

TOWNSHIP COMMITTEE MEETING – JANUARY 24, 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 the workshop portion of the meeting.

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:

Debbie Osepchuk, Historic Preservation Commission (HPC) Chairperson, was present to discuss proposed amendments to the Architectural Design Guidelines. Ms. Osepchuk stated that many homeowners are now interested in the use of cement board siding because it is maintenance free and fire retardant. The Board has accepted the use of this product except on Key Structures as listed in the Master Plan. A sub-committee of the HPC looked into the material and contacted the State Historic Preservation Office and looked at other historic towns and found that some towns allow it and some do not. (Dr. Brantley arrived)

The sub-committee contacted a Specialist and could not get a definitive answer as to whether or not cement board should be allowed in the historic district. The HPC membership reached a consensus that if the wood siding is damaged beyond repair, the wood can be replaced with a non-wood product if it looks like wood. The HPC Attorney prepared amendments to the Guidelines which have been distributed to the Township Committee and which the HPC members recommend be adopted. The amendment states that any key structure must prove that the existing wood is totally beyond repair before a cement board siding is approved. The Mayor asked if the HPC considered whether the material is fire retardant and can withstand constant exposure to salt air. Ms. Osepchuk responded that the HPC only considers aesthetics. Dr. Brantley questioned the definition of non-restorable wood. Mr. Bishop stated that he is also concerned about debates as to whether or not wood siding is beyond repair. Mr. Anthony stated that situation would be handled as with any other debate before the HPC and likewise any appeal would be before the Board of Adjustment. Ms. Osepchuk stated that such situations would be handled on a case-by-case basis.

(Ms. Jahn arrived.) The Committee thanked the HPC for their work on the guidelines. Mr. Bishop stated that the Committee needs to look through the proposed amendment in terms of cost and safety as well.

The Committee reviewed draft amendments to the RV/boat storage ordinance. Ms. Jahn stated that she is concerned about the five foot setback because some properties may not have the five foot setback in the rear or side yard but have been storing boats previously. She also expressed concern about the fencing requirement. Mr. Houghtaling stated that he is favor of requiring a setback. Mr. Bishop stated that the Committee needs to move on this because the public has been in a state of flux for a long period of time.

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

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

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

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

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

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

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

Contract negotiations – JSUMC representatives present to discuss street vacation and proposed Ronald McDonald house  
Contract negotiations – Liquor License Hotel/Motel exception  
Contract negotiations – Recreation contracts  
Personnel – Recreation Committee appointment  
Real Estate negotiations – Request from Habitat for Humanity for vacant Township owned property

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

4. This Resolution shall take effect immediately.

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

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

Mr. Cuttrell was instructed to send a letter to Shawn Mazur, HPC member, and advise that he must take the Oath of Office to remain a member.

Mr. Bascom proposed sewer rates of \$430 in 2011 and \$440 in 2012. The current rate is \$410.

Mr. Cuttrell stated that Residence Inn will be applying for a liquor license under the hotel/motel exception. Mr. Anthony will research the procedure for issuing a license.

Mr. Houghtaling recommended that Charles Williams be appointed to the Recreation Committee. A resolution will be placed on the next regular meeting.

The Committee reviewed a request from Habitat for Humanity for the conveyance of Township owned lots for the purpose of constructing single family homes. Mr. Anthony will look into the matter because the lots are undersized and must be offered to adjoining property owners first.

The Committee returned to the Meeting Room to discuss additional workshop items. Mr. Bishop offered a motion to return to open session, seconded by Ms. Jahn. All were in favor.

Pat Monroe and Mrs. Sherman addressed the Committee regarding a request to rename Gables Park after Steven Sherman who was killed while serving in the military in the Middle East. The Mayor stated that he would like to discuss the matter with the local VFW organizations. Mr. Bishop asked that a meeting be set-up with Mrs. Monroe, Mrs. Sherman, representatives from the veterans associations and municipal representatives to discuss the matter. Mrs. Sherman asked that any ceremony to name the park be held on July 16<sup>th</sup> which was Steven Sherman's birthday.

