

TOWNSHIP COMMITTEE MEETING – MARCH 28, 2011

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

The Committee reviewed a request for waiver of construction noise ordinance in connection with maintenance and repairs of West Bangs Avenue bridge over Route 18. They asked that the appropriate resolution be placed on the next regular meeting. Mr. Huhn recommended against the use of the reverse 9-1-1 system to alert residents in the area because the system may be losing its impact as an emergency only system.

Ms. Jahn stated that she is attempting to get Novadebt to return to Neptune to provide seminars on debt management and consolidation. She will provide more information as it becomes available.

Mr. Bishop stated that in the past, the Historic Preservation Commission administratively approved paint and shingles. He would like to add windows and doors to the items that can be administratively approved to reduce the number of applications the full Commission reviews. The Commission will still review exceptions, but not the items that are accepted in the guidelines. There is also an amendment on the regular meeting for consideration to allow the use of cement board (hardi plank) on all structures.

The Committee reviewed a proposed ordinance requiring the registration of precious metals dealers. Mr. Bishop asked that an exception be written into the ordinance for flea markets and yard sales. Mr. Anthony will prepare the language for the exception.

Mr. Bishop stated that the Planning Board determined that proposed RV/boat parking ordinance is in compliance with the Master Plan; however, they recommended the removal of the reference to the site triangle.

Dr. Brantley arrived.

Mr. Anthony stated that the Committee can table the ordinance on for final adoption tonight and reintroduce the ordinance with the removal of the site triangle references. This would not require the ordinance to go back to the Planning Board for review. Ms. Jahn expressed her displeasure with the ten foot setback from the curb line contained in the current ordinance.

The Mayor asked that a request for a street light in front of 416 Prospect Avenue be added to the list of outstanding action items.

Rev. Paul Brown was asked to address the Committee regarding Liberty Park. Rev. Brown stated that his church has adopted the park and now wants to use part of the property to grow organic vegetables and provide these vegetables to the community through their food pantry. Rev. Brown stated that the neighbors will be asked to look over the property and Liberty Fire Company will provide irrigation when necessary. Diana Harris, MURC President, added that the desire is to get the neighborhood involved and take ownership of the park. Mr. Anthony stated that an agreement and resolution is needed to permit the use of public property.

Dr. Brantley stated that he is concerned about the requirement of a social security number in the proposed precious metals dealer ordinance. Mr. Bishop recommended that the social security number be requested only if no other forms of identification are available.

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

Mr. Bishop offered the following resolution, moved and seconded by Ms. Jahn, 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

Personnel – Housing Authority appointments

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.

The Committee indicated a desire to hire part-time Tourism representatives and asked that a resolution be placed on the next regular meeting.

The Committee indicated their desire to appoint Alonzo Wright to the Housing Authority. The Mayor's appointment will not be made at this time.

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. Cuttrel, 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:

Minutes of the March 2nd meeting of the Senior Advisory Council.

2010 Annual Report of the Tax Collector.

Monmouth County Board of Health agenda for March 15th and minutes of the February 15th

meeting.

Senior Center monthly statistics for February.

Thank you letters to the Senior Center Knitting Group.

COMMENTS FROM THE DAIS

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

Mary Beth Jahn stated she's had the opportunity to tour the new police command center with Chief Adams. She felt it was very impressive and suggested no one get locked up in Neptune Township. She felt it was a state of the art.

Eric Houghtaling stated he attended a Gables Association Meeting with Roslyn Hurt-Steverson, President of the Gables Association who also met with some of the representatives from the hospital as well as some of our officials regarding parking in the Gables. He stated Bobby Adams has stated that they've spoken to some of their employees that were parking there. He also stated that he would like for Ms. Steverson to speak about it. He stated he noticed that Dianna Harris was present this evening and he hoped that she could give the Committee an update as to what was going on. He stated in the Public Works Department, the new recycling buckets were in and they would be delivered based on their zones or they could be picked up and if there were any extras they would be put up for sale. He reminded everyone that information on the summer recreation program was currently online for anyone that was interested. He commended the girls basketball team on the State finals.

