

TOWNSHIP COMMITTEE MEETING – APRIL 11, 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. (Dr. Michael Brantley and Mary Beth Jahn arrived during executive session)

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. Bascom stated that the Committee cannot adopt the municipal budget after the public hearing is conducted this evening. The state has not yet reviewed the municipal budget because of their clerical error in coding our public hearing as April 21st. The budget amendment on the agenda is strictly to indicate library appropriations as a separate tax as now required by the state. This amendment is budget neutral. The library tax will now show as a separate item on the property tax bills. Mr. Bishop commended Mr. Bascom for convincing the state to change the process to reflect the library tax as budget neutral which was the legislative intent.

Mr. Bishop asked Mr. Huhn to look into the problem of parked vehicles in front of the vacant Penn Furniture building. This will be added to the list of pending items. Also, Mr. Huhn will follow up on the condition of the fence around the former Exxon Station at Routes 33 and 35.

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 – Tourism representatives and employee termination
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.

Dr. Brantley and Ms. Jahn arrived.

The Committee reviewed the hiring of part-time Tourism representatives and took action at the regular business portion of the meeting.

Dr. Brantley stated that there will be a press conference on April 29th to discuss the dredging and improvements that have taken place at Wesley Lake.

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, Eric J. Houghtaling, Mary Beth Jahn, and Mayor Kevin B. McMillan.

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 meetings held on February 28th, March 8th and March 14th. All were in favor except Dr. Brantley who abstained on the February 28th and March 8th meetings.

PROCLAMATION

The Mayor proclaimed the week of April 10th to April 16th as Library Week in the Township of Neptune.

REPORT OF THE CLERK

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

Senior Beacon for April.

Notices of public hearings on amendments to the Zoning Ordinances in the Township of Wall and the Township of Ocean.

A note to Marge Morrissey thanking her for providing a tour of the Public Works Yard to a group of children.

COMMENTS FROM THE DAIS

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

Mary Beth Jahn stated last weekend she attended the service of thanks giving & togetherness for the fire victims in Ocean Grove. She went on to state that both she and Committeeman Houghtaling met with some interested parties for the boat and rv ordinance. She also stated that she wished that everyone would take advantage of the library and the resources that were available.

Eric Houghtaling stated work was progressing at the marina. He also stated he attended several homebuyer workshop meetings that were held by MURC. The meeting was conducted by Money Management International. He stated the person that ran program was very interested in talking to the township because more people were in need of assistance. He also attended another meeting with MURC about the school house square project with Gail Taylor, Dianna Harris and Gracianna who was the developer of the project with TRF and right now they were in the process of building spec houses at school house square and she has a few ideas of how to hire local people. He stated Murc was also interested in having a block party and the tentative date for that would be June 25th. He stated Neptune Recreation has been chosen to be the next recipient for Michael Alan

Davidson Foundation Award and the award is for a new playground. Michael was killed at the Trade Center on 911 and this was a way to keep his memory alive. He stated summer programs were currently online.

Randy Bishop stated he was honored to participate in the service of thanks giving along with Mayor McMillan. He went on to state he was happy to kick off with Mr. Houghtaling the MURC and Township sponsored homebuyers workshop. He felt it was very well received. He stated they also had the subcommittee on the masterplan and they were moving forward into the next group of topics and that was recycling and sustainability and the green element in the program. They will post when that meeting will be held. He attended the Senior Center birthday party and he thanked the Mayor's Youth Advisory Counsel for coming and helping in terms of serving. He went on to state that it has been much more difficult this year to get volunteers for helping at the senior center and this is the third function in a row that the kids have come over and help serve the seniors and help with the dance. He also stated that he sort of attended Guys and Dolls Saturday night but he had an emergency at the Inn and had to go back but what he saw of it they should be commended for putting on an exceptional and difficult production.

Mayor McMillan stated he also attended the service of thanks giving along with Mr. Bishop and Ms. Jahn and the Chief of Police. He felt it was a great day of thanks giving and music. He felt it was very uplifting. He thanked OEM and the police department for helping in that specific effort. He went on to state that he attended the league legislative committee meeting which was held last Friday and he's on a pension committee where there was a spirited conversation from the State as they talked about the pensions and benefits which were hot topics.

PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros questioned whether the Township was exceeding the 2 ½ % cap as far as the municipal budget.

Mayor McMillan stated they would have a separate public hearing on that.

Mrs. Argyros stated she would like to have an answer to her question because it was a resolution.

Mayor McMillan stated they were mandated to stay within that cap and Mr. Bascom would be giving a thorough presentation.

Mrs. Argyros stated Neptune was a terrible place because they only had one copy of the budget whereas Asbury Park provided more copies.

ORDINANCE NO. 11-17 – ADOPTED

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

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

Steve Fencer thanked the Committee for working with them on this ordinance but reiterated that the ten foot set back would affect a lot of people and would cause an extra expenditure for people. He requested clarification on section 1b and the other was in part d. He requested a quick overview on how this process began so the people in the audience could understand where they were today.

Mr. Bishop stated it was from the curb line back and if that was something that was not clear to code enforcement then they could make it more clear to them. He stated the distance was from the street to the tongue.

Mr. Cuttrell explained the process of introducing and reintroducing of this ordinance.

Mr. Frencher thanked the Committee for working with them.

Mr. Houghtaling thanked Mr. Frencher and his Committee for working with them as well.

