

TOWNSHIP COMMITTEE MEETING – JANUARY 9, 2012

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

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; and Gene Anthony, Township Attorney.

Mayor Bishop 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 5, 2012, 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 Mayor stated that he wants to have a special workshop meeting to discuss 2012 goals and objectives. The Committee agreed on Wednesday, January 18<sup>th</sup> at 4:00 p.m.

The Mayor introduced a new item for the Committee which is a common Google calendar. Roberta Grace will be opening the Committee mail and updating the calendar with meetings and events with color coding for each Committee member. The Committee members should check the calendar and indicate which events they will be attending. In addition, the Mayor asked that one member of the Committee be in attendance at each meeting of the various homeowners groups.

Mary Beth Jahn arrived. Mr. Anthony reminder the Committee members to limit attendance to no more than two members at any meeting where government policy will be discussed.

The Mayor stated that in regards to the resolution for Traffic Signal Control monitoring, the four intersections under study are Route 33 and West Bangs Avenue, Route 33 and Neptune Blvd, Route 33 and Route 35, and Route 66 and Jumping Brook Road. Mr. Anthony stated that the if the cameras are installed, enforcement will be a joint effort between the Police Department and the company that installs the cameras. The Mayor added that the Township will have final control over whether or not a ticket is issued

In regards to outstanding issues, Dr, Brantley stated that two homes on Harvard Avenue have experienced flooded basement that seems to have started when the Wawa on Route 66 was completed. The residents believe that a portion of the drainage system was “cut off” by the project. Mr. Cuttrell will have the Township Engineer investigate. Mr. Houghtaling stated that a lighting survey was done on West Bangs Avenue in the area of Loffredo Fields. The Township will be looking to authorize the installation of four street lights recommended in the survey.

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

Dr. Brantley 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:

- Potential Litigation – Outstanding escrow accounts
- Contract negotiations – Recreation contracts
- Personnel – Part-time positions

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: Brantley, aye; Houghtaling, aye; Jahn, aye; and Bishop, aye.

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

Mr. Anthony reviewed six escrow accounts with deficient balances for board applications that were either withdrawn or denied. The projects still have outstanding bills for board professionals but the applicants have no motivation to pay since the projects are not being done. Mr. Anthony suggested that he meet with the Township Engineer and letters be sent to the commercial businesses that are currently operating in the Township.

The Committee reviewed the issue of rate increases for part-time job titles within the Township. Since these positions have not seen an increase since 2008, the Committee asked the appropriate resolution be prepared to reflect a 3% increase in the hourly rate.

The Mayor discussed the renewal of the joint effort with the Board of Education to produce a joint newsletter four times a year. He stated that the cost is about \$14,000. The Committee asked that an appropriate interlocal service agreement be prepared for consideration.

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

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

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

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 Bishop 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 5, 2012, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are available online at [www.neptunetownship.org](http://www.neptunetownship.org) for public viewing before each Township Committee meeting.

#### REPORT OF THE CLERK

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

A letter from the Neptune City Police Department thanking members of the Neptune Police Department for their assistance in apprehending a suspect in a robbery at a Neptune City business.

Tax Collector's monthly statement for December.

#### COMMENTS FROM THE DAIS

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

Dr. Michael Brantley stated January has been an emotional time for him and he was quite sure that it was for others as well. He stated Jason Jones father, Mr. Oris Jones passed away. He stated both he and his wife paid a visit to his family. He also attended the viewing of Mrs. Somers. He was loss and she will be truly missed. He stated a friend of his had a stroke and was in the facility near the strip mall near the Gables.

Mary Beth Jahn expressed her condolences in the passing of Mrs. Somers. She felt it was a

great loss.

Eric Houghtaling expressed his condolences to the family of Mrs. Somers. He stated the Memorial Park fundraiser was on January 11<sup>th</sup> at 7pm at Jumping Brook Country Club. He stated it was a very worthy cause and they were trying to do something for the people who have died for our country. He stated they were also trying to sell bricks so that a person could purchase them and remember whoever they wanted to. He congratulated Mayor Bishop on being the Mayor and wished him the best of luck.

Mayor Bishop stated he attended the viewing for Dr. Somers and presented the family with a proclamation. He thanked the Clerk for preparing it and stated he was honored to participate in the program. He went on to tell everyone to mark their calendars for the Neptune Township Black History Month Celebration which would be held on Saturday, February 18<sup>th</sup> from 12-4pm at the Neptune High School and the theme was an African Caribbean Carnival.

