

TOWNSHIP COMMITTEE MEETING – FEBRUARY 28, 2011

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, Eric J. Houghtaling and Mayor Kevin B. McMillan. Absent: Dr. Michael Brantley and Mary Beth Jahn

Also present at the dais were Richard J. Cuttrel, Municipal Clerk; Philip D. Huhn, Township 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 6, 2011, 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. Houghtaling stated that he met with Code Enforcement and Zoning staff who added some recommendations to the proposed amendments to the RV/boat storage ordinance. Mr. Bishop stated that an ordinance is on for introduction this evening. He suggested that reference be made to language regarding site triangles that already exists in the Land Development Ordinance. Since the site triangles require a setback of ten feet, the language regarding a five foot setback from the sidewalk should be eliminated and replaced with language that states a RV/boat cannot impede on a sidewalk. This will keep the proposed ordinance consistent with what already exists in the current Land Development Ordinance.

Mr. Bascom stated that 2011 will be a difficult budget year. The budget that is being prepared will be under the 2% cap levy. Introduction of the budget is anticipated for the March 14th meeting with the public hearing on April 11th. There are a dozen staff vacancies that will not all be filled. Police Department vacancies will not be replaced with the exception of the hiring of dispatchers for the new regional dispatch center. \$1 million less in surplus was generated in 2010. The budget will be about \$2 million less than 2010 and about \$4 million less than 2009. There is a 22% increase in pension costs and a 13% increase in health benefit costs. Revenues in the budget will be down about \$1.5 million.

Mr. Bascom added that adopting the COLA rate ordinance this evening gives flexibility in budgeting and has no effect on the tax levy. The ordinance also does not mean that appropriations are increasing. The Township has a \$2 million cap bank, but cannot raise taxes by more than 2%. Mr. Bascom stated that the Committee will again defer school taxes. An ordinance to increase sewer rates \$20 in 2011 and \$10 in 2012 is on the agenda this evening.

The Mayor asked about the status of the franchise receipts tax. Mr. Bascom stated that the municipality still gets a portion of that tax. The Township will receive \$4.9 million in 2011, but received \$6.8 million ten years ago in 2001. Mr. Bascom added that the only way to exceed the 2% tax levy cap is by referendum and the Township will not be doing a referendum. In response to a question about appropriations outside the levy cap, Mr. Bascom stated that debt service, pensions and health benefits are some of the appropriations that are outside the cap.

Mr. Bascom stated that the Monmouth County Improvement Authority is in the process of reissuing debt that would save the Township about \$21,000. The Committee needs to schedule a special meeting between March 8th and March 10th to adopt a single resolution authorizing the refinancing. The Committee agreed to set the meeting date for March 8th at 9:00 a.m.

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

Mr. Bishop offered the following resolution, moved and seconded by 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 – Vacancy on Economic Development Corporation (Mary Ditri has resigned).
Personnel – Overtime/compensatory time
Real Estate negotiations – Senior Center building
Personnel – Employee hirings
Real Estate negotiations – Fence in Township Right-of-Way
Contract negotiations – West Lake Senior apartments.

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 McMillan, aye.

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

The Committee reviewed a letter from the Shark River Beach & Yacht Club requesting permission to install a fence on a portion of the Township Right-of-Way adjacent to their property on South Riverside Drive. Mr. Bishop stated that the Committee recently rejected a similar request from another marina. Mr. Bascom stated that there are plans to add a walking path in that area as well. Mr. Cuttrell was asked to respond to the Club that the request is denied.

Mr. Bascom stated that the Township received a Transportation Trust Fund award for improvements to Green Grove Road. In order to proceed, the Committee will have to consider a bond ordinance. The Committee asked that the ordinance be prepared for consideration at a future meeting.

The Committee discussed pending appointments to the Housing Authority and will continue discussion at the next meeting.

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, Eric J. Houghtaling and Mayor Kevin B. McMillan. Absent: Dr. Michael Brantley and Mary Beth Jahn

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Philip D. Huhn, 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 direction I am indicating, in case of fire you will be notified by bell and or public address system. If you are alerted of fire, please move in a calm, orderly manner to the nearest smoke-free exit or the next nearest exit as directed over the public address system.