Jack Bredin stated they should change the wording 10 ft back to say curb line. He felt the Committee was on the wrong track in adopting this ordinance. He felt this ordinance should not be adopted tonight and should be sent back to the Planning Board and once they complete the review they were back to where they started. He felt that they could end up with all sorts of problems and he did not believe the Committee had the jurisdiction but rather the Planning Board had the jurisdiction. He stated the masterplan was invalid and they were amending an invalid zoning ordinance.

Mr. Bishop stated in 2008 they undertook the authorization of the master plan according to state statute so they would have a valid masterplan under which they could continue to write zoning ordinances. He stated the second thing was a zoning ordinance unlike a piece of chicken does not go bad. Zoning ordinances can be in affect for hundreds of years and must not be reintroduced and reauthorized every time you do your masterplan.

Mr. Bredin stated the laws says that the governing body shall provide for a reexamination of it's masterplan and development regulations and it must be done within a six year period of time and if you don't do it then it is invalid and if you want to extend it you could do it for six months.

Mr. Bishop stated they did what he said and the State said that they were good but they decided to undertake a total redo of the masterplan and the reason they did it in two pieces was because they knew that it was so comprehensive and they were afraid that they would not complete it in the timeframe to actually make their masterplan valid. They did the small version first then they reauthorized the masterplan in 2008. He went on to state that they have a valid masterplan but have since voluntarily decided to review at the entire master plan. He stated that they must make sure that all of their ordinances were in compliance with the masterplan.

Mr. Bredin stated you must have it noted on the front page that it has been reexamined.

Mr. Bishop stated it says that.

Roger Wessik thanked the Committee for listening and learning from the RV/Boat Committee. He stated he thought they had brought up a possible negotiation point regarding the 10ft setback. He questioned what happened.

Mr. Houghtaling stated they could still get to that and assured him that they would be tweaking this ordinance and would still rely on his group for guidance as they go.

Mr. Bishop stated negotiations means people give and they take and this ordinance is more permissive than the other one and there has been a lot of give. He stated no one got everything that they wanted.

Mr. Wessik stated they were not beating anyone up and they were appreciative as to what the Committee has done.

Joe Krimko stated in the slight chance that Mr. Bredin is wrong he recommends the Committee adopts this ordinance because it could always be tweaked and if it is not adopted this evening then just throw it out and use the one that was currently on the books.

Warren Lapp questioned where did the ten foot set back come from because normally precedence starts somewhere.

Mr. Bishop stated a group of them came up with it as a committee and they came up with the 10ft set back.

Mr. Lapp questioned how many of the members of the Committee were certified master planners.

The Committee then asked him whether he was a certified master plaster and he responded no.

Ms. Jahn stated since she was the one that was in on the original meetings that talked about the 3 and 4ft set backs, she stated that was a number that they arbitrarily came up with in the original boat and RV meetings and if this 10ft setback was a number that came up with the rest of the Committee that they wanted to put in it holds about as much water as the original 3 or 4ft setback that they came up with in the original negotiations. She stated the two cancel themselves out. She went on

to state that they came up with the 3 to 4ft setback for the pedestrian egress and if this Committee decided on a 10ft setback that they wanted when they took the site triangle out then the majority agrees with. She stated the original number ties back to nothing beyond a number they came up with in a meeting.

Mr. Lapp stated one could argue that 3 or 4ft set back was reasonable but 10ft seemed extreme. He stated he wanted to establish how this was done because on the Planning Board you look for State precedence before you do something. He questioned whether the number was pulled out of the air.

Mr. Bishop stated that's the difference between the Planning Board and the Governing Body, they are allowed to make the rules in terms of things like that. He stated they came up with 10ft from the curb line because that was the most consistent measure that they could come up with and if the majority of the Committee agrees to that, that is what happens and if they don't then it is dead.

Ms. Jahn stated they came up with the 3 to 4ft in the original meeting simply because in Shark River Hills and West Neptune where the majority of boats and RV's are located there aren't any sidewalks so it was just a difference of location and of available infrastructure.

Mr. Lapp stated at the West Neptune debate last year he agreed the most with what Mr. Hougtaling said when he stated that the citizen boards have to be more compassionate to the residents and he's getting the feeling that based on the last year and a half of this discussion they've had a number of individuals come up from this town saying that they feel that they have the right to have boats and RV's and store them on their property. He stated he could only come up with two people who were against it and they hear about these mythical emails that they never see. He stated all of this came about from someone who does not live in town.

The Committee stated they could go back to the old ordinance.

Ms. Jahn stated that it's not like they are saying that half the town is going to be affected by this.

Mayor McMillan stated he thought the concept was for the greater good and that they have to make laws for them.

Dorothy Argyros questioned who decided that the recreational vehicles are unsightly after their long usage in Shark River Hills. She stated this was a rhetorical question that did not require a comment. She stated what they were working on diminishing their rights while increasing their taxes. She went on to state that they pay a lot and get less. She's afraid how this will affect her neighborhood and she does not live in Shark River Hills. She felt that they were taking away their rights and they should give up their seats and give it to people that would honor the oath that took.

Bill Burdge asked for clarification on the 10ft set back by asking if they were required to give a five foot easement off the front of their property from the street line or the curb line to their property line.

Mr. Bishop stated easements were not consistent throughout the town. He stated it was five, ten and fifteen and that was another issue that they came up with.

