

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 22, 2014

Mayor Brantley called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: J. Randy Bishop, Eric J. Houghtaling, and Mayor Michael Brantley. Absent: Mary Beth Jahn. (Kevin B. McMillan arrived at the start of the executive session)

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

Mayor Brantley announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 2, 2014 and The Coaster on January 3, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Gadaleta stated that repairs were made to the damaged sidewalk on Old Corlies Avenue at the entrance to the New Jersey American Water Company (NJAWC) facility. Once the Engineer inspects the location, he will submit a bill to the NJAWC government affairs representative for reimbursement.

Mr. Bascom stated that a meeting was held with representatives of the Ocean Grove Camp Meeting Association. They have received a check from FEMA for approximately \$800,000 which covers a large portion of the amount of the bond ordinance adopted by the Committee for repair of a section of the boardwalk and they would like to present the check at a Committee meeting.. The Association is requesting that the Committee adopt an amendment to the ordinance to increase the appropriation to fund the repairs to the north end of the boardwalk. This work is also approved by FEMA. The date for bids would be November 15th and the Committee could then award a contract at the November 24th meeting. Mr. Houghtaling asked if the entire boardwalk project can be considered at one time to avoid change orders for additional work. Mr. Bascom stated that Peter Avakian will be preparing the specifications and will include all work to the best of his knowledge; however, additional items are sometimes discovered during construction.

Mr. Bishop stated that a proposal has been received to prepare the Division Street Redevelopment Plan. There will be public input along with a visioning session. The cost of the work is \$8,100.

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

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

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

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

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Litigation – Update on pending litigation
Contract negotiations – Cityworks Redevelopment Agreement
Personnel – Recommendation for promotion to two Lieutenant positions
3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.
4. This Resolution shall take effect immediately.

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

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

The Committee met with the two police officers recommended for promotion to Lieutenant, Michael D'Amico and Christopher Schembri, and took action by resolution at the regular meeting.

Janeel Jones was recommended for a vacancy on the Planning Board.

Mr. Gadaleta will forward a recommendation for a vacant Driver's position for consideration at the next meeting.

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

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

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

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor Brantley announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press on January 2, 2014 and The Coaster on January 3, 2014, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meetings held on August 25th, September 4th and September 8th. All were in favor except Mr. McMillan who abstained on the August 25th meeting.

REPORT OF THE CLERK

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

Letter from Carolyn & Burt Beam thanking Vito Gadaleta for his prompt response when a tree fell on their home.

An email from a resident thanking the Police Department and Sgt. Michael Zarro for the speed hump and speeding enforcement measures taking place on Broadway. The resident reports that speeding has dropped dramatically.

COMMENTS FROM THE DAIS

Eric Houghtaling stated he attended a memorial park meeting. He stated its still time to get pavers for the park. They are on target for the dedication which is November 11th. He attended a meeting for the pancreatic run/walker that they are having in Neptune on November 1st. They are still looking for sponsors and hope the Neptune Community will come out and support them. He attended the MURC meeting to see some of the updates that were going on along West Lake Avenue and the mid-town area. He stated the Neptune Day festivities were great and thanked the employees for making the event happen. He also thanked everyone who jumped into the dunk booth. He went on to state that he attended the Gables Association meeting and Liam Paulett and Roz Steverson will be stepping down this year. He thanked them for their many years of service. He congratulated Janel Jones who will be the new President. Her mother was the founder of the association. He also congratulated Barry Johnson who will be the new recording secretary. He stated he was pleased to see the turn out for the promotion of two of our officers from Sgt. to Lieutenant. He stated the complete of our police department was very important to the Township Committee and they were happy that this was going to take place tonight.

Randy Bishop stated he attended the Jersey Shore Arts Center Run on the 13th of September. It was a great organization and a great fundraiser. He commended Herb Herbst and the individuals who worked to have a great landmark a part of this Township. He stated the memorial part will be dedicated on November 11th @ 2pm. He stated it would be a short dedication and consecration ceremony and then refreshments. He also attended Neptune Day and thanked everyone involved. He discussed being dunked and stated Captain Fisher was constantly in the dunk tank. He publicly thanked the Police Department because one of his guest had a situation and they thanked him for the professionalism, care and compassion of the Police Department.