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 6, 2011, 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 available online at www.neptunetownship.org for public viewing before each Township Committee meeting.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meeting held on January 1st. All were in favor.

REPORT OF THE CLERK

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

January report of the Tax Collector.

Senior Center monthly statistics for January.

Monmouth County Board of Health February 15th meeting agenda and minutes from their January 18th meeting.

COMMENTS FROM THE DAIS

The Mayor requested comments from the dais and they were as follows:

Eric Houghtaling read an email from Dawn Thompson, Recreation Director, regarding the recreational activities. He gave an update on the activities in the Public Work's Department. He thanked Teretha Jones and MaryBeth Jahn and their Committee for the Black History Ceremony at the Midtown School.

Randy Bishop stated he hosted a dinner for all the Chairs and Vice-Chairs of the boards and various professionals. He stated this was on his own dime and he discussed what was going on throughout the town. He stated Committeeman Houghtaling and the Mayor were present. He assured everyone that there were no OPRA problems. He went on to state that on behalf of the Mayor and the Committee he attended the viewing of Coach Mayo who would be truly missed. He stated Black History Month was great and Billy Doolittle and he were at the Ocean Grove Homeowners meeting on Saturday to talk about Code and Construction. He attended the dinner given by the Elks for Captain Leather as Law Enforcement Officer of The Year. He stated his thoughts were with Matt Gannon and his family.

Mayor McMillan stated the dinner Mr. Bishop held was great. He stated he attended the West Neptune Homeowners Association and it was an open forum discussion with the members. He stated he attended the Lions Club Meeting as well as Johnnie Bouie's retirement party which was held at Ft. Monmouth (Gibbs Hall) this past Saturday. He stated Mr. Bouie was an employee of the Township for thirty six years. He went on to state that he attended the Black History Celebration which he felt was really cultural and he was able to interact with the participants. He stated a good time was had by all. He also stated he attended the black history celebration that was held by Senator Robert Menendez Black History Celebration.

PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda.

Michael D. Fornino stated he was curious as to what Resolution #11-120 was about.

Mr. Cuttrell stated an individual was suing the State of New Jersey and one of our detectives was involved in the investigation. He stated this matter was discussed at the last meeting but the individual was now changing his attorney.

Mr. Fornino commented on Resolution # 11-121 by stating he saw on television that cablevision provides services to the schools for free. He questioned whether they were falsely advertising.

Mr. Cuttrell the legislation they were opposing would allow Cablevision to take the free services away.

Mr. Fornino commented on Resolution #11-124 and questioned what cost were involved in the purchase of dredging service for the municipal marina.

Mr. Bascom stated it was at a cost not to exceed \$34,000.

Mr. Fornino questioned what where they getting.

Mr. Bascom stated there would be dredging in the basin which would facilitate the placement of floating docks and to clear space where they would not normally be able to keep boats.

Dorothy Argyros commented on Resolution #11-124 and questioned how much the Township has spent to date getting the marina in shape.

Mr. Bascom stated he did not know off the top of his head.

Mrs. Argyros stated she thought that he should know and requested financial report by the next meeting as well as the income it has gotten.

Mr. Bascom stated she could continue to request those documents through OPRA. However, she could not dictate what he was going to be doing during the day for work. He went on to state that the annual financial statement reports that the Marina did operate in the positive and the taxpayers were not paying for the marina but rather the marina users were paying for it. He stated the auditor just completed the financial statement and she was welcomed to take a look at it.

Mrs. Argyros questioned whether the Township was making a profit off the marina.

Mr. Bascom stated in 2010 the Marina had excess to surplus of \$52,655.08.

Mrs. Argyros questioned what happened to the lawsuit because she thought that they were suing the State to get them to do the dredging.

Mr. Bascom stated that was a different area of the dredging.

Mr. Anthony stated what she was referring to was the dredging of the Shark River and not the marina. It has to do with the designated channels and they were currently in litigation regarding that.

Mrs. Argyros stated there was a contemporary connection between the marina and the problem of the dredging. She felt the dredging was an expense of the marina and questioned whether they considered it as that.

Mr. Anthony stated no because it was something that was suppose to benefit numerous towns and not just the marina.

Mrs. Argyros stated the concern regarding the dredging started around the same time that the Township acquired the property from Mayor Catley's family.