Mr. Burdge stated this thing could be cured very easily by just adopting it and not wrangling over it. He said like they said just adopt it and tweek it.

Mr. Bishop stated it was on the books for enforcement.

Laura Granelli presented the Clerk with a photograph of her side yard. She stated the side of her yard has a large pile of bark chips where she previously had trees. She stated she had a truck come in to deliver the chips and it left large ruts. She questioned if the ordinance were to pass the way that it is written with 10ft off the curb that is where they would have to put their vehicle. She went onto state that they would have terrible lawn damage and they would not be able to move the vehicle in and out very carefully. She stated they were prohibited by law in cost to put in a second driveway in order to prevent these eyesores and they would require them to screen their camper at a cost of \$2,000 and moving their fence and so on. This would take away from their travel money and their daughter's college fund. She stated her husband was on disability and had a fixed income. She also listed other inconveniences this ordinance would cost her family such as not being able to load the camp for trips. She felt they were being discriminated against and that this was a personal vendetta by a resident.

Mayor McMillan stated he did not believe that this precluded them from loading for a trip.

Mr. Bishop stated by the time this is called into Code Enforcement the resident would have already loaded it and moved it. He stated there was a difference here and they were talking week's verses hours. He stated the police would not be handling this because it was not a Title 39.

Mr. Houghtaling assured her that she would not have any problems in loading her vehicle for a trip.

Robert Driscoll stated this all started when someone made a complaint and he's been to the Shark River Hills meetings but not here to here the Committee's arguments. He stated he did not see his neighbors present complaining about his boat. He stated the residents give the Township their taxes and they are suppose to get good representation. He stated he felt that the Township failed to do that.

Mr. Bishop questioned whether the putting of boats on trailers came from the Committee.

Ms. Jahn stated it actually did and it was a recommendation of the fire department in case either the structure or the boat caught on fire so that they would be able to fight the fire and hopefully save the structure and lives.

Mr. Driscoll stated for twenty five years his boat has been sitting on blocks in his yard and the municipal marina was right around the corner and everyone of those boats were on blocks.

Ms. Jahn stated she did not believe that there were any houses behind the municipal marina and it was not sitting on someone's lot.

Mr. Driscoll stated it was his property and he should be allowed to use it any way that he wanted to.

Ms. Jahn stated they've had ordinances dating back to before 1996 about different rules for boats.

Mr. Driscoll questioned when were they enforced besides when this complaint came in. He stated it hasn't been enforced and there were a lot of ordinances on the books that were not being enforced. He stated there were a million of laws that do not count anymore.

Mike Golub stated he was sorry to hear that Ms. Jahn has decided to support the 10ft setback.

Ms. Jahn stated shed did not support it but rather she explained how the number came about. She stated she felt that he misconstrued her words once again.

Mr. Golub stated he thought that she was in support of the 4ft setback previously.

Ms. Jahn stated she felt that she just explained herself.

Mr. Golub stated he found it ironic that the town that was pursuing the DOT in a lawsuit to dredge the Shark River to make it more functional to boaters for recreation and a degree commercial activity is now impeding and putting obstacles in the way of their own citizens and residents from using the Shark River. He stated he was reminded by the words of Mr. Houghtaling that the boards should be more compassionate to the residents.

Mr. Houghtaling stated he thought that he was and he's heard him say this multiple times.

Mayor McMillan stated he was not understanding what Mr. Golub was saying when this ordinance was more permissible than the previous one.

Mr. Golub questioned why everyone was not congratulating them if this one was more permissible.

Mayor McMillan stated like he said some things were give and take.

Mr. Golub again stated that this ordinance did not show compassion for the people of Neptune Township. He felt this showed a lack of sensitivity for those that did have campers and boats.

Ms. Jahn stated since Mr. Golub did not sit down at the negotiation table she made it clear that she was not in favor of the 10ft setback and she felt that she made it pretty clear from her comments on the dais and to people personally. She stated at this point in time they have taken away the setbacks and other things that would have caused the residents a lot of money to store their boats in their yards. They've looked at the safety components and is it really worth someone's life over a boat or an RV. She felt the Committee has been very compassionate to the boat and RV owners and everyone was not going to get their way because it is a negotiation.

Mark Weiner stated Ft. Monmouth has him housed in Maryland and the home that he is in does not allow boats or campers of any kind and he could see the Chesapeake from his house and no one is allowed to have any type of vehicle anywhere. He's lived in Neptune for twenty years and has kept his on the side of his home. He felt that 10ft was a reasonable requirement. He felt the ordinance provided a tremendous amount of latitude.

Paul Brown stated he sits on the Planning Board and the question he asked was regarding the line of site and he was told that the adjustment of the 10ft would allow the travelers to travel safely. He felt they were saving lives and questioned did he misunderstand something because he was not sure why the residents were unhappy.

Mr. Houghtaling assured Pastor Brown that he did not misunderstand anything.

Jim Granelli stated Mr. Bishop did not know Rich Silverthorn because he will hound you to death if you park an RV on the streets for 24 hours. He went on to read legal excerpts and stated that 10ft set backs would not change the site equation if someone was traveling parallel to the vehicle. He stated it was not obstructing anyone as they were driving down the road. He questioned where was the expert testimony regarding the safety issues and questioned what morals were they affecting. He felt they were undermining morals and there was no proof that they affected home values. He felt they should regulate derelicts and not this because there was no outpouring of people asking for relief. He stated this was a bad ordinance because of how many people this would hurt verses how many people would be helped.