Kevin McMillan stated he also attended the MURC meeting and they were working on a youth cabinet with Diana Harris. He stated he also attended the football game on Friday and although the outcome wasn't what they expected it was still ok to be there. He thanked Mr. Gadaleta, Mr. Bascom and the Staff for Neptune Day. He felt it worked out well. He stated he preceded Captain Fisher in getting out of the tank. He stated it was a lot of fun and they received a lot of comments on how the police interacted with the public. He thanked the Police Department.

Mayor Brantley stated on September 11th he met with the residents at West Lake Avenue apartments. There were a lot of concerns in that area. He will have to meet with them again on September 16th. He also attended a Wesley Lake meeting and again there are a lot of problems. He was fore warned that there would be a lot of people so he moved the meeting to this room and by the time the meeting ended they were happy. He stated they would be desilting the lake tomorrow and they've reached out to the City of Asbury Park regarding their financial responsibility. The communication with them has been positive. He stated he attended Neptune Day and a lot of people told him that this was the best place to have it and it was much more intimate. He also stated he was very proud of our Police Department and the improvements that's being seen.

PUBLIC COMMENTS ON RESOLUTION TO PROMOTE TWO POLICE OFFICERS

The Mayor requested public comments regarding the resolution to promote two police officers and they were as follows:

Dorothy Argyros, 2100 Rutherford Avenue, asked for the names of the two officers being promoted. She expressed concern because Chief Hunt was promoted and he was involved with two lawsuits, one of which was settled for \$600,000.

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

Police Chief Hunt introduced Michael D'Amico and Christopher Schembri, provided a brief history on their experience, and recommended they both be promoted to the rank of Lieutenant.

PROMOTE TWO OFFICERS TO THE RANK OF LIEUTENANT IN THE POLICE DEPARTMENT

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

WHEREAS, at the request of the Chief of Police and Police Director, the Business Administrator posted for vacancies in the rank of Lieutenant in the Police Department; and,

WHEREAS, the resumes which were submitted were reviewed by the Chief of Police and Police Director, interviews were conducted, and they have submitted a recommendation to promote two officers to the rank of Lieutenant; and,

WHEREAS, funds for this purpose will be provided in the 2014 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 Michael D'Amico and Christopher Schembri be and are hereby promoted to the rank of Lieutenant in the Police Department effective September 23, 2014; and,

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

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

PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, asked if remediation to the Shark River will leave

the marina clean or just less dirty. Mr. Bascom stated that the plan is for this to make it clean. The DEP is providing the funding and it will be clean as defined by Green Acres. Ms. Argyros thanked the Committee for including the names on the resolution to hire Special Law Enforcement Officers and stated that the removal of Planning Board members is good if they are not attending meetings. She asked if the Township has a No Further Action letter in regards to release the escrow for the former Rite-Aid building. Mr. Anthony responded yes.

Joan Venezia, Mt. Hermon Way, asked for reason for the change order for the Ocean Grove boardwalk repairs. Mr. Cuttrell responded that it was to make spot repairs to the north of the pavilion and additional work and repair necessary in the area where the boardwalk flares just to the south of the pavilion.

Hank Coakley, Valley Road, asked if the Committee has replacements for the Planning Board members being removed. The Mayor responded not as of yet. Mr. Coakley asked if there was a specific location at the marina for which the environmental remediation is being performed. Mr. Bascom responded that it is the area around the location of the old fuel tanks.

Michael Fornino, 120 Fulham Place, stated that groundwater remediation can cost a lot of money. He has experience with this because the property adjoining his property was contaminated and it cost him \$100,000 to clean up his property. Mr. Bascom stated the DEP has provided a grant in the amount of \$268,000 to hire an engineer to do the final phase of the clean up. In addition, the Township Engineer will oversee the work.

ORDINANCE NO. 14-37 - APPROVED

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

ORDINANCE NO. 14-37

AN ORDINANCE AMENDING VOLUME I, CHAPTER VIII, SECTION 8-1 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "PARKING METERS, PARKING LOTS" TO PERMIT THE DESIGNATION OF RESERVED PARKING SPACES IN THE MUNICIPAL BUILDING PARKING LOT

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

ORDINANCE NO. 14-38 - APPROVED

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

ORDINANCE NO. 14-38

REFUNDING BOND ORDINANCE AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$500,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS BY THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, TO THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY (THE "MCIA") FOR THE PURPOSE OF REFUNDING CERTAIN BONDS HERETOFORE ISSUED BY THE TOWNSHIP TO THE MCIA

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

ORDINANCE NO. 14-39 - APPROVED

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

ORDINANCE NO. 14-39

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY REZONING CERTAIN PROPERTIES ALONG ROUTE 66 TO C-1 PLANNED COMMERCIAL

DEVELOPMENT ZONE AND REPEALING ORDINANCE NO. 14-24

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 14-37 and 14-38 will be held on Thursday, October 9, 2014 and the Public Hearing on Ordinance 14-39 will be held on Monday, October 27, 2014.