Mr. Bascom stated they were concerned with the dredging prior to acquiring the marina but were told by the DEP multiply times that because they did not have a presence along the waterfront they did not have a stronger position in requesting dredging of the channels and the acquisition of the marina was to allow public access to the marina and to preserve public access to the waterfront and to prevent other types of development along the waterfront.

Mrs. Argyros went on to state that other cities were reducing their police force to save a lot of money but Neptune seems to be hiring. She questioned how much money was being paid out in Resolutions #11-125, #11-126 and #11-128. She also pointed out that when they received governmental assistance in hiring these individuals they're never let go after the government assistance is gone. The expense is then handed over to the taxpayers. She requested again the amount being paid out plus benefits.

Mr. Bascom stated the annual salary for Resolution #11-125 was \$29,500 for each employee who were communication operators to run their dispatcher center and some of that was to facilitate a regionalization project that they undertook with Neptune City.

Mrs. Argyros interrupted and questioned how much the benefits would cost the Township.

Mr. Bascom stated he did not know and he did not have that information in front of him.

Mrs. Argyros questioned whether the Township would have to pay pension money for them.

Mr. Bascom confirmed that they would.

Michael Golub stated as a point of clarification the Township did not purchase the marina from the Mayor Catley's family. It was purchased from his wife's step family and he was never a party of any discussions pertaining to the purchase of the marina.

Hank Coakley stated he was in support of Resolution #11-122 regarding Fort Monmouth. He also questioned why the attorney backed out of Resolution #11-120.

Mr. Bascom stated the change was made at the request of the employee.

Mr. Coakley questioned whether the change was to professional or personal reasons.

Mr. Anthony stated it really didn't matter which reason it was because it states in his contract that he could choose his attorney.

ORDINANCE NO. 11-13 - ADOPTED

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

ORDINANCE NO. 11-13

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVI OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE SCHEDULE OF RATES AND RATE REGULATIONS FOR ANNUAL SEWER RENT

The Mayor requested public comments on this ordinance and they were as follows:

Michael Fornino asked what the amount of the increase will be. Mr. Bascom stated that the increase is \$20 in 2011 and \$10 in 2012. He added that the Sewer Utility has done a lot of capital investment to reduce infiltration.

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

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

ORDINANCE NO. 11-14 - ADOPTED

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

ORDINANCE NO. 11-14

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF NEPTUNE TO EXCEED THE 2% COLA RATE APPROPRIATION LIMIT FOR PURPOSES OF INTRODUCING THE 2011 MUNICIPAL BUDGET

The Mayor requested public comments on this ordinance and they were as follows:

Dorothy Argyros

SEE ME...I HAVE DOROTHY'S COMMENTS IN WRITING

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

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

ORDINANCE NO. 11-15 - ADOPTED

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

ORDINANCE NO. 11-15

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XV, SECTION 15-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO AMEND THE UNIFORM FIRE SAFETY FEES FOR THE OCEAN GROVE FIRE DISTRICT

The Mayor requested public comments on this ordinance and they were as follows:

Hank Coakley asked if the fee will be based on number of units or square footage. Mr. Cuttrell responded number of units.

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

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

ORDINANCE NO. 11-16 - APPROVED

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

ORDINANCE NO. 11-16

AN ORDINANCE AUTHORIZING THE EXECUTION OF A SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE, THE BOROUGH OF TINTON FALLS, LEO WALTSAK, AND THE TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY TO PROVIDE SANITARY SEWERAGE SERVICE TO A RESIDENTIAL DWELLING AT 1997 JUMPING BROOK ROAD, IN THE BOROUGH OF TINTON FALLS

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

ORDINANCE NO. 11-17 - APPROVED

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

ORDINANCE NO. 11-17

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 411.09 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE AS IT RELATES TO THE STORAGE OF RECREATIONAL VEHICLES AND BOATS

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

Mr. Cuttrell stated that the Public Hearing on Ordinance 11-16 will be held on Monday, March 14, 2011 and the Public Hearing on Ordinance 11-17 will be held on Monday, March 28, 2011.

CONSENT AGENDA

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

GRANT SOCIAL AFFAIR PERMIT TO SHARK RIVER HILLS SCHOOL P.T.A

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of the Shark River Hills School P.T.A. for a social affair permit at Hamilton Banquet Hall, 10 Jumping Brook Road on April 8, 2011 from 6:30 P.M. to 12:00 A.M.

