

TOWNSHIP COMMITTEE MEETING – FEBRUARY 8, 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, Nicholas Williams and Mayor Kevin B. McMillan. Absent: Carol Rizzo

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

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:

Mr. Bascom stated that each Committee member attended departmental budget hearings. The hearings are complete and special requests are being reviewed. There will still need a \$2 million to \$3 million cut to the first draft of the budget. Mr. Bascom stated that the budget can be introduced at either the February 22<sup>nd</sup> or March 14<sup>th</sup> regular meeting. He suggested that a special budget workshop be scheduled prior to introduction. The annual Financial and Debt Statements are complete. The Committee decided on a special budget workshop for Monday, February 22<sup>nd</sup> at 1:30 p.m. and requested Mr. Cuttrell to issue the proper notice. The budget introduction will be scheduled for March 14<sup>th</sup> with public hearing scheduled for the April 11<sup>th</sup> meeting.

Dr. Brantley asked for a status on the letter to potential redevelopers regarding the Township's redevelopment plans. Mr. Gadaleta stated that he was waiting for the appointment of the new Committee member and he will send a draft to the Committee for review. The Committee will review and the final draft will be sent on February 12<sup>th</sup>.

Dr. Brantley asked the Committee to look at the roles and responsibilities of the various Township sub-Committees. Mr. Anthony stated that the role of elected officials is limited by state statute. He will look at how the Committee wants the sub-Committees to operate and then prepare a new resolution to approve the sub-Committees. Dr. Brantley stated that he wants to better define the duties and roles of Committee members.

Mr. Bascom reviewed the promotional process in the Police Department under the police accreditation. The Township Committee will still have final approval by resolution.

Mr. Bishop recommended that after large snowstorms that the Township plow Ocean Grove according to the snow emergency plan, but then notify residents to move vehicles to the non-emergency side so that more snow can be removed from the streets. This will also prevent cars from being left parked in Ocean Grove all winter on the non-snow emergency side of the streets. Mr. Anthony stated that other municipalities have a maximum time that a car be parked on a street and if a car is left for longer than the time allowed, it is considered abandoned.

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

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

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

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

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

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

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

Personnel – Vacancies on Board of Adjustment and EDC  
Contract Negotiations – Contracts for firms in consulting engineer pool  
Contract negotiations – Labor Attorney  
Personnel – Recommendations for SLEOs and lateral transfer of CSR

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; Williams, aye; and McMillan, aye.

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

Mr. Anthony advised that he sent a letter to each firm in the Township's Engineering Consultant pool regarding conflicts of interest. An engineer cannot perform municipal work and at the same time represent a private person in the same town. A firm will have to provide notification to the Township if they have private client list and come off of the list until such time as the private work is complete.

The Committee reviewed recommendations for hiring of Special Law Enforcement Officers and for the promotion of a Lieutenant to Captain. They asked that the appropriate resolutions be prepared for the February 22<sup>nd</sup> meeting.

Mr. Gadaleta advised that a lateral transfer of a Customer Service Representative from one department to another will be done administratively at no change in salary.

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

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](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Dr. Brantley, to approve the minutes of the meeting held on December 21st. All were in favor, except Mr. Williams who was not eligible to vote.

Mr. Bishop offered a motion, seconded by Dr. Brantley, to approve the minutes of the meetings held on January 1<sup>st</sup>, January 11<sup>th</sup> and January 25<sup>th</sup>. All were in favor.

#### REPORT OF THE CLERK

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

Senior Beacon for February

The following individuals and organizations following a thank you letter for recent donations to the Senior Center: Joan & Anthony Cruz, Beverly & Ray Jones, Neptune Lions Club, Stella Young, American Legion Post #346, Evelyn Bedell, Mary & Ron Carr, Catholic Men for Jesus Christ, Ann Ciccone, Diane Curley & Susan Waters, Regina & Tom Donohue, Sandra Fornino, Ed Halpin, Joan Hunziker, April Kaprelian, Rita Munn, Sharon Pastre, Corliss Welch, Carol Ayoub, and Mary & Ronald Carr.

#### COMMENTS FROM THE DAIS

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PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue

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ORDINANCE NO. 16-02 - ADOPTED

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

ORDINANCE NO. 16-02

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE, THE BOROUGH OF TINTON FALLS, DELORIS GEBELE, AND THE TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY TO PROVIDE SANITARY SEWERAGE SERVICE TO A RESIDENTIAL DWELLING AT 1967 JUMPING BROOK ROAD, IN THE BOROUGH OF TINTON FALLS

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; Williams, aye; and McMillan, aye.

ORDINANCE NO. 16-03 – ADOPTED

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

ORDINANCE NO. 16-03

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY RESCINDING SECTION 2-67 AND THE RESPONSIBLE CONTRACTOR ORDINANCE AND REQUIREMENTS

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, adding that the NJ Department of Community Affairs ruled that the Township's responsible contractor ordinance is inconsistent with the state contractor law and is requiring that the Township repeal it; Brantley, aye, adding that if DCA issues guidelines, the Committee can adopt a different version; Williams, aye; and McMillan, aye.

