

## TOWNSHIP COMMITTEE MEETING – JANUARY 12, 2015

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

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

The following items were discussed in open session:

The Committee reviewed a resolution to oppose an offshore liquefied natural gas facility. Mr. Bishop stated that this proposal first came up in 2008. The idea is to construct an offshore facility to transfer natural gas. The argument is that it would help lower the cost of natural gas; however, our nation now exports natural gas and this would only be a transport station for tankers to transfer the gas and then ship it to Europe. The facility would pose many environmental risks. Dr. Brantley stated that he still agrees with opposing the initiative. A resolution was acted upon during the regular business portion of the meeting.

The Mayor reviewed the list of on-going capital projects. The Broadway lighting project is proceeding and the Asbury Park electrician has signed off on the project. Mr. Houghtaling stated that he is concerned about the results of the Loffredo Fields drainage improvements. Mr. Gadaleta stated that this project resolved water issues in the end zone areas. He will look into any additional issues at the site. Mr. Bishop stated that a reminder should be sent that pavers for Veterans Park must be purchased by the end of April to have them set by Memorial Day. Mr. Gadaleta added that in future years, pavers will be added annually in the month of October. Mr. Gadaleta also reported that a cost estimate for additional Broadway flooding solutions will be forthcoming. Mr. Bascom stated that the Monmouth County Hazardous Mitigation Plan should be approved shortly.

Mr. Bascom recommended that the Committee consider ordinances at the next regular meeting for three capital projects. First, the Lake Alberta Flood Mitigation Project which has received about 75% in grant funding towards the nearly \$1 million project. The project includes de-silting and repair of the drainage system components. Second, the Central Avenue Transportation Trust Fund Project. If an ordinance is done now, the project can possibly get done by summer. The project will be in two phases, this will authorize the first phase to which the Transportation Trust Fund grant will be applied and include the area north of Central Avenue and areas near Broadway. Finally, Mr. Bascom reported that numerous meetings have been held with FEMA and the State Police on the marina building project. It is necessary to go out to bid to determine what the cost will be. The project will be eligible for 90% funding plus the value of the demolished smaller building; therefore, the cost of the new building to the Marina utility will be minimal. Mr. Bascom recommended an ordinance of \$2.5 million of which \$2 million will be anticipated in grant funding. The Committee asked that all three ordinances be prepared and placed on the next meeting agenda for introduction.

The Mayor stated that she wants to establish a date for a Special Workshop Meeting to discuss goals and objectives for 2015. The Committee agreed on Monday, February 2, 2015 at 6:00 p.m.

Mr. Houghtaling stated that a dedication of the new field at Jumping Brook Ballfields should be planned. There also needs to be discussion on the scheduling of its use.

### 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:

Personnel – Recommendation for vacant Driver position

Potential Litigation – Request for refund of mercantile license fee

Potential Litigation - Background check ordinance for volunteer public safety workers

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

4. This Resolution shall take effect immediately.

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

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

Mr. Bishop asked that the resolution to hire a Driver in the Public Works Department be tabled this evening. There is an additional vacancy, therefore, the hiring of two Drivers can be considered at the next meeting and the Township will be able to draw from the deepest pool of applicants.

The Committee reviewed a request from a property owner for a refund of a portion of a mercantile license fee. The owner has submitted a mercantile application for two rental units since 2008, but advises that she lives in one unit and rents one unit. The owner was refunded a portion of the 2014 fee, but is requesting a refund back to 2008. The Committee agreed that the owner filled out the application each year reflecting two rental units and the Township has no way to determine if both units were rented or not; therefore, the request for additional refund will be denied.

Mr. Bascom discussed the need for an ordinance amendment regarding background checks for emergency medical service (EMS) volunteers. He stated that the state statute is specific on items that disqualify an applicant for firefighter but are silent on EMS. Mr. Bascom recommended that the background requirements used for the EMT exam be applied for the application for EMS volunteers since these volunteers ultimately will be applying for the EMT exam anyway. Similar language could also be used for volunteer applicants for Emergency Management. Mr. Bascom and Mr. Anthony will work on language.

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

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

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.

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 Jahn announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 8, 2015, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at [www.neptunetownship.org](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meetings held on December 22<sup>nd</sup> and January 1st. All were in favor

## PROCLAMATION

The Mayor proclaimed the month of January as Human Trafficking Awareness Month in the Township.