CONSENT AGENDA

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

GRANT LEAVE OF ABSENCE TO PAM SMALL UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Pam Small, Records Clerk in the Police Department Records Bureau, has requested a leave of absence under the provisions of the Family Medical Leave Act during which time she will utilize accumulated sick time; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Pam Small, Records Clerk in the Police Department Records Bureau, is hereby granted a leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from September 25, 2014 through November 9, 2014; and,

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

AUTHORIZE SITE AND REMEDIAL INVESTIGATION OF SOIL AND GROUNDWATER AT THE SHARK RIVER MUNICIPAL MARINA SITE

WHEREAS, the Township desires to engage the services of Dynamic Earth, the appointed Consultant for Hazardous Discharge Site Remediation Fund Investigation, to perform site and remedial investigation activities at the Shark River Municipal Marina on South Riverside Drive and further described as Block 402, Lots 13 and 15-17; Block 471, Lots 24-31 and 33; Block 474, Lots 24-31; and Block 475, Lots 28-33 & 35; and,

WHEREAS, this work is consistent with the continuation of the Preliminary Assessment Report and Remedial Investigation Workplan for the site; and,

WHEREAS, funds for this purpose will be provided in the 2014 municipal budget via a grant from the Hazardous Discharge Site Remediation Fund in the amount of \$268,194.00, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Dynamic Earth to perform the following environmental services at the Shark River Municipal Marina:

Site Investigation of Soil and Groundwater at an amount not to exceed \$163,442.50
Remedial Investigation of Soil and Groundwater at an amount not to exceed \$123,586.00

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

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

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement officers be reappointed on an annual basis; and,

WHEREAS, the Chief of Police has made his recommendations on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2014 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 the following individuals be and are hereby reappointed as part-time Special Law Enforcement Officers (SLEO) and to perform such other duties as prescribed by the Chief of Police, at an hourly rate as established by prior resolution of the Township Committee:

SLEO Class I – Matthew McDonough, Nicholas Jakelsky, Malcolm Jenkins & Kristen Narciso

SLEO Class II – John Mattia, William Fabian, Matthew Richardson, Darrell Furman, Evan Pollara, Steven Whritenour, Richard Brogley, Casey Crawford, Daniel Savastano, Tyrell Thompson, Marcus Neal, Jeff Force, Timothy Griswold, Edward Homiek and Shane Rowland

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.

AUTHORIZE THE EXECUTION OF A SUBRECIPIENT GRANT AGREEMENT WITH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY FOR A STREETSCAPE REVITALIZATION GRANT FOR WEST LAKE AVENUE

WHEREAS, the Township of Neptune desires to enter into a Subrecipient Grant Agreement with the New Jersey Economic Development Authority for a Streetscape Revitalization Grant for the West Lake Avenue Streetscape,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby authorize the Mayor and Clerk to execute a Subrecipient Grant Agreement with the New Jersey Economic Development Authority for the West Lake Avenue Streetscape; and also, upon receipt of the fully executed agreement from the Authority, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Township of Neptune and the New Jersey Economic Development Authority; and,

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

AUTHORIZE CHANGE ORDER #2 (FINAL) IN CONNECTION WITH REPLACEMENT OF A PORTION OF THE WESLEY LAKE RETAINING WALL

WHEREAS, a contract was awarded to Precise Construction, Inc. in the amount of \$1,093,000.00 in connection with the replacement of a portion of the Wesley Lake retaining wall; and,

WHEREAS, on July 14, 2014, the Township Committee adopted Resolution #14-459 which authorized Change Order #1 resulting in a net increase of \$15,505.00 in the contract amount; and,

WHEREAS, changes to the contract have been experienced as a result of final as-built quantities at the completion of the project; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 (final) in the contract with Precise Construction, Inc. in connection with the replacement of a portion of the Wesley Lake retaining wall resulting in a net decrease of \$1,295.00 revising the total contract to the final amount of \$1,107,210.00; and,

