

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 12, 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. (Mary Beth Jahn arrived immediately after roll call, Dr. Michael Brantley arrived during the open workshop session)

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.

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. Huhn stated that an employee has been out on unpaid leave for more than 90 days. In accordance with the personnel ordinance, this requires termination by resolution of the Committee. Mr. Huhn asked that a resolution be acted upon during the regular business portion of the meeting.

Mr. Cuttrell stated that Wayne Rode, Director of Public Works is recommending an amendment to the Solid Waster Ordinance to prohibit commercial vehicles from dumping bulk waste at the Township Yard. This has been the policy of the Department but the ordinance only restricts bulk by quantity. Mr. Bishop recommended that language be added to exempt the Ocean Grove Camp Meeting Association because they pick up bulk from the tent community when necessary rather than wait for the Township's regularly scheduled pick-up. Mr. Cuttrell advised that he will add language in the ordinance amendment exempting this particular scenario.

The Township Committee reviewed a curfew ordinance recently adopted by the City of Asbury Park. Ms. Jahn stated that it would be a good idea for neighboring towns to have the same curfew ordinance. Mr. Bishop questioned if the ordinance would be difficult to enforce. Ms. Jahn responded that it is difficult to catch all offenders, but if it is out there and is being enforced it will serve as a deterrent. The Committee asked that the ordinance be placed on the next meeting agenda.

Mr. Houghtaling reviewed the Gables Parking Survey performed by the Police Department. The recommendations are to leave the parking restrictions as is with the addition of no parking on the west side of Wakefield Road from Newgate to Fenchurch between 8:00 a.m. and 5:00 p.m.

Mr. Cuttrell stated that a decision is needed on the 2012 Lincoln's Birthday floating holiday because Public Works calendars and meeting schedules have to be prepared shortly. In 2012, Lincoln's Birthday is on a Sunday so that holiday would be taken on Monday, February 13th which is a Township Committee meeting night. Christmas Day is a Tuesday, so the recommendation is to move the floating holiday to Monday, December 24th. The Committee agreed and asked that a resolution be placed on the next regular meeting.

Dr. Brantley arrived.

The Mayor made comments on the Township's bond rating upgrade to A+. Mr. Bishop stated that this was the result of always making good fiscal decisions irregardless of the overall economic situation. Mr. Bascom stated that this is the 4th rating upgrade since 1999. In their outlook, Standard & Poors noted that the Township's low debt, cost cutting measures and maintenance of fund balance were the reasons for the upgrade.

Mr. Bishop stated that an appointed Committee is in the process of converting the former Welsh Farms property into a Veterans Memorial Park. The Committee is seeking the establishment of a Trust Fund to accept donations for this specific purpose. Mr. Huhn added that a sign on the property will be unveiled in September and there will be a table set up at Riverfest on October 1st. Mr. Bascom stated that the Committee will have to adopt a resolution approving a dedication by rider to authorizing the Trust Fund. A resolution will be placed on the next regular meeting.

Ms. Jahn stated that other towns that have experienced flooding or other disasters have had a problem with items being taken from the front lawns of residents who put out furniture to dry or air. Some of these towns have enacted ordinances that specific prohibit this practice and suggested that this be considered by the Township. Mr. Anthony stated that theft laws would cover this situation. He added that if an item is at the curb, its public, but if an item is on a lawn, its private property and should not be touched. The issue is intent and if people take from private property, it

is theft. Dr. Brantley suggested that the public be educated on this matter and if a disaster strikes, residents should be instructed to place a "Do not take" sign on the items. The Committee asked that a document be put together to address this.

Dr. Brantley stated that he received calls about the Citizens Action group aggressively soliciting door to door throughout the Township. Mr. Anthony stated that a governmental entity cannot prevent door to door solicitation by non-profit groups. Mr. Cuttrell added that this group and others are asked to provide a roster of individuals and times that solicitation will be taking place so that the police know they are in the community. The Committee recommended that information about solicitation be placed on the web site so that residents know they are in the area but care should be taken to express that the Township does not endorse the cause.

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:

Potential Litigation – TNSA update

Real Estate negotiations – Offer to sell land to the Township

Contract negotiations – Attendance at Recreation Committee meetings by groups under recreation contracts.

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 reviewed correspondence from the owner of 1824 Columbus Avenue to ascertain the Township's interest in purchasing the property. The Committee indicated that they have no interest in acquisition.

The Committee returned to the Meeting Room for the regular portion of the meeting.

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

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Philip D. Huhn, Township Administrator; Michael J. Bascom, Chief Financial Officer; and Gene Anthony, Township Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

The Clerk stated, "Fire exits are located in the direction I am indicating, in case of fire you will be notified by bell and or public address system. If you are alerted of fire, please move in a calm, orderly manner to the nearest smoke-free exit or the next nearest exit as directed over the public address system.

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 for an "Annual

Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are available online at www.neptunetownship.org for public viewing before each Township Committee meeting.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meetings held on June 13th, June 27th and July 11th. All were in favor, except Dr. Brantley who abstained on the July 11th meeting.

REPORT OF THE CLERK

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

Notice of public hearings on amendments to the Land Development Ordinances of the Borough of Tinton Falls and the Township of Wall.

Monmouth County Board of Health August 16th agenda.

Senior Center monthly statistics for July and Senior Beacon for September.

