

TOWNSHIP COMMITTEE MEETING – FEBRUARY 14, 2011

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

Also present at the dais were Richard J. Cuttrel, Municipal Clerk; Philip D. Huhn, Township Administrator; and Gene Anthony, Township Attorney.

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Houghtaling stated that he met with interested citizens regarding the proposed RV/boat storage ordinance amendments. He proposed amendments as a result of that meeting which indicates language relating to distance to the end of driveway or sidewalk and eliminating side and rear yard setbacks. Mr. Cuttrel will distribute a revised draft to the Committee.

Mr. Bishop stated that the Township's Facebook site was removed during the snowstorm because of numerous inflammatory comments placed on the site. (Dr. Brantley arrived) He asked that the page be reinstated. The Committee agreed.

The Mayor stated that the NJ DOT has presented a traffic study of the Route 33 corridor; therefore, that item can be taken off the list of pending action items.

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

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

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

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

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

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

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

Personnel – Vacancy on Economic Development Corporation (Mary Ditri has resigned).
Contract negotiations – JP Affordable Housing
Real Estate negotiations – Undersized lots on Bradley Beach border
Personnel – Employee reclassification 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; Brantley, aye; Houghtaling, aye; and McMillan, aye.

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

Mr. Bishop stated that the Ocean Grove Camp Meeting Association has undersized slivers of lots along the Bradley Beach border to the rear of homes that front Inskip Avenue. They previously inquired about donating the lots to the Township because they are of no benefit. The Township did not express interest in going through the acquisition process. The Association has

stopped paying taxes on the lots and will allow them to go to foreclosure. Mr. Anthony stated that it is cheaper for the Township to allow the property to go through foreclosure rather than acquiring the property now which would require title work and deed preparation.

Mr. Huhn recommended that Debbie DeSeno be reclassified to the position of Departmental Secretary in the Land Use Department. The Committee took formal action by resolution during the business portion of the meeting.

The Committee reviewed a recommendation from Rosemary Gray for the termination of a Kitchen Aide and took formal action by resolution during the business portion of the meeting.

Mr. Huhn stated that the Borough of Bradley Beach is requesting an interlocal service agreement to allow their residents to utilize the Township's recycling center while they renovate the Bradley Beach Public Works facility. The Committee asked Mr. Cuttrell to prepare the necessary agreement.

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 and Mayor Kevin B. McMillan. Absent: Mary Beth Jahn

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Philip D. Huhn, Township Administrator; 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.

REPORT OF THE CLERK

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

Senior Beacon for January.

Annual Environmental/Shade Tree Commission Accomplishment Report.

Letter from Clark Cate thanking the Public Works Department staff for their work throughout the year.

Notice of public hearing on an amendment to the Borough of Tinton Falls Land Use Ordinance.

Notice from the NJDOT that the Township received a Transportation Trust Fund grant in the amount of \$279,060 for improvements to Green Grove Road.

Thank you notes from Nicholas Napolitano and Elaine Bennett to the Senior Center staff.

COMMENTS FROM THE DAIS

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

Dr. Michael Brantley stated they were finally getting a break in the weather and the dredging of Wesley Lake would continue this week and would continue on after that if the weather permits. He went on to state that the equipment operator was ready to get started.

Eric Houghtaling congratulated the Township officials on the DOT grant recently received. He stated he understood it would be a continuation from West Bangs Avenue to Route 66. He stated this was the largest grant in the County. He stated the recreation director was accepting applications for the summer program which was six weeks long and they could pick the week that they wanted to attend.

Randy Bishop stated he attended Mr. Manning's dinner along with Mr. Houghtaling and the Mayor. He went on to state that they did have the kick off discussion for the construction of the north end.

Mayor Kevin B. McMillan stated he attended the grand opening of the IHOP which was in the same shopping plaza as Shop-Rite. He stated it was under new management. He went on to state that he attended Neptune Girl's basketball game this past Saturday. He reported that he finished the last of his snow meetings with Murc, which he felt went pretty well. He thanked Howard O'Neil, Wayne Rode, Randy Bishop and Eric Houghtaling and the various homeowner groups for their cooperation. He felt they had a greater understanding of what the professionals did. He stated he also attended the Mayor's Youth Cabinet at the high school, which in his opinion was working out well. He stated he also hoped to see the fruits of their labor during Student Government Month. He stated today he had a meeting with the Green Team and they were working with the Board of Education on a joint partnership.

PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros commented on Resolution #11-100 and stated they said there was going to be eight people but only four were named. She questioned where was the other four. She also stated that if they were going to be on call for snow plowing at an hourly rate of \$25 then she would like to apply for that job.

Mr. Bishop stated they did not get paid until they started operating the truck.

Mrs. Argyros stated she hoped that they understood that because that wasn't how she was reading it. She commended them for putting summaries on the agendas. She went on to question Resolution #11-103. She stated they were paying a lot of money to have someone represent Sgt. Emmons. She questioned what was he charged with.

Mr. Huhn stated the charges were against the State of New Jersey and no charges were against the officer. The officer only has information.

Mrs. Argyros questioned what did they get out of paying the legal fees for him

Mr. Anthony stated it was done to make sure that he doesn't say anything stupid and in addition to that he is entitled to legal representation.

Mrs. Argyros stated she would like to know why the Township represents them.

Mr. Anthony stated it was part of their contract.

Mrs. Argyros went on to question Resolution #11-107. She stated they were terminating an employee but her copy of the agenda that was printed from the internet the name was blank.

Mr. Cuttrell stated it was blank because the Committee had to discuss it in executive session. He stated the employees name was Brandon Nichols and he was a part-time kitchen aide at the Senior Center.

Mrs. Argyros questioned Resolution #11-98 which renewed the commodity resale system for the resale of gasoline and diesel fuel. She questioned how did the Township acquire it to resale it.

Mr. Cuttrell stated other governmental agencies that use our facilities are buying it, such as the Housing Authority, Board of Education and the Fire Department and we are charging them at cost.

Hank Coakley commented on Resolution #11-109. He questioned whether an employee could use Mr. Anthony as their attorney or could they choose someone else.

Mr. Huhn stated they have the right to use any attorney they want as long as they do not go above \$120 an hour which was below the municipal attorney rate.

Denis McCarthy questioned what the lawsuit mentioned in Resolution #11-109 was about.

Mr. Anthony stated he was not sure but when there were punitive damages involved there were separate representation. He stated after looking over the paper work he did not feel it would be fair to comment on it.

ORDINANCE NO. 11-08 - ADOPTED

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

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 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; and McMillan, aye.

ORDINANCE NO. 11-09 - ADOPTED

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

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 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; and McMillan, aye.

ORDINANCE NO. 11-10 - ADOPTED

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

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 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; and McMillan, aye.

ORDINANCE NO. 11-11 - ADOPTED

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

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

Dorothy Argyros questioned whether this was to be paid for by the person doing the work.

The Committee confirmed by stating yes.

Hank Coakley questioned whether this would be at the curb or street level and if this was effective today or retroactive.

Mr. Cuttrell stated it was effective today and it's the metal grates.

Mr. Bishop stated they had this discussion at the Planning Board Meeting the other day and it was only the street grating or when you go to repave and you don't need a permit.

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; and McMillan, aye.

ORDINANCE NO. 11-12 - TABLED

Dr. Brantley offered a motion, seconded by Mr. Bishop, that Ordinance No. 11-12 be tabled. All were in favor.

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

ORDINANCE NO. 11-13 - APPROVED

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

ORDINANCE NO. 11-13

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

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

ORDINANCE NO. 11-14 - APPROVED

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

ORDINANCE NO. 11-14

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

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

ORDINANCE NO. 11-15 - APPROVED

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

ORDINANCE NO. 11-15

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

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 11-13, 11-14 and 11-15 will be held on Monday, February 28, 2011.

CONSENT AGENDA

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

AUTHORIZE RENEWAL OF OPTIONAL DENTAL INSURANCE PLAN

WHEREAS, Dental Services Organization, Inc. provides dental care at a fixed monthly cost to individuals who elect to enter the program; and,

WHEREAS, the Township authorized the offering of this optional Plan to its employees for a three year term effective February 1, 2008; and,

WHEREAS, participation in this Dental Plan is at the option of the employee and the employee is responsible for the cost of monthly payments in excess of the cost of the dental insurance currently provided by the Township; and,

WHEREAS, the Township desires to renew this optional benefit plan,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute an Agreement with Dental Services Organization, Inc. to provide dental coverage to Township employees electing to participate in the program for a three year period from February 1, 2011 to January 31, 2014; and,