ORDINANCE NO. 16-04 - ADOPTED

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

ORDINANCE NO. 16-04

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE BY REPEALING  
SECTION 2-47 ENTITLED "NEPTUNE HARBOR COMMISSION"

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

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

The ordinance was adopted on the following vote: Bishop, aye, adding that the people who served on the Commission did well. With the new marina building, the Committee needs to be much more involved. The Commission is not gone forever and could be re-established in the future; Brantley, aye, adding that the Committee could have informed the Commission members about this action sooner; Williams, aye, adding that the Committee will be getting more involved and bring the Harbor Master in for discussions on the operation of the marina; and McMillan, aye, adding that he agrees with the Committee member's comments.

CONSENT AGENDA

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

APPOINT REPRESENTATIVE TO THE MERIDIAN HEALTH ADVISORY BOARD

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Carol Rizzo be and is hereby appointed as the Township Committee representative to the Meridian Health Advisory Board for the year 2016; and,

BE IT FURTHER RESOLVED, that this Resolution supersedes the appointment made by Resolution 16-38 dated January 1, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Meridian Health Advisory Board.

ACCEPT THE RESIGNATION OF CAROL RIZZO AS A MEMBER OF THE BOARD OF ADJUSTMENT

WHEREAS, on January 25, 2016, Carol Rizzo was appointed to fill a vacancy on the Neptune Township Committee; and,

WHEREAS, at the time of said appointment, Carol Rizzo was serving as the Alternate #2 member of the Board of Adjustment; and,

WHEREAS, in accordance with Local Land Use Law, governing body members are not permitted to serve on the Board of Adjustment and Carol Rizzo has submitted her resignation from the Board,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Carol Rizzo as a member of the Board of Adjustment is hereby accepted effective January 25, 2016; and,

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

APPOINT MUNICIPAL TRUSTEE TO THE ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, Carol Rizzo is currently the Mayor's Designee to the Neptune Township Economic Development Corporation; and,

WHEREAS, Carol Rizzo was appointed to the Neptune Township Committee on January 25, 2016; and,

WHEREAS, the Township Committee desires that Carol Rizzo remain a member of the Economic Development Corporation by appointing her to the vacant Municipal Trustee position on the Corporation;

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Carol Rizzo as the Municipal Trustee to the Economic Development Corporation for the year 2016; and,

BE IT FURTHER RESOLVED, that this appointment creates a vacancy in the Mayor's Designee position on the Economic Development Corporation; and,

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

#### PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
609/9	1701 Stratford Avenue	205.00
907/20	1943 West Lake Avenue	6,500.00

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

#### APPOINT MEMBER TO THE MUNICIPAL ALLIANCE AGAINST ALCOHOLISM AND DRUG ABUSE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Diane Shelton be and is hereby appointed as a member to the Neptune Township Municipal Alliance Against Alcoholism and Drug Abuse for the year 2016; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution for forwarded to the Drug Alliance Coordinator.

#### AUTHORIZE STAND-BY DUTY PAYMENT TO OFFICE OF EMERGENCY MANAGEMENT PERSONNEL

WHEREAS, volunteer personnel in the Office of Emergency Management were placed on stand-by duty as a result of the snow emergency declared from January 22<sup>nd</sup> to January 25<sup>th</sup>; and,

WHEREAS, overtime payment at the rate of \$14.00 per hour is authorized by resolution of the Township Committee to be paid to said personnel in the event of a long duration situation such as storm or disaster which requires readiness and staffing; and,

WHEREAS, funds will be provided for the first three 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 stand-by duty payment at the rate of \$14.00 per hour be and is hereby authorized to the following Office of Emergency Management staff for the hours indicated as a result of the snow emergency from January 22, 2016 to January 25, 2016:

Jeffrey Devlin – 67 hours  
William Vanmeter – 67 hours  
Jose Perez – 65.5 hours  
Josh Edwards – 64.5 hours  
Anthony Cerniglia – 28 hours  
Nick Acevedo – 44.5 hours

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

ACCEPT A FY15 EMERGENCY MANAGEMENT ASSISTANCE/EMERGENCY MANAGEMENT PERFORMANCE GRANT FROM THE NJ DEPARTMENT OF LAW & PUBLIC SAFETY

WHEREAS, the Township received notification from the New Jersey Department of Law & Public Safety of a FY15 Emergency Management Performance Grant/EMAA subaward; and,

WHEREAS, the FY15 Emergency Management Performance Grant/EMAA, Subaward #FY15EMPG-EMAA-1335, is for the period July 1, 2015 to June 30, 2016; and,

WHEREAS, the total amount of the award is \$7,000.00 in federal dollars and a required local match of \$7,010.00; and;

WHEREAS, funds for the local match will be provided for in the 2016 municipal budget, when adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby does accept the that the FY15 Emergency Management Performance Grant/EMAA subaward; and,

BE IT FURTHER RESOLVED, that the Township of Neptune is accepting the specific grant of funds for the purpose described in the application; and,