The Committee then began the regular business 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](http://www.neptunetownship.org) for public viewing before each Township Committee meeting.

### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Ms. Jahn, to approve the minutes of the meeting held on December 13<sup>th</sup>. All were in favor except Mr. Houghtaling who was not eligible to vote on this motion.

### REPORT OF THE CLERK

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

Monmouth County Board of Health agenda for the January 18<sup>th</sup> meeting and minutes of the November 16<sup>th</sup> meeting.

Letters from Patrick and Dolores Daugherty and Irene Brew complimenting the snow removal efforts of the Public Works Department.

A letter from Mr. & Mrs. Jones thanking Charles Borges for his snow removal efforts on Brookside Road.

### COMMENTS FROM THE DAIS

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

Dr. Michael Brantley stated Wesley Lake dredging was at a stand still but they were able to get 2000 cubic square yards out. He stated the operator of the dredging equipment was ill but would be back on the job shortly.

Mary Beth Jahn stated she's been speaking with Nora Shepherd from the Transportation Counsel and they were trying to get the funding status of Route 66. She also stated that they were starting to get ready for the beach shuttle in Ocean Grove before Memorial Day. She stated she was also thinking of running an employee based shuttle from Mid-Town

Eric Houghtaling stated he attended the preliminary budget meeting for the Departments he's been assigned to such as the marina, recreation and public works. He stated he was hoping that they would not have anymore store for the rest of the year because public works was very stressed. He went on to state that the first recreation meeting was this Wednesday.

Randy Bishop stated he attended the budget meeting for the Senior Center, the Haiti Memorial Service, the Martin Luther King Celebration and two snow meetings. He thanked the Mayor and the homeowners for these sessions.

Kevin McMillan stated he attended the Martin Luther King event that was held by the Central Jersey Club. He also went to the Martin Luther King celebration that was held at branches by the YMCA. He also stated that he held road shows regarding the snow and there were lessons learned regarding the storms. He thanked Rich, Phil and Mike for helping put the information together. He stated he attended the Rainbow Inn performance in Ocean Grove, Neptune Boys Basketball game and he also held the Mayor's Youth Cabinet Meeting. He also stated that he went to the employment office to see what the residents were doing.

### PUBLIC COMMENTS ON RESOLUTIONS

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

Hank Coakley commented on Resolution #11-79 by stating Jersey Shore University Medical Center might be building a Ronald McDonald House and if they were he questioned what would it be classified as.

Mayor McMillan stated it was their belief that it would be of the normal character of the neighborhood.

Mr. Bascom stated part of the discussion was to turn it over to the Planner to see what it would be zoned as and how to move forward with this.

Mr. Coakley asked the Committee to do their homework and report back to them.

Mr. Fornino suggested they take a look at the Ronald McDonalds house in Long Branch because they've been doing fine for the time they've been there. He questioned Resolution # 11-88 by stating he hoped that the Township was equipping all of their officers with bullet proof vests. He also questioned whether they were replacing vests that they already have.

Mr. Bascom stated their vests do have a life and they do have to be replaced and all of the officers had vests.

ORDINANCE NO. 11-01 - ADOPTED

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

ORDINANCE NO. 11-01

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

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

Hank Coakley asked when this is put out to bid are the contractors required to pay prevailing wage and if so why because they are in a business to make money.

Mr. Bascom responded by stating that state statute requires \$14,000 and change and any public works job above that has to be prevailing wage.

Mr. Coakley requested the Committee right to legislators to appeal this.

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, aye; and McMillan, aye.

ORDINANCE NO. 11-02 - ADOPTED

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

ORDINANCE NO. 11-02

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SENIOR CITIZENS CENTER, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$600,000 THEREFOR (INCLUDING A \$176,765 GRANT FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM) AND AUTHORIZING THE ISSUANCE OF \$403,075 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Michael Fornino questioned what was the original total for this project.

Mr. Bascom stated it was around \$1.2 - \$1.3 million.