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

AUTHORIZE THE CANCELLATION OF A MORTGAGE IN CONNECTION WITH A FAÇADE IMPROVEMENT GRANT AWARDED TO SELECTIVE AUTO SALES (443 HIGHWAY 35)

WHEREAS, the Township of Neptune holds a mortgage dated October 19, 2005 in connection with a Façade Improvement Grant awarded to Selective Auto Sales (443 Highway 35); and,

WHEREAS, five full years has passed since the date of the mortgage and the façade improvements have been maintained by the property owners; and;

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a cancellation of mortgage in connection with the Façade Improvement Grant awarded to Selective Auto Sales (443 Highway 35); and,

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

APPOINT MEMBERS TO THE RECREATION COMMITTEE

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Maureen Ruotolo, Charles Williams and Laria Hamilton be and are hereby appointed as members of the Neptune Recreation Committee for the year 2011; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Recreation Director.

ACCEPT THE RESIGNATION OF MARY DITRI AS A TRUSTEE TO THE ECONOMIC DEVELOPMENT CORPORATION

WHEREAS, the Township Committee has received a letter from Mary Ditri resigning as the Mayor's Designee to the Economic Development Corporation effective January 24, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mary Ditri as a member of the Economic Development Corporation is hereby accepted effective January 24, 2011; and,

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

ACCEPT THE RESIGNATION OF KATHLEEN KOCEN AS A SENIOR KITCHEN AIDE IN THE SENIOR CENTER

WHEREAS, the Township Committee has received a letter from Kathleen Kocen resigning as a Senior Kitchen Aide in the Senior Center effective March 25, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Kathleen Kocen as a Senior Kitchen Aide in the Senior Center is hereby accepted effective March 25, 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 Senior Center Director.

RENEW COMMODITY RESALE SYSTEM FOR THE RESALE OF GASOLINE AND DIESEL FUEL

WHEREAS, N.J.A.C. 5:34-7.15 authorizes contracting units to establish a Commodity Resale System; and,

WHEREAS, on April 24, 2006, the Township Committee established a Commodity Resale System for the resale of gasoline and diesel fuel; and,

WHEREAS, the Township of Neptune agrees to continue to serve as the Lead Agency for the Commodity Resale System with Hamilton First Aid Squad, Interfaith Neighbors, Inc., Neptune Fire District #1, Neptune Board of Education, First Vehicle Services, Shark River Hills First Aid Squad, Neptune Housing Authority, Township of Neptune Sewerage Authority, Neptune Fire District #2, Ocean Grove First Aid Squad, Neptune First Aid Squad, Ocean Grove Citizens Patrol and Monmouth County Vocational School; and,

WHEREAS, the Township desires to renew this Commodity Resale System for a five year period,

THEREFORE, BE IT RESOLVED, on the 14th day of February, 2011 by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

The Township Committee hereby authorizes the renewal of a Commodity Resale System to be known as the Neptune Township Gasoline and Diesel Fuel Resale System with the Township of Neptune serving as the Lead Agency for a five year period expiring April 23, 2016.

The Mayor of the Township of Neptune is hereby authorized to enter into a contract with, and on behalf of, the Township of Neptune of the sale of gasoline and diesel fuel.

BE IT FURTHER RESOLVED, that a certified copy of this resolution along with a copy of the Purchase Agreement and a copy of the Request for Registration or Modification of a Commodity Resale System Form (Cooperative Purchasing Form CP-2060) shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs; and,

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

AUTHORIZE AMENDMENT #1 TO THE INTERLOCAL SERVICES AGREEMENT WITH THE BOROUGH OF NEPTUNE CITY FOR PUBLIC SAFETY EMERGENCY COMMUNICATIONS SERVICES

WHEREAS, the Township and Borough entered into an Interlocal Services Agreement for Public Safety Emergency Communications Services on November 1, 2010; and

WHEREAS, the Parties have agreed that Township will authorize a vendor to provide a connectivity of various security, radio and communications systems between the Borough and the Township's Communications Center; and

WHEREAS, the Borough will reimburse the Township for all costs associated with this amendment to the Agreement,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk are hereby authorized to execute an amendment to the November 1, 2010 Interlocal Services Agreement for Public Safety Emergency Communications Services with the Borough of Neptune City to provide that the Township will authorize a third party vendor to provide connectivity of various security, radio and communications systems between the Borough and the Township's Communications Center and that the Borough will reimburse the Township for the entire amount expended by the Township no later than July 1, 2011; and,