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

APPOINT MEMBER TO THE WESLEY LAKE COMMISSION

WHEREAS, the Township Committee has received a letter from Sharon Davis resigning as a member of the Wesley Lake Commission effective January 19, 2016; and,

WHEREAS, the Committee desires to appoint a member to this vacancy,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Damaris Adamo be and is hereby appointed as a member of the Wesley Lake Commission (Business Administrator representative) for an unexpired three year term expiring December 31, 2016; and,

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

AUTHORIZE THE CANCELLATION OF SEWER RENT

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

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

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
3001/9	Marbock Realty, LLC	3318 Highway 33	2016	920.00

**REASON:** Per property inspection

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<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
2201/29	7 Wayside Inc.	788 Wayside Road	2016	460.00

**REASON:** Per property inspection

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**BLOCK/LOT ASSESSED TO ADDRESS YEAR AMOUNT**  
3705/15 PMB 66 Realty, LLC 3401 Highway 66 2016 1,380.00

**REASON:** Per property inspection

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

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

**OPPOSE SEISMIC TESTING AND OFFSHORE DRILLING OFF THE UNITED STATES EAST COAST**

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

WHEREAS, it is the responsibility of the governing body of the Township of Neptune, as well as the citizens of all coastal communities, to preserve and protect the natural beauty and ecosystems of our beaches and adjacent coastal waters for the enjoyment of current and future generations of citizens and visitors; and,

WHEREAS, the United States Bureau of Ocean Energy Management (BOEM) is considering permits allowing for the exploration and development of offshore oil and gas in the mid- and south-Atlantic Ocean which include using seismic testing for geological and geophysical surveys; and,

WHEREAS, the nature of seismic blasting in the Atlantic Ocean specifically for oil and natural gas exploration is potentially devastating to our coastal area's fish and marine life since the volume, intensity and duration of the sounds emitted during such testing have been shown to harm fish and drive them from their long-established feeding and breeding habitats, and to result in the strandings and deaths of mammals such as dolphins and whales who depend on sound for navigation and food; and

WHEREAS, these activities provide the groundwork for actual oil and natural gas exploration, including drilling; and exploratory and commercial offshore oil drilling and activities such as extracting and transporting oil and gas pose a realistic risk of a spill; and,

WHEREAS, such spills have resulted in severe harm to coastal habitat and the tourism and fishing-based economies of other coastal towns where such offshore oil and gas development has been permitted; and,

WHEREAS, the tourism industry in New Jersey, including direct, indirect and induced impacts generated \$36.4 billion to the State's Gross Domestic Product, or 6.6% of the entire state economy; and,

WHEREAS, in 2014, the state tourism industry supported over 500,000 jobs, or 9.9% of all jobs in the state; and,

WHEREAS, the economy of the Township of Neptune and its neighboring coastal towns is heavily dependent on tourism, recreational fishing and the industries that support it; and,

WHEREAS, an oil spill would have catastrophic effects on the economy of the Township of Neptune and specifically the Ocean Grove Historic District; and,

WHEREAS, the risks associated with seismic testing and offshore drilling in the Atlantic Ocean far outweigh the potential benefits; and,

WHEREAS, the continued viability and health of the Mid-Atlantic ocean and coastal region, including the Township of Neptune, require that the Bureau of Ocean Energy Management (BOEM) continue its policy in the current 2012-2017 five-Year Program *not* to allow lease sales in the Atlantic Ocean for oil and gas exploration and development, and,

WHEREAS, neither our residents, workers, businesses of, nor the thousands of visitors to the Township of Neptune should have to face the threat of an oil spill with its negative impact on the

natural environment, local economy, and property values,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, hereby opposes the Five-Year Program allowing oil and natural gas exploration activities, including seismic testing, in the Atlantic coastal waters adjacent to the United States East Coast, due to the potential for irreparable harm to the ecosystem of our coastline and to the economy of the State of New Jersey, and specifically the Township of Neptune; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to President Barack Obama; U.S. Senators Robert Menendez and Cory Booker; U.S. Congressmen Chirs Smith and Frank Pallone, Jr.; State Senator Jennifer Beck; State Assemblyman Eric J. Houghtaling and State Assemblywoman Joann Downey.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Williams 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	\$1,688,986.79
FEDERAL & STATE GRANT FUND	17,697.20
TRUST FUND	93,937.61
GENERAL CAPITAL FUND	69,335.37
SEWER OPERATING FUND	56,970.49
MARINA OPERATING FUND	4,155.95
MARINA CAPITAL FUND	283,830.54
DOG TRUST	624.40
LIBRARY TRUST	198.00
BILL LIST TOTAL	\$2,215,736.35

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; Williams, aye; and McMillan, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Kathy Arlt, Ocean Grove  
Carol Woidt, 2 Abbott Avenue  
Dianna Harris, MURC,  
Pastor Edmund Lee, Sr., Ministerial Alliance,  
Dorothy Argyros, 2100 Rutherford Avenue,  
Bill Burdge, 114 Durand Road,  
Stephanie Seyr, Shark River Hills,



Tassie York, 11<sup>th</sup> Avenue,

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

Richard J. Cuttrel,  
Municipal Clerk