Randy Bishop stated he also toured the revamped police facility. He also went to the band send off for the St. Patrick's Day Parade. He congratulated the students and he was very proud of them. He apologized to MURC for not being able to attend the dinner on St. Patrick's night because he had to perform a wedding. He stated he also attended the Senior Center St. Patrick's Day luncheon and a World Changers Meeting and they were coming this year. The Planning Board had the masterplan meeting on the historic element of the masterplan and shortly another one will be on recycling and the green initiatives and the final piece which is always the most controversial and most interesting is the land use portion and they hope to have this wrapped up by the end of June. He stated finally, he attended the Ocean Grove Homeowner's Association Meeting on Saturday and they had a report and expressed concerns regarding the Northend project.

Mayor McMillan stated he attended the St. Patrick's Day luncheon at the Senior Center and the food was great. He stated he also attended the library celebration for providing over forty years of service and in attendance were Senator Kean and Assembly representatives Dave Rible and Mary Pat Angelini. He went on to state that he attended the girl's state final games and they made them very proud. He stated they also attended the Youth Advisory Council and they were working on various projects and he attended a meeting that was held for the Mayor's Ball which would be held on October 21st with details to follow.

PUBLIC COMMENTS ON RESOLUTIONS

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

Hank Coakley commented on the language of Resolution #11-166.

Mr. Bishop stated what they were actually doing was removing one sentence in Section F that does not allow the use of cement planking on buildings that were considered key structures. He stated It would now allow it. He stated the use of aluminum and vinyl still were not allowed on historic structures.

Ms. Jahn stated that when they referred to key structures they meant buildings such as the great auditorium and some of the key homes that were seen on Main and Ocean Avenues.

Mr. Bishop stated they were walking that fine line between helping homeowners and preserve the historic look and feel of Ocean Grove.

Ms. Jahn stated there was a national movement now and preservationist now have to look at products that could preserve and keep the buildings standing.

Jack Braeden stated that both he and his wife have a home in Ocean Grove and five years ago they removed all of the siding and windows and replaced it with wood. He stated he personally saw no problem with the cement siding and was in support of it. He went on to state that he felt it was safer especially if there was a fire.

ORDINANCE NO. 11-17 – WITHDRAWN THEN REINTRODUCED WITH AMENDMENTS

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, that Ordinance No. 11-17 be withdrawn from consideration. All were in favor, except Ms. Jahn who abstained.

Mr. Bishop offered the following ordinance, moved and seconded by Mr. Houghtaling, that it be approved with the removal of all references to site triangles:

ORDINANCE NO. 11-17

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

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

ORDINANCE NO. 11-18 - APPROVED

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

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

ORDINANCE NO. 11-19 - APPROVED

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

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 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 11-17, 11-18 and 11-19 will be held on Monday, April 11, 2011.

CONSENT AGENDA

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

ACCEPT 2011 TITLE IIIB FUNDING GRANT FROM THE MONMOUTH COUNTY OFFICE ON AGING

WHEREAS, the Township of Neptune applied for Title IIIB funding for the year 2011, in the amount of \$25,000, from the Monmouth County Office on Aging to provide services to Neptune Seniors through the Neptune Senior Center; and,

WHEREAS, the Monmouth County Office on Aging has notified the Township that the grant will be awarded,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts a FY2011 Title IIIB funding grant in the amount of \$25,000 from the Monmouth County Office on Aging to provide services to Neptune Seniors through the Neptune Senior Center; and,

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

AUTHORIZE SUBMISSION OF TAX REIMBURSEMENT CERTIFICATE IN CONNECTION WITH THE RECYCLING TONNAGE GRANT

WHEREAS, the Recycling Enhancement Act, P.L. 207, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and,

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and,

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Township of Neptune hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2009, chapter 311, in 2010 the amount of \$46,537.12. Documentation supporting this submission is available at the Neptune Municipal Complex, 25 Neptune Blvd., Neptune, NJ and shall be maintained for no less than five years from this date.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., Director of Public Works and Recycling Coordinator.

ACCEPT THE RESIGNATION OF SHAWN MAZUR AS A MEMBER OF THE HISTORIC PRESERVATION COMMISSION

WHEREAS, Deputy Mayor Bishop and the Land Use Administrator have received a verbal resignation from Shawn Mazur resigning as a member of the Historic Preservation Commission effective March 18, 2011,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Shawn Mazur as a member of the Historic Preservation Commission is hereby accepted effective March 18, 2011; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Secretary of the Historic Preservation Commission.