BE IT FURTHER RESOLVED, that by authorization of this Change Order, the Wesley Lake retaining wall project is now considered closed out and completed; and,

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

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE NEPTUNE TOWNSHIP MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations,

the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Neptune Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Neptune Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and,

WHEREAS, this Resolution supercedes and amends the allocation and match amounts authorized by Resolution #14-353 adopted July 14, 2014,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Neptune Township Committee does hereby authorize submission of a strategic plan for the Neptune Township Municipal Alliance grant for fiscal year July 1, 2014-June 30, 2015 in the amount of:

DEDR	\$	<u>72,390.00</u>
Cash Match	\$	<u>18,097.50</u>
In-Kind	\$	<u>54,292.50</u>

2. The Neptune Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVE REMOVAL OF JASON ALLEN JONES AND RAYMOND HUIZENGA FROM THE NEPTUNE TOWNSHIP PLANNING BOARD DUE TO ABSENTEEISM PURSUANT TO N.J.S.A. 40A:9-12.1

WHEREAS, N.J.S.A. 40A:9-12.1 establishes the basis for an office of any person appointed as being deemed vacant; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) establishes that in any case where a member of a board fails to attend and participate at meetings of a public body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of a longer duration, the appointing authority may officially remove said member, construe the position as vacant, and fill the position or office for the unexpired term of said member, pursuant to N.J.S.A. 40A:9-12.1(h); and

WHEREAS, Raymond Huizenga has not attended any Planning Board Meetings for year 2014, and Jason Allen Jones has missed four consecutive Planning Board Meetings from May, 2014 through August, 2014, and Jason Allen Jones has only attended one Planning Board Meeting in 2014.

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby finds the positions held by Jason Allen Jones and Raymond Huizenga on the Neptune Township Planning Board vacant pursuant to N.J.S.A. 40A:9-12.1, as a result of the Township Committee's official action in removing Jason Allen Jones and Raymond Huizenga from the Planning Board for failure to attend four or more consecutive meetings in the year 2014 in accordance with N.J.S.A. 40A:9-12.1(g), effective with the adoption of this resolution, and shall separately, after the adoption of this resolution, fill the aforesaid positions for the unexpired terms in the manner prescribed by law; and,

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

AUTHORIZE CHANGE ORDER #2 (FINAL) IN CONNECTION WITH THE RECONSTRUCTION OF A PORTION OF THE OCEAN GROVE BOARDWALK

WHEREAS, a contract was awarded to Epic Management Inc. in the amount of \$1,135,570.00 in connection with the reconstruction of the Ocean Grove Boardwalk; and,

WHEREAS, on June 23, 2014, the Township Committee adopted Resolution #14-340 which authorized Change Order #1 resulting in a net increase of \$18,446.00 in the contract amount; and,

WHEREAS, changes to the contract have been experienced as a result of final as-built quantities at the completion of the project and additional excavation and boardwalk at the flared section near the Ocean Pathway pavilion; and,

WHEREAS, these changes have been approved by the Project Engineer and the Ocean Grove Camp Meeting Association; and,

WHEREAS, funds for this purpose are available in Ordinance No. 14-09 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 (final) in the contract with Epic Management, Inc. in connection with the Reconstruction of the Ocean Grove Boardwalk resulting in a net increase of \$63,565.00 revising the total contract amount to \$1,217,581.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Business Administrator, Township Engineer, Leon S. Avakian, Inc., and Ocean Grove Camp Meeting Association.

AWARD FAÇADE IMPROVEMENT LOAN/GRANT TO BLANCO BROTHERS, 712 ROUTE 35

WHEREAS, the Township Committee created a Façade Improvement Loan/Grant Program by adoption of Ordinance 00-03; and,

WHEREAS, on September 9, 2014, the Façade Review Committee approved an application filed by Blanco Brothers, 712 Route 35, Neptune for a \$15,000 grant and \$15,000 loan (\$5,000 grant/\$5,000 loan for each of the three businesses in the building); and,

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an award of \$15,000/grant and \$15,000/loan (\$5,000 grant/\$5,000 loan for each of the three businesses in the building) be and is hereby approved under the Façade Improvement Loan/Grant Program for Blanco Brothers, 712 Route 35, pursuant to the application approved by the Façade Review Committee on September 9, 2014; and,