Mr. Fornino stated he knew that change orders happened but questioned what where they getting.

Mr. Bascom stated he wanted to make it clear that this was not a change order and that this project was intentionally split into two portions because this particular portion qualified for a community development block grant. So they wanted to proceed with the building construction while they pursued the community block grant because it took longer than the process for moving forward with the building. He went on to state that they were successful in their application although they would have liked to have gotten more money. He stated now they have to appropriate and bid that work

separately.

Mr. Fornino questioned what was the total burden on the taxpayers.

Mr. Bascom stated it was \$403,000 over twenty years.

Mr. Fornino questioned what was the original amount.

Mr. Bascom stated approximately \$1.2 - \$1.3 million.

Ken Buckley stated he had a personal interest with the senior center because his wife goes there and he was in support of it.

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, aye; and McMillan, aye.

#### ORDINANCE NO. 11-03 - ADOPTED

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

#### ORDINANCE NO. 11-03

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO THE SHARK RIVER MARINA, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 IN BONDS OR NOTES TO FINANCE THE COST THEREOF

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

Michael Golub requested the Committee to define items in the ordinance.

Mr. Bascom stated the engineer was evaluating various modes of alternative energy including solar panel & wind power. She has been meeting with several different companies to see what they could do to offset the energy.

Mr. Golub questioned whether there has been any effort in coordinating with other municipalities along the Shark River basin. He also questioned the wind turbine and whether it would be located on the roof or would it be a self standing turbine.

Mr. Bascom stated his understanding was that they were talking about using the roof at the marina facility and the bathroom building structure.

Mr. Golub commended went on to commend the Committee for doing this. He also commended Ms. Jahn for her comments regarding the Boat/RV issue. He felt her comments were spot on. He went on to state that he was a little taken back by the comments in the paper regarding the dredging of the marina. He questioned why the comments were always made by the Chief Financial Officer and not the business administrator of the town because normally when things like this are made public they are made by the business administrator or the manager of the town.

Mayor McMillan stated a lot of things has to do with finances and different issue like that. He went on to state that he would not like for him to attack the professionals whether it was directly or indirectly.

Mr. Golub asked the Mayor to explain why the public never hears from the administrator and questioned why it was considered to be a personal attack.

Ms. Jahn interjected and questioned how did this pertain to the ordinance.

Mr. Bascom stated when the Coaster called Mr. Huhn was not in the office so he took the call.

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, aye; and McMillan, aye.

ORDINANCE NO. 11-04 - ADOPTED

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

ORDINANCE NO. 11-04

BOND ORDINANCE PROVIDING FOR THE SOUTH RIVERSIDE DRIVE FLOOD MITIGATION PROJECT – PHASE I, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$700,000.00 THEREFOR (INCLUDING A \$508,441.50 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) AND AUTHORIZING THE ISSUANCE OF \$182,433.00 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Michael Fornino questioned what was the total debt for the Township.

Mr. Bascom stated that the Township is at about 20 percent of the allowable level of debt based on assessed value.

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, aye; and McMillan, aye.

ORDINANCE NO. 11-05 - ADOPTED

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

ORDINANCE NO. 11-05

BOND ORDINANCE PROVIDING FOR THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$650,000.00 THEREFOR (INCLUDING A \$430,176.75 GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY) AND AUTHORIZING THE ISSUANCE OF \$209,353.00 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. 11-06 - ADOPTED

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

ORDINANCE NO. 11-06

BOND ORDINANCE PROVIDING FOR THE ACQUISITION AND THE PAYMENT OF THE PURCHASE PRICE OF REAL PROPERTY BEING DESIGNATED AS BLOCK 217, LOT 58 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NEPTUNE AND VARIOUS IMPROVEMENTS THEREOF, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$300,000 THEREFOR AND

AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES  
OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Hank Coakley questioned at what rate were they going to be paying on the bonds.

Mr. Bascom stated he did not know because they were not issued yet.

Mr. Coakley then asked whether the taxpayers could put their money toward these bonds.

