

TOWNSHIP COMMITTEE MEETING – MAY 21, 2015

Acting Chairperson Bishop 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, Dr. Michael Brantley, and Eric J. Houghtaling. Absent: Mayor Mary Beth Jahn. (Kevin B. McMillan arrived during the executive session portion of the workshop meeting.)

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

Mr. 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 8, 2015, 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. Anthony reviewed his draft amendments to the snow removal ordinance. He made changes which indicate that snow must be removed from sidewalks within 12 hours after the end of the snowfall, but remove the section regarding liens on property if the Township is forced to remove the snow. The penalties/fines remain in the school zones. Mr. Houghtaling stated that the only way to get compliance is to impose a fine, but the draft ordinance does not contain any leverage to impose fines. He would like to see a fine added. Mr. Anthony stated that the current ordinance has fines in the school zones and liens elsewhere, and the lien provision is being removed. He added that the Committee could have a provision for a fine everywhere with enhanced penalties in the school zones. The Committee discussed enforcement. Mr. Anthony offered that most towns enforce the school zones first and then look elsewhere. The Committee came to a consensus that there should be a penalty clause for the entire Township with enhanced penalty for the school zones. Mr. Bishop expressed concern about elderly residents in Ocean Grove having difficulty getting their sidewalks shoveled and then fearing a fine.

Mr. Gadaleta discussed the Employee Assistance Program. He stated that Mr. Houghtaling asked administration to check the company's references and to ask for a multi-year quote. Mr. Gadaleta stated that a three year contract is only pennies more per year than a single year and the other governmental entity on their reference list gave a positive review. The Committee asked that the appropriate resolution be prepared to authorize a three year contract.

Mr. Houghtaling stated that the Pound the Pavement 5km run is in October. He asked that a resolution be considered to support the event and authorize the street closures.

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

Mr. Houghtaling 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 – South Concourse Right-of-Way encroachments
- Personnel – Appointment to Environmental/Shade Tree Commission
- Real Estate negotiations – Private sale of undersized lot at 1308 Heck Avenue
- Personnel – Summer Interns

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; and Houghtaling, aye.

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

The Committee reviewed the resume of William Heyniger for appointment as a member of the Environmental/Shade Tree Commission and asked that a resolution be prepared for the next regular meeting.

Mr. Cuttrell stated that a resident has expressed interest in purchasing an undersized Township owned lot adjacent to her property. The address of the Township lot is 1308 Heck Avenue and the Tax Assessor has established a market value of \$7,700. Mr. Cuttrell explained the state statute regarding the sale of an undersized lot to adjoining property owners only. He is awaiting a response back from the interested individual to determine interest in proceeding with an ordinance to authorize the sale.

The Committee reviewed recommendations for the hiring of summer interns and a part-time Custodian at the Senior Center.

Mr. Anthony stated that a Letter of Default has been sent to Down to Earth Landscaping for completion of Veterans Park.

Mr. Bascom stated that school crossing guards will be offered summer hours in various positions to enable them to maintain employment through the summer.

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

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

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

After a moment of Silent Prayer, the Neptune High School NJROTC Color Guard led the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

The Clerk stated, "Fire exits are located in the rear of the room and to my right. In case of fire you will be notified by bell and or public address system, then proceed to the nearest smoke-free exit"

Deputy 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 8, 2015, 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 posted online at www.neptunetownship.org.

PRESENTATIONS

The Committee presented a proclamation to Walt Mischler in recognition of his years of service to the Neptune Township School District and for the recent action by Monmouth University to recognize his accomplishments on the basketball court by retiring his basketball jersey number "00".

The Committee also presented a proclamation to Commander Tommy Atkins in recognition of 20 years as Commander of the Neptune High School Navy Junior Reserve Officers' Training Corps.