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

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE AFFECTING BLOCK 189, LOT 4 (9 GEORGE STREET)

WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to endorse for cancellation the Tax Title Lien Certificate affecting Block 189, Lot 4 (9 George Street); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

AUTHORIZE RELEASE OF ENVIRONMENTAL ESCROW AGREEMENT IN CONNECTION WITH FORMER RITE AID BUILDING

WHEREAS, the Township of Neptune, (hereinafter referred to as Neptune), entered into an Agreement with Rite Aid of New Jersey, Inc., (hereinafter referred to as Rite Aid) on September 10, 2008, for the purchase of property by Neptune from Rite Aid, commonly known as 1607 Corlies Avenue, Neptune Township, New Jersey, and designated as Lot 8 in Block 272 on the official Tax

Map of the Township of Neptune; and

WHEREAS, the aforesaid Agreement was amended on December 2, 2008 and said Agreement, as amended, required the parties to enter into an Escrow Agreement, which was entered into on December 30, 2008, whereby Rite Aid agreed to post a Financial Assurance to secure Rite Aid's obligation for environmental remediation of the site, and for obtaining a No Further Action Letter ("NFA"); and

WHEREAS, the aforesaid Escrow Agreement resulted in Rite Aid posting \$250,000.00 with an Escrow Agent agreed upon, namely the firm of Meislik & Meislik, at 66 Park Street, Montclair, New Jersey 07042, with the closing of title to the property occurring on December 30, 2008; and

WHEREAS, pursuant to the terms of the Purchase Agreement and the Escrow Agreement, Rite Aid has the right to submit to Escrow Agent and to Neptune, a written request to receive the Assurance Funds upon receipt of a No Further Action Letter ("NFA") from the N.J.D.E.P.; and

WHEREAS, the parties acknowledge that the remediation responsibilities were assumed by B.L. Companies, a Licensed Site Remediation Professional ("LSRP") as defined by the Site Remediation Reform Act, N.J.S.A. 58:10C-2 ("LSRP" Statute); and

WHEREAS, as a result of an amendment and change to the Environmental Protection Laws, and in particular the "LSRP" Statute, the N.J.D.E.P. no longer, after the execution of the aforesaid Agreements, produces a "NFA" for remediation of the type of site as the subject site, but instead requires the "LSRP" to issue in lieu thereof, a Response Action Outcome Letter ("RAO") which serves the same purpose as the "NFA" did at the time in which the Purchase Agreement was entered into; and

WHEREAS, an "RAO" has been issued by the designated "LSRP" and dated August 8, 2014, and Rite Aid has now requested through their legal counsel, the release of the Assurance Funds per the aforesaid Agreements,

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 execution of the release of the Environmental Escrow Agreement attached hereto as Exhibit "A" as a result of the Response Action Outcome Letter of August 8, 2014, which is attached to the aforesaid Agreement, pursuant to the Purchase of Sale aforesaid and the Escrow Agreement aforesaid, and considering the changes in the Environmental Protection Laws, requiring the "RAO" to replace and to serve in lieu thereof to the original "NFA" as set forth in the original Purchase Agreement and Escrow Agreement.

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes the Mayor and Clerk to execute the Release of Environmental Escrow Agreement, attached hereto as Exhibit "A," with full knowledge that the execution of the aforesaid Agreement shall result in the release of \$250,000.00; originally held in escrow as Assurance Funds, pending proof of completion of all remediation on the subject property to the extent allowing for the issuance of an "RAO" from the duly appointed "LSRP."

RESCIND RENEWAL OF LIQUOR LICENSE HELD BY TANKS HOSPITALITY, LLC

WHEREAS, on August 11, 2014, the Township Committee adopted Resolution #14-401 which authorized the renewal of Liquor License #1334-33-008-016 issued to Tanks Hospitality, LLC and held in "in-pocket" status for the 2014-2015 licensing year; and,

WHEREAS, the renewal application was received not received by the July 31, 2014 statutory deadline; and,

WHEREAS, because the renewal application was not timely, the State of New Jersey Division of Alcoholic Beverage Control requires the submittal of a Verified Petition by the License Holder seeking the renewal of said inactive license; and,

WHEREAS, the renewal of the license via Resolution #14-404 must be rescinded until such time as the State grants approval,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #14-404 which authorized the renewal of Liquor License #1334-33-008-016 issued to Tanks Hospitality, LLC for the 2014-2015 licensing year be and is hereby rescinded; and,

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

Division of Alcoholic Beverage Control and the License Holder.