## PRESENTATION

Freeholder Tom Arnone, Mr. Houghtaling and The Pound the Pavement for Purple Committee presented a check in the amount of \$35,158.60, representing the proceeds from the 5km run held on November 1st, to the Lustgarten Foundation. The Lustgarten Foundation exists to advance the research related to the diagnosis, treatment, cure and prevention of pancreatic cancer.

A representative from the Lustgarten Foundation was unable to attend due to poor weather conditions. Freeholder Arnone stated that the run was a great success that will become an annual event and be held this year on November 7<sup>th</sup>. Mr. Arnone spoke of the phenomenal and dedicated Neptune Township staff and pledged to raise even more this year. Mr. Houghtaling thanked the Township staff and Township Committee. He stated that this was a purely volunteer endeavor and expressed thanks to Sgt. Michael Zarro, Michele Narciso, Sandra Petersen, Tiffany Bailoni, Carina Santos, Ashleigh Curtis and Carina's daughter, Kaylie, for designing the logo.

## REPORT OF THE CLERK

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

Notice from the Monmouth County Board of Chosen Freeholders that the Township has been awarded a County Open Space Grant in the amount of \$232,000 for improvements to the perimeter track at Sunshine Fields.

Letters of thanks to the Senior Center staff from Patricia Coffey, Janice & Ray Rummel and Betty Wolny.

## COMMENTS FROM THE DAIS

Dr. Brantley stated Thursday he attended a forum with the Police Department and members of the Negro Business and Professional women along with students from their youth group and the High School's student council. At the forum they discussed how children should act while in the presence of policemen and what they must do to protect themselves. It was a great outing and there were a lot of questions with good answers from the Police Department. This help promotes a good relationship between the Police Department and the Community. He stated people were pretty happy with some of the answers and they really did not know a lot about what the Police Department did. So it was great to see them learn. He hoped to get some of those questions disseminated throughout the church so that the members of the church will know what was asked and how to respond. On Friday he attended the law enforcement appreciation rally which was a great event as well.

Mr. Houghtaling stated he attended a Veterans Memorial Park meeting regarding a fundraiser they would be hosting on Saturday, February 7<sup>th</sup> from 7pm-11pm at the American Legion on Gully Road. Tickets will be \$15 and the theme will be "Night at the USO". He stated he also attended the Ocean Grove United dinner at Seagrass which was a great night as well and he looked forward to having a great year.

Mr. Bishop spoke regarding the fundraiser and discussed the reasons for having them. He stated there were other things that they wanted to do and it was all about the community. He went on to state that he attended the swearing in of Mayor Brian Wilton, Mayor Matt Doherty and Mike Mignon a Councilman in Manasquan. He stated he attended the viewings of Theresa Acevedo, the wife of Bennie Acevedo, a Township Employee, Fran Appoloni, a long time Ocean Grove resident, Ptl. Vinnie Letsch's father and Rita Packard. He attended the Law Enforcement Rally and thanked the High School and the district for stepping up to the plate. He also attended the Ocean Grove United dinner. It was a great evening.

Mayor Jahn stated this was going to be a great year for 2015 working with the Mayor's Ball Committee and trying to drum up donations for the Madonna House and to come up with money to help them pay off their balloon mortgage. She went on to state that she's been working with Bill Doolittle, the HPC, Randy Bishop and Vito Gadaleta to discuss preservation to help keep houses from becoming squat houses.

## PUBLIC COMMENTS ON RESOLUTIONS

Hank Coakley, Valley Road, congratulated Mary Beth Jahn on her selection as Mayor in 2015. He asked for an explanation on the resolution to approve a grant agreement for Lake Alberta. Mr. Bascom stated that this is a \$696,000 grant towards a \$900,000 project to reduce flooding around Lake Alberta which causes flooding in the Housing Authority apartments and neighboring streets. The project includes de-silting and repairs to gates, valves and the outfall.

Michael Fornino, 120 Fulham Place, stated that he cannot agree to oppose the offshore liquefied gas facility. He stated this country is tied up by environmentalists. We need energy and the people who oppose this know nothing about it. This will create 6,000 jobs and will stop the need to give money to the Middle East.

## ORDINANCE NO. 15-01 - APPROVED

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

### ORDINANCE NO. 15-01

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON FRANKLIN AVENUE, BROADWAY, SPRAY AVENUE AND PITMAN AVENUE

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

## ORDINANCE NO. 15-02 - APPROVED

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

### ORDINANCE NO. 15-02

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO RESCIND THE SECTION ENTITLED "PROHIBITED OCCUPANCY"

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 15-01 and 15-02 will be held on Monday, January 26, 2015.