ACKNOWLEDGE THE RETIREMENT OF JOHN BOUIE AS BUILDING MAINTENANCE SUPERINTENDENT

WHEREAS, the Township Committee has received a letter indicating that John Bouie will be retiring as the Building Maintenance Superintendent effective March 1, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of John Bouie as Building Maintenance Superintendent be and is hereby acknowledged effective March 1, 2011; and,

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

ACCEPT PERFORMANCE GUARANTEE FILED BY ROBERT W. MILDNER FOR SITE IMPROVEMENTS AT NEPTUNE MOWER (615 HIGHWAY 35)

WHEREAS, Robert W. Mildner has filed performance bond B1095785 written by The Selective Insurance Company of America, Inc. in the amount of \$135,000.00, guaranteeing site improvements at the proposed project at the site of Neptune Mower, 615 Highway 35 (Block 254, Lots 33, 34, 63 & 64); and,

WHEREAS, the Township Attorney has reviewed and approved said bond; and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

AUTHORIZE DESIGNATION OF TEMPORARY NO PARKING IN CONNECTION WITH THE MUSIC IN THE PARKS SERIES

WHEREAS, the Ocean Grove Camp Meeting Association has scheduled regional competitions in Association facilities for high school bands and choruses called "Music in the Parks" on Friday, May 6, 2011; Friday, May 13, 2011; Friday, May 27, 2011; and Friday, June 3, 2011, on Ocean Pathway in Ocean Grove; and,

WHEREAS, it is necessary to designate temporary no parking areas for bus arrivals and departures in connection with the event; and,

WHEREAS, the Police Department has reviewed and approved this request,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets:

- 1) South side of westbound Ocean Pathway between Central Avenue and Ocean Avenue from 7:00 A.M. to 4:00 P.M. on Friday, May 6, 2011; Friday, May 13, 2011; Friday, May 27, 2011; and Friday, June 3, 2011.
- 2) West side of Central Avenue east bound Ocean Pathway and westbound Ocean Pathway from 7:00 A.M. to 4:00 P.M. on Friday, May 6, 2011; Friday, May 13, 2011; Friday, May 27, 2011; and Friday, June 3, 2011.

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

ACCEPT MAINTENANCE GUARANTEE AND RELEASE PERFORMANCE GUARANTEE FILED BY WAL-MART STORES, INC FOR SITE IMPROVEMENTS AT THE WAL-MART EXPANSION ON ROUTE 66

WHEREAS, on December 1, 2008, Wal-Mart Stores, Inc. filed a Letter of Credit issued by JP Morgan Chase in the amount of \$539,784.00 guaranteeing site improvements for the Wal-Mart

expansion on Route 66 (Block 10017, Lot 3.01); and,

WHEREAS, on August 9, 2010, the Township Committee approved a reduction of said Letter of Credit to the amount of \$161,935.20; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of January 31, 2011 and said Letter of Credit can be released; and,

WHEREAS, Wal-Mart Stores, Inc. has filed a Letter of Credit (L5LS-538071) written by JP Morgan Chase guaranteeing said site improvements for a period of two years; and,

WHEREAS, the Township Attorney has reviewed and approved said maintenance guarantee,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance guarantee is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee on escrow with the Township be and is hereby authorized to be refunded; and,

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

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH THE BOROUGH OF BRADLEY BEACH FOR THE USE OF THE TOWNSHIP RECYCLING DROP-OFF CENTER

WHEREAS, the Township of Neptune operates a Recycling Drop-Off Center at 2201 Heck Avenue; and,

WHEREAS, due to construction at the Bradley Beach Public Works facility, the Borough of Bradley Beach has to close their recycling drop-off center; and,

WHEREAS, the Township and Borough desire to enter into an Agreement whereby Borough residents would be permitted to deposit recyclables at the Township's Center; and,

WHEREAS, the Township would retain any revenue derived from the recyclable material; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute an Interlocal Services Agreement with the Borough of Bradley Beach, a copy of which is on file in the Office of the Municipal Clerk, which permits Borough residents to deposit recyclables at the Township Recycling Drop-Off Center for a period of one year with an option to renew in each subsequent year; and,