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

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENGINEERING SERVICES FOR GABLES SANITARY SEWER SYSTEM IMPROVEMENTS – PHASE III

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

WHEREAS, the Township of Neptune desires to initiate Phase III of Gables Sanitary Sewer System Improvements; and,

WHEREAS, it is necessary for a Township Engineer Consultant from the approved list of 2014 Engineering Consultants appointed via Request for Proposals to perform professional engineering services including preparation of design, plans, specifications, permitting, and construction management in connection with this project; and,

WHEREAS, PS&S has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in Ordinances 07-41 and 12-14, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes PS&S to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$67,400.00 for design, specifications, permitting and bid services; and an amount not to exceed \$58,500.00 for construction management services; said proposal on file in the Office of the Municipal Clerk; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan 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	3,108,655.74
FEDERAL & STATE GRANT FUND	3,887.64
TRUST OTHER	84,753.90
GENERAL CAPITAL FUND	480,659.18
SEWER OPERATING FUND	3,317.96
MARINA OPERATING FUND	3,794.00
UDAG RECIPROCAL TRUST	89.94
BILL LIST TOTAL	\$3,685,158.36

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michelle Gannon, Founder of Mary's Place stated she was present this evening to relay some truths in order to dispel some inaccuracies that are being spread through grotesque use of the internet. She stated they have operated in the same Ocean Grove Zoning district with the state and local zoning use approval for over five years. They have helped many women over the years, some of them are still with us and sadly many of them are not but they all benefited from their time at Mary's Place. They contracted to purchase the Main Avenue property in March 2014 in order to build a newer, safer handicap accessible home. They started the schematic designs on April 16, 2014 with Shore Point Architecture. The architects designed the building so that it would physically conform to the zoning regulations of the town. The dialect between the architects and the Land Use Department began in May 2014 at the same time the architects started elevation of the home and on July 22, 2014 they had their first concept review meeting with the HPC. At the request of the HPC, the architects met with the member of the HPC at the historical society on July 29, 2014 to look at the history of the site structures as well as the sand born maps. Changes were made to the plan based on these meetings. A second concept review meeting was requested by the HPC on August 5, 2014. This meeting was attended by the architects who once again made additional changes to the exterior elevations. These revised drawings were then resubmitted to zoning and the HPC concurrently as per Township requirements. On August 12, 2014, Zoning approved the application based on the State of New Jersey Municipal Land Use Ordinance after two meetings, one historical society research meeting and many revisions the HPC unanimously approved the project.

Dorothy Argyros, 2100 Rutherford Avenue, stated she was looking at the history of the problems with the Police Department and was very disappointed. She brought up several lawsuits that she felt was costing the Township a lot of money. She believed they heard what she was saying and in February they hired an independent investigator and later they did a resolution to pay them more money. Then suddenly that is gone and now they get an ordinance which revamps the Police Department but says nothing about the reason why it is being revamped or about a civilian review board or a more accessible review. She stated Chief Adam gets his full pension and new Chief of Police Hunt has brought about two lawsuits and he's being rewarded. She stated she's losing faith in them and would like for Bernie Sanders to be President and Elizabeth Warren to be Vice President.

Mayor Brantley stated they have looked at the Police Department and other departments throughout the Township and they have been very concerned about over site. Everyone in this Township are good, qualified people and they have reviewed everything and they are happy with over site and are improving.

Kevin Chambers, 58 Heck Avenue stated in 2009 Truscott testified that the Township did not comply with parking standards of RSIS . Ordinances for driveways/curb cuts in Ocean Grove are invalid and the courts would not back them due to lack of validity. It's designed to endanger the life of our residents. He stated it's violating his civil rights because they were not following the law. He stated they have very serious legal issues.

Jack Breden, 94 ½ Heck Avenue, discussed the North End building and the redevelopment plan. He felt the plan should be dismantled.

Michael Fornino, 120 Fulham Place, spoke regarding the Ordinance restricting parking in the Township parking lot. He suggested the employees of the Township park on the outside perimeter of the municipal parking lot.

Mr. Gadaleta stated that was exactly what they were doing and they have designated parking.

