalks on Route 33 in the vicinity of the hospital. He attended the Little League parade on April 9th. Finally, he went with Mr. Bishop to the Ocean Grove Homeowners Parking Committee meeting and brought police related issued back to Mr. Bascom.

Mr. Bishop stated that he attended the MURC breakfast which was a successful fund raising event. He extended congratulations to Don Clare, Electrical Sub-Code Official on being named Electrical Inspector of the Year. He stated that the Police accreditation was an incredible job by the Police Department and it is nice to get the recognition on their hard work. He attended the Senior Citizens Advisory Council meeting and the Veterans Memorial Park Committee meeting. The Park recently won its third award. He attended the opening of the 11th legislative district office, the Monmouth County Improvement Authority information session and the Founders Day luncheon of the Central Jersey Women's Club. Finally, he spoke to seniors in the Neptune High School ROTC Program.

Dr. Brantley extended congratulations to the Police Department. He added that the officers are dedicated and he can't say enough good things about our Police Department. He extended congratulations to Don Clare on his award and remarked on another award for Veterans Memorial park. He attended a class for new Planning Board members and finally, he apologized for missing the MURC breakfast as a result of another commitment.

Mayor McMillan extended congratulations to Don Clare and the Police Department on receiving accreditation which requires 105 performance standards. He attended the Monmouth County Dinner Dance and Rent Leveling Board meeting. He spoke to Pastor Thelusca about the Health Fair sponsored by Mr. Olivet Church. The Mayor will be speaking on a panel at the National Action Network in New York City and bringing 10 members of the Mayor's Youth Advisory Council along for the experience.

PUBLIC HEARING – 2016 MUNICIPAL BUDGET

The Mayor requested public comments on the 2016 municipal budget.

Kennedy Buckley, Broadway, stated that he is hopeful there is funding for the issuance of parking violations in Ocean Grove.

Dorothy Argyros, 2100 Rutherford Avenue, stated that the Assessment Demonstration Program is a horrible program and it will impact the budget by raising taxes. She stated many towns have opted out of the program and asked why Neptune has not. Mr. Anthony and the Mayor stated that a municipality does not have the ability to opt out of the program. Ms. Argyros asked who she could contact regarding the ability to opt out. Mr. Anthony referred her to the State Attorney General.

ADOPT 2016 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

Mr. Williams 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, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$27,773,513.58 for municipal purposes; and, \$1,219,019.00 for the minimum library levy:

General Revenues

Surplus Anticipated	2,400,000.00
Miscellaneous Revenues Anticipated	10,558,881.98
Receipts from Delinquent Taxes	1,136,896.94
Local Tax for Municipal Purposes	27,773,513.58
Local Tax for Minimum Library Levy	1,219,019.00
Total Revenues	43,088,311.50

General Appropriations

Within "CAPS"	
Operations including contingent	29,447,000.00
Deferred Charges and Statutory Expenditures	3,565,925.00
Excluded from "CAPS"	
Operations	2,970,265.13
Capital Improvements	100,000.00
Municipal Debt Service	4,098,307.37
Deferred Charges	816,814.00
Reserve for Uncollected Taxes	2,090,000.00
Total General Appropriations	43,088,311.50

The resolution was adopted on the following vote: Bishop, aye, adding congratulations to the professionals on preparing the budget and thanks to Mr. Bascom; Brantley, aye, adding that this is another good job by Mr. Bascom; Rizzo, aye, adding that she is an unabashed fiscal hawk. She examined the budget in detail thinking there were cuts to be made, but there are none. She added that the Township is lucky to have a good staff to manage operations. She will keep looking for places to cut, but Mr. Bascom did a great job and she added thanks to the Department Heads; Williams, aye, adding that Mr. Bascom held tight with the Department Heads; and McMillan, aye, adding thanks to Mr. Bascom for a great job.