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

AUTHORIZE SUBMISSION OF A FY11 EMERGENCY MANAGEMENT ASSISTANCE/ EMERGENCY MANAGEMENT PERFORMANCE GRANT APPLICATION

WHEREAS, the State of New Jersey is offering FY11 Emergency Management Performance Grants through the New Jersey State Police; and,

WHEREAS, the Emergency Management Coordinator recommends that a grant application be submitted for funding in support of day-to-day Office of Emergency Management operations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the submission of the above referenced grant application is hereby authorized and the Mayor and Chief Financial Officer are hereby authorized to execute grant documents, as needed, as representatives of the Township of Neptune; and,

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

Administrative Assistant to the C.F.O.

AUTHORIZE THE DESIGNATION OF TEMPORARY NO PARKING IN CONNECTION WITH THE WILL GRAHAM CELEBRATION

WHEREAS, the Ocean Grove Camp Meeting Association has scheduled a Jersey Shore Celebration with Will Graham from Friday, May 20, 2011 through Sunday May 22, 2011; and,

WHEREAS, it is necessary to designate temporary no parking areas for the safety of the participants; and,

WHEREAS, the Police Department has reviewed and approved this request,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets:

From 12:00 a.m. Friday, May 20, 2011 to 11:00 p.m. Sunday, May 22, 2011

- 1) Both sides of Pilgrim Pathway between Pitman Avenue and Mt. Carmel Way
- 2) North side of McClintock Street between Pilgrim Pathway and Central Avenue

From Friday, May 20, 2011 to Sunday, May 22, 2011 between 8:00 a.m. and 11:00 p.m.

- 1) South side of westbound Ocean Pathway between Central Avenue and Ocean Avenue
- 2) West side of Central Avenue eastbound Ocean Pathway and westbound Ocean Pathway

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

ACCEPT PERFORMANCE GUARANTEE FILED BY THOMAS CLERICUZIO FOR SITE IMPROVEMENTS AT AFFORDABLE AUTO (401 HIGHWAY 35)

WHEREAS, Thomas Clericuzio has filed performance bond 0519707, written by International Fidelity Insurance Company, Inc. in the amount of \$8,316.00, guaranteeing site improvements at Affordable Auto, 401 Highway 35 (Block 251, Lot 53); and,

WHEREAS, the Township Attorney has reviewed and approved said bond; and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

AMEND SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE OFFICER IN DEPOSITIONS IN CONNECTION WITH A LAWSUIT AGAINST THE STATE OF NEW JERSEY

WHEREAS, in the matter of Estate of Kedar Norris v. State of New Jersey, Sgt. Michael Emmons requested that Fox Rothschild, LLP serve as his legal counsel during depositions in the case; and,

WHEREAS, the Neptune Township Committee adopted Resolution #11-103 which approved this selection of legal counsel; and,

WHEREAS, Sgt. Emmons has been notified that Fox Rothschild, LLP had declined representation; therefore, Sgt. Emmons is requesting a different legal counsel; and,

WHEREAS, in accordance with the current F.O.P. Local #19 contract, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Sgt. Michael Emmons to retain Hobbie, Corrigan & Bertucio, P.C. (replaces Fox Rothschild, LLP) as legal counsel to accompany Sgt. Emmons in depositions in the above referenced matter; and,

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

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye, with regrets to the retirement of John Bouie; Houghtaling, aye; and McMillan, aye, with regrets to the retirement of John Bouie.

OPPOSE S-2664 A-3766 - "MARKET COMPETITION AND CONSUMER CHOICE ACT" WHICH WOULD REDUCE THE CABLE TELEVISION FRANCHISE FEES RECEIVED BY THE TOWNSHIP AS WELL AS THE OBLIGATION TO PROVIDE FREE CABLE SERVICE TO GOVERNMENTAL AND EDUCATIONAL ENTITIES

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

WHEREAS, this act would fundamentally alter the regulation of telephone and cable television service in New Jersey; and

WHEREAS, A3766/S2664 changes are so sweeping it deserves deliberate review and analysis, and must not be fast-tracked; and

WHEREAS, among other things, A3766/S2664 limits the obligation of a cable company to provide cable and internet connections to municipal buildings. Currently all municipal buildings are eligible for this benefit but the bill would limit the obligation to just one municipal building; and