Mr. Bascom stated it would not be legal for him to make a recommendation as to whether he should invest in the Township's bonds. He did state that as they went on there would be ordinances and actions that would make it clear of the interest rates, who purchased the bonds and how you could obtain them.

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, aye; and McMillan, aye.

ORDINANCE NO. 11-07 - ADOPTED

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

ORDINANCE NO. 11-07

AN ORDINANCE AUTHORIZING CONDEMNATION OF 1700 WEST LAKE AVENUE, NEPTUNE, NEW JERSEY ALSO KNOWN AS TAX BLOCK 217, LOT 58-61 OF THE TAX MAP OF NEPTUNE TOWNSHIP

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. 11-08 - APPROVED

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

ORDINANCE NO. 11-08

AN ORDINANCE MAKING THE PROVISIONS OF SUBTITLE 1 OF TITLE 39 WITH VARIOUS TRAFFIC REGULATIONS APPLICABLE TO "ELDRIDGE TRAILER PARK" ALSO KNOWN AS "ELDRIDGE MOBILE HOME PARK" BLOCK 266, LOT 10 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE REGULATING THE USE OF SAID ROADWAYS, STREETS, DRIVEWAYS AND PARKING AREAS USED BY MOTOR VEHICLES

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

ORDINANCE NO. 11-09 - APPROVED

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

ORDINANCE NO. 11-09

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

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

ORDINANCE NO. 11-10 - APPROVED

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

ORDINANCE NO. 11-10

AN ORDINANCE TO ADD VOLUME I, CHAPTER XXI, SECTION 21-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REQUIRING THAT REFUSE CONTAINERS AND DUMPSTERS BE COVERED AT ALL TIMES AND PROHIBITING THE DISCHARGE OF CONTENTS INTO THE STORM WATER SYSTEM

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

ORDINANCE NO. 11-11 - APPROVED

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

ORDINANCE NO. 11-11

AN ORDINANCE TO AMEND SECTION 528 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY REQUIRING THE RETROFITTING OF EXISTING STORM DRAIN INLETS IN DIRECT CONTACT WITH PRIVATE PROPERTY UNDERGOING AN INFRASTRUCTURE CHANGE OR ALTERATION

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

ORDINANCE NO. 11-12 - APPROVED

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

ORDINANCE NO. 11-12

AN ORDINANCE TO AMEND SECTION 1001 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE AFFORDABLE HOUSING CONTRIBUTION REQUIREMENTS AND PROCEDURES IN ACCORDANCE WITH COUNCIL ON AFFORDABLE HOUSING REGULATIONS

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 11-08 through 11-12 will be held on Monday, February 14, 2011.

CONSENT AGENDA

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

AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE (107 ASBURY AVENUE)

WHEREAS, Lynn N. Antonov & Macar Antonov previously purchased Tax Sale Certificate 03-010, comprising a lien on property known as Block 94, Lot 29, 107 Asbury Avenue, assessed to David J. Beneduci, and has filed a duly executed affidavit swearing that they are still the lawful owner of said certificate but has lost same; and,

WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

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 issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Lynn N. Antonov & Macar Antonov upon payment of the sum of \$100.00; and,

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

AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATE (112 WEBB AVENUE)

WHEREAS, Lynn N. Antonov & Macar Antonov previously purchased Tax Sale Certificate 03-011, comprising a lien on property known as Block 100, Lot 979, 112 Webb Avenue, assessed to Wendel Thomas & Joan Leung Lo Hing, and has filed a duly executed affidavit swearing that they are still the lawful owner of said certificate but has lost same; and,

WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

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 issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Lynn N. Antonov & Macar Antonov upon payment of the sum of \$100.00; and,

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

ACCEPT THE RESIGNATION OF MICHAEL DAVENPORT AS A MEMBER OF THE ENVIRONMENTAL/SHADE TREE COMMISSION

WHEREAS, the Township Committee has received a letter from Michael Davenport resigning as a member of the Environmental/Shade Tree Commission effective January 1, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Davenport as a member of the Environmental/Shade Tree Commission is hereby accepted effective January 1, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary of the Environmental/Shade Tree Commission.