AUTHORIZE USE OF FIREMEN'S PARK FOR MONMOUTH COUNTY DEMOCRATS COMMUNITY BREAKFAST – TABLED

Mr. Williams offered a motion, seconded by Mr. Bishop, to table a resolution to "Authorize use of Firemen's Park for Monmouth County Democrats Community Breakfast". All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

Michael Golub, 305 Cliffwood Drive, commented on Resolution #16-193 and questioned what had to be certified.

Mr. Gadaleta stated after the final walk through with the engineer & contractor it has to be signed off that the work for that project has been completed.

Mr. Golub questioned why all the bids were rejected for the streetscape improvements.

Mr. Gadaleta stated it exceed the funds available. So they are looking to rebid and bring the bid to cost.

Mr. Golub stated he was happy to hear that Ms. Rizzo met with Ms. Crader.

Mr. Golub questioned why was there a change order in connection with the Ocean Grove Boardwalk.

Mr. Gadaleta explained the conflict that transpired that caused the additional work.

Kathy Arlt, Ocean Grove Homeowners, stated she was concerned about Resolution #16-91 which pertained to Stumpy's. She questioned what were the zoning violations.

Mr. Anthony stated it was a complicated situation but explained to her what transpired. The zoning violation had to do with a canopy that was originally approved but closed illegally.

Jack Bredin, 94 ½ Heck Avenue, spoke regarding Resolution #16-198 which was a change order for the Ocean Grove Boardwalk. He stated he understood the first change order and understood the reason for this change order. He stated the elevations should be the same as the pavilion building.

Dorothy Argyros, 2100 Rutherford Avenue, stated she was confused about Resolution #16-191 but was happy they were adopting a policy of prohibiting excessive force for their police department. She suggested the policemen carry their own insurance so that the Township is not responsible for excessive force.

Pastor Paul Brown, 603 Mayfair Lane, Resolution #16-184 was happy to see when Ms. Jones joined the Planning Board. He questioned whether there was anything they could do to convince her to stay. He asked if the members could know when a member resigns so they could reach out to them and try and convince them to stay.

Michael Fornino, 120 Fulham Place, congratulated our police department because they do an thankless job. He also commented on Resolution #16-184 and if people could go to find out what the positions are about.

Mayor McMillan stated we have mandated classes.

Mr. Fornino commented on Resolution # 16-191 and requested an explanation.

Mr. Gadaleta stated this resolution does not establish an excessive force policy. This resolution requires that this language is included in grant documents and that we have a policy in place.

Hank Coakley, Valley Road, referred to Resolution 16-197 and requested a definition of revocable license agreement.

Mr. Anthony stated it was for 422 Woodmere Avenue and it was a case in which the individual went to the municipality to get a permit to replace an existing wall and the wall is encroaching amongst a municipal right away so we gave them their options.

ORDINANCE NO. 16-12 - ADOPTED

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

ORDINANCE NO. 16-12

AN ORDINANCE AUTHORIZING ACCEPTANCE OF ASSIGNMENT OF NOTES AND MORTGAGES FROM RIDGE AVENUE, LLC CONCERNING PROJECT KNOWN AS "SCHOOLHOUSE SQUARE"

Mayor McMillan 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; Rizzo, aye; Williams, aye, and McMillan, aye.

ORDINANCE NO. 16-13 - APPROVED

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

ORDINANCE NO. 16-13

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT HANDICAPPED ON-STREET PARKING ZONE ON WEBB AVENUE

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

ORDINANCE NO. 16-14 - APPROVED

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

ORDINANCE NO. 16-14

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 2-7.4 TO ESTABLISH A SELF-INSURANCE FUND FOR GROUP HEALTH BENEFITS PURSUANT TO REGULATIONS ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

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

Mr. Cuttrell stated that the public hearings on Ordinances 16-13 and 16-14 will be held on Monday, April 25th.

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

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

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

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

WHEREAS, the Chief of Police and Police Director has made a recommendation; and,

WHEREAS, funds will be provided for the first four months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Terrell L. Brown be and is hereby employed as a part-time Special Law Enforcement Officer - Class I, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the Special Law Enforcement Officer – Class I training at the Monmouth County Police Academy at an hourly rate as established by prior resolution of the Township Committee; and,

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

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

The Committee paused to take pictures with Mr. Brown and his family.