A copy of a letter from MURC thanking Marge Morrissey for supplying back to school items and recycling information at the Back to School Party in Liberty Park.

COMMENTS FROM THE DAIS

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

Dr. Michael Brantley stated they were fortunate to escape a lot of damage from the hurricane. He stated that a friend of him stated that Monmouth County was well protected. The damage on his street was minimal and he was very happy but he was sad for those who did have damage. He also stated that he went to the service at the Ocean Grove Auditorium for 911 and he felt that everything was wonderful and enjoyable. He stated videos were shown and he believed that he saw some of the responders from Neptune as well.

Mary Beth Jahn stated on Tuesday, September 11, 2001, the day that her colleagues were murdered, she was on her way to work in New York and she was caught in the tunnel. She stated on Friday afternoon she went to the lobby of her job and they observed moments of silence and then they had the company commemoration. She stated she knew the Camp Meeting had a beautiful ceremony but she did not have it in her to go out in public regarding it. She stated she could actually see the memorial from where she works and she would probably go over there later in the week. She thanked all the squads who helped and she prayed for their health.

Eric Houghtaling stated it has been a busy month. He stated he's attended the Mayor's Trophy Rigotta in Belmar in which Recreation was involved in and our marina placed fourth. They had a back to school party which was sponsored by First Pentecostal Church along with MURC. He stated he thought he was having a nightmare when the earthquake came and then the hurricane came. He stated he was very proud with what the town did as far as the shelters and other services provided. He thanked Wegman's for their donation of food. On Sunday, they spent the day returning residents to their homes. He also welcomed back the seniors to Frances Asbury Manor. He stated he had the pleasure to attend the celebration at the Ocean Grove Auditorium. He felt it was a well put together affair.

Randy Bishop stated he's gone through so much within the past week. He discussed all the things that could have happened during the hurricane. He stated he had the highest praise for the staff who ran the shelter and provided so many services. He stated he had a different sense of appreciation for responders since 911 and his heart also went out to the people whose families were lost on 911.

Mayor Kevin McMillan stated he could not say enough about the staff during the hurricane. He stated he received a letter from a resident who thanked him just for coming out and he was proud to be from Neptune. He stated there was a lot of tree damage during and after the storm. He also reached out to JCP&L and they did their best to get our service back on. He went to the Mayor's Ball in Asbury Park and Neptune's is in October. He stated he went to the Gables Block Party and was happy to hear they were pleased with the way things were done as far as the storm. He stated that the event at the Ocean Grove Auditorium was great.

PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros stated she objected to when the Township brings in resolutions when they have no notice of it. She also discussed Resolution #11-365 which accepted the Corrective Action Plan to the audit. She stated she liked when they added more meat to the summary.

Mr. Cuttrell stated the Corrective Action Plan was posted with the resolution.

Mr. Bascom stated there were two comments in the audit of which he explained in detail.

Mrs. Argyros questioned how much was spent on the marina and whether the marina has made the Township any money since buying it from the former mayor's family. She questioned whether the marina benefited the former mayor or the town.

Mayor McMillan requested Mrs. Argyros keep her comments to the resolutions on this agenda only.

Mr. Bascom stated he never heard of them buying a resolution from a mayor's family.

Mrs. Argyros stated the other resolution she had comments about was Resolution #11-373. She stated she's gotten the list of all the employees of the Township every year and she keeps running across some of the same names. She questioned whether there was nepotism.

Mr. Houghtaling stated they were emergency management people.

Mrs. Argyros questioned why these names keep appearing when they were suppose to be against nepotism.

Mr. Houghtaling again stated they were emergency management personnel and they earn \$10 an hour.

Mr. Bascom stated all the duties they performed during the hurricane.

Mrs. Argyros stated she got up four times during the hurricane and she did not see anyone.

Hank Coakley commented on Resolution #11-357 and questioned when was the work going to start and if so how much was it going to cost and would it start before the anticipated dredging.

Mr. Bascom stated it would start before the dredging and they were hoping to go out to bid this fall and have the work done by fall and spring of next year, at least the first section.

Mr. Coakley asked for more information pertaining to the sections to be done.

Mr. Bascom stated there were three sections of bulkhead that were approved by FEMA and the first section was roughly from the bend on S. Riverside Drive to the beach on Highland Avenue and then the next section is basically from Clinton to the yacht club and then it skips the yacht club and then from the yacht club to Snake Hill. He stated the third project was on Concourse and it was all of the areas on the Concourse that was owned by the Township.

Mr. Coakley stated he was happy that this was being done. He also commented on Resolution # 11-375. He questioned how were they going to enforce this resolution and he did not see how they were going to enforce it economically.

Mayor McMillan stated he's made some great points but they wanted to urge the State to have stricter regulations.

Mr. Coakley stated he felt they were throwing good money after bad money.

Denis McCarthy commented on Resolution #11-381 regarding an audiovisual project. He questioned what were they going to get for the \$25,000.

Mr. Bascom stated he understood that this was the P/A system throughout the building, the audio visual, the projector, the wiring and the microphone system.

Brian Collins commented on Resolution #11-383 and questioned whether the 90 days

absent would violate any union labor contracts.

Mayor McMillan stated no.

Mr. Collins stated that he worked at the post office and that would not be happening there.