AUTHORIZE THE SALE OF VETERANS POPPIES

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

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

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR IMPROVEMENTS AT THE SOCIAL SECURITY BUILDING AT 3310 ROUTE 66

WHEREAS, Claremont Neptune, LLC filed a maintenance bond written by The Service Insurance Company, Inc. in the amount of \$59,125.05, guaranteeing the maintenance of site improvements for two years at the project known as the Social Security Building at 3310 Route 66 (Block 9025, Lot 52.01); and,

WHEREAS, the two year maintenance period has expired and the Township Consulting Engineer has conducted an inspection; and,

WHEREAS, on January 12, 2011, the Township Consulting Engineer certified that all site work has been completed and said maintenance bond may be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance bond as stated herein; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded; and,

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

DENY REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE FILED BY GM COASTAL PROPERTIES FOR SITE IMPROVEMENTS AT ROUTE 33 AND SCHOOLHOUSE ROAD

WHEREAS, GM Coastal Properties has filed a performance bond in the amount of \$127,656.00 guaranteeing the improvements of an amended subdivision and site plan at the project known as the Coastal Medical Building located at the intersection of Route 33 and Schoolhouse Road (Block 1405, Lots 12, 13 and 13.01); and,

WHEREAS, the Developer requested a release of said performance bond; and,

WHEREAS, the Township Consulting Engineer has conducted an inspection and issued a punch list of items that require completion before the performance bond can be released; and,

WHEREAS, the punch list items have been forwarded to the Developer for completion,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby denies the request of GM Coastal Properties to release the performance bond as stated herein; and,

BE IT FURTHER RESOLVED, that the Township Consulting Engineer is directed to re-inspect said site plan upon notification from the Developer that deficiencies as noted in the punch list have been satisfactorily completed; and,

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

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 is hereby authorized to refund the taxes as stated herein; and,

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
412/76	WALTSAK	18 BENTON PL	2010	2,890.91
10023/ 8	FETTER	36 TOOMIN DR	2010	1,665.95

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

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

WHEREAS, volunteer personnel in the Office of Emergency Management were placed on stand-by duty as a result of the snowstorm on January 11 & 12, 2011; and,

WHEREAS, overtime payment at the rate of \$10.00 per hour is authorized by resolution of the Township Committee to be paid to said personnel in the event of a long duration situation such as storm or disaster which requires readiness and staffing; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget in the appropriation entitled \_\_\_\_\_, known as Account No. \_\_\_\_\_ 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; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that stand-by duty payment at the rate of \$10.00 per hour be and is hereby authorized to the following Office of Emergency Management staff for the hours indicated as a result of the snowstorm on January 11, 2011 and January 12, 2011:

Jeffrey Devlin	16 hours
Kenneth Sprague	16 hours
Edward Sims	18 hours
Daryn Moure	16 hours
Salvador Galvan	16 hours
Chris Devlin	12.5 hours
George Waterman	15 hours
David Shotwell, Jr.	13 hours

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

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

AUTHORIZE THE PURCHASE OF BULLETPROOF BODY ARMOR FOR THE POLICE DEPARTMENT UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM

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

WHEREAS, the Neptune Township Police Department wishes to purchase Point Blank Body Armor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Lanigan Associates, Inc. has been awarded New Jersey State Contract No. A74004 for this equipment; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the grounds that the price reflects a substantial savings; and,

WHEREAS, the cost of this equipment shall not exceed \$62,500.00; and,

WHEREAS, funds will be provided from a Federal Bulletproof Vest Program Grant and a State of New Jersey Body Armor Replacement Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of Point Blank Body Armor through the New Jersey Cooperative Purchasing Program for officers of the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$62,500.00; and,

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

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

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH THE 6<sup>th</sup> AVENUE PEDESTRIAN AND ADA ACCESSIBILITY PROJECT

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

WHEREAS, on July 12, 2010, a contract was awarded to Fernandes Construction, Inc. in the amount of \$370,207.50 in connection with the 6<sup>th</sup> Avenue pedestrian and ADA accessibility project; and