CONSENT AGENDA

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

APPLY FOR A DEPARTMENT OF ENVIRONMENTAL PROTECTION COMMUNITY STEWARDSHIP INCENTIVE PROGRAM GRANT

WHEREAS, the Township of Neptune desires to further the public interest by obtaining a grant for from the State of New Jersey in the amount of approximately \$10,000.00 to the fund the following project: 2016 Neptune Township Tree Inventory; and,

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

- a) make application for such a loan and/or such a grant;
- b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$10,000.00 and not more than \$10,000.00;
- c) to execute any amendments thereto which do not increase the Grantee's obligations; and,

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune hereby agrees to match 15% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services; and,

BE IT FURTHER RESOLVED, that the Grantee agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance pursuant to the agreement

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 11th day of April, 2016.

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH THE BOROUGH OF NEPTUNE CITY TO PROVIDE A TELEPHONIC COMMUNITY NOTIFICATION SYSTEM

WHEREAS, the Township of Neptune possesses a Telephonic Community Notification System ("System") to alert its residents in the event of anticipated or on-going emergency within the Township of Neptune; and,

WHEREAS, the Township of Neptune and the Borough of Neptune City desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to allow the Borough to utilize the System to provide emergency information to its residents; and,

WHEREAS, the Borough will agree to pay the Township an annual fee of \$5,600.00 plus billings by the community notification system vendor for any mass calls; and,

WHEREAS, this Interlocal Service Agreement shall be automatically renewed on an annual basis on the anniversary date of the signing of said Agreement for a term of three (3) years effective January 1, 2016,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the Borough of Neptune City, a copy of which is on file in the Office of the Municipal Clerk, which authorizes the Borough to utilize the Township's Telephonic Community Notification System to provide emergency notifications to Borough residents; and,

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

AUTHORIZE PURCHASE OF A GENERATOR FOR THE NORTH ISLAND SANITARY SEWER PUMP STATION

WHEREAS, the Township Engineer solicited quotes for the purchase of a generator for the North Island Sanitary Sewer Pump Station; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Township Engineer and the Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided through a Hazardous Mitigation Grant Program (HMGP) grant 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 purchase of a generator for the North Island Sanitary Sewer Pump Station be and is hereby authorized through Cooper Power Systems pursuant to their quote of \$18,225.00; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Sewer Department Supervisor and Public Works Director.

ACCEPT THE RESIGNATION OF JANEL JONES AS A MEMBER OF THE PLANNING BOARD

WHEREAS, the Township Committee has received a letter from Janel Jones resigning as a member of the Planning Board effective March 24, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Janel Jones as a member of the Planning Board is hereby accepted effective March 24, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Administrative Officer to the Planning Board.

ACCEPT THE RESIGNATION OF RAINA PETTWAY AS A CUSTOMER SERVICE REPRESENTATIVE IN THE CODE/CONSTRUCTION DEPARTMENT

WHEREAS, the Township Committee has received a letter from Raina Pettway resigning as a Customer Service Representative effective April 5, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Raina Pettway as a Customer Service Representative in the Code/Construction Department is hereby accepted effective April 5, 2016; and,

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

ACCEPT THE RESIGNATION OF THOMAS COLLINS AS A MEMBER OF THE SENIOR ADVISORY BOARD

WHEREAS, the Township Committee has received a letter from Thomas Collins resigning as a member of the Senior Advisory Board effective March 31, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Thomas Collins as a member of the Senior Advisory Board is hereby accepted effective March 31, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Acting Senior Center Director.

AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION WITH THE COMMUNITY PRIDE BLOCK PARTY

WHEREAS, the Asbury Park/Neptune NAACP is planning their annual Community Pride Block Party in and around Midtown Commons Park on Saturday, August 20, 2016; and,

WHEREAS, the Police Department has recommended that a portion of West Lake Avenue be temporarily closed for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that West Lake Avenue between State Highway 35 and Drummond Avenue shall be closed to vehicular traffic and designated as temporary no parking on Saturday, August 20, 2016 between the hours of 8:00 AM to 4:00 PM; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close said street; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, Director of Public Works, Neptune Fire District #1 and Business Administrator.