ORDINANCE NO. 11-41 - APPROVED

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

ORDINANCE NO. 11-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XXIII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY APPLYING THE REGULATIONS FOR PARKS AND PLAYFIELDS TO ALL TOWNSHIP OWNED OPEN SPACE

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

ORDINANCE NO. 11-42 - APPROVED

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

ORDINANCE NO. 11-42

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON HECK AVENUE AND REMOVING HANDICAPPED PARKING ZONES ON ATLANTIC AND SEAVIEW AVENUES

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 11-41 and 11-42 will be held on Monday, September 26, 2011.

PUBLIC HEARING – APPLICATION TO MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

Michael Bascom, Chief Financial Officer, stated that the Township is proposing to submit an application under the Monmouth County Open Space Program. The Program provides up to \$250,000 in grant funding on a 75% grant/25% cash match basis. The Township's application is for a multi-park improvement project at three Township parks. Specifically, the grant would fund a tot lot at Midtown Commons Park on West Lake Avenue; additional playground equipment at Liberty Park on Monroe Avenue and both replacement and new playground equipment at Pittenger Park on Pittenger Place. The total project cost is \$318,504 of which \$238,878 would be grant funding. Mr. Bascom added that the Township has been successful will previous multi-park improvement applications and recommends that the Township Committee approve this application.

The Mayor opened the public hearing and requested comments from the public.

There were no public comments.

AUTHORIZE APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

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

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and,

WHEREAS, the Governing Body of the Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$238,878.00 to fund the project known as "Neptune Township Parks Project" located in the Township of Neptune at Midtown Commons Park, West Lake Avenue (Block 225.01, Lots 595-604); Liberty Park, Monroe Avenue (Block 231, Lots 40 & 6.02); and Pittenger Park, Pittenger Place & McDermott Place (Block 493, Lots 661-730); and,

WHEREAS, the total cost of the project including all matching funds is \$318,504.00; and,

WHEREAS, the Township of Neptune is the owner of and controls the project site,

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

1. Michael J. Bascom, Chief Financial Officer, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above named municipality; and
2. The Township of Neptune is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael J. Bascom, Chief Financial Officer, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. 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.

CONSENT AGENDA

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

AUTHORIZE THE ISSUANCE OF A PLENARY RETAIL CONSUMPTION LIQUOR LICENSE (HOTEL/MOTEL EXCEPTION) TO MCERS NEPTUNE TENANT, LLC T/A RESIDENCE INN, 230 JUMPING BROOK ROAD

WHEREAS, MCERS Neptune Tenant, LLC has filed an application for a Plenary Retail Consumption License under the provisions of N.J.S.A. 33:1-12.20 which permits a municipality to issue a new license outside of the population cap for a hotel or motel containing at least one hundred (100) guest sleeping rooms; and,

WHEREAS, MCERS Neptune Tenant, LLC proposes to operate this facility as a Residence Inn, 230 Jumping Brook Road, which has at least one hundred (100) guest sleeping rooms; and,

WHEREAS, the application has been made with the Township Clerk and the appropriate filing fees have been paid to the Township and the New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, all procedures for a liquor license as outlined by state statute and local ordinances have been completed satisfactorily,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the issuance of a plenary retail consumption liquor license under the Hotel/Motel provisions of Title 33 to MCERS Neptune Tenant, LLC t/a Residence Inn located at 230 Jumping Brook Road, Neptune, NJ; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey

Division of ABC, the Chief of Police and the Applicant.

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Director of Code Enforcement determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Director of Code Enforcement has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Director of Code Enforcement has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
47/201.01	1318 Corlies Avenue	\$ 155.00
3007/2	10 Brixton Place	375.00

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

AUTHORIZE AN AMENDMENT TO THE 2011 MUNICIPAL BUDGET TO REALIZE MONIES FROM A FY09 RECYCLING TONNAGE GRANT

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2011 in the sum of \$46,537.12 which is now available from a State of New Jersey FY09 Recycling Tonnage Grant in the amount of \$46,537.12; and,

BE IT FURTHER RESOLVED that the like sum of \$46,537.12 is hereby appropriated under the caption of FY09 – Recycling Tonnage Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a State of New Jersey Recycling Tonnage Grant in the amount of \$46,537.12; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR IMPROVEMENTS AT 2006 STRATFORD AVENUE

WHEREAS, Johnson Obayuwana filed a maintenance bond written by Bond Safeguard Insurance Company in the amount of \$11,595.00, guaranteeing the maintenance of site improvements for two years at 2006 Stratford Avenue (Block 255, Lot 6); and,

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

WHEREAS, on August 15, 2011, the Township 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.