WHEREAS, on September 13, 2010, the Township Committee adopted Resolution #10-375 which authorized Change Order #1 resulting in a net decrease of \$10,475.00 to the contract amount; and,

WHEREAS, changes to the contract have been experienced as a result final as-built quantities and drainage improvements in the right-of-way that will be reimbursed by the County of Monmouth; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 09-20 and the Chief Financial Officer has so certified in writing,

WHEREAS, these changes have been approved by Birdsall Engineering, Inc., Consulting Engineer; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Fernandes Construction in connection with the 6<sup>th</sup> Avenue Pedestrian and ADA Accessibility Project resulting in a net increase of \$30,815.00 revising the total contract amount to \$386,547.50; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Birdsall Engineering, Chief Financial Officer; Business Administrator and Director of Engineering and Planning.

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

AUTHORIZE THE PAYMENT OF BILLS

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

BE IT RESOLVED, That the following bills be paid if properly certified:

CURRENT FUND	4,119,332.94
FEDERAL & STATE GRANT FUND	1,814.76
TRUST OTHER	10,621.09
GENERAL CAPITAL FUND	194,472.20
SEWER OPERATING FUND	152,959.56
MARINA OPERATING FUND	665.18
DOG TRUST	7,375.10
U.D.A.G. TRUST	750.00
LIBRARY TRUST	720.96
BILL LIST TOTAL	\$4,488,711.79

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.

AUTHORIZE DONATION OF A 2000 UNMARKED POLICE VEHICLE TO THE OCEAN GROVE CITIZENS PATROL

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

WHEREAS, the Township of Neptune has a 2000 Ford unmarked police vehicle that is no longer needed by the Township and is therefore surplus equipment; and,

WHEREAS, the Ocean Grove Citizens Patrol is in need of said vehicle; and,

WHEREAS, the Ocean Grove Citizens Patrol performs a quasi municipal function as a neighborhood watch group and by providing traffic control services during Township events conducted throughout the year; and,

WHEREAS, the Township of Neptune desires to authorize the donation of the vehicle to the Ocean Grove Citizens Patrol at no cost,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the donation of a 2000 Ford unmarked police sedan bearing vehicle identification number 2FAP71WXYX134406 to the Ocean Grove Citizens Patrol; and

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

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

Michael D. Fornino suggested the Committee draft a snow ordinance because the state of New York had one. He felt that it would prevent what happened from happening again. He stated he visited Wayne Rode and discussed plowing with him. He also called Dawn Thompson and the County Park Systems regarding Ice Skating. He suggested using Lake Alberta because it would not cost much. He stated Dawn Thompson stated she's never heard of this.

Richard Tillie commended the Committee for the logistics given at the last meeting. He felt the Public Works Department did a great job.

Gail Oliver thanked the Committee for the ordinance regarding Ms. Clara's family because now the redevelopment process could move forward.

Jack Braden stated last year he attended a Township meeting and the Mayor said that she wasn't on the Planning Board. He did his research and he found it to be true. He felt if the Mayor did not attend the Planning Board meetings then they were not well informed. He suggested the Mayor be appointed as a Class I member.

Ms. Jahn stated if the Mayor wanted to sit in they could but their designee keeps them well informed.

Mr. Bishop stated with the type of government they had it was best to have the designee carried one Mayor to another because then there is consistency. He stated the job of the Planning Board was not to plan, it was to plan when it was time for the review of the masterplan and taking a recommendation. The major job they do is site plan review.

Kennedy Buckley stated there was an excellent presentation at the Ocean Grove Homeowner's meeting on Saturday regarding the snow. He stated he was glad to hear that there would be no anticipation in the budget to buy new equipment and hoped that the budget would be well watched. He also discussed the HPC.

Heinz Weck commented regarding the lighting in the parking lot and also suggested the Township use snow blowers for the snow and use the trucks for other things.

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

Richard J. Cuttrell,  
Municipal Clerk