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

EMPLOY SEASONAL/ON-CALL DRIVERS IN THE DEPARTMENT OF PUBLIC WORKS FOR SNOW PLOWING

WHEREAS, the Township desires to create a pool of individuals with commercial drivers license who would be called upon during major snowfalls to operate snow plows as a supplement to the full-time Public Works staff; and,

WHEREAS, the Director of Public Works has conducted interviews and has forwarded his recommendations to employ eight workers for this purpose; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed in the Department of Public Works as Casual Employees on an on-call basis only for snow plowing during major snow/ice events during the 2010-2011 winter season at an hourly rate of \$25.00; and,

Anthony Devlin
Christopher Hankins

Albert Fritz
Richard Hulsart

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

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,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
3051/21C101	DI NAPOLI	101 LOUISVILLE AV	2010	431.74
449/22	SASSI	402 VALLEY RD	2010	1,569.17

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

AUTHORIZE THE CANCELLATION OF SEWER RENT (211 HIGHWAY 35 SOUTH)

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,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
212/14	Matrixx 8, LLC	211 Highway 35 South	2010	205.00

REASON: Building demolished

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

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

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

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Sgt. Michael Emmons to retain Fox Rothschild, LLP as legal counsel for accompany Sgt. Emmons in depositions in the above referenced matter; and,

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

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye, with regrets to resignations of Mary Ditri and Kathleen Kocen; Brantley, aye; Houghtaling, aye; and McMillan, aye.

AUTHORIZE PURCHASE OF EQUIPMENT AND SERVICES TO PROVIDE CONNECTIVITY BETWEEN THE BOROUGH OF NEPTUNE CITY AND THE TOWNSHIP COMMUNICATIONS CENTER

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

WHEREAS, the Township and Borough entered into an Interlocal Services Agreement for Public Safety Emergency Communications Services on November 1, 2010 and a subsequent amendment dated February 14, 2011; and,

WHEREAS, the Township will authorize a vendor to provide connectivity of security, radio and/or communications systems between the Borough of Neptune City and the Township's Communication Center; and

WHEREAS, the Borough will reimburse the Township for all costs associated with the equipment and services; and,

WHEREAS, the Purchasing Agent and Borough of Neptune City solicited quotes for providing the equipment and services as described herein; and,

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

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

WHEREAS, funds for this purpose will be provided through an Interlocal Services Agreement with the Borough of Neptune City, 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 equipment and services to provide connectivity between the Borough of Neptune City security, radio and/or communication systems and the Township's Communications Center and is hereby authorized through Open Systems pursuant to their quote of \$35,830.00 for said services; and,

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

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

AUTHORIZE BIRDSALL ENGINEERING TO PERFORM CONSTRUCTION ADMINISTRATION FOR IMPROVEMENTS TO THE PENNSYLVANIA AVENUE PUMPING STATION

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

WHEREAS, the Township of Neptune desired to undertake a project to make various improvements to the Pennsylvania Avenue Pumping Station; and,

WHEREAS, it is necessary for an Engineering Consultant to perform construction administration and inspections in connection with this project; and,

WHEREAS, the Township Engineer has recommended that Birdsall Engineering be awarded this work based on their submitted quote; and,

WHEREAS, Birdsall Engineering has been designated as one of the Township's Consulting Engineers; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 09-21, 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 Birdsall Engineering to perform the services as stated herein at an amount not to exceed \$45,000.00; and,

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

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

RECLASSIFY EMPLOYEE TO THE POSITION OF DEPARTMENT SECRETARY IN THE LAND USE DEPARTMENT

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

WHEREAS, there is a desire to fill the position of Departmental Secretary in the Land Use Department; and,

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

WHEREAS, the Land Use Director, Director of Engineering and Planning and the Business Administrator have made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget and funds for the balance of 2011 will be provided in the Budget for the year 2011, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Debbie DeSeno be and is hereby reclassified to the position of Departmental Secretary of the Land Use Department at an annual salary of \$29,000.00 effective February 15, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Land Use Director, Director of Engineering and Planning, Chief Financial Officer, Assistant C.F.O., and AFSCME Local #1844.

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

TERMINATE EMPLOYEE

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

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Brandon Nichols be and is hereby terminated as an employee with the Township of Neptune effective February 7, 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., Senior Center Director, Carina Santos and Mandy To.