REJECT ALL BIDS FOR RECONSTRUCTION OF SOUTH CONCOURSE

WHEREAS, on March 30, 2016, the Township Engineering Consultant received bids for the award of a contract for the reconstruction of South Concourse; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that all bids be rejected because they exceed the Engineer's cost estimate and the amount of authorized funds; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the all bids received for the reconstruction of South Concourse be and are hereby rejected because all bids exceed the Engineer's cost estimate and the amount of authorized funds; and,

BE IT FURTHER RESOLVED, that the Township Engineer, through the Engineering Consultant, is hereby authorized to prepare revised specifications and advertise for the receipt of bids for this project; and,

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

AUTHORIZE THE MAYOR TO SIGN A CERTIFICATE PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING

WHEREAS, certain Federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2014; and,

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and,

WHEREAS, it is required that the Township of Neptune execute a project agreement with Monmouth County to undertake a project known as ADA & Accessibility Improvements on 10th Avenue; and,

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Neptune sign additional certifications in order to receive these funds; and,

WHEREAS, the Township of Neptune has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,

WHEREAS, a copy of that policy is attached to and made a part of this resolution; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Neptune has met the conditions of receiving a FY 2014 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying; and,

BE IT FURTHER RESOLVED, that the Mayor of the Township of Neptune is hereby authorized to sign the attached certifications which will become a part of the FY 2014 Project Agreement.

AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2014 COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, certain Federal funds are potentially available to Monmouth County under the Housing and Urban-Rural Recovery Act of 1974, as amended; and,

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2014 from the United States Department of Housing and Urban Development; and,

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY 2014 to the U.S Department of Housing and Urban Development, which included a project hereinafter referred to as ADA & Accessibility Improvements with a grant allocation of \$138,512.00; and,

WHEREAS, the Township of Neptune hereby met all requirements for the release of funds to begin incurring costs for this project; and,

WHEREAS, the Township of Neptune has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as Appendix I of the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Neptune are hereby authorized to execute with the County of Monmouth the attached Project Agreement.

CERTIFY COMPLETION OF JUMPING BROOK BALLFIELD IMPROVEMENTS

WHEREAS, the Township of Neptune received funding from the Monmouth County Open Space Grant Program for the improvements to the Jumping Brook Ballfield at 170 Jumping Brook Road, Neptune, NJ,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms that the Jumping Brook Ballfield improvements have been completed. The improvements funded by this grant, including construction of a new baseball field, installation of irrigation, sod, fencing, foul poles, backstop, bases, bleachers, dugouts, landscaping, drainage, a rain garden, walking path and lighting, have been completed; and,

BE IT FURTHER RESOLVED, that all related contracts in connection with this project have been closed; and,

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

AUTHORIZE LAWSUIT SEEKING REMOVAL OF ZONING VIOLATIONS AND ADDRESSING OTHER COLLATERAL LEGAL ISSUES WITH REGARD TO 1207 HIGHWAY 35 SOUTH, KNOWN AS STUMPY'S

WHEREAS, The Zoning Officer has discovered zoning violations concerning expansion of a nonconforming use without acquiring zoning approval and construction of commercial additions without acquiring zoning approval of a commercial building located on 1207 Highway 35 South, also known as Block 5602, Lot 31 (formerly known as Block 556, Lot 10), for which the property owner refuses to seek relief or improvements through various board processes, and for which is a continuing set of violations, while providing collateral issues with regard to traffic hazards and safety issues due to limited ingress and egress to the subject site from Highway 35; and,

WHEREAS, proceeding with enforcement through the Municipal Court does not provide sufficient enforcement, nor address the full scope of issues concerning violations on the subject property,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to commence a legal action in the Superior Court of New Jersey, seeking Injunctive Relief and other remedies available in addressing the zoning violations and other possible collateral violations and issues associated with conditions now existing at 1207 Highway 35 South, Block 5602, Lot 31, Neptune Township, New Jersey.