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH JSAS HEALTH CARE, INC. FOR ADULT SUBSTANCE ABUSE SERVICES TO TOWNSHIP RESIDENTS

WHEREAS, JSAS Health Care, Inc. is a non-profit corporation, licensed and approved by the New Jersey Department of Health to provide ambulatory care services to substance abusers of all ages, on-site at its principal offices at 1200 Memorial Drive, Asbury Park, New Jersey or off-site in an approved and confidential setting, and,

WHEREAS, the Township desires to make available to its residents, a full range of substance abuse services, at no "out of pocket" cost to any individual resident and the Township will make available up to fourteen thousand dollars (\$14,000) in 2012 budgeted funds to pay for these services; and,

WHEREAS, JSAS Health Care, Inc. agrees to continue providing its services if the amount of the Township appropriation is exhausted; and,

WHEREAS, funds for this purpose 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 Mayor and Clerk be and are hereby authorized to execute an agreement with JSAS Health Care, Inc., to provide substance abuse services to Township residents for the year of 2011 at an amount not to exceed \$14,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the agreement be forwarded to the Drug Alliance Coordinator, JSAS Health Care, Chief Financial Officer, Assistant C.F.O. and Business Administrator.

AUTHORIZE THE CANCELLATION OF A UDAG LOAN AND A FAÇADE IMPROVEMENT LOAN GRANTED TO POPEYES-NEPTUNE LLC

WHEREAS, the Township of Neptune issued a U.D.A.G. Reciprocal Loan in the amount of \$100,000.00 and a Façade Improvement Loan in the amount of \$5,000,00 to Popeyes-Neptune, LLC for improvements at Popeye's Restaurant on Highway 35; and,

WHEREAS, Popeyes-Neptune, LLC has made full payment on both loans and has fulfilled the requirements of the grant portion of the Façade Improvement award by repaying a pro-rated portion since they did not maintain ownership of the property for five years; and;

WHEREAS, the Township desires to cancel said loans in accordance with the terms of the loan agreement,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the U.D.A.G. reciprocal loan and Façade Improvement Program loan issued to Popeyes-Neptune, LLC for Popeye's Restaurant on Highway 35 be and are hereby cancelled and considered paid in full; and,

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

AUTHORIZE THE CANCELLATION OF SEWER RENT

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

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

1.

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
1001/21	Steven & Elizabeth Louise Markulin	112 Cardinal Road	2011	430.00

REASON: Property sits too low for proper flow to main, meets exemption criteria of Ordinance No. 10-23

2.

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
8001/27	Yannick & Jean Brutus	3008 West Bangs Ave	2011	430.00

REASON: Property is a single family per inspection

3.

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
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1003/6 Karen Mason 105 Cardinal Road 2011 430.00

REASON: Meets exemption criteria of Ordinance No. 10-23

4.

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
1001/17	Fred E. Lesto & Karen Mersereau	106 Cardinal Road	2011	430.00

REASON: Meets exemption criteria of Ordinance No. 10-23

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

AMEND AUTHORIZATION FOR REEXAMINATION AND COMPLETE UPDATE OF THE TOWNSHIP'S MASTER PLAN TO CHANGE PLANNING CONSULTANT TO CME ASSOCIATES

WHEREAS, the Neptune Township Planning Board requested the appointment of a Planning Consultant through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq for the purpose of performing a reexamination and complete update of the Township's Master Plan.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on August 19, 2008; and,

WHEREAS, the Neptune Township Planning Board reviewed the proposals and adopted Resolution #08-31 which recommended that the Township Committee accept the proposal submitted by Birdsall Engineering; and,

WHEREAS, the Township Committee adopted Resolution #08-535 on December 1, 2008 which accepted the proposal submitted by Birdsall Engineering to perform a reexamination and complete update of the Township Master Plan at a cost not to exceed \$54,000.00; and,

WHEREAS, the Planner assigned by Birdsall Engineering for this task has left Birdsall Engineering and taken employment with CME Associates; and,

WHEREAS, in the interest of continuity and because the project is well underway, the Township of Neptune, Birdsall Engineering and CME Associates agree to re-appropriate the remaining unexpended balance already authorized for this project from Birdsall Engineering to CME Associates,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #08-535 to indicate that the remaining unexpended balance of \$25,000.00 from the original authorization of \$54,000.00 is hereby transferred from Birdsall Engineering to CME Associates for the performance of a reexamination and complete update of the Township Master Plan; and,

BE IT FURTHER RESOLVED, that the Purchasing Department is hereby authorized to cancel the unexpended balance of \$25,000.00 encumbered to Birdsall Engineering for this purpose and issue a new purchase order to CME Associates for the same amount; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator, Chief Financial Officer, Planning Board, Assistant C.F.O, Birdsall Engineering, CME Associates and Director of Engineering and Planning.