COMMENTS FROM THE DAIS

Dr. Michael Brantley stated he could not attend the NJ Law Enforcement Memorial Service but acknowledged that they sacrificed quite a bit for our safety. He attended the Wesley Lake

Commission meeting and they are working hard.

Eric Houghtaling stated he went down to N. Carolina to see his daughter and granddaughter who was baptized and grandson who has his first communion. He also stated he had the second meeting for pancreatic cancer run which will be held on October 24th. He went on to state that Boomer and Carton would be coming to the Headliner tomorrow at 6:00am. He also stated it was important to set an example and recognize those who appreciate our town.

Mr. Bishop stated he at the opportunity to attend the opening of the Avon Pavilion. They asked all of the Bed and Breakfast owners to come together. He had the opportunity to be there as an owner of a B& B and was recognized as a Committeeperson. He also stated that the Ocean Grove area Chamber of Commerce held their annual meeting and dinner. He gave a special thank you to Lois Hatfield who served as the Executive Director for 14 years. She announced her retirement and will be leaving. He stated he hired her fourteen years ago. He went on to state that he attended the opening of Qspot which is the LGBT community center. He reminded everyone that the parade was Monday and steps off at 10am in front of the municipal building and will end up in Ocean Grove. He stated he toured Waverly Place which are the new apartments that have opened up in West Neptune to bit of controversy but he had the opportunity to talk to their management team about what they are doing and tried to encourage them to be active and be a positive business partner in this community. He stated his thoughts were with Gail Oliver who was in the hospital and Andy's family. He attended the police memorial and stated it was very moving this year. He stated he also had a fun time with Mrs. Lee's class. They came to Town Hall and collected money from our staff and raised more money this year then before. It was for the torch run. He thanked Mr. Mischler for what he's done and stated hey also recognized Commander Akins. He stated he really looked up to them both.

Kevin McMillan stated he attended the special recognition dinner. He stated there were some dynamite individuals at the high school and everyone does a fantastic job. He went on to state that he did visit Gail Oliver and she's in good spirits.

Mr. Bishop offered a motion, seconded by Dr. Brantley, to take a two minute recess. All were in favor.

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to resume the open public meeting. All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

The Deputy Mayor requested comments from the public on resolutions presented on this agenda. There were no public comments.

ORDINANCE NO. 15-20 - ADOPTED

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

ORDINANCE NO. 15-20

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.8 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING AND CLARIFYING PARKING PROHIBITIONS DURING CERTAIN HOURS ON OCEAN AVENUE AND PORTIONS OF MAIN AVENUE

The Deputy Mayor requested comments on the above ordinance, and they were as follows:

Ann Horan, 69 Clark Avenue, questioned how were they going to clarify the parking prohibition and keep people from not parking where they are not suppose to. She questioned whether they would be using signage.

Mr. Gadaleta stated it would be similar to the Main Avenue street sweet ordinance. He stated they would be doing one side of Main and one side of Ocean and there will be signage and there will be enforcement on those days.

Joan Venezia, 109 Mt. Hermon Way, questioned what did they consider as enforcement and did they tow or put tickets on them.

Mr. Gadaleta stated it was a combination of both and they do tow.

Laura Massaro, 8 Ocean Avenue, discussed street sweeping and stated she thought it would be difficult to do and did not think it would be conducive to running their businesses in the high season. She felt this was a hardship and the streets were not that dirty and it did not make any sense to her.

Mr. Bishop stated it was not just about the sweep. Some people are really using their second car as beach cabanas.

Dr. Brantley questioned what impact has Asbury's parking problem had on her street.

Ms. Massaro stated they will park on her street and walk to the beach in Asbury.

Mr. Bishop stated he understood and was trying to accomplish two things at once.

Mr. McMillan stated if they had to tweek it they would.

April Caproni, 7 Ocean Avenue, questioned what time did they have to move and how many days a month and what time can they go back.

Mr. Gadaleta stated it was from 6:30am-8am.

Ms. Caproni again questioned how many days a month will this occur.