Ms. Jahn asked Mr. Anthony whether this was a zoning ordinance and if they came up with a three or 4ft number in a meeting and didn't have any expert testimony when they met with the boat and RV owners wouldn't that number be arbitrary and capricious.

Mr. Anthony stated in their case they did have an engineer involved and they did have expert testimony from an engineer about the site clearance and second of all governing bodies pass ordinances all of the time without having experts. Sometimes they have to make decisions themselves and in this case you actually did.

Mr. Bishop stated the way they were making this sound like sixteen months ago we pulled this ordinance out of no where and started to enforce it. No but what happened was there was an individual who cited and individuals boat that was on his mother's property and from that another neighbor who went and cited five other people and they sent out over a hundred violations with people screaming for us not to do this to them. So because these people came screaming we started looking at this. It was people with violations that came to the Committee for help and not the other way around. He stated this ordinance could be voted down and they could go back to the other one and then what would happen tomorrow when Code Enforcement goes out and fine people.

George Turner questioned whether this all came about because of a cosmetic issue or a safety problem. He stated if it was a cosmetic issue he could understand their being an issue with the ordinance but if it was a safety issue he could understand the concern with the boat being stored on a block.

Mayor McMillan stated it originated as a complaint and evolved from there.

Ms. Jahn stated it was a Hatfield and McCoy situation.

Mr. Bishop stated it did not matter how it came about, you must go by what the ordinance says.

Hank Coakley stated he has yet to hear of a boat falling off blocks and he's only heard of two fires on a boat out of all his years as a firefighter. He stated the problem was the conduction of heat.

John Vandenhoff stated he has a boat and his was set back ten feet and he felt that four feet was more than efficient. He took a poll of what the residents in the audience wanted.

Roman Stephano stated he used to live in Edison but moved to Shark River Hills and purchased a boat but found out from his neighbor who also had a boat that he could not store his boat on the side of his home because the side of his home was the front of his home. He questioned how could that be. His neighbor showed him the fine that he was given.

Mayor McMillan stated he believed that was from the old ordinance.

Mr. Bishop stated that was from the old ordinance and no one was fined unless it was prior to the

more than 100 people screaming at them. He explained the old ordinance and what the new ordinance would require.

Mr. Stephano questioned what he should do with his property.

Mr. Bishop stated he did not know what his property looked like but suggested he discuss it with Code Enforcement.

Ted Balerti stated he was on a corner lot and stated he had a 32 ft motor home and he could not get ten feet from the curb. He questioned whether he had to sell him motor home or go store it somewhere.

Mr. Bishop stated technically if they were to pass this he would be in violation.

Mr. Balerti questioned why would it be illegal to charge his battery.

Ms. Jahn stated as long as he wasn't charging it 24/7.

Art Albano stated he lived on a corner as well and he could not give them 10 feet so does he have to sell his boat or store it at the marina. He stated he's been a resident for forty three years.

Mr. Anthony stated they were legislators and not administrators and that was up to the zoning officer to do.

Mr. Albano questioned how many boat fires have they had.

Ms. Jahn stated the fire department did not give statistics but only a recommendation.

Mike Fornino stated ordinances were subject to variances and they would have to go before boards on a cases by case bases.

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

The ordinance was adopted on the following vote: Bishop, aye; Brantley, aye; Houghtaling, aye; Jahn, no; and McMillan, aye.

ORDINANCE NO. 11-18 - ADOPTED

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

ORDINANCE NO. 11-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY DELETING A HANDICAPPED PARKING ZONE ON EMBURY AVENUE

The Mayor requested public comments on this ordinance. There being no comments, the Mayor closed the public hearing.

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

ORDINANCE NO. 11-19 - ADOPTED

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

ORDINANCE NO. 11-19

BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$279,060) AND AUTHORIZING THE ISSUANCE OF \$304,000

BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF
THE COST THEREOF

The Mayor requested public comments on this ordinance. There being no comments, the Mayor closed the public hearing.

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

ORDINANCE NO. 11-20 - APPROVED

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

ORDINANCE NO. 11-20

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IV, SECTION 4-28 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE PROVISIONS REGULATING CLOTHING DONATION BINS

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

ORDINANCE NO. 11-21 - APPROVED

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

ORDINANCE NO. 11-21

AN ORDINANCE TO ADD VOLUME I, CHAPTER IV, SECTION 4-29 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING PROVISIONS FOR THE PURCHASE OF PRECIOUS METALS AND PREVIOUSLY OWNED JEWELRY

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

ORDINANCE NO. 11-22 - APPROVED

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

ORDINANCE NO. 11-22

AN ORDINANCE TO ADD VOLUME I, CHAPTER III, SECTION 3-30 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ESTABLISHING PROVISIONS FOR SOLICITATIONS ON ROADWAYS FOR CHARITABLE ORGANIZATIONS

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

ORDINANCE NO. 11-23 - APPROVED

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

ORDINANCE NO. 11-23

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON PILGRIM PATHWAY

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

ORDINANCE NO. 11-24 - APPROVED

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

ORDINANCE NO. 11-24

BOND ORDINANCE PROVIDING FOR THE WESLEY LAKE WALL RECONSTRUCTION – PHASE II, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$350,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$250,000) AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

ORDINANCE NO. 11-25 - APPROVED

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

ORDINANCE NO. 11-25

BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$400,000 THEREFOR (INCLUDING A GRANT RECEIVED OR EXPECTED TO BE RECEIVED IN THE AMOUNT OF \$244,151) AND AUTHORIZING THE ISSUANCE OF \$148,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 11-20 through 11-25 will be held on Monday, April 25, 2011.