WHEREAS, A3766/S2664 would eliminate the requirement that cable companies provide basic service and internet to municipal buildings and schools at no charge; and

WHEREAS, A3766/S2664 does not require the cable companies to provide a return feed to allow cable-casting of live municipal events and meetings; and

WHEREAS, A3766/S2664 would reduce the franchise fee payable by certain cable companies that have converted from a traditional franchise to a system-wide franchise; and

WHEREAS, A3766/S2664 does not require cable companies to meet or surpass any existing line extension policy or to meet any applicable consumer protection requirements, all of which are required by the current law; and

WHEREAS, The proposed verification process for determining whether a company is operating in a "competitive franchise area" is inadequate; and

WHEREAS, the proposed process for renewal of a system-wide franchise must be corrected to require that the renewal be under the same terms and conditions as the original franchise; and

WHEREAS, A3766/S2664 eliminates the right of a municipality operating under a municipal-consent based franchise to petition the BPU for a higher franchise fee,

NOW, THEREFORE, BE IT RESOLVED; that the Township Committee of the Townshi of Neptune, County of Monmouth, hereby calls on the legislature to amend S-2664 A-3766 to ensure that all the commitments of NJSA 48:5A-28 be provided (a) upon application for a system-wide

franchise, (b) upon renewal of a system-wide franchise and (c) upon conversion of a municipal-consent based franchise to a system-wide franchise; and

BE IT FURTHER RESOLVED, that the Township of Neptune strongly urges the legislature to oppose A3766/S2664 until such amendments are made and there has been an opportunity for all stakeholders to fully analyze the impact of these proposals and; determine the fiscal impact of the bill on municipalities throughout the state; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to Governor Christie, our State senator, our representatives in the General Assembly and the New Jersey League of Municipalities.

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

SUPPORT FEDERAL PROGRAM TO PROVIDE POST-DEPLOYMENT ASSISTANCE FOR VETERANS AT THE CURRENT U.S. MILITARY ACADEMY PREPARATORY SCHOOL FACILITY AT FORT MONMOUTH

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

WHEREAS, since the deployment of military personnel after September 11, 2001, 5,602 Americans have rendered the ultimate sacrifice in defense of our freedoms and 38,899 Americans have been wounded in combat as of July 22, 2010; and,

WHEREAS, countless American soldiers have returned home with post-traumatic stress disorder due to the horrifying and life-threatening experiences they endured during deployment; and,

WHEREAS, post-traumatic stress disorder can lead to suicide, alcoholism, drug abuse, domestic violence, marital problems, anger management issues, violent behavior, insomnia, employment problems and even criminal behavior; and,

WHEREAS, the impact of deployment to a combat zone is not limited to the soldier, but can also have serious psychological ramifications for the soldier's spouse and children; and,

WHEREAS, our nation is forever indebted to our veterans and their families for the tremendous sacrifices they have made to protect the freedoms that all Americans enjoy, and therefore it is our national responsibility to care for veterans and their family members who suffer from psychological conditions caused by deployment to a combat zone; and,

WHEREAS, for over sixty years, the U.S. Military Academy Preparatory School at Fort Monmouth has trained some of America's bravest men and women for a life of service and dedication to our country; and,

WHEREAS, based upon the recommendations of the Defense Base Closure and Realignment Commission of 2005, the Department of Defense has declared that the military facility at Fort Monmouth, including the U.S. Military Academy Preparatory School, is in surplus to federal needs and will be closed in 2011; and,

WHEREAS, the school is in an ideal place to house a federally funded program designed to assist veterans with post-deployment issues and provide them with the proper psychiatric, psychological, medical and social care that they so clearly deserve,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune respectfully urges the New Jersey State Legislature to pass Senate Resolution 82 which will urge the United States Congress and Department of Defense to create a federally funded program that provides post-deployment assistance for veterans at the current U.S. Military Academy Preparatory School facility at Fort Monmouth; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to State Senator Sean Kean, Business Administrator and Chief Financial Officer.