Mr. Bishop stated one side one day and one side the other.

Ms. Caproni stated she's lived there for fifteen years and its never been swept more than 4 days a month.

There being no further comments, the Deputy Mayor closed the public hearing.

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

ORDINANCE NO. 15-21 - ADOPTED

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

ORDINANCE NO. 15-21

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

The Deputy Mayor requested comments on the above ordinance. There being no comments, he closed the public hearing.

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

ORDINANCE NO. 15-22 - APPROVED

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

ORDINANCE NO. 15-22

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-9 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY DESIGNATING DIVISION STREET AS A ONE-WAY STREET

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

ORDINANCE NO. 15-23 - APPROVED

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

ORDINANCE NO. 15-23

AN ORDINANCE TO AMEND VOLUME I, CHAPTER III, SECTION 3-13 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADOPTING AN UPDATED DRUG-FREE ZONE MAP

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 15-22 and 15-23 will be held on Monday, June 8, 2015.

CONSENT AGENDA

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

APPOINT HEALTH BENEFITS PROGRAM BROKER/CONSULTANT

WHEREAS, the Township of Neptune desires to appoint a Health Benefits Program Broker/Consultant through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on May 7, 2015 and will make a selection from the proposals received; and,

WHEREAS, funds will be provided in the 2015 municipal budget in the appropriation entitled _____, 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 the execution of a contract to engage the services of Brown & Brown Benefit Advisors as Health Benefits Program Broker/Consultant for a three year period from June 1, 2015 through May 31, 2018 at the terms as indicated in said Proposal on file in the Office of the Municipal Clerk; and,

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

DESIGNATE ALCOHOLIC BEVERAGE CONTROL COMPLIANCE OFFICERS

WHEREAS, the Township of Neptune desires to designate police officers as Alcoholic Beverage Control (ABC) Compliance Officers to conduct investigations of the operations of licensed premises in accordance with N.J.S.A. 33:1-35; and,

WHEREAS, the Police Director and Chief of Police recommend the designation of two police officers as ABC Compliance Officers who have been trained on the statutory regulations of licensed liquor establishments,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Lt. William Kirchner and Sgt. Paul Monahan be and are hereby designated as Alcoholic Beverage Control (ABC) Compliance Officers in the Township of Neptune for enforcement of all applicable statutes and ordinances regulating the sale of alcoholic beverages by licensed establishments; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator, Chief of Police and Police Director.

REJECT ALL BIDS FOR RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK – NORTH END

WHEREAS, on April 22, 2015, the Township Engineering Consultant received bids for the award of a contract for the Reconstruction of the Ocean Grove Boardwalk – North End; and,

WHEREAS, said bids were reviewed by the Township Attorney who has recommended that all bids be rejected due to non-compliance to the bid specifications; and,

WHEREAS, in addition, the required State of New Jersey permits to allow said project have not yet been obtained,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the all bids received for Reconstruction of the Ocean Grove Boardwalk – North End be and are hereby rejected due to non-compliance to the bid specifications; and,

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to re-advertise for the receipt of bids; and,

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

AUTHORIZE THE REFUND OF A DEPOSIT FOR SUMMER DOCKAGE FEE AT THE MUNICIPAL MARINA (PERKINS)

WHEREAS, Robert Perkins made a payment in the amount of \$1,650.00 for 2015 summer dockage; and,

WHEREAS, due to unforeseen personal circumstances, Mr. Perkins is unable to place his boat in the water for the summer and has no need for a slip; and,

WHEREAS, the Harbor Master recommends that a refund be authorized,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to refund the deposit for summer dockage in the amount of \$1,650.00 as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Harbor Master, Deputy Tax Collector, Assistant Purchasing Agent and Auditor.