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

AUTHORIZE THE PAYMENT OF BILLS

Dr. Brantley offered the following resolution, moved and seconded by Mr. Bishop, 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	3,427,153.13
FEDERAL & STATE GRANT FUND	2,476.34
TRUST OTHER	15,365.84
GENERAL CAPITAL FUND	168,244.03
SEWER OPERATING FUND	36,175.88
MARINA OPERATING FUND	892.43
DOG TRUST	81.00
LIBRARY TRUST	1,953.28
BILL LIST TOTAL	\$3,652,341.93

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

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Houghtaling, aye; and McMillan, aye, except abstain on Check #3033.

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE OFFICER IN LAWSUIT FOR PUNITIVE DAMAGES

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

WHEREAS, in the matter of Damian Gibson v. Ptl. Jason B. Petillo, Officer Petillo has requested that Fox Rothschild, LLP serve as his legal counsel as to the claim for punitive damages; and,

WHEREAS, in accordance with the current P.B.A. Local #74 contract, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said police officer for legal fees incurred for personal counsel for lawsuits for punitive damages against officers pursuant to N.J.S.A. 40A:14-155; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to Ptl. Jason B. Petillo to retain Fox Rothschild, LLP as legal counsel for the claim of punitive damages in the above referenced matter; and,

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Braden stated at the last meeting he had a discussion with Randy Bishop regarding the Planning Board. He stated he would like to continue that conversation with the chair. He felt that there was a better system and discussed what he felt the purpose of the Planning Board was for. He felt they should do planning on a regular basis and that Mr. Bishop did not feel that it was important.

Mr. Bishop stated explained what the Planning Board has been doing.

Dorothy Argyros stated she was confused by the wording in Ordinance #11-14.

Mr. Cuttrell stated it strictly deals with the appropriation cap and not the levy cap.

Mrs. Argyros praised Mr. Cuttrell for always giving her OPRA request back to her promptly. She also stated that she felt that the Township should file a Chapter 9 Bankruptcy rather than attempting to squeeze the money from the taxpayers.

Mr. Anthony stated they could not do that in New Jersey. He stated every State has to legislate the right to file for bankruptcy and deny their employees their pension and salaries and New Jersey does not have legislation to allow them to go bankrupt.

Mayor McMillan stated every year they had to make sure they balanced their books.

Kennedy Buckley questioned whether Neptune was facing insolvency.

Mayor McMillan stated no they were not.

Mr. Buckley felt that there was a problem with the removal of snow from the sidewalk. He suggested the Township use the State Statute and place a lien on the sidewalks that they clear.

Mr. Bishop stated the lien means I'll put out the money now and collect someday.

Mr. Buckley stated if they only did a couple and mention it in the paper it would send a message.

Hank Coakley thanked the Committee for going in with Neptune City to get rid of the no turn on red sign on West Sylvania and Brighton Avenue. He also discussed dumping the snow into the river and expressed how he felt the listings should be placed in the newspaper for the tax sale. He stated he felt that the sewer rates should be a part of the municipal tax bill.

Mayor McMillan asked Mr. Cuttrell to look into whether they could combine the two.

Joe Krimko stated he wanted to remind Mr. Buckley that the Township could barely move the snow from the streets let alone the sidewalks.

Heinz Weck asked whether Mr. Bascom and Ms. Jahn were well since they were absent this evening.

Mr. Bishop reported that Ms. Jahn was under the weather.

Mr. Weck stated if someone wanted to clean the snow then they should clean up the snow that the Township plowed and left. He also questioned when would the parking lot lights start working again. He suggested someone should announce when an emergency has been lifted.

Mayor McMillan stated he would look into it.

Denis McCarthy commended both Mr. Cuttrell and Mr. Huhn because they've been helpful in the past. He reported that he used to be able to pull up tax data but now he's no longer able to pull up all the information he used to.

Mr. Cuttrell stated he would check with Mr. Haney.

Mr. McCarthy questioned what was going on with the 2% cola rate.

Mr. Bishop stated this allows them to move around and manage their budget more clearly. He stated the want to's were gone and now they only have the have to do's.

Mr. McCarthy also stated that Roberta Grace does a fine job as well.

Brian Collins questioned how much of his property taxes went to the school, county and municipal budgets.

Mayor McMillan gave him the break down.

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

Richard J. Cuttrell,
Municipal Clerk