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY FIRST FINANCIAL FEDERAL CREDIT UNION FOR SITE IMPROVEMENTS ON WAYSIDE ROAD

WHEREAS, on July 27, 2009, First Financial Federal Credit Union filed a cash performance guarantee in the amount of \$492,600.00 guaranteeing site improvements for their Credit Union on Wayside Road (Block 9025, Lot 50); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of March 22, 2011 and said performance guarantee can be

released; and,

WHEREAS, First Financial Federal Credit Union has authorized the retention of \$61,575.00 to serve as a maintenance guarantee for said site improvements for a period of two years,

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

BE IT FURTHER RESOLVED, that a portion of the performance guarantee in escrow with the Township in the amount of \$434,477.16 and the balance of the inspection fee escrow minus a retention of \$1,000.00 for a final inspection be and is hereby authorized to be refunded; and,

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

AUTHORIZE THE 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
394/2	ALMEIDA	400 BRIGHTON AVE	2011	65.00
8000/50	CAGLE	300 MICHELE CT	2011	704.14

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 REFUND OF SEWER RENT (39 TALL PINES DRIVE)

WHEREAS, the properties listed below reflect overpayments; and,

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

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector be and hereby is authorized to refund the Sewer Rent as stated herein:

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
10016.01/22	GIACCHI	39 TALL PINES	2011	1,377.77

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

AUTHORIZE APPROPRIATION FOR ANNUAL WORLD CHANGERS INITIATIVE

WHEREAS, World Changers will again be visiting the Township to undertake an urban development program by making minor repairs to various residential homes and assisting our residents in cleaning their properties; and,

WHEREAS, there is the need to purchase building supplies and materials to utilize in this program; and,

WHEREAS, funds are available for this purpose in the U.D.A.G. Trust Fund 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 up to \$15,000.00 from the U.D.A.G. Trust Fund for the purchase of building materials and supplies in connection with the 2011 World Changers urban development initiative to repair various residential homes in the Township; and,

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

EMPLOY ON-CALL PART-TIME BUS DRIVER IN THE SENIOR CENTER

WHEREAS, there is a need for an on-call/part-time Bus Driver in the Senior Center; and,

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

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

WHEREAS, funds will be provided for the first three months of 2011 in the 2011 Temporary Budget 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,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Mirta Gonzalez be and is hereby employed as an on-call/part-time Bus Driver in the Senior Center effective March 29, 2011, at an hourly salary of \$14.25; and,

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

AWARD FAÇADE IMPROVEMENT LOAN/GRANT TO R DEAL HOLDINGS 409 HIGHWAY 35 SOUTH

WHEREAS, the Township Committee created a Façade Improvement Loan/Grant Program by adoption of Ordinance 00-3; and,

WHEREAS, on January 25, 2011, the Façade Review Committee approved an application filed by R Deal Holdings, owner of the building located at 409 Highway 35 South for a \$15,000 grant and \$15,000 loan for three storefronts at this location; and,

WHEREAS, the Township Committee desires to authorize the award of said loan/grant as approved by the Façade Review Committee; and,

WHEREAS, funds will be provided from the U.D.A.G. Reciprocal Loan Account 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 an award of a \$15,000 grant and a \$15,000 loan, at an interest rate of 1.625% be and is hereby approved under the Façade Improvement Loan/Grant Program to R Deal Holdings for three storefronts located at 409 Highway 35 South pursuant to the application approved by the Façade Review Committee on January 25, 2011; and,

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

AUTHORIZE EXECUTION OF AN AGREEMENT WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION FOR THE ASSIGNMENT OF A SPECIAL LAW ENFORCEMENT OFFICER

WHEREAS, the Ocean Grove Camp Meeting Association has requested the use of a Special Law Enforcement Officer for eight hours a day from May 1, 2011 to October 1, 2011 to patrol the boardwalk, beach, auditorium/tent colony and surrounding area presently owned by the Camp Meeting Association for the purpose of enforcing NJ state statutes and municipal ordinances; and,