BUDGET PRESENTATION – CHIEF FINANCIAL OFFICER

Mr. Bascom offered a 30 minute Power point presentation on the 2011 municipal budget.

PUBLIC HEARING – 2011 MUNICIPAL BUDGET

Dorothy Argyros stated Mr. Bascom painted a very pretty picture but stated he was talking some things but were doing others. She stated that she's never seen anything about mergers and they've been asking for police layoffs and they haven't been getting it. She stated their salaries were 30 percent of the budget and other towns were laying off police personnel. She stated she spoke with retired Chief O'Neill and he told her that as they retired they would not replace them but she saw on an agenda where the Township was hiring four new police officers. She stated they were considering lay off's but questioned whether they were really laying off. She questioned how would they know and would they see it on an agenda. She went on to question how many people have been laid off.

Mr. Bascom stated they laid off five full-time employees last year and reduced four additional jobs through attrition and the police department right now had been as has as 76 officers several years ago but 74 was the stated level that they felt most comfortable for protection. He stated he believed they were currently at 66.

Mrs. Argyros stated on her 2010 list there were 118 police personnel which was 30 percent of the payroll. She stated most municipalities were admitting that the salary of the police officers and their pensions were killing their budget. She felt that the Township should do more layoffs.

Mayor McMillan stated she repeatedly said 118 police officers when in fact in that number included other personnel that worked in the police department. He also stated recently their have been a lot of crimes in the town where there has been multiple break in's and we don't have enough officers now let alone laying them off.

Mike Fornino suggested the Township allow the residents to pay their taxes on a monthly bases rather than on a quarterly bases so that they could draw interest on the money.

Mr. Bascom stated anyone could make payments on a monthly bases but the Township could not actually go into your account and take your money. He stated some property owners do make their payments on a monthly bases.

Warren Lapp stated he looked into making payments online and said that he did not want to pay the convenient charge and suggested the Township eliminate the fee or at least reduce it

Ms. Jahn stated the Township could not do that but he could have his bank make the payments on a monthly bases automatically.

Denis McCarthy questioned whether the money collected for the fuel had to be left in a separate account or could it be utilized in other ways.

Mr. Bascom stated it goes into a dedicated gasoline fund and it is not used for anything other than fuel. He stated legally they could cancel it and use it as surplus but they have not done it during his career here.

Jim Granelli asked if the convenience was based on the amount of money you pay.

Mr. Bascom stated that if it's taxes it's .35 cents and if you pay by credit card then it is a percentage.

Mr. Granelli suggested the Township check with the DMV and how they come up with their charges.

Mr. Bascom stated they shopped around and they have the cheapest fees that are available and as a matter of fact they just recently rejected a credit card offer that he felt was too expensive for the residents.

AUTHORIZE AN AMENDMENT TO THE TOWNSHIP OF NEPTUNE APPROVED 2011 BUDGET

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

WHEREAS, the local municipal budget for the year 2011 was approved on the 14th day of March, 2011; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 11, 2011, and,

WHEREAS, it is desired to amend said approved as described below;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune of the County of Monmouth that the following amendments to the approved budget of 2011 be made:

	From	To
SUMMARY OF REVENUES		
6 a). Amount to be Raised by Taxes for Support of Municipal Budget	23,830,976.32	22,566,151.32
6 c) Minimum Library Tax	0.00	1,264,825.00
8. GENERAL APPROPRIATIONS		
(A) Operations – Excluded from “CAPS”		
Aid to Free Public Library	1,264,825.00	0.00
Total Other Operations – Excluded from “CAPS”	1,312,825.00	48,000.00

Total Operations – Excluded from “CAPS”	2,187,281.83	922,456.83
Detail:		
Other Expenses	1,899,956.83	635,131.83
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	4,934,727.83	3,669,902.83
(L) Subtotal General Appropriations	34,416,467.83	33,151,642.83
9. Total General Appropriations	37,216,467.83	35,951,642.83

SUMMARY OF APPROPRIATIONS

(H-1) Total General Appropriations for Municipal Purposes – within “CAPS”	29,481,740.00	29,481,740.00
(A) Appropriations Excluded from “CAPS” Other Operations	1,312,825.00	48,000.00
Total Operations – Excluded from “CAPS”	2,187,281.83	922,456.83
Total General Appropriations	37,216,467.83	35,951,642.83

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Township Auditor.