## EMPLOY DRIVER IN THE DEPARTMENT OF PUBLIC WORKS ON A PROBATIONARY BASIS – TABLED

Mr. Houghtaling offered a motion, seconded by Dr. Brantley, to table a resolution to "Employ Driver in the Department of Public Works on a probationary basis". All were in favor.

## CONSENT AGENDA

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

## GRANT LEAVE OF ABSENCE UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Irene Paternostro, Senior Center Departmental Secretary, 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 Irene Paternostro, Senior Center Departmental Secretary, is hereby granted a leave of absence, with the use of accumulated sick time, under the provisions of the Family Medical Leave Act from January 26, 2015 through April 17, 2015; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director, Business Administrator, and Human Resources.

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION WITH A UDAG PROGRAM LOAN ISSUED TO SCRUBBER DOCTOR (222 HIGHWAY 35)

WHEREAS, the Township of Neptune holds a mortgage dated August 31, 2004 in connection with a UDAG Program Loan issued to Scrubber Doctor at 222 Highway 35; and,

WHEREAS, the ten year loan has been paid in full; and;

WHEREAS, the Township desires to cancel said mortgage in accordance with the terms of the mortgage note,

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 execute a cancellation of mortgage in connection with the UDAG Program Loan issued to Scrubber Doctor at 222 Highway 35; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary to the Economic Development Corporation.

AUTHORIZE THE SALE OF VETERANS POPPIES

BE IT RESOLVED, that the Neptune Township American Legion Auxiliary Unit No. 346 and the O'Brien Major Post No. 2639 be and is hereby authorized to sell Veterans Poppies in the Township of Neptune for the month of May at various locations throughout the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Neptune Township American Legion Auxiliary Unit No. 346, O'Brien Major Post No. 2639 and the Neptune Township Police Department.

APPOINT REPRESENTATIVE TO THE DEAL LAKE COMMISSION

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Eric Houghtaling be and is hereby appointed the Neptune Township representative to the Deal Lake Commission for a one year term expiring December 31, 2015; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary of the Deal Lake Commission.

ACCEPT THE RESIGNATION OF DANIEL SAVASTANO AS A SPECIAL LAW ENFORCEMENT OFFICER - CLASS II

WHEREAS, the Township Committee has received a letter from Daniel Savastano resigning as a Special Law Enforcement Officer – Class II effective December 31, 2014,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Daniel Savastano as a Special Law Enforcement Officer – Class II is hereby accepted effective December 31, 2014; and,

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

AUTHORIZE THE TEMPORARY CLOSING OF STREETS IN CONNECTION WITH A BENEFIT 5K RUN AT VOLUNTEER PARK

WHEREAS, Recovery Along the River Foundation, Inc. has scheduled a benefit 5K Run/Walk on Sunday, May 3, 2015 at Volunteer Park on South Riverside Drive; and,

WHEREAS, it is necessary to temporarily close streets and designate no parking on the streets bordering South Riverside Drive, the Marina and Volunteer Park during the event; and,

WHEREAS, the Police Department has reviewed and approved these closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the temporary closure and posting of temporary no parking on the following streets on May 3, 2015 from 9:00 A.M. to 12:00 P.M. for the 5K Run/Walk:

South Riverside Drive between Park Place and Marvin Court  
Clinton Place between South Riverside Drive and Valley Road  
Valley Road between Clinton Place and Park Place  
Park Place between Valley Road and South Riverside Drive  
Vernon Avenue, Tremont Drive, Benton Place, Cliffwood Drive, Sylvan Drive, The Plaza,  
Milford Road, Prospect Avenue, Highland Avenue, Melrose Avenue, Hillcrest Avenue,  
Fairview Place, Beverly Way and Riverview Court at South Riverside Drive

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. Zarro, Director of Public Works, Fire Inspector and Business Administrator.

AUTHORIZE EXECUTION OF A STATE-LOCAL GRANT AGREEMENT IN CONNECTION WITH A PRE-DISASTER MITIGATION COMPETITIVE GRANT PROGRAM AWARD FOR THE LAKE ALBERTA FLOOD MITIGATION PROJECT

WHEREAS, the Township has submitted an application for funding to the New Jersey Office of Emergency Management Pre-Disaster Mitigation Competitive Grant Program to perform a Lake Alberta Flood Mitigation Project; and,

WHEREAS, the Township has received notification that it will receive grant funding in the amount of \$696,084.75 to be applied to the project cost and,