AUTHORIZE AN AMENDMENT TO THE 2015 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETY

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 2015 in the sum of \$4,000.00 which is now available from the NJ Department of Law & Public Safety – Division of Highway Traffic Safety in the amount of \$5,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$4,000.00 is hereby appropriated under the caption of Click It or Ticket 2015 Seat Belt Mobilization; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety 2015 Click It or Ticket Seat Belt Mobilization grant in the amount of \$4,000.00; 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.

AUTHORIZE THE REFUND OF A DEPOSIT FOR SUMMER DOCKAGE FEE AT THE MUNICIPAL MARINA (AJAR)

WHEREAS, Joseph Ajar made a payment in the amount of \$1,485.00 for 2015 summer dockage; and,

WHEREAS, due to unforeseen personal circumstances, Mr. Ajar is unable to place his boat in the water for the summer and has no need for a slip; and,

WHEREAS, the Harbor Master recommends that a refund be authorized,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to refund the deposit for summer dockage in the amount of \$1,485.00 as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Harbor Master, Deputy Tax Collector, Assistant Purchasing Agent and Auditor.

ADOPT THE EMERGENCY OPERATIONS PLAN OF THE TOWNSHIP OF NEPTUNE AND PROMULGATE SAME AS THE AUTHORITATIVE DOCUMENT FOR EMERGENCY OPERATIONS WITHIN THE TOWNSHIP OF NEPTUNE

WHEREAS, Chapter 222 P.L. - 1989 requires every municipality to design and implement a comprehensive emergency operations plan; and,

WHEREAS, the Office of Emergency Management and the Local Emergency Planning Committee have created an Emergency Operations Plan which sets forth the general policies and procedures to be carried out by municipal and volunteer entities in order to provide the citizens of Neptune Township with an effective integrated emergency response plan designed to minimize the loss of life and property during an emergency; and,

WHEREAS, the Emergency Operations Plan of the Township of Neptune demonstrates our compliance with the National Incident Management System; and,

WHEREAS, the Township Committee has reviewed said plan and has deemed same complete,

NOW, THEREFORE, BE IT RESOLVED, by the Township of Neptune, County of Monmouth, State of New Jersey, that the Emergency Operations Plan of Neptune Township, dated May 21, 2015, be and hereby is approved and promulgated as the authoritative document for emergency operations in this municipality; and,

BE IT FURTHER RESOLVED, that said document be forwarded to the Monmouth County Office of Emergency Management and New Jersey State Police Office of Emergency Management for required approvals.

APPOINT MEMBER TO THE SENIOR CITIZEN ADVISORY COUNCIL

BE IT RESOLVED, that Victor D'Anna be and is hereby appointed as a member of the Neptune Township Senior Citizen Advisory Council for the year 2015; and,

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

RECLASSIFY RYAN UGROVICS AS A PERMANENT FULL-TIME TRANSPORTATION COORDINATOR AT THE SENIOR CENTER

WHEREAS, Ryan Ugrovics was hired as a Transportation Coordinator in the Department of Senior Services and Senior Center on June 9, 2014 (start date of June 30, 2014); and,

WHEREAS, he has performed his duties in a satisfactory manner and the Director of the Department of Senior Services and Senior Center has recommended that he be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ryan Ugrovics be and he is hereby reclassified as a permanent full-time Transportation Coordinator in the Department of Senior Services and Senior Center effective immediately; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Director of the Department of Senior Services and Senior Center, Business Administrator, Chief Financial Officer, Human Resources and AFSCME Local #1844.