ADOPT 2011 MUNICIPAL BUDGET - TABLED

Mr. Bishop offered a motion, seconded by Ms. Jahn, to table a resolution to “Adopt the 2011 Municipal Budget” All were in favor

CONSENT AGENDA

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

ACCEPT THE RESIGNATION OF ROBERT JOHNSON AS A DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has received a letter from Robert Johnson resigning as a Driver in the Department of Public Works effective March 31, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robert Johnson as a Driver in the Department of Public Works is hereby accepted effective March 31, 2011; and,

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

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE MONMOUTH COUNTY MOSQUITO EXTERMINATION COMMISSION FOR A MAINTENANCE PROJECT IN THE WOODED AREA BETWEEN IVINS ROAD AND MCDERMOTT ROAD

WHEREAS, the Monmouth County Mosquito Extermination Commission has accepted a request to clean a stormwater drainage ditch on the wooded Township owned property between Ivins Road and McDermott Road; and,

WHEREAS, the Commission requires the execution of a Hold Harmless Agreement by the municipality and a Right of Entry Agreement by the owner of property through which the work area can be accessed,

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 Hold Harmless agreement with the Monmouth County Mosquito Extermination Commission and the County of Monmouth for the project as referenced herein at no cost to the Township of Neptune; and,

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

AUTHORIZE DESIGNATION OF TEMPORARY NO PARKING IN CONNECTION WITH THE NEW JERSEY MARATHON

WHEREAS, the New Jersey Marathon will be run on Sunday, May 1, 2011 along a portion of Ocean Avenue in Ocean Grove; and,

WHEREAS, it is necessary to designate a temporary no parking area 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 authorizes the designation of temporary no parking on the east side of Ocean Avenue between westbound Ocean Pathway and the north end on Sunday, May 1, 2011 between the hours of 7:00 a.m. and 3:00 p.m.

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

TERMINATE PART-TIME KITCHEN AIDE IN THE SENIOR CENTER

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Diane Ajibaye be and is hereby terminated as a part-time Kitchen Aide in the Senior Center effective March 24, 2011; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Senior Center Director, Business Administrator, Chief Financial Officer, Mandy To and Carina Santos.

EMPLOY TOURISM REPRESENTATIVES FOR THE 2011 SUMMER SEASON

WHEREAS, there is a need for personnel to operate the Tourism Bureau for the 2011 Summer Season; and,

WHEREAS, funds will be provided in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kathryn Goslee, Robin Brown and Debbie Clark be and are hereby employed as Tourism Representatives in the Tourism Bureau not to exceed an average of 25 hours per week per employee or an average of 40 hours per week in total staffing beginning April 15, 2011 and ending October 1, 2011, at \$12.17 per hour; and,

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

ACCEPT THE RESIGNATION OF ROBERT PETERS AS A MEMBER OF THE BOARD OF ADJUSTMENT

WHEREAS, the Township Committee has received a letter from Robert Peters resigning as the Alternate #4 member of the Board of Adjustment effective March 31, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Robert Peters as a member of the Board of Adjustment is hereby accepted effective March 31, 2011; and,

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

PERMIT OVERNIGHT CONSTRUCTION WORK BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON THE WEST BANGS AVENUE BRIDGE OVER ROUTE 18

WHEREAS, the Township of Neptune has an ordinance prohibiting the operation of heavy equipment between the hours of 7:00 p.m. and 8:00 a.m.; and,

WHEREAS, the New Jersey Department of Transportation has requested a wavier to permit overnight construction and repair work on the West Bangs Avenue bridge over Route 18; and,

WHEREAS, the Township desires to permit this construction/repair work to occur during nighttime hours to avoid work during heavy traffic volume periods,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a waiver of all prohibited construction hours is hereby granted to the New Jersey Department of Transportation to allow overnight construction and repairs to the West Bangs Avenue bridge over Route 18, said exception being made pursuant to Section 3-2.5 of the Code of the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Police Department, Construction Official, and Director of Engineering and Planning.

ACCEPT PERFORMANCE GUARANTEE FILED BY G.S. REALTY, INC. FOR SITE IMPROVEMENTS AT ROUTE 33 MEDICAL BUILDING

WHEREAS, G.S. Realty, Inc. has filed an Irrevocable Letter of Credit #1776, written by Amboy Bank in the amount of \$178,200.00, guaranteeing site improvements at the Route 33 Medical Building (project which was start then abandoned by the previous owner at Block 7019, Lot 7); 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 THE CANCELLATION OF MORTGAGES IN CONNECTION WITH REGIONAL CONTRIBUTION AGREEMENT PROJECTS

WHEREAS, the Township of Neptune holds three mortgages in connection with Regional Contribution Agreement Projects; and,

WHEREAS, six full years have passed since the date of the mortgages and the properties remain in the ownership of the borrowers; and;

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

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 the cancellation of mortgages issued to Cipriano, Covington, and Small in connection with Regional Contribution Agreement Program projects and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the RCA Administrator and RCA Attorney.

RELEASE ALL DEVELOPERS ESCROW FOR IMPROVEMENTS AT THE FORMER RITE AID BUILDING

WHEREAS, Rite Aid, Inc. posted cash performance surety and inspection fee escrow in connection with improvements to the former Rite Aid building on State Highway 33; and,

WHEREAS, the Township purchased this property from Rite Aid, Inc. and is in the process of constructing a Senior Citizens Center; and,

WHEREAS, since Rite Aid no longer owns said property, all site improvement escrow funds can be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the cash performance guarantee account and inspection escrow account for the property stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of Engineering and Planning.

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

WHEREAS, there is a need for an additional Special Law Enforcement Officer – Class I 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 recommendation; and,

WHEREAS, funds will be provided in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Richard Brogley be and is hereby employed as a part-time Special Law Enforcement Officer, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective immediately, at an hourly rate of \$14.00; 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.