WHEREAS, the Township Committee desires to accept said funding and authorize execution of the required State-Local Grant Agreement,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Neptune Township Emergency Management Coordinator be and is hereby authorized to execute a State-Local Grant Agreement in connection with a Pre-Disaster Mitigation Competitive Grant Program award in the amount of \$696,084.75 for the Lake Alberta Flood Mitigation Project; and,

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

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

OPPOSE OFFSHORE PORT AMBROSE LIQUEFIED NATURAL GAS FACILITY

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

WHEREAS, the characteristics of the ocean waters east of New Jersey are unique in the world as more than 300 species of fish, nearly 350 species of birds, 7 species of sea turtles, and many marine mammals such as 25 species of whales and dolphins, and several species of seals and porpoises frequent the area; and,

WHEREAS, the ecological richness and economic viability of tourism and fishing in this region depends on a clean marine environment and shoreline; and,

WHEREAS, the Port Ambrose liquefied gas facility, proposed by Liberty Natural Gas, could be hazardous to our shoreline in many ways, and,

WHEREAS, this proposed facility would be located 25 miles east of Long Branch, New Jersey and would be used to transport liquefied natural gas, a very volatile substance, from specially fitted ships through a lateral pipeline located 13 miles from Sandy Hook, and,

WHEREAS, this proposed facility would be in an area that is vulnerable to attack and is within miles of three major airports and some of the most densely populated areas in the United States;

WHEREAS, the fracking involved in the process could pollute drinking water, increase greenhouse gas emissions, harm various marine species and pose a threat to our local economy as commercial fishermen will be excluded certain areas and beachfront tourism will be put at risk,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby opposes the building of the Port Ambrose liquefied natural gas facility in the waters off the New Jersey coast for the reasons described herein;

and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to The Honorable Chris Christie, Governor of New Jersey and Clean Ocean Action.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Houghtaling, no, stating he does not have enough information on this matter; and Jahn, aye.

AUTHORIZE THE PAYMENT OF BILLS

Mr. Bishop offered the following resolution, moved and seconded by Mr. Houghtaling, 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	364,249.07
FEDERAL & STATE GRANT FUND	38,775.11
TRUST OTHER	229,353.58
GENERAL CAPITAL FUND	225,140.80
SEWER OPERATING FUND	6,998.74
MARINA OPERATING FUND	3,280.15
MARINA CAPITAL FUND	6,516.60
DOG TRUST	77.40
LIBRARY TRUST	3,653.24
BILL LIST TOTAL	\$878,044.59

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Breden, Heck Avenue, reviewed the North End Redevelopment Plan and the easements that are required. He stated that easements are required because the Township determined that the boardwalk is a street. If the boardwalk and Lake Avenue were streets, easements would not be required and the Camp Meeting Association could build a boardwalk on a street. The Township tax maps show that these are not streets and the Planning Board cannot grant a subdivision if a lot does not front on a street.

Kathy Arlt, 106 Abbott Avenue, stated she hoped that during this year the Township could get the CLG through SHIPPO and the Interior Department of the United States. She stated she was at the last HPC meeting in 2014 to inquire about why this hasn't been done and the Chairperson said the only thing that needed to be done was to have the zoning ordinance separated from Ocean Grove. She stated she did not think it was an insurmountable obstacle and she hoped that it would get done this year. She stated the HPC was trying to write new guidelines and she would like to see a commitment from the Township Committee.

Mr. Bishop asked Mr. Gadaleta to check and see if separating the ordinances was the only issue because he thought there were survey issues as well. She stated even though it sounds simple they literally have to rewrite the zoning ordinances. He explained the process in which it would have to be done and stated he knew the Planner was working on it.

Ms. Arlt stated she knew four volunteers who would be willing to help out because it did not take a rocket science to do it.

Michael Fornino, 120 Fulham Place stated he attended the Law Enforcement Appreciation Day. He stated he knew the history on how Neptune was involved in it. He discussed the death of Trooper Anderson who was killed in 1955 on the Garden State Parkway.

Hank Coakley, Valley Road, asked for an explanation of Ordinance 15-02. Mr. Gadaleta stated that this is an amendment to the ordinance defining occupancy by removing language that defines occupancy that is no longer applicable. Mr. Bishop stated that the language uses definitions involving family relationships, age and gender to determine who can reside in a bedroom. The Mayor stated that there is a situation where two brothers, aged 18 and 16, cannot reside in the same bedroom because one is a minor and one is not. This amendment will not create a situation of cramming more people into rooms for occupancy. Mr. Anthony added that this will allow square footage rules to govern occupancy.

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

Richard J. Cuttrel,  
Municipal Clerk