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Ten Thousand Dollars (\$10,000.00) without additional approval for the purposes of this litigation and the Chief Financial Officer hereby certifies that funds for this purpose are available in the 2016 municipal budget in the appropriation entitled Legal O.E.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded

to the Chief Financial Officer, Assistant C.F.O., Zoning Officer, Land Use Administrator and Township Attorney.

AUTHORIZE COUNTERCLAIM AGAINST PARTNERS ENGINEERING SCIENCE, INC.

WHEREAS, Partners Engineering and Science, Inc., acquired most of the assets of Birdsall Services Group as of June 21, 2013; and

WHEREAS, Partners Engineering and Science, Inc., filed a lawsuit against the Township of Neptune, in the Superior Court of New Jersey, Monmouth County, Special Civil Part, on February 22, 2016, in the amount of \$15,000.00, seeking to obtain payment for services rendered by Birdsall Services Group, dating back to 2007; said alleged services of which have never been substantiated or verified by either Partners Engineering and Science, Inc., or its preceding company, Birdsall Services Group, and for which neither company has ever provided any record, documentation or work product; and

WHEREAS, Neptune Township has demanded both of Birdsall Services Group and of Partners Engineering and Science, Inc., work product and copies of records for numerous projects dating back years that were undertaken by Birdsall Services Group and were paid for in full by Neptune Township, but for which Birdsall nor Partners has ever provided any project records or documentation necessary for purposes of the Township to either verify work performed by Birdsall on the aforesaid projects, or for purposes of undertaking future improvements on said projects.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to not only defend the lawsuit brought by Partners Engineering and Science, Inc., but to authorize a Counterclaim against Partners for all documentation and project records on projects that were previously undertaken by Birdsall and paid for in full, but for which Birdsall has never supplied to Neptune Township, and any damages associated therein.

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purposes of this litigation, and the Chief Financial Officer hereby certifies that funds for this purpose are available in the 2016 municipal budget in the appropriation entitled Legal O.E.; and,

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

REJECT ALL BIDS FOR WEST LAKE AVENUE STREETSCAPE IMPROVEMENTS – PHASE II

WHEREAS, on March 31, 2016, the Township Engineer received bids for the award of a contract for West Lake Avenue Streetscape Improvements – Phase II; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that all bids be rejected because they exceed the Engineer's cost estimate and the amount of authorized funds; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all bids received for West Lake Avenue Streetscape Improvements – Phase II be and are hereby rejected because all bids exceed the Engineer's cost estimate and the amount of authorized funds; and,

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to prepare revised specifications and advertise for the receipt of bids for this project; and,

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

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH RAYMOND C. DODD AND BARBARA J. DODD OF 422 WOODMERE AVENUE, BLOCK 5103, LOT 8

WHEREAS, Raymond C. Dodd and Barbara J. Dodd, with property located at 422 Woodmere Avenue, Neptune Township, New Jersey, and property in question located at Block 5103, Lot 8, Lot 3 (formerly Block 9, Lots 24 and 25), on the tax map of the Township of Neptune have requested a Revocable License Agreement be entered into between Neptune

Township, and Raymond C. Dodd and Barbara J. Dodd in Neptune Township concerning an encroachment upon a municipal easement; and

WHEREAS, Raymond C. Dodd and Barbara J. Dodd are seeking a license to provide and to maintain certain wall encroachment presently in the municipal easement, which the property owners intend to replace with a similar wall encroachment, which extends from their property along their driveway into the municipal easement by approximately 4 feet; subject to its removal should the controlling authority have reasonable cause to believe that such encroachment needs to be removed from the aforesaid municipal easement, and subject to a Revocable License Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with Raymond C. Dodd and Barbara J. Dodd, residing at 422 Woodmere Avenue, Neptune Township, New Jersey, a true copy of such proposed Agreement is attached hereto as Exhibit "A," subject to the conditions of the Agreement and the Township Engineer's letter of January 29, 2016 attached hereto as Exhibit "B" to the Agreement, with payment to the Township of Neptune of \$300.00 per year as a major encroachment, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement, and return to the Township Attorney for recording; and,