WHEREAS, the Township has agreed to assign an officer for this purpose; and,

WHEREAS, the Ocean Grove Camp Meeting Association will reimburse the Township at a rate of \$19.00 per hour for this officer,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of

Neptune hereby authorizes the execution of an Agreement with the Ocean Grove Camp Meeting Association whereby the Township of Neptune will provide a Special Law Enforcement Officer at a rate of \$19.00 per hour for the purpose of patrolling Ocean Grove Camp Meeting property to enforce applicable state statutes and municipal ordinances; and,

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

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

EXTEND BID FOR MAINTENANCE OF GROUNDS

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

WHEREAS, on April 14, 2008, the Township Committee adopted Resolution #08-208 which awarded a contract to D'Onofrio & Son, Inc. for maintenance of Township grounds for a three year period from April 15, 2008 to April 14, 2011; and,

WHEREAS, the Purchasing Agent has recommended that the bid be extended for a two year period in accordance with N.J.S.A. 40A:11-15; and,

WHEREAS, in accordance with state statute regulating a bid extension, the cost of the original bid is increased by the prevailing Local Public Contracts Law index which is currently 2%; and,

WHEREAS, funds for this purpose 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 current contract with D'Onofrio & Son, Inc. for maintenance of Township grounds is hereby extended for a two year period from April 15, 2011 to April 14, 2013 at an increase of 2% over the original bid amount resulting in a total amount of \$296,126.00 (\$148,063.00 per year); and,

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

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

The Mayor announced the following appointment to the Economic Development Corporation:

Marc A. DiGiorgio as a Municipal Trustee for an unexpired one year term expiring 2011.

CONSENT TO MAYOR'S APPOINTMENT TO THE ECONOMIC DEVELOPMENT CORPORATION

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

WHEREAS, due to the resignation of Mary Ditri, there is a vacancy in the position of Mayor's Designee to the Economic Development Corporation,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby consents to the Mayor's designee of Marc A. DiGiorgio as Municipal Trustee to the Economic Development Corporation for the year 2011; and,

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

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

The Mayor announced the following appointment to the Historic Preservation Commission:

Donna Spencer as the Alternate #2 member for an unexpired one year term expiring 2011.

CONFIRM MAYOR'S APPOINTMENT TO THE HISTORIC PRESERVATION COMMISSION

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

WHEREAS, due to the resignation of Shawn Mazur, in the Alternate #2 member to the Historic Preservation Commission is vacant,

BE IT RESOLVED, that the Township Committee hereby consents to the Mayor's appointment of Donna Spencer as the Alternate #2 member to the Historic Preservation Commission for a one-year unexpired term expiring December 31, 2011; and,

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

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

AUTHORIZE AMENDMENT TO THE OCEAN GROVE ARCHITECTURAL DESIGN GUIDELINES PREVIOUSLY ADOPTED BY THE TOWNSHIP COMMITTEE AND INTO THE LAND DEVELOPMENT ORDINANCE SECTION 508 (c)

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

WHEREAS, by Resolution #05-254 the Township Committee of the Township of Neptune adopted certain guidelines entitled " Ocean Grove Architectural Design Guidelines" for residential structures within Ocean Grove; and

WHEREAS, the within guidelines are specifically incorporated into Section 508 (c) of the Neptune Township Land Development Ordinance; and

WHEREAS, by Resolution #07-486, the Township Committee authorized an amendment to said Guidelines, specifically to incorporate certain changes to Section "F" of the Guidelines as recommended by the Historic Preservation Commission; and,

WHEREAS, the Township Committee desires to further amend Section "F" of the Guidelines by removing a sentence from subsection (a) on Page 1,

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

1. Section "F" of the Ocean Grove Architectural Design Guidelines is amended to remove the following sentence which appears as the last sentence in Subsection A on Page 1: "All key structures must be sided or otherwise refaced in wood"
2. All other portions of the Ocean Grove Architectural Design Guidelines and Resolution # 05-254 adopted May 5, 2005 and amended by Resolution #07-486 not specifically affected herein are hereby confirmed with the further intention that the within guidelines will be codified in the future by this Township Committee.