#### PUBLIC COMMENTS ON RESOLUTIONS

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

Hank Coakley commented on Resolution #12-67 which awarded the bid for traffic control signal monitoring. He questioned whether they were the red light cameras.

Mayor Bishop stated this authorized the study to see if in fact that this was something we should be doing.

Mr. Coakley stated he went through one as a shot gun driver and his son in law questioned what it was when the light went off. He stated this could adversely affect someone and he did not want the Township responsible lawsuit.

Steve Frencher commented on Resolution #12-67 and discussed the fees for this service. He suggested the Township really look at this because he felt that it would not be cost effective.

Mayor Bishop stated that he really hoped that they came back and said that there was not enough generation of people running lights to do it. He stated the way the agreement works is that they will cover their cost first and if the cost falls below that they would not be on the hook for it. He stated he has spoken to people in Brick and they have said that it has lessened the severity of the accidents, so if they were to do it, it would be something to think about.

Richard Inkeles questioned whether there was a Resolution #12-69.

Mr. Cuttrell stated the initial agenda that went out on Friday did have additional resolutions but it was changed.

Mr. Inkeles stated he knew that Brick Township had problems regarding the red light cameras. He questioned whether the Township looked into their problems.

Mayor Bishop stated it was looked into and the Brick Police Department was happy with the way that it was functioning. He stated this does have to be reviewed by an officer and you can go online and review a video clip and you can go to court if you wish to challenge it.

Mr. Inkeles stated it was the line you cross over.

Mr. Bishop stated in order to get the ticket all four wheels must be passed the line when the light is red.

Joe Krimko stated he heard the town would get no money if it didn't go over a certain percentage but it was his understanding that going through a red light was a State violation. He questioned how would they bypass the State.

Mayor Bishop responded by stating the State would get a portion of every ticket.

Michael D. Fornino stated he was the person that brought this to light a year and a half ago. He questioned whether anyone has contacted anyone in Glassboro because they were the first ones to implement it and was successful. He stated he did.

Mayor Bishop stated he did not but he spoke to Brick. He stated he did not want to look at this as a revenue generator. He wanted to look at it as a safety issue and that was why he

contacted Brick.

Mr. Fornino stated Glassboro was in it for safety reasons as well.

Mr. Jahn stated she spoke to someone in Phoenix Arizona.

ORDINANCE NO. 12-01 - APPROVED

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

ORDINANCE NO. 12-01

AN ORDINANCE TO AMEND SECTION 2-59 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY EXTENDING THE EXEMPTION OF THE PAYMENT OF CERTAIN TOWNSHIP FEES TO VOLUNTEERS OF THE OFFICE OF EMERGENCY MANAGEMENT AND ANSWER TEAM

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

Mr. Cuttrell stated that the Public Hearing on Ordinance 12-01 will be held on Monday, January 23, 2012.

CONSENT AGENDA

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

ACCEPT PERFORMANCE GUARANTEE FILED BY MC DONALDS CORPORATION FOR SITE IMPROVEMENTS AT MC DONALDS AT ROUTES 33 AND 35 (BLOCK 266, LOT 28)

WHEREAS, McDonalds Corporation has filed performance bond 404002711, written by Safeco Insurance Company of America in the amount of \$72,360.00, guaranteeing site improvements at the McDonalds located at Routes 33 and 35 (Block 266, Lot 28); 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.

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

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

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

WHEREAS, funds will be provided for the first three months of 2012 in the 2012 Temporary Budget and funds for the balance of 2012 will be provided in the Budget for the year 2012, 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 John P. Blecki and Richard Hulsart be and are hereby employed in the Department of Public Works as Casual Employees on an on-call basis only for snow plowing during major snow/ice events during the 2011-2012 winter season at an hourly rate of \$25.00; and,

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

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>
241/3	1802 Brockton Avenue	\$1,020.00
201.01/28	1309 11 <sup>th</sup> Avenue	110.00

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

RECLASSIFY MATTHEW PARKER AND ALBERT FRITZ, JR. AS A PERMANENT FULL-TIME DRIVERS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Matthew Parker was hired as a Driver in the Department of Public Works on August 15, 2011; and,

WHEREAS, Albert Fritz, Jr. was hired as a Driver in the Department of Public Works on August 1, 2011; and,

WHEREAS, both have performed their duties in a satisfactory manner and the Public Works Director has recommended that both be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Matthew Parker and Albert Fritz, Jr. be and he is hereby reclassified as a permanent full-time Driver effective immediately; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Business Administrator, Chief Financial Officer and AFSCME Local #1844.