APPOINT SCHOOL CROSSING GUARDS FOR THE 2011-2012 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2011-2012 school year; and,

WHEREAS, funds are available for this purpose in the appropriation entitled Police - Salaries and Wages known as Account No. _____ and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Sandra Acevedo, Lisa Brown, Ronald Coleman, Nancy Cole, Amy Crawford-Izquierdo, Albert Crump, Jerry Diglio, Philip DeStaven, Clayton Harrison, Shirley Harrison, Alfred Holmes, Kenneth Hodge, Juanita Jones, Ki Nam Kang, Russell King, Kathryn Kelly, Rosalee Lane, Virginia Majewski, Pam Moreski, Amelia Okpanachi, Robert Perkins, Detremus Thomas, Caroline Vandervort, Charles Whites and Alfreda Wright be and they are hereby appointed as Crossing Guards for the 2011-2012 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate of \$12.84; and,

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

AUTHORIZE THE CANCELLATION OF TAXES ON PROPERTY PURCHASED BY THE TOWNSHIP (703 OLD CORLIES AVENUE)

WHEREAS, the property known as Block 7013, Lot 11, with an address of 703 Old Corlies Ave, was purchased by Neptune Township in August 2010 and should be tax exempt; and,

WHEREAS, the properties status was not changed in the 2011 Tax Duplicate to exempt causing the property to be billed 2011 Taxes; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against the above property for 2011; and,

WHEREAS, the amounts to be canceled are as follows:

Tax Year	Amount to Cancel	Refund
2011	\$17,019.55	\$0.00

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Tax Collector be and hereby is authorized to cancel and refund taxes as stated herein; and,

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT (127 VALLEY ROAD)

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
435/29	MINNITI	127 VALLEY RD	2011	\$ 1,774.00

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

AUTHORIZE LEON S. AVAKIAN, INC. TO PERFORM PROJECT DESIGN FOR BULKHEAD IMPROVEMENTS AT THE MUNICIPAL MARINA

WHEREAS, the Township of Neptune desires to undertake a project to improve the bulkheading at the Shark River Municipal Marina; and,

WHEREAS, it is necessary to perform professional engineering and field surveying services necessary to complete design, construction plans and bid documents in connection with this project; and,

WHEREAS, the Township Engineer has recommended that Leon S. Avakian, Inc. be awarded this work based on their submitted quote; and,

WHEREAS, Leon S. Avakian, Inc. has been designated as one of the Township's Consulting Engineers; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 11-04, 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 Leon S. Avakian, Inc. to perform the services as stated herein at an amount not to exceed \$27,500.00; and,

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

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE AFFECTING BLOCK 3040, LOT 14 (552 WAYSIDE ROAD)

WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

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 endorse for cancellation the Tax Title Lien Certificate affecting Block 3040, Lot 14; and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

RENEW LIQUOR LICENSE HELD BY NEPTUNE ALE HOUSE, LLC

WHEREAS, Neptune Ale House, LLC is the holder of a retail consumption liquor license that is inactive; and,

WHEREAS, in accordance with State law, Neptune Ale House, LLC. has petitioned the State of New Jersey Division of Alcoholic Beverage Control to permit the renewal of said inactive license; and,

WHEREAS, the Division of A.B.C. has issued a special ruling, dated August 16, 2011, to authorize the Township of Neptune to consider the application for liquor license renewal filed by Neptune Ale House, LLC, the holder of an inactive license #1334-33-023-006; and,

WHEREAS, Neptune Ale House, LLC has applied for renewal of said license for the 2011-2012 license year to continue in in-pocket status,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-33-023-006 issued to Neptune Ale House, LLC be and is hereby renewed for the 2011-2012 licensing year; and,

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

Division of Alcoholic Beverage Control and the License Holder.

ACCEPT IRREVOCABLE LETTER OF CREDIT FILED BY VARIOUS LIMITED LIABILITY CORPORATIONS FOR SITE IMPROVEMENTS AT THE SANITARY SEWER PUMPING STATION IN CONNECTION WITH THE PROPOSED HAMPTON INN ON ROUTE 66 (BLOCK 1500.03, LOT 23.06)

WHEREAS, Art Helmick Neptune, LLC; Cox Neptune, LLC; Dave Grayson Neptune, LLC; Joan Malchione Neptune, LLC; Jason Whittaker Neptune, LLC; Ron Schafer Neptune, LLC; and Steve Silver Neptune, LLC has filed an Irrevocable Letter of Credit issued by Wilmington Savings Fund Society in the amount of \$80,676.20, guaranteeing site improvements at the proposed sanitary sewer pumping station in connection with the Hampton Inn on Route 66 (Block 1500.03, Lot 23.06); and,

WHEREAS, the Township Attorney has reviewed and approved said Letter of Credit; and,

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

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

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

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

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY COMMERCIAL REALTY AND RESOURCES FOR SITE IMPROVEMENTS AT JUMPING BROOK CORPORATE PARK ON ROUTE 66 (GRAVITY SEWER)

WHEREAS, on September 13, 2010, Commercial Realty & Resources filed a performance bond written by Travelers Casualty and Surety Company of America in the amount of \$68,202.00 guaranteeing gravity sewer site improvements at Jumping Brook Corporate Park, Route 66 from the force main on Jumping brook Road to Manhole #6; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of August 12, 2011 and said performance bond can be released; and,

WHEREAS, Commercial Realty & Resources has filed Maintenance Bond #105628663 written by Travelers Casualty and Surety Company of America guaranteeing said site improvements for a period of two years; and,

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

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 the cash portion of the performance guarantee on escrow with the Township be and is hereby authorized to be refunded; and,

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

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY COMMERCIAL REALTY AND RESOURCES FOR SITE IMPROVEMENTS AT JUMPING BROOK CORPORATE PARK ON ROUTE 66 (FORCE MAIN)