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

AUTHORIZE CHANGE ORDER # 3 IN CONNECTION WITH THE MUNICIPAL BUILDING SECURITY AND ACCESS SYSTEM

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

WHEREAS, on June 14, 2010 a contract was awarded to Open Systems Integrators, Inc in the amount of \$294,577.95 in connection with the Municipal Building Security and Access System and

WHEREAS on September 13, 2010 the Township Committee adopted Resolution #10-377 which authorized Change Order # 1 increasing the amount by \$5,651.62; and,

WHEREAS on October 7, 2010 the Township Committee adopted Resolution #10-412 which authorized Change Order # 2 increasing the amount by \$3,461.45 and,

WHEREAS, changes to the contract have been experienced as a result of installation of security measures within the Police Department Booking Room, Driving While Intoxicating Prisoner Processing Room, Juvenile Conference Room and Police Records Bureau; and,

WHEREAS this change has been approved by the Director of Engineering and Planning; and,

WHEREAS, funds for this purpose will be provided in Ordinances 07-51 and as well as a Secure Our Schools Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT FURTHER RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order # 3 in the contract with Open Systems Integrators, Inc. in connection with the Municipal Building Security and Access System resulting in an increase of \$8,149.45, revising the total contract amount to \$311,840.47; and,

BE IT FUTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer, Assistant C.F.O., Business Administrator, Director of Engineering and Planning and Chief of Police.

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

AUTHORIZE PURCHASE OF DREDGING SERVICES FOR MUNICIPAL MARINA

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

WHEREAS, the Purchasing Agent solicited quotes to provide dredging services at the Shark River Municipal Marina; and,

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

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

WHEREAS, funds for this purpose will be provided in Ordinance 11-03 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that KG Marine Contracting, Inc. be and is hereby authorized to provide dredging services at the Shark River Municipal Marina pursuant to their quote of \$34,200.00; 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., Director of Engineering and Planning and Marina Supervisor.

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

EMPLOY COMMUNICATIONS OPERATORS IN THE POLICE DEPARTMENT ON A PROBATIONARY BASIS

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

WHEREAS, there are vacancies in the position of Communications Operator in the Police Department; and,

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

WHEREAS, the Chief of Police has made his recommendations; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, 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 Michael Falciani, Mysonn Ledet and Brennan Sullivan be and are hereby employed as Communications Operators in the Police Department, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective immediately, at an annual salary of \$29,500.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Mandy To and Carina Santos.

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

EMPLOY COMMUNICATIONS OPERATOR IN THE POLICE DEPARTMENT PURSUANT TO INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF NEPTUNE CITY

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

WHEREAS, the Township of Neptune and Borough of Neptune City negotiated an Interlocal Services Agreement for police dispatch services; and,

WHEREAS, the Agreement calls for the transfer of a Communications Operator currently employed with the Borough of Neptune City; and,

WHEREAS, the Chief of Police has recommend that the hiring of this Communications Operator be made at this time to coincide with the Township providing dispatch services to the Borough; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, 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 Michael Jones be and is hereby employed as a Communications Operator in the Police Department, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective March 15, 2011, at an annual salary of \$43,281.63, said amount being pursuant to the terms of an Interlocal Services Agreement with the Borough of Neptune City; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Mandy To and Carina Santos.

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

EMPLOY SENIOR KITCHEN AIDE IN THE SENIOR CENTER ON A PROBATIONARY BASIS

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

WHEREAS, due to the resignation of Kathleen Kocen, there is a vacancy in the position of Senior Kitchen Aide in the Senior Center; and,

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

WHEREAS, the Senior Center Director has made her recommendation; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, 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 Sharon Johnston be and is hereby employed as a Senior Kitchen Aide in the Senior Center, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective March 7, 2011, at an annual salary of \$23,297.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Senior Center Director, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, Mandy To and Carina Santos.

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

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

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

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

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

WHEREAS, the Chief of Police has made his recommendations; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, 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 Brian Bucossi, Jesse Dallago and Michael McKuhan be and are hereby employed as part-time Special Law Enforcement Officers, and to perform such other duties as prescribed by the Chief of Police, effective immediately, at an hourly rate of \$17.00; and,

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

The resolution was adopted on the following vote: Bishop, aye; Houghtaling, aye; and McMillan, 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	3,889,035.57
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FEDERAL & STATE GRANT FUND	2,981.02
TRUST OTHER	1,325.00
GENERAL CAPITAL FUND	130,306.58
SEWER OPERATING FUND	22,448.46
MARINA OPERATING FUND	2,130.17
LIBRARY TRUST	228.49
 BILL LIST TOTAL	 \$4,048,455.29

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; and McMillan, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michael Golub stated he had concerns regarding the traffic on Route 33 and that he did not understand why the Township could not reconsider the left turn at the proposed car wash. He also stated he did not understand the line of site triangle in non intersection locations.