AUTHORIZE REPLACEMENT OF PUMP CONTROLS AT THE TREMONT AVENUE SANITARY SEWER PUMPING STATION

WHEREAS, the Purchasing Agent solicited quotes for the replacement of pump controls at the Tremont Avenue Sanitary Sewer Pumping Station; and,

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

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

WHEREAS, funds will be provided for the first three months of 2012 in the 2012 Temporary Budget and funds for the balance of 2012 will be provided in the Budget for the year 2012, 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 a purchase order is hereby authorized to Pumping Services, Inc. for the replacement of pump controls at the Tremont Avenue Sanitary Sewer Pumping Station pursuant to their quote of \$19,571.00; 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 Public Works Director.

#### APPOINT MEMBER TO THE BOARD OF ADJUSTMENT

WHEREAS, on January 1, 2012, the Township Committee appointed Robert Peters as the Alternate #4 member of the Board of Adjustment; and,

WHEREAS, Robert Peters resigned from this appointment in 2011, therefore the Township Committee desires to rescind this appointment and appoint another Township resident to this position,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Dianna Harris be and is hereby appointed as the Alternate #4 member of the Board of Adjustment for a two-year term expiring December 31, 2013; and,

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

#### APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT POLICE OFFICERS IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, in the matters of Ryan Brown v. Township of Neptune and John Williams v. Township of Neptune, police officers named in each suit have requested legal counsel as to the claim for punitive damages; and,

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

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to the following police officers to retain legal counsel for the claim of punitive damages in the above referenced matters:

##### Matter of Ryan Brown v. Township of Neptune:

Police Chief Robert Adams retaining Matthew S. Adams of Fox Rothschild  
Officer John Jackson retaining Tim Donohue of Arleo, Donohue & Biancamano

##### Matter of John Williams v. Township of Neptune:

Police Chief Robert Adams retaining Matthew S. Adams of Fox Rothschild  
Officer Marques Alston retaining Tim Donohue of Arleo, Donohue & Biancamano  
Officer Kristopher Daly retaining Michael Baldassare

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

AUTHORIZE THE SALE OF VETERANS POPPIES

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

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

SUPPORT TRF DP RIDGE AVENUE, LLC APPLICATION TO THE COUNTY OF MONMOUTH FOR HOME INVESTMENT PARTNERSHIP ACT FUNDING FOR THE SCHOOLHOUSE SQUARE HOUSING DEVELOPMENT

WHEREAS, the Monmouth County Board of Chosen Freeholders has developed a housing program to encourage the development of affordable housing for lower income residents; and,

WHEREAS, the Monmouth County Community Development Office is soliciting applications for housing development financing assistance to be funding by the HOME Investment Partnership Act; and,

WHEREAS, TRF DP Ridge Avenue, LLC has indicated its intent to submit an application for financing assistance for phases of the Schoolhouse Square Housing Development not yet constructed; and,

WHEREAS, a successful application will provide funding to ultimately increase the affordability of these housing units,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby fully supports the application of TRF DP Ridge Avenue, LLC to the County of Monmouth for Home Investment Partnership Act funding for the Schoolhouse Square Housing Development; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to TRF DP Ridge Avenue, LLC, Business Administrator and Economic Development Coordinator.

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

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

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

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
116.01	1C326	GILLEN	65 WHITEFIELD AVE	2011	249.98
532	8	DEIBERT	415 MAPLE AVE	2011	250.00
419	1	AMADRUTO	126 MILFORD RD	2011	250.00

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

AUTHORIZE THE CANCELLATION OF SEWER RENT

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

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

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
175/532	Dolores Allen	1310 Heck Avenue	2011	430.00

**REASON:** Single Family per Assessing – Garage apartment demolished

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
217/58	Township of Neptune	1700 West Lake Ave.	2011	322.50

**REASON:** Property owned by Township

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

GRANT SOCIAL AFFAIR PERMIT TO THE SHARK RIVER HILLS PTA

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of the Shark River Hills PTA for a social affair permit at Hamilton Banquet Hall, 10 Jumping Brook Road, on March 9, 2011 from 6:30 P.M. to 12:00 A.M.