WHEREAS, on September 13, 2010, Commercial Realty & Resources filed a performance bond written by Travelers Casualty and Surety Company of America in the amount of \$78,013.80 guaranteeing gravity sewer site improvements at Jumping Brook Corporate Park, Route 66 for the sanitary sewer force main from Manhole #6 to the Pump Station; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of August 12, 2011 and said performance bond can be released; and,

WHEREAS, Commercial Realty & Resources has filed Maintenance Bond #105628664 written by Travelers Casualty and Surety Company of America guaranteeing said site improvements for a period of two years; and,

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

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 the cash portion of the performance guarantee on escrow with the Township be and is hereby authorized to be refunded; and,

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

AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING IN CONNECTION WITH THE FALL HARVEST FESTIVAL

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a Fall Harvest Festival for October 8, 2011; and,

WHEREAS, it is necessary to close portions of Main Avenue and Pilgrim Pathway and designate no parking during the event; and,

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

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

Saturday, October 8, 2011 - 7:00 A.M. to 6:00 P.M.

- 1) Main Avenue from New York Avenue to Central Avenue
- 2) Pilgrim Pathway from Main Avenue to Olin Street

BE IT FURTHER RESOLVED, that the Department of Public Works shall provide barricades at the intersections of Main and New York; Main and Central and Olin and Pilgrim Pathway; and,

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

ACCEPT PERFORMANCE GUARANTEE FILED BY PLUMBLINE BUILDERS AT WALNUT GROVE, LLC FOR SITE IMPROVEMENTS AT 110, 114 & 118 WALNUT STREET (BLOCK 3032, LOTS 66, 74 & 75)

WHEREAS, Plumblin Builders at Walnut Grove, LLC has filed an Irrevocable Letter of Credit #900000241, issued by New Jersey Community Bank in the amount of \$296,568.00, guaranteeing site improvements at the major subdivision located at 110, 114 and 118 Walnut Street (Block 3032, Lots 66, 74 & 75); and,

WHEREAS, the Township Attorney has reviewed and approved said Letter of Credit; and,

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

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the

Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

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

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

ACCEPT A CORRECTIVE ACTION PLAN IN CONNECTION WITH THE 2010 AUDIT RECOMMENDATIONS

WHEREAS, the Township Committee previously accepted the 2010 Township of Neptune audit by resolution; and,

WHEREAS, the various Departments within the Township have reviewed the comments and recommendations portion of said audit and submitted a Corrective Action Plan to the Chief Financial Officer and Township Committee,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Corrective Action Plan of the 2010 Township of Neptune Audit be and is hereby accepted and is authorized for submission to the Division of Local Government Services; and,

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

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR THE SUMMERFIELD ESTATES MAJOR SUBDIVISION ON SUMMERFIELD AVENUE (BLOCK 189, LOTS 15, 16 AND 81-91)

WHEREAS, Monmouth Consulting, LLC filed Performance Bond #354499 written by International Fidelity Insurance Company in the amount of \$324,000.00, guaranteeing the performance of site improvements at the major subdivision known as Summerfield Estates, located on Summerfield Avenue (Block 189, Lots 15, 16 and 81-91); and,

WHEREAS, on August 31, 2011, the Township Engineering Consultant certified that all site work has been completed and said performance bond may be released; and,

WHEREAS, the Township Engineering Consultant recommends a wavier of the two year maintenance bond since the improvements have been completed for several years,

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

BE IT FURTHER RESOLVED, that the posting of a two year maintenance bond is hereby waived based on the recommendation of the Township Engineering Consultant; 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, Birdsall Services Group, Township Engineer, Director of Engineering and Planning and Construction Official.

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
9040	11	HARRIS	4 MILTON LN	2011	268.15
555	21	KOKOSZKA	13 WATERVIEW CT	2010	2,024.28
563.01	7	NAIDOFF	305 COMPASS CT	2011	756.90
3040	13.05	SEWARD	7 AMPARO WY	2011	997.73
9028	8	MAGAW	8 VANADA DR	2011	1,300.21
402	10	OLIVER	31 PINWOOD DR	2011	272.97

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 (420 FISHER AVENUE)

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
193/220	PIROZZI	420 FISHER AVENUE	2011	200.00

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

AUTHORIZE THE EXECUTION OF A LETTER OF INTENT FOR A 2012 TITLE IIIB FUNDING GRANT FROM THE MONMOUTH COUNTY OFFICE ON AGING

WHEREAS, the Township of Neptune has been awarded Title IIIB and State COLA funding for the year 2012, 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 Senior Center Director has completed the necessary documentation in support of the grant award,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor to execute a Letter of Intent to receive a 2012 Title IIIB funding grant from the Monmouth County Office on Aging; and,

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

AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO WAYSIDE ROAD

WHEREAS, the New Jersey Department of Transportation provides grants through the Transportation Trust Fund grant programs; and,

WHEREAS, the Township of Neptune desires to apply for and obtain a grant through the NJDOT Municipal Aid Program for the project known as Improvements to Wayside Road from Asbury Park Boulevard to State Highway 66,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune formally approves the grant application for the above stated project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as Municipal Aid-2012-Neptune Township 00329 to the New Jersey Department of Transportation on behalf of the Township of Neptune; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Neptune and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and,

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

AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT FOR 7TH AVENUE PEDESTRIAN SAFETY AND ADA ACCESSIBILITY IMPROVEMENTS