BE IT FURTHER RESOLVED, that a certified copy of the within Resolution be forwarded to the HPC Secretary, Construction Department, Zoning Officer Business Administrator and Chief Financial Officer

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

APPOINT MEMBER TO THE NEPTUNE TOWNSHIP HOUSING AUTHORITY

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

BE IT FURTHER RESOLVED, that the Township Committee hereby appoints Alonzo Wright to the Neptune Township Housing Authority for a five year term expiring March 31, 2016; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Neptune Township Housing Authority.

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. Houghtaling 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	3,809,071.97
FEDERAL & STATE GRANT FUND	33,894.30
TRUST OTHER	19,278.38
GENERAL CAPITAL FUND	465,923.77
SEWER OPERATING FUND	1,085,523.56
SEWER CAPITAL FUND	762.50
MARINA CAPITAL FUND	26,600.00
DOG TRUST	14,661.40
LIBRARY TRUST	2,369.25
BILL LIST TOTAL	\$5,458,085.13

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, adding that \$2.9 million is school taxes and \$51,000 is Ocean Grove Fire District tax; and McMillan, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jim Webb stated he needed clarification on the amendment they wanted to make. He stated he had no problems with the Committee making an amendment. He wanted to see what they were changing.

Mr. Cuttrell stated it would be printed in the paper and it would be online but he could stop by the office and pick up a copy.

Mr. Webb stated last summer they improved the roads but left the holes in the road on Route 33 near Green Grove Road.

Mayor McMillan requested Mr. Cuttrell make a note of that.

Jim Granelli discussed what he felt was the hypocrisy of the zoning ordinances. He felt the government was taking away the pursuit of his happiness. He questioned how the government could determine what could be put into his driveway and how could they ignore site triangle violations and over restricting people's rights. He felt they were legislating his right to own an RV.

Jack Braeden stated he's spoken three times regarding the microphone and he believed it was purposely this way because he could not hear in the rear of the room. He stated someone had to do

something about it because when he was at a Planning Board meeting it wasn't even on for the public portion. He went on to state that the Mayor should be a member of the Planning Board and then he could explain what took place to the residents but instead a police officer reprimanded them. He stated he was happy that Randy Bishop was at the meeting and he was the only one that seemed to know what they were talking about. He stated he was at the meeting where people were asking if things could be grandfathered in and it was never answered properly. He stated that anything that was existing was grandfathered in automatically as a nonconforming use and he suggested everyone take a picture of their front, rear and side yard because that condition will exist for eternity unless they are redeveloping their property. He stated if he had a trailer and someone came knocking on his door about an RV being in violation he would contact the State Attorney General and have them investigate that. He stated it should be explained to the people that all their uses now would be nonconforming.

Mayor McMillan stated Mr. Bishop was there doing what he was suppose to do and legal issues are forwarded to the attorney to make sure that they were doing what they were suppose to do.

Michael Golub questioned whether there was any movement in naming the Gables Park after Steven Sherman or have a memorial in his honor. He stated it was approaching 100 days out and he felt that they should give his mother a decent amount of time to make preparations for July.

Mr. Houghtaling stated they had a meeting with Pat Monroe and they spoke to her about that and they were going to try and do something at the Wardell Dairy property.

Mr. Huhn stated they met with the three commanders of the VFW and the American Legion and they thought that it should be more of a general memorial park because we have had dozens if not a hundred Neptune residents who have been killed in World War I, World War II, the Korean War so they discussed possible locations and Welsh Farm was one of them. He stated Mrs. Sherman was notified and was completely on board.

Mr. Golub stated his only concern was that Gables Park was a place where people could not participate in active recreational activities rather than a place that would be passive but never the less active passive recreation. He went on to state at the West Neptune Homeowners Meeting they were told that a traffic study was done from somewhere east of 33 or 35 and as far as Collingswood Circle. He questioned which study was done.

Mayor McMillan stated he mentioned the fact that they looked at this with the State as it related to Route 33 and he did drive by the Collingswood Circle to see how the traffic hazards and acknowledged that he was aware that it was not a part of Neptune but that area was in fact hazard. He stated the State did a study of Route 33 and they found that for a road similar to that footprint in the State, Neptune had a higher preponderance of accidents that were more than the State average and they were looking into ways to make it much safer.

Mr. Golub stated residents were expressing concerns regarding left turns into a proposed car wash.

Mayor McMillan stated they were still waiting for the State to get back to them and they were trying to make Route 33 safer. The numbers they had were from 2004.