AUTHORIZE MODIFICATION OF MORTGAGE AND MORTGAGE NOTE BETWEEN TRF DP RIDGE AVENUE, LLC AND THE TOWNSHIP OF NEPTUNE

WHEREAS, the Township of Neptune is the owner and holder of a certain Promissory Note totaling \$400,000.00 secured by a certain Mortgage for such sum made by TRF DP Ridge Avenue, LLC to the Township dated February 19, 2009 and recorded April 8, 2009 in Mortgage Book 8766, Page 4660 on the real estate described in said Mortgage; and,

WHEREAS, said Note and Mortgage requires principal payment in the amount of \$14,285.71 to the Township of Neptune upon closing of the sale of each of the final twenty-eight (28) residential units of the fifty-eight (58) unit project as that term is defined in a certain Redevelopment Agreement as amended and dated as of February 11, 2008 between the Township and TRF DP Ridge Avenue, LLC; and,

WHEREAS, TRF DP Ridge Avenue, LLC has requested as a result of the down housing market to amend the aforesaid Promissory Note and Mortgage to allow each purchaser of housing units to assume \$20,000.00 as the total debt to the Township reducing TRF DP Ridge Avenue, LLC's obligation by \$714.29 for each unit applicable to the sale of units only between January 1, 2012 and June 30, 2012 in order to encourage the sale of such units,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby authorizes the execution and adoption of an amended Note and Mortgage Note from the original Note and Mortgage Note of February 9, 2009 so as to allow between January 1, 2012 and June 30, 2012 only that new purchasers of units in the Ridge Avenue Redevelopment Area also known as Schoolhouse Square provide the Township with a Secondary Mortgage of \$20,000.00 as part of the total debt due and owing from TRF DP Ridge Avenue, LLC to Neptune Township under the \$400,000.00 Note and Mortgage of February 9, 2009 reducing TRF DP Ridge Avenue, LLC's obligation to the Township by \$714.29 for each unit; and,

BE IT FURTHER RESOLVED that the Township Committee hereby authorizes the Mayor and Clerk to execute the amended Modified Mortgage and Mortgage Note prepared by TRF DP Ridge Avenue, LLC and reviewed by the Township Attorney.

CANCEL CHECKS OUTSTANDING FOR OVER NINETY DAYS

WHEREAS, the Finance Department has advised that there are a number of outstanding checks that are over ninety (90) days old; and,

WHEREAS, the cancellation of said checks must be approved by resolution of the Township Committee,



THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following checks outstanding for greater than ninety (90) days be and are hereby approved for cancellation:

D.A.R.E. Account			
CHECK NO.	DATE	PAYEE	AMOUNT
10041	04/12/10	Stavola Realty	\$1,000.00
10045	04/26/10	7-Eleven, Inc.	357.50

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

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

AWARD BID FOR TRAFFIC CONTROL SIGNAL MONITORING

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

WHEREAS, on November 22, 2011, the Purchasing Agent received bids for the award of a contract for traffic control signal monitoring; and,

WHEREAS, the Purchasing Agent has determined that the bid submitted by American Traffic Solutions is the lowest responsible bid; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided through the municipal budget and be offset by revenues generated by the program 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 American Traffic Solutions on their lowest responsible bid of not to exceed \$18,000.00 per month per intersection up to a maximum of four intersections to supply traffic control signal monitoring including equipment, hardware and software; and,

BE IT FURTHER RESOLVED, that the bid award is contingent upon American Traffic Solutions obtaining the necessary approvals for traffic control signal monitoring from the State of New Jersey; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Ms. Jahn offered the following resolution, moved and seconded by Mr. Houghtaling, 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	41,521.92
FEDERAL & STATE GRANT FUND	40,365.00
 BILL LIST TOTAL	 \$81,886.92

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: Brantley, aye; Houghtaling, aye; Jahn, aye; and Bishop, aye.

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Kim Misner stated she was having drainage problems near 79 Inskip Avenue which was coming from 85 Stockton Avenue. She presented the Committee with pictures. She stated the water is there all year and it sits at the corner of the property. She called Mark Balzarano from Public Works and he stated they had already thrown salt down. Her mother as well as she have made phone calls regarding this. She's sent a letter to the engineer and anyone who would listen so that it would not become a hazard. She suggested the Township find the money to fix this problem.

Mayor Bishop stated if there was a pump going he has to put it out into the street and perhaps he could redirect it as they had another homeowner do. He stated it was an identifiable project but the problem was finding the money to do it. He requested she leave her number with Mr. Cuttrel so that he would have the opportunity to speak with Mr. Balzarano.

Debra Lee Rawlings stated she was having the same problem that Ms. Misner was having and she resides at 207 Monmouth Avenue. She stated her yard was flooded and she's spoken to several different people throughout the Township regarding the problem including FEMA.

Mr. Houghtaling stated he's been by her home and she knew what she was talking about.

Dr. Brantley stated they had a list of problems but he did not know how they were prioritized.

Mayor Bishop asked her whether she had spoken to the engineer, Leanne Hoffman.