WHEREAS, the New Jersey Department of Transportation provides grants through the Transportation Trust Fund grant programs; and,

WHEREAS, the Township of Neptune desires to apply for and obtain a grant through the NJDOT Safe Routes to Transit Program for the project known as 7TH Avenue Pedestrian Safety and ADA Accessibility Improvements,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune formally approves the grant application for the above stated project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as SST-2012-Neptune Township 00042 to the New Jersey Department of Transportation on behalf of the Township of Neptune; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Neptune and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and,

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

EXTEND CONTRACT OF FIRST VEHICLE SERVICES TO PROVIDE FLEET MANAGEMENT AND MAINTENANCE FOR THE BALANCE OF 2011

WHEREAS, the Township contracted with First Vehicle Services, Inc. to provide fleet management and maintenance services to the Township through May 31, 2011; and,

WHEREAS, the Township Committee adopted Resolution #11-231 which extended this contract through August 31, 2011 through mutual agreement pursuant to NJSA 40A:11-1, et seq.; and,

WHEREAS, the Township Committee desires to further extend this contract through the balance of 2011 during which time bids for a new contract that were received on August 11, 2011 will be reviewed; and,

WHEREAS, funds will be provided in the 2011 municipal budget in the appropriation entitled Maintenance of Motor Vehicles O.E., known as Account No. 01-315-020, 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 an extension of the contract with First Vehicle Services to provide fleet management and maintenance to the Township of Neptune through December 31, 2011 at an amount of \$61,126.46 per month which represents an increase of 3% in the monthly amount per the current index rate calculation; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to First Vehicle Services, Business Administrator, Chief Financial Officer, Assistant C.F.O.

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 State of emergency declared for Hurricane Irene on August 26th, 27th and 28th; 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 for this purpose will be provided in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that 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 Hurricane Irene on August 26th, 27th and 28th, 2011:

<u>OEM MEMBER</u>	<u>HOURS</u>
Justin Emmons	17
Ken Sprague	35
Jeffrey Devlin	24.5
Fred Kern	15
Ed Simms	26
Calvin Morrison	23.5
George Waterman	28.5
William Van Meter	17.5
Ty Beam	23.5
Matt Doyle	4.5
Skip Rochovsky	4.5
Anthony Devlin	29
Daryn Moure	23
Michael Bonfonte	22
Dave Matteo	24.5
John Blecki	07
Thomas Francis	23.5

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.

ACCEPT PERFORMANCE GUARANTEE FILED BY WARCON, INC. FOR SITE IMPROVEMENTS AT THE HAMPTON INN ON ROUTE 66 (BLOCK 1500.03, LOT 23.06)

WHEREAS, Warcon, Inc. has filed performance bond 105501226, written by The Travelers Casualty and Surety Company of America in the amount of \$1,215,324.00, guaranteeing site improvements at the proposed Hampton Inn at 4 McNamara Way (adjacent to Route 66; Block 1500.03, Lot 23.06); and,

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

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

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

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

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

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye, except abstain on the authorization to close streets in connection with the Fall Harvest Festival; Brantley, aye; Houghtaling, aye; Jahn, aye; and McMillan, aye.

URGE STATE LEGISLATION FOR STRICTER UNMUFFLED ENGINE BRAKING FINES AND ENFORCEMENT

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

WHEREAS, unmuffled engine braking noise from diesel trucks is extremely loud and travels for long distances throughout the day and night, disturbing the repose and well being of taxpayers, and adversely affects the quality of life of many New Jersey residents; and

WHEREAS, New Jersey is the most densely populated state in the USA and therefore has many residents living within close proximity to highways; and

WHEREAS, truck traffic (and resulting noise) on highways in NJ has greatly increased over the past 10 years and is expected to continue to increase; and

WHEREAS, new trucks are required to be equipped with effective mufflers when first sold, but many truck owners have purposefully and illegally modified or removed them resulting in increased noise; and

WHEREAS, truck, engine and equipment manufacturer studies have consistently proven that improperly muffled vehicles are the root cause of the loud noise, and that about 5% of all trucks have illegal mufflers; and

WHEREAS, unmuffled truck engine braking is illegal in New Jersey where State law forbids the use of ineffective muffler systems on any motor vehicle, including trucks; and

WHEREAS, the law has in many instances not been enforced for trucks in New Jersey; and

WHEREAS, Federal (EPA) regulations specifically prohibit tampering with, removing or rendering inoperative any truck noise control device, and allows states to enforce their own anti-tampering (effective muffler) laws on trucks engaged in interstate commerce; and

WHEREAS, Federal noise regulations require trucks to meet specific noise emission standards; and

WHEREAS, the New Jersey Effective Muffler Law, N.J.S.A. §39:3-70 has recently been updated to clarify the language and make it easier to enforce violations; and

WHEREAS, New Jersey State Police have recently promised to purchase sound meters and begin an unspecified level of enforcement this summer at only two locations; and

WHEREAS, the NJ Effective Muffler Law carries only a \$25 fine and therefore does not create an effective deterrent; and

WHEREAS, many states have passed laws banning unmuffled engine braking with an increased fine of \$500 (see, e.g., Colorado Rev. Stat. 42-4-255); and

WHEREAS, trucks are "self-inspected" and such inspections do not specifically include noise testing or the presence of and effective of the muffler; and