Randy Bishop stated as he previously informed him that driveways make it an intersection and it's already in the land use ordinance. He said he's spoken to Peter Avakian regarding this.

Mayor McMillan stated he's spoken to the engineers a couple of weeks ago to discuss the problem along the Route 33 corridor and they are trying to address it.

Steve Fencer stated he's been talking to other residents and it appears the triangle line of site is devastating to owners of RV/Boats.

Mr. Anthony stated it they could look at it as part of the masterplan review.

Mr. Bishop stated it was in the ordinances as it exist today.

Jim Granelli stated he asked Mr. Bishop three months ago about having chairs placed in the foyer of the police department. He was there a month ago and a disabled gentleman had to leave because there were no seats there. He felt that the government failed him and offered to donate the chairs if necessary. He stated he also asked if someone could come out and take a look at the intersection of Park and South Riverside and South Riverside and East End Avenue. He questioned whether anyone had come out to take a look at it.

Mr. Bishop stated it would be referred to Sgt Guiliario for review and would be put on as a parking lot item.

Mr. Granelli stated they were taking his rights away and they were not applying the law affectively or equally as far as parking his RV in his driveway.

Jack Braden stated the Committee could adopt an ordinance that was inconsistent with the masterplan if they wanted to. He stated the way they could do it was to create a resolution and state the reason they were doing it with a 2/3 vote.

Bill Burdge stated this was a giant debacle and suggested the Committee pass it as written but tell the Code Enforcement Department to leave it alone until they could get things straightened out.

Mr. Anthony informed him that he did not think that he wanted that on the record.

Dave Backman stated the problem that was occurring was that they had an ordinance that was

being contested that deals with boats and RV's and then you're adding an ordinance that isn't being contested and they are overlapping it with RV issues and he didn't know where it ends. He suggested they look at it closer.

Mr. Anthony stated that was the problem because they had the Planning Board and the land use ordinance that covers everything and that was probably why they need this to be part of the masterplan review and the Planning Board because you just don't want to change it for RV's. This should be part of the Planning Board review so they can encompass everything and not do it in piece meal.

Dorothy Argyros discussed more on Ordinance# 11-14 which imposed limitations on increases that were subject to various exceptions which she listed. She stated the Township still may want to use Chapter 9 bankruptcy rather than bleed the taxpayers to the point that they may want to immigrate.

Stephanie Sayer stated Mr. Granelli would not have to worry about getting a lawyer because there would be a class action suit. She stated it was obvious to her that the governing body could not come up with a consensus regarding the RV/Boat issue and they have spent countless hours with them to come up with a fair and equitable solution. She thought the ordinance was a work in progress and felt there was no point for any other revisions.

Mr. Bishop stated as they tried to create a better resolution they created other problems.

Jeff Somers stated he felt the Township was dammed if you do and dammed if you don't. He asked whether the Township was willing to suspend the citation as Mayor Jahn did.

Mayor McMillan stated as a Committee they could discuss it.

Mr. Somers asked whether there could be a variance or have a grandfather clause added.

Mr. Anthony stated there was a separate process and that was to amend the Land Use Ordinance

Michael Fornino felt the Township had to make a change and should take another look at the Land Use Ordinance. He went on to state that he was upset that the Township did not do anything for Coach Mayo while he was alive. He questioned whether the Township had any plans in the event of another snow.

Mayor McMillan stated it was a lesson learned and they were working on it.

Mr. Bascom stated it was a lesson learned and they were trying to implement new plans.

Heinz Weck questioned where were the two missing Committeepeople.

Mayor McMillan stated one of them was on vacation.

Mr. Weck questioned what was the deepest point of the marina. He also questioned the status of the proposed bill by Senator Kean which would not allow children to go to schools outside of the districts in which they lived.

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

Richard J. Cuttrel,
Municipal Clerk