Mr. Golub requested they pressure the State because there was an accident there a month ago.. He also stated that members of OCAPA were given applications for having homes that were potentially historic. He stated they were looking for a historic district and asked the Township to encourage the HPC to expand their purview to West Neptune.

Mr. Houghtaling stated if it was declared historical by Neptune Township it offers no protection to any of the structures along that property.

Ms. Jahn stated the designation would not stop what happened to 1019 from happening to any other home.

Mr. Golub stated it was a designation and was a step in the right direction and it was a process.

Dianna Harris thanked Mr. Houghtaling for being so involved with MURC. She stated they had a mid-town community meeting on March 17 and Tom Clarke was present and there were concerns and over 40% of the units have been sold to Neptune residents. She stated there has been changes as far as the retail management between interfaith and another group and they will be qualifying the residents at the site. She stated another point came up about hiring the locals. She stated the meeting was a very productive meeting and he has prospective tenant to go down stairs in the second phase which is a daycare. They were also doing rentals instead of condo's and she

has it in writing that he would hire locals in the next phase. She stated beautification day was scheduled for May 7th. They would also like to have Lowes and HomeDepot involved. She also stated the pictures on the wall did not reflect the Carver Hotel. She gave Mr. Cuttrell the photo of the Carver Hotel.

Dorothy Argyros questioned if there was a five minute speech limit or does it depend on who you are and what you are saying because they've gone over a number of times.

Mayor McMillan stated normally you have minutes to speak but sometimes a committeeperson may offer clarification.

Mrs. Argyros questioned why they were raising their taxes again and why they were still hiring police officers when other towns are laying off. She stated she went on line and found out that there were alliances with unions. She stated the politician keep the employees in their plum jobs. She felt there was no one at the negotiation tables for the residents when the politicians and the police negotiate their contracts. She stated she was going to the board of elections and at the next meeting she would have a list of what the employees and unions have contributed and how much they are being paid in Cadillac benefits. She went on to state that a taxpayer revolt was way overdue.

Steve Fencer stated he would like to sit down with the Committee again prior to the adoption of Ordinance#11-17.

Hank Coakley requested an update on the dredging of the Shark Rive marina.

Mr. Anthony gave him an update on the lawsuit and stated an extension has been granted and now they were requesting another one.

Mr. Coakley requested an explanation of what a site triangle was.

Mr. Bishop gave him a definition of what it was.

Mr. Houghtaling stated that Mr. Arnone former Mayor of Neptune City and now a Freeholder said that he would be getting on board to help with the dredging as well.

A gentleman addressed the Committee and stated he was in support of the RV ordinance and asked questions pertaining to the marina. He also stated that on Willow and Pinebrook Driver there was water build up at the intersection.

Mayor McMillan requested the matter be put on their parking lot list.

Cathy Aralton addressed the Committee and stated she would like to discuss the demolition by neglect ordinance. She went on to state that last summer the HPC requested that three properties be investigated. She also discussed a matter that took place with the Code Enforcement Department.

Mr. Anthony explained the procedures that would have to be followed by the Code Enforcement Officer.

Warren Lapp commended Mr. Houghtaling for attending the Planning Board meeting regarding the RV ordinance. He stated they already had Ordinance #10-37as being correct and acknowledged with 4ft setbacks but questioned why were they keeping the 10 ft setbacks

Mr. Bishop explained the difference between utilization and storage of the boats.

Ms. Jahn stated she attended the meetings and nothing about the 10 ft setbacks came up until she was in the hospital and the next weeks she was on vacation and the next thing she knew the 10 ft were there.

Gary Smith, 639 Wayside Road, stated he lived on a corner lot and his boat was insured and licensed and he pays his taxes. He felt he should be allowed to park his boat on his property as long as it was not a viewing problem. He stated he did not agree that he should be penalized over what two people got into an argument over.

Gaylen Baker stated he had an incident where he blew out a tire at the intersection of Route #33 and he wanted to make sure that the potholes were addressed.

Mayor McMillan stated he would have Mr. Cuttrell look into it.

Richard Silverstone stated he did not feel that it was right to have an RV parked across the street from his home for six months and that he too had rights.

Heinz Weck stated that he wanted to bring a friend to the meeting but he said that it was to dull but he felt that it was far from dull.

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

Richard J. Cuttrell,
Municipal Clerk