WHEREAS, the New Jersey State Police-staffed truck weigh/inspection stations on Interstate Highways are often closed, especially in the middle of the night when the noise is most disturbing to residents trying to sleep; and

WHEREAS, New Jersey has a very active truck lobby that contributes substantial amounts of money to the campaigns of elected officials, (including the Transportation Committee chairs) that support their interests; and

WHEREAS, New Jersey taxpayers must rely on their elected representatives to also represent the public interest including their right to undisturbed repose; and

WHEREAS, the New Jersey League of Municipalities adopted Conference Resolution 2008-04 "Unmuffled Engine Braking" specifically calling for actions similar to those called for in this Resolution;

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

Neptune hereby urges the New Jersey Assembly and Senate Transportation Committees to bring out of committee a bill that will raise the fines for unmuffled engine braking to \$500 (see Bill Number A3341 and other similar bills that have been introduced over the past four years); and

BE IT FURTHER RESOLVED, that the New Jersey State Police shall be encouraged to more aggressively enforce the noise and muffler laws for trucks in New Jersey, incorporating creative approaches such as state-wide "zero tolerance" days, conducted at random, as an effective deterrent at an economical cost to taxpayers during these times of budgetary constraints; and,

BE IT FURTHER RESOLVED, that truck weigh and inspection stations on New Jersey interstate highways shall be funded, opened and staffed at times that are most appropriate to enforce these laws for the benefit of the public; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be sent to the District #11 Senate and Assembly representatives, Senate Transportation Chair Nicholas J. Sacco, Assembly Transportation Chair John S. Wisniewski, and to New Jersey State Police Col. Fuentes.

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

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH THE CITY OF ASBURY PARK TO PROVIDE ASSESSING SERVICES

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

WHEREAS, the City of Asbury Park is in need of the services of a certified tax assessor and appropriate staff in order to perform the assessing duties for the City of Asbury Park pursuant to N.J.S.A. 40A:9-146, et seq.,

WHEREAS, the City of Asbury Park and the Township of Neptune have negotiated an agreement whereby existing Township employees in the Assessing Department will perform Assessing duties for the City; and,

WHEREAS, the Township of Neptune and the City of Asbury Park desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to contract with the Township to provide assessing services for the City; and,

WHEREAS, the Township shall furnish to the City the services of a certified tax assessor and appropriate staff in order to perform the assessing duties for the City of Asbury Park pursuant to N.J.S.A. 40A:9-146, et seq. within the City's jurisdiction; and,

WHEREAS, the City will agree to pay the Township an annual fee of \$100,000.00 in addition to the cost of notifications made to its residents by the System; and,

WHEREAS, this Interlocal Service Agreement shall be for a term of four (4) years and be effective upon execution of the Interlocal Services Agreement and approval of the Agreement by the State of New Jersey Civil Service Commission (as required by the City of Asbury Park); and,

WHEREAS, the Township Committee previously authorized execution of an Agreement in this matter by adoption of Resolution #11-265 on June 13, 2011; however, the Agreement was modified after that date and the Township Committee wishes to reflect its approval and acceptance of this revised and final version of the document,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the City of Asbury Park, a copy of which is on file in the Office of the Municipal Clerk, which authorizes the Township to furnish the City with the services of a certified tax assessor and appropriate staff in order to perform the assessing duties for the City; and,

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

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

EMPLOY PART-TIME VIOLATIONS CLERK IN THE MUNICIPAL COURT ON A PROBATIONARY BASIS

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

WHEREAS, due to the termination of Rosa Aubrey, there is a vacancy in the position of part-time Violations Clerk; and,

WHEREAS, the position was duly posted and advertised and the Municipal Court Administrator has made her recommendation; and,

WHEREAS, funds will be provided in the 2011 Municipal Budget in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Raneka Gratz be and is hereby employed as a part-time Violations Clerk in the Municipal Court, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective September 13, 2011, at a hourly salary of \$12.00, for an average of 20 hours per week (no health benefits); and,

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

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

RECLASSIFY PATRICIA DEROSA TO THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE CHIEF OF POLICE

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

WHEREAS, Patricia DeRosa is currently employed as the Departmental Secretary in the Police Department; and,

WHEREAS, in order to properly reflect the requirements of said position, the Chief of Police recommends that the position be reclassified to the title of Administrative Assistant to the Chief of Police; and,

WHEREAS, funds will be provided in the appropriation entitled _____, known as Account No. _____, 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 Patricia DeRosa, Departmental Secretary in the Police Department, be and is hereby reclassified to the position of Administrative Assistant to the Chief of Police effective immediately at an annual salary of \$45,000.00 and that the execution of a revised Employment Agreement be and is hereby authorized; 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, Mandy To and Carina Santos.

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

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

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

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

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

interviewed; and,

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Craig Whitman, John Caggiano, Andrew Hallgring and Robert C. Hagerman be and are hereby employed as part-time Special Law Enforcement Officers – Class II and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective September 19, 2011, at an hourly rate of \$17.00; and,

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

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

AUTHORIZE THE PURCHASE OF THREE PATROL CARS 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 Township desires to purchase three 2012 Chevrolet Caprice Patrol Cars for the Police Department through an authorized vendor 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, Charles Winner, Inc. has been awarded New Jersey State Contract No. A79008 for these vehicles; 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 total amount of the three vehicles shall not exceed \$77,996.07; and,

WHEREAS, funds for this purpose are available in the 2011 municipal budget in the appropriation entitled _____, known as Account No. _____, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of three 2012 Chevrolet Caprice Patrol cars through the New Jersey Cooperative Purchasing Program for the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$77,996.07 (\$25,998.69 each); 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.