AUTHORIZE SWAP OF AMMUNITION FOR RETIRED POLICE DEPARTMENT WEAPONS FOR AMMUNITION USED IN WEAPONS CURRENTLY IN USE

WHEREAS, the Police Department is in possession of 15,000 rounds of 9mm ammunition that was in stock for use in 9mm Glock and 9mm MP-5 sub-machine guns. These weapons have been retired from service and the need for this ammunition is no longer required; and,

WHEREAS, the Department current possesses weapons that utilize 5.56mm ammunition; and,

WHEREAS, Shore Shot Pistol Range, Lakewood, NJ has offered to provide an equal swap of 15,000 rounds of 5.56mm ammunition for the 15,000 rounds of 9mm ammunition possessed by the Township; and,

WHEREAS, the Police Department has researched the cost of 5.56 ammunition and the value of its surplus 9mm ammunition and has determined that the proposed swap of ammunition provides the greatest value to the Township,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Neptune Township Police Department to swap of 15,000 rounds of 9mm ammunition for 15,000 rounds of 5.56 ammunition with Shore Shot Pistol Range, Lakewood,

NJ ; and,

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

AUTHORIZE THE EXECUTION OF A LEASE AGREEMENT WITH THE OCEAN GROVE CHAMBER OF COMMERCE TO OPERATE A TOURISM BUREAU IN A PORTION OF 45 PILGRIM PATHWAY

WHEREAS, the Township of Neptune operates a Tourism Bureau during the summer months at 45 Pilgrim Pathway through a lease agreement with the Ocean Grove Chamber of Commerce; and,

WHEREAS, the Township of Neptune desires to renew said lease for a portion of 45 Pilgrim Pathway for the 2010 summer season; and,

WHEREAS, the Township agrees to pay the Chamber of Commerce a total of \$1,320.00 for use of the office space from May 15, 2011 to October 15, 2011 (\$264.00 per month); and,

WHEREAS, funds will be provided in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Lease Agreement, a copy of which is on file in the Office of the Municipal Clerk, with the Ocean Grove Chamber of Commerce for use of a portion of 45 Pilgrim Pathway as a Tourism Bureau from May 15, 2011 to October 15, 2011 at a total cost of \$1,320.00 (\$264.00 per month); and,

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

AUTHORIZE THE CANCELLATION OF SEWER RENT

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property 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,

1

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
10017/17	ADDR Properties, LLC	1105 Green Grove Road	2011	2580.00

REASON: As per inspection

2

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
201/32	Puccico Realty Assoc	1329 10 th Avenue	2011	430.00

REASON: Vacant Land

3

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
201/33	Puccico Realty Assoc	1336 Corlies Avenue	2011	430.00

REASON: Vacant Land

4

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
3003/7	Meridian Health Realty	200 Wakefield Road	2011	215.00

REASON: Sewer cap off – demo permit issued

5

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
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3004/6 Meridian Health Realty 2 Surrey Lane 2011 215.00

REASON: Sewer cap off – demo permit issued

6

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
3004/1	Michael Guanzon	300 Wakefield Road	2011	215.00

REASON: Sewer cap off – demo permit issued

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

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH THE ANNUAL CRAFT SHOW

WHEREAS, the annual Craft Show is planned for the Pathway in Ocean Grove on Saturday, September 3, 2011; and,

WHEREAS, for the safety of the participants and to permit an area to unload goods, a temporary no parking zone is necessary,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the establishment of temporary no parking zones on Saturday, September 3, 2011, between the hours of 5:00 A.M. and 6:00 P.M. at the following locations:

- 1) the north side of eastbound Ocean Pathway and the south side of westbound Ocean Pathway from Central Avenue to Ocean Avenue
- 2) both sides of Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway
- 3) the west side of Ocean Avenue between eastbound Ocean Pathway and westbound Ocean Pathway
- 4) the east side of Central Avenue between eastbound Ocean Pathway and westbound Ocean Pathway

BE IT FURTHER RESOLVED, that Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway shall be closed to vehicular traffic on Saturday, September 3, 2011, between the hours of 5:00 A.M. and 6:00 P.M.; and,

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

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH THE OCEAN GROVE CHAMBER OF COMMERCE FLEA MARKETS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled two annual flea markets for Saturday, June 4, 2011 and Saturday, September 10, 2011, on Ocean Pathway in Ocean Grove; and,

WHEREAS, it is necessary to designate no parking areas and close certain streets prior to and during the events; 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 temporary no parking on the following streets:

- 1) Both sides of west bound and east bound Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.
- 2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.
- 3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on

Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.

4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway from 9:00 P.M. on Friday, June 3, 2011 until 6:00 P.M. on Saturday, June 4, 2011 and from 9:00 P.M. on Friday, September 9, 2011 until 6:00 P.M. on Saturday, September 10, 2011.

BE IT FURTHER RESOLVED, that Beach Avenue as stated in Section 2 will also be closed to vehicular traffic from 5:00 A.M. to 6:00 P.M. on Saturday, June 4, 2011 and Saturday, September 10, 2011; and,

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.

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Recreation Director, Chief Financial Officer, Business Administrator, and Township Attorney.

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye; except abstain on the two resolutions involving the Ocean Grove Chamber of Commerce; Brantley, aye; Houghtaling, aye; Jahn, aye; and McMillan, aye, except abstain on the resolution authorizing the execution of contracts with recreation organizations.