Ms. Rawling stated she had and she told her to contact her insurance company who then told her that it was not there problem and that the problem existed prior to her having them as her insurance company.

Mayor Bishop stated he would talk to Ms. Hoffman about this and that this basically came down to dollar and cents.

Dr. Brantley suggested the list be reorganized and prioritized.

Gene Anthony stated the other problem is that we are responsible for drainage problems but not personal drainage problems.

Linda and William Rodriguez stated that there has been a lot of accidents at her address at 2901 West Bangs Avenue. She stated she was contacted by Freeholder Tom Arnone and he suggested she bring it up at a Township Meeting. She requested that a study be done as to what could be done for that area. She stated when people are parked at the door of the liquor store, people then chance it and then there's an accident. She's afraid that a family member will be hurt.

Dr. Brantley stated he's noticed how many accidents have occurred in that area.

Mayor Bishop stated they would talk to Sgt. Gualiaro regarding this and to the Chief of Police. He also stated that they would visit the owner of the liquor store as well.

Richard Inkeles questioned whether the Township had equipment for the seasonal employees that were being hired for snow plowing.

Mr. Bascom confirmed that they did.

Mr. Inkeles also questioned what the police officers did to have the Township defend them regarding punitive damages.

Mr. Anthony stated anytime there was an accusation of false arrest or excessive force you have these types of lawsuits and they always include punitive damages and the insurance company does not cover punitive damages. Obviously, if they lose the case they have to pay their own punitive damages.

Mr. Inkeles questioned where was that written.

Mr. Anthony stated he believed it was in their contract.

Mr. Cuttrell stated that it was mentioned in the resolution.

Mr. Inkeles stated he would feel better if it was in an ordinance.

Mr. Anthony stated the problem with the ordinance is because their contracts are renegotiated every so many years.

Mr. Inkeles questioned whether we were letting the developer off the hook as far as the modification of mortgage mentioned in Resolution #12-65.

Mr. Anthony stated no they were not and there has been a slow down in selling these units. So in order to encourage more people to buy the units it for a short period of time which is six months and they are basically saying the homeowner takes on a secondary mortgage of \$20,000.00. It does give the developer a break but it is for a short term.

Warren Lapp expressed his sadness in the passing of Dr. Stacy Somers and the support she showed to this town. He also questioned why was there a change in the red lights policy because last year they were vehemently against it. He also congratulated Mr. Houghtaling on trying to attend so many events throughout the Township.

Mayor Bishop stated he learns as he goes along and he still opposes them as a means of revenue but he does support it if it is regarding a safety issue.

Mr. Houghtaling stated if all your tires are behind the white line and you go through the light you've run the red light.

Celeste Overby questioned whether the new drivers in the Public Works Department would be trained not to cover up driveways with the snow once it has been cleared.

Mr. Houghtaling stated if she had a problem to let him know.

Ms. Overby also stated that the street sign on Bingham & Monroe Avenue was down.

Mayor Bishop stated he would have someone look into it.

Michael D. Fornino suggested the Committee contact Jo Meyers who is the CFO in Glassboro regarding the red light system.

Stephanie Sayer stated she had a few problems with the red light system. She questioned if someone received a notice and said that they were not the one driving the car and they contested it, she questioned who would be the complainant. She questioned whether it would be the police department.

Mr. Anthony stated it was a judgment decision based on the video.

Mayor Bishop stated this was State sanctioned and they've all asked these same questions.

Ms. Sayer stated they make be taking on more than they are aware of as far as cost to the Township.

Mr. Anthony stated he's done a lot of research on this for other towns and they have a lot of signage. A lot of people that live in these towns are aware that the cameras exists.

Hank Coakley informed the Mayor that when he was sworn in he had the Youth Council present and he felt it was very impressive and he did not feel that the comments Mrs. Argyros made on January 1<sup>st</sup> were appropriate. He felt that the students should thrive to be number one and not to be on the bottom. He questioned why should the people who sit back benefit from the people that were doing what they were suppose to do. He also questioned whether the judges have made a decision on the dredging.

Mr. Anthony stated not yet.

Heinz Weck questioned how do you handle the turn on right intersections.

Mayor Bishop stated it would be factored in.

Steve Frencher requested the Committee have the homeowners attend the meetings.

Mayor Bishop suggested having quarterly meetings with the homeowners.

Mr. Frencher reported that there were numerous complaints of cats in Shark River Hills.

Mayor Bishop stated he would look into it.

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

Richard J. Cuttrell,  
Municipal Clerk