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

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

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH THE RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK – NORTH END

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

WHEREAS, a contract was awarded to Bird Construction in the amount of \$622,739.00 in connection with the Reconstruction of the Ocean Grove Boardwalk – North End; and,

WHEREAS, on March 14, 2016, the Township Committee adopted Resolution #16-153, which authorized Change Order #1 resulting in a net increase to the contract of \$72,942.58 for a revised total contract amount of \$695,681.60; and,

WHEREAS, additional changes to the contract have been experienced due to the discovery that the existing concrete piers at the northernmost section of the project are damaged and cannot support the proposed on-grade boardwalk. This necessitates the installation of helical piles between the existing concrete piers to support the boardwalk on-grade; and,

WHEREAS, this unforeseen condition results in the total amount of both change orders for the project to exceed the 20 percent change order limitation which requires an approval procedure as outlined in N.J.A.C. 5:30-11.8; and,

WHEREAS, a change order exceeding the 20 percent change order limitation must be accompanied by written certifications from the Business Administrator, Contractor and Project Engineer as to why the proposed change may be allowed and justification of the performance of the work which would necessitate issuance of a change order; and,

WHEREAS, said certifications have been provided to justify this change order; and,

WHEREAS, funds for this purpose in the amount of \$55,000.00 are available in Ordinance No. 14-09, as amended by Ordinance No. 14-43. Funds for the balance of the change order amount are being provided through an Agreement with the Ocean Grove Camp Meeting Association which stipulates that the Association will provide this amount in addition to the authorized appropriation though the municipal ordinances herein, and the Chief Financial Officer has so certified in writing,

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

Neptune as follows:

1. The Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Bird Construction in connection with the Reconstruction of the Ocean Grove Boardwalk – North End resulting in a net increase of \$115,852.60 revising the total contract amount to \$811,534.20.

2. The procedures as set forth in N.J.A.C. 5:30-11.9, for approval of change orders in excess of 20% of the original approved project amount, have been met and the Clerk is hereby directed to publish a notice in the official newspaper to fulfill the requirement of said statute.

3. The Mayor and Clerk be and are hereby authorized to execute an Agreement with the Ocean Grove Camp Meeting Association whereby the Association agrees to provide direct funding in the amount of \$60,852.60 in connection with the amount of this approved change order.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Assistant C.F.O., Township Engineer, Township Attorney, and Ocean Grove Camp Meeting Association.

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, due to the retirement of Richard Morgan, there is a vacancy 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 Director and Business Administrator have made a recommendation; and,

WHEREAS, funds will be provided in the 2016 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, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Paul Green for 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 testing, effective April 18, 2016, at an annual salary of \$30,600.00 (experienced); 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 Director.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, 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	\$1,966,369.17
FEDERAL & STATE GRANT FUND	28,379.71
TRUST FUND	31,525.57

GENERAL CAPITAL FUND	164,083.93
SEWER OPERATING FUND	23,664.03
SEWER CAPITAL FUND	1,621.39
MARINA OPERATING FUND	5,429.53
UDAG TRUST	750.00
LIBRARY TRUST	210.95
BILL LIST TOTAL	\$2,222,034.28

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Paul Brown, 603 Mayfair Lane, thanked the Committee for the resolution hiring his son as a Special Law Enforcement Officer especially on the same day that the Police Department received a prestigious award.

Velda Harris, 1117 9th Avenue, thanked the Police Department and added that they are doing a fantastic job. She requested a speed bump and repair of potholes on 9th Avenue. Ms. Harris stated that there is a boarded up house at 1114 9th Avenue that is in bad shape. Mr. Gadaleta will notify Code Enforcement.

Michael Golub, 305 Cliffwood Drive, acknowledged the accreditation ceremony and stated he felt it will serve the public but does little to remove what has been done in the past. He wanted to remind everyone that there was a woman lying in the ground and her murder could have been avoided.