Kathy Arlt, 106 Abbott Avenue, stated she trusted Mr. Cuttrell gave everyone copies of her comments regarding the vacant and abandoned property ordinance and if anyone had any questions, they could ask her. She stated in the way the ordinance was drafted you go through all of the abandoned and when you get to section 1258, you go to vacant and it says within 30 days of a property becoming vacant. She questioned whether she was to assume that was an intentional switch and the requirements of that section applies to vacant and not abandoned properties.

Mr. Anthony stated it was interchangeably used, meaning they have the same meaning.

Ms. Arlt stated the 30 days did not start when the property became vacant but when it went on the abandoned property list.

Mr. Anthony stated that was correct.

Ms. Arlt also discussed having fines and stated that other towns have a minimum fine as of \$500.

Mr. Anthony stated statute says the minimum should be \$100. He went on to explain the registration process.

Joan Venezia, 107 Mt. Hermon Way, discussed the Broadway drainage and questioned whether Mr. Gadaleta received her email attachment.

Mr. Gadaleta confirmed that he had.

Ms. Venezia questioned how long would there be a response to the residents.

Mr. Gadaleta stated the Engineering Department has been working and putting information together and hopefully they should have information within the next three to four weeks.

Ms. Venezia questioned how it would be presented to the residents.

Mr. Gadaleta stated once the governing body received the information then it would be presented to the public. His plan was to present it in Ocean Grove.

Ms. Venezia reported that Ms. Jahn stated she was looking into either appealing or suing the DEP regarding restoring the storm water pipe from Main Avenue to the ocean. She questioned whether Ms. Jahn has approached them regarding that.

Mr. Gadaleta stated he saw the email but they did not it with her. He also stated it's not likely the state will allow them to put that back.

Ms. Venezia stated an email for the street sweeping came out after it was done. She also stated at the last meeting there was a presentation for recycling. She suggested the garbage be picked up one day a week. She felt like recycling was taking up all the garbage.

Mr. Houghtaling stated perhaps they could look into it for the winter months. He stated he would talk to Wayne Rode about it.

Ms. Venezia questioned whether there was a time to start the lighting for Broadway.

Mr. Gadaleta stated they were still trying to work out the arrangements with the electrician from the City of Asbury Park. He stated he also had communications with JCPL and they were prepared to work with us. We are trying to do it as expeditiously as possible.

Hank Coakley, Valley Road, stated the red light cameras test period expires in December. He stated he was affected by the red light cameras in Brick. The lights temporarily blinded both him and his son in law. He suggested the Township send letters regarding the adverse affects to an innocent by stander. He requested letters be sent to Declan O'Sclan and to Governor Christie. He urged them not to renew on a state wide basis and not use this as income and to just stop spending money.

Mayor Brantley stated he was in favor of sending a letter.

Judy Lowenberg, 22 Heck Avenue, stated she lived across the street from the Sampler Inn and questioned who will Mary's Place address issues such as the garbage. She also questioned whether anyone did an assessment on the sewer and how will deliveries affect the residents and parking on Main Avenue. She also questioned why the residents have not received notification regarding this.

Mr. Bishop stated she would have received a notice if there were variances and there were none with this building. He stated he understood her concerns as far as the Sampler Inn but this was a home under the statutes and it was being built as a home and will conform as she would at her home.

Marilyn Laberdy, 11 Broadway, requested a sign be posted on Broadway regarding street sweeping. She stated it should say no parking during certain hours on certain days.

Mayor Brantley felt it was a good idea but they must look at it and see what could be done.

Mr. Cuttrell stated all of Ocean Grove would have to be done.

Mr. Houghtaling stated the signage would cost an awful lot of money.

Ann Horan, 69 Clark Avenue, stated in April or May there was a street sweeping and she put a notice out to all of the homeowners on her email list and they never came to clean the streets and it went no where. She asked that the Township give notice before hand so they could notice everyone.

Mr. Houghtaling said they would use their sign boards to inform the residents.

Barbara Burns, Ocean Avenue, stated Broadway was a highly used street and there were drainage problems. She urged the Committee to do whatever they could to clean the streets.

Heinz Weck, Ocean Grove, asked if Ms. Jahn was well. The Mayor stated yes, she is absent because of an appointment. Mr. Weck stated that James Hunt will be a great Chief of Police.

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

Richard J. Cuttrell,
Municipal Clerk