AWARD CONTRACT FOR SENIOR CENTER AUDIO VISUAL PROJECT

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

WHEREAS, the Purchasing Agent issued a Request for Proposals for an Audio Visual Project for the new Senior Center; 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 proposals were reviewed by the Senior Center Director and the Purchasing Agent who have recommended that the project be awarded to Total Video Products in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 10-10 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Total Video Products for the Senior Center Audio Visual Project pursuant to their proposal of not to exceed \$25,633.00; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Ms. Jahn 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	10,647,423.91
FEDERAL & STATE GRANT FUND	58,365.38
TRUST OTHER	34,396.15
GENERAL CAPITAL FUND	292,575.91
SEWER OPERATING FUND	69,687.28
SEWER CAPITAL FUND	2,877.85
MARINA OPERATING FUND	18,354.34
MARINA CAPITAL FUND	5,820.95
DOG TRUST	7,498.70
UDAG RECIPROCAL TRUST	2,000.23
LIBRARY TRUST	13,862.60
BILL LIST TOTAL	\$11,152,863.30

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.

TERMINATE EMPLOYEE

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

WHEREAS, Section 9-7.15 of the Code of the Township of Neptune states that at the conclusion of a three (3) month non-paid leave of absence, if an employee is not able to resume his/her normal duties, he/she shall be terminated by resolution as an employee of the Township; and,

WHEREAS, Deborah DeSeno has been on an unpaid leave of absence for over three months and is unable to return to work,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Deborah DeSeno be and is hereby terminated from employment with the Township not in good standing in accordance with Section 9-7.15 of the Code of the Township of Neptune as stated herein; 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, Mandy To and Carina Santos.

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

Roslyn Hurt-Steverson, President of Gables Homeowner's Association, stated she knew the police went out and surveyed the residents that were immediately affected regarding the parking in the Gables but she felt the parking situation affects all of the residents who have to come in and out of the Gables. She stated a survey should have been presented to all the Gables residents and not a select few. She stated she was in agreement to have restrictions in parking on Wakefield Road but she would still go out and petition to have the employees of the hospital to park in the parking garage and not on their streets. She stated she's written letters to Leanne Hoffman regarding the clearing of Mt. Prospect Cemetery and she has not received a status report. She went on to state that some of the residents have been affected by the rain coming down the hill. She requested that they be kept in the loop because this was a visual eyesore and she would like to live cohesive with them.

Mayor McMillan asked Mr. Huhn to reach out to Leanne. He also stated the comments she made earlier were duly noted and these were only the first steps.

June West stated there was an uprooted tree that was next to her home and it was leaning over her home. On January 27, she called the owner of the lot to make him aware of it. He told her that he would take care of it and to this date he has done nothing. She stated she's spoken to a Committeeperson, Mr. Doolittle, Mr. Waterman and Evelyn and Tracey in Code Enforcement. They've told her that anything that hangs over into her yard she could cut it down. She was aware of that and showed them pictures of her tree holding the other tree up. She stated it bothered her that nothing was being done.

Mr. Anthony stated it was private property and they normally could not do anything between two property owners. He stated Mr. Huhn just informed him that this was not a municipal matter and suggested she contact her insurance and maybe her insurance could take it down.

Mrs. West stated she has called the insurance company and they would not do anything until something happened. She also stated on the 14th of April she spoke to a man from Dan's Tree Service who told her he was getting ready to remove a healthy tree from a Mr. Valente's property because the Township had ordered their service to remove the tree off the property.

Mr. Anthony stated they could send Code out to the homeowner and say there was a maintenance violation and if he did not take care of it they would remove it and place a lien against his property.

Ken Buckley commended the Committee on the upgrade of the Township's bond rating.

Marc Gordon stated there were a lot of down branches throughout the Gables. He questioned when did they think that they could start picking it up.

Mr. Houghtaling stated that he spoke with Wayne Rode and he said he put on the regular schedule for picking it up. He stated he started with areas that were really congested with bulk but this week he would be getting back onto the regular schedule.

Dorothy Argyros stated 911 was a terrible tragedy and there were engineers and architects that were saying that it was impossible (more in particular building 7) that it could have happened in the way that the commission determined and that it was an inside job and some of the families are looking into another investigation. She felt that this was a farce to get us into a war.

Hank Coakley suggested the Township get information from New Brunswick in the west

ward regarding parking and maybe it could help us regarding parking in the Hills, Ocean Grove and the Gables. He also stated he admired Ms. Jahn for her comments in saying that her colleagues were murdered because they were. He also asked if there was an update on the dredging.

Mr. Anthony stated it went to the appellate division and they sent it back to the DEP and they are fighting over that. They are trying to get a meeting with the DEP.

Mr. Coakley asked if it would help if other municipalities would write a letter.

Mr. Anthony stated it would help if they all joined the lawsuit.

Mr. Coakley stated this was hurting the marina.

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

Richard J. Cuttrell,
Municipal Clerk