Mr. Bishop congratulated the management team that has our Police Department because accreditation does not happen without their leadership and accreditation is voluntary and not required.

Mayor McMillan stated Mr. Golub has come to several of our meetings with this rhetoric and he felt that this was the policeman's night for accreditation and we honor them at this particular time.

Byron Wilson stated he had electrical concerns at Mid-Town Park.

Mr. Gadaleta stated they were still looking at what could be done there and they replaced all light bulbs and ballist and it is an ongoing issue and they expect to address it and finalize it.

Christina Schuetz, 24 Oakcrest Drive, congratulated the Police Department on their accreditation and stated she was very proud of them. She stated she was also surprised at the last meeting that Mr. Bishop brought up the property near her. She presented the Committee with pictures. She stated there was a lot of mold in that home and animals living in there. She stated she was proud that several Committee members went out and looked at Ms. Dunbars property. She also requested they drive throughout that neighborhood onto Jeanne Drive and then onto Oakcrest to see the makeup of it. She did not want any overbuilding and wanted to preserve the wetlands.

Mr. Bishop stated they were meeting on Wednesday to do the structure of the ordinance on the floor area restrictions.

Dianna Harris, 17 Willow Drive, thanked George Reed and Public Works because she received her five boxes and for bringing out the organic soil. She questioned what was going on along West Lake Avenue. The street was dug up and machinery is still there and when are they going to get black topped.

Mr. Gadaleta stated he would take a look at it because he was not familiar with it.

Ms. Harris stated someone was parking on the grass on Fisher Avenue. She spoke to George Waterman and he stated they could only do something if they were parking on the front lawn. She stated it was unsightly and asked if consideration could be given that areas could be black topped because they have two front years.

Mr. Gadaleta stated there are zoning regulations involved.

Ms. Harris stated a summer job fair will be held on May 3rd. Mr. Gadaleta stated they would be present to assist with it. She also stated she attended the Atlantic Business Conference. She commended George and Monique but stated everything that was on the board could be built upon especially since we are bringing in a marketing company. She felt they had to do better in selling the town.

Dorothy Argyros, 2100 Rutherford Avenue, stated she felt if the government need money they should get it from the rich and not by gouging the poor. She felt the poor was subsidizing the rich. She stated the hospital was run like a business and the higher ups have large salaries. She stated should would not be hurt if the Township were to tax them to the max.

Hank Coakley, Valley Road, questioned what I.D. and what qualifications will the company have when they come to the property owners homes.

Mayor McMillan stated they had a picture I.D. when they came to his home.

Mr. Williams stated they are suppose to have a green vest and a picture I.D.

Mr. Gadaleta stated they are data collectors and are trying to make sure that the information the Township has is correct information.

Mr. Coakley opposed giving driver's license to law breakers and urged the Committee to do the same.

Blanche Dunbar, 40 Lynn Drive, stated she initially was suppose to get eight trees but she got six and two disappeared. She thanked Mr. Gadaleta for trying to get this resolved. She questioned the way the trees were placed.

Mr. Gadaleta stated they would be back to replace her trees and will be looking to bring them closer to Jumping Brook Road.

Jack Bredin, 94 ½ Heck Avenue, congratulated the Police Department. He discussed the North End Redevelopment.

Kathy Arlt, Ocean Grove Homeowners, stated they have two representatives from SHIPPO coming to an Ocean Grove Homeowner's Meeting. They are still talking to various other towns in the CLG who have been accepted into it to see what their application process was like. The only thing the Township would have to do is have Mayor McMillan sign it.

Kennedy Buckley, Broadway, stated the water fowl is increasing. He questioned if there has been any discussing with helping those that are free loading as far as parking. He also requested adding meter parking on the East Side for increase revenue.

Barbara Burns, 4 Ocean Avenue, thanked the professionals who helped them with the recommendation for their parking committee. She stated she had nice feedback from Rick Leanne and Vito and in a couple of days they will be sending out the power point.

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

Richard J. Cuttrell,
Municipal Clerk