URGE ADOPTION OF STATE LEGISLATION TO STRENGTHEN MUNICIPAL IMMUNITY TO TORT CLAIMS

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

WHEREAS, injuries that occur on sidewalks that abut commercial property are the responsibility of the commercial property owner; and

WHEREAS, courts have ruled that injuries that occur on sidewalks that abut residential property are not the responsibility of the homeowner even when the homeowner is responsible for the maintenance and repair of the sidewalk by municipal ordinance; and

WHEREAS, courts have ruled that the municipality, not the homeowner, is liable for accidents on defective sidewalks notwithstanding the municipal ordinance; and

WHEREAS, under the provisions of Title 59, public entities are immune from injury "caused solely by weather" on streets and sidewalks; and

WHEREAS, despite this language, in many cases municipalities and other public entities still have been forced to pay large amounts of money in damages when courts ruled that because other factors contributed to the accident, the Title 59 immunity didn't apply because the accident was not "solely" caused by weather; and

WHEREAS, municipalities and other public entities have also been forced to pay large amounts of money in damages for accidents occurring on other public property that were substantially caused by weather; and

WHEREAS, also under the provisions of Title 59, public entities are immune from injury "caused by a condition of any unimproved public property, including but not limited to any natural condition of any beach;" and

WHEREAS, despite this language, in many cases municipalities still have been forced to pay large amounts of money in damages for claims by swimmers injured in the ocean; and

WHEREAS, public entities have also incurred large costs in defending lawsuits by persons injured while walking on municipal boardwalks; and

WHEREAS, a public entity should be immune from such a suit if it can demonstrate that it was operating under an ongoing maintenance plan calling for periodically reviewing and repairing the boardwalk; and

WHEREAS, Assemblyman Burzichelli has introduced a package of legislation, A-3430, A-3431 and A-3432 to strengthen immunity from tort claims involving weather, sidewalks, beaches, boardwalks and similar public properties;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the New Jersey State Legislature is urged to pass A-3430, A-3431, and A-3432 to strength municipalities immunity from tort claims; and,

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Assemblyman David Rible, Assemblywoman Mary Pat Angelini, Senator Sean Kean, the Senate President, the Assembly Speaker, the Governor of State of New Jersey and the New Jersey League of Municipalities.

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

AUTHORIZE THE PAYMENT OF BILLS

Dr. Brantley offered the following resolution, moved and seconded by Ms. Jahn, 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	3,507,005.43
FEDERAL & STATE GRANT FUND	3,106.28
TRUST OTHER	77,577.77
GENERAL CAPITAL FUND	25,250.00
SEWER OPERATING FUND	180.00
MARINA CAPITAL FUND	8,798.09
DOG TRUST	177.00
PUBLIC ASSISTANCE TRUST	395.00
BILL LIST TOTAL	\$3,622,489.57

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; Jahn, aye; and McMillan, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Hank Coakley stated he liked Ordinance #11-21 regarding the refinery and suggested the Committee do their homework or else your wallet will take a beating. He also stated he liked Ordinance #11-22 he stated he was glad that they will be cutting down on the people shaking the cans on the streets or going from house to house. He also questioned the amount of votes needed to pass Ordinance #11-25.

Mr. Cuttrell stated they would need two thirds of the full membership.

Jim Granelli thanked Ms. Jahn on her vote for the RV ordinance. He also stated that he noticed that there were chairs in the police department. He went on to state that Mr. Bishop had said that they would give the residents time to get things together as far as the boat and RV ordinance. He questioned whether that would still apply.

Mr. Anthony stated the Committee really did not have the authority to postpone enforcement because it takes effect upon publication of the ordinance.

Mr. Granelli questioned whether they would equally enforce all ordinances now because there were hundreds of violations out there. He stated he was going to be calling for enforcement of portable car ports that were on property that covered cars and the cars have gasoline in them and if the flap were to catch fire and blow onto a roof and set someone's house on fire. It would be a hazard.

Mr. Bishop offered that Mr. Cuttrell look into it.

Mr. Anthony suggested talking to the Fire Department.

Michael Fornino stated he wanted to see a snow removal plan in writing.

The Committee stated they have been in discussion regarding it.

Mr. Houghtaling stated they were working on a plan right now and assured him that he would see it before the next snow fall.

Mr. Fornino stated if his employee's did not do what he asked them to do they would be fired. He stated he wanted it now.

Dianna Harris thanked Mr. Bishop for all his help with getting the Homebuyers Workshop at the High School. She also thanked Mr. Houghtaling for coming out to support them. She asked questions such as the cost concerning Ordinance #11-22 and when it would come into effect.

Mr. Cuttrell stated there was no fee and the ordinance itself was self explanatory and would be in effect by the 28th.

Mayor McMillan questioned whether this would apply to Shop-Rite as well.

Mr. Anthony stated Shop-Rite for privately owned.

Jack Bredin stated he wanted to be sure as to what the land use administrator said about the land use law regarding periodic reexamination of the master plan. He questioned whether he would be able to get a copy of the waiver from the Department of Community Affairs in the future.

Mr. Bishop asked Mr. Cuttrell to look into this because he felt misstatements were being made.

Mr. Bredin discussed the five minute rule that took place at all of the meetings. He stated there was a different protocol between the elected officials and the appointed officials.

Kathy Arlt discussed demolition by neglect to the Committee.

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

Richard J. Cuttrell,
Municipal Clerk