EMPLOY TEMPORARY MUNICIPAL INTERNS

WHEREAS, the Township of Neptune desires to employ municipal interns for temporary employment during the summer months; and,

WHEREAS, the availability of paid intern positions for students enrolled in college was posted and advertised on the Township web site; and,

WHEREAS, the Human Resources Department has interviewed applications and recommends the employment of eight individuals to serve as interns in various administrative functions; and,

WHEREAS, funds will be provided in the 2015 Municipal Budget in various salary and wage appropriation line items and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby employed as temporary Municipal Interns assigned to the municipal departments as indicated and to perform other duties as assigned by the Business Administrator from June 8, 2015 to August 14, 2015 at an hourly wage of \$10.00; and,

- Joya Blair – Senior Center
- Darren Steverson – Code Enforcement
- Alfredo Reneau – Code Enforcement
- Christian Wagar - Engineering
- Kara Granelli – Human Resources
- Jordyn Postell – Tax Office
- Frank Martuscelli – Public Works
- Tyrell Montgomery – Public Works
- Robert Vetrano – Police Department
- Jamie Holland – Police Department
- Kavon Freeman – Office of Emergency Mgmt.

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

GRANT TEMPORARY EXTENSION OF LIQUOR LICENSE PREMISES TO SHORE LANES

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 Shore Lanes for a temporary extension of premises at Shore Lanes, 701 Highway 35, on June 6, 2015 from 12:00 P.M. to 6:00 P.M.

EMPLOY PART-TIME CUSTODIAN AT THE SENIOR CENTER

WHEREAS, there is a vacancy in the position of part-time Custodian at the Senior Center; and,

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

WHEREAS, the Senior Center Director and Human Resources Specialist have made their recommendation; and,

WHEREAS, funds will be provided in the 2015 municipal budget in the appropriation entitled Buildings & Grounds 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 Constant Saraison be and is hereby employed as a permanent part-time Custodian at the Senior Center, not to exceed an average of 28 hours per week, 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 May 22, 2015, at a rate of \$18.54 per hour; and,

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

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

URGE REJECTION OF THE PROPOSED \$225 MILLION SETTLEMENT IN A LAWSUIT BROUGHT BY THE STATE AGAINST EXXON MOBIL FOR NATURAL RESOURCE DAMAGES CAUSED BY POLLUTION AT THE BAYWAY AND BAYONNE OIL REFINERY SITES AND AT CERTAIN OTHER EXXON MOBIL SITES IN NEW JERSEY

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

WHEREAS, since 2004 the State of New Jersey has sought compensation from Exxon Mobil Corporation (Exxon) for the contamination and loss of use of more than 1,500 acres of wetlands, marshes, meadows, and waters in northern New Jersey; and

WHEREAS, the contamination took place during much of the 20th century, when Exxon and its predecessors operated oil refineries and related facilities in Linden (the "Bayway site") and Bayonne, New Jersey (the "Bayonne site"); and

WHEREAS, during the course of operations at these facilities, crude oil and refined products, containing hazardous substances such as polycyclic aromatic hydrocarbons (PAHs), chromium, and arsenic, were lost through improper disposal of wastes, spills, and leaks; and

WHEREAS, for instance, in 1977 alone, at least seven million gallons of oil were released into the soil and groundwater underlying a portion of the Bayonne site; and

WHEREAS, the level of contamination in the waters and sediment of the Platty Kill Canal in Bayonne is so high that Exxon recommended permanently closing and filling the canal with an impermeable barrier; and

WHEREAS, in Linden, a former wetlands known as the Pitch/Mudflat Area was described by one Department of Environmental Protection (DEP) official in 2005 as "tar flats," and Morses Creek has experienced a "gelatinous, oily emulsion overlying gray silt"; and

WHEREAS, the State's own experts have estimated that cleanup and restoration of former wetlands, meadows, forests, and intertidal habitat, and compensation for decades of contamination at the Bayway and Bayonne sites would cost \$8.9 billion; and

WHEREAS, the State has indicated in court documents that "[t]he scope of the environmental damage resulting from the discharges is as obvious as it is staggering and unprecedented in New Jersey"; and

WHEREAS, in 2004, the DEP filed suit against Exxon, under the "Spill Compensation and Control Act" ("Spill Act"), to recover money damages to compensate the State for the loss, loss of use, and restoration of natural resources at the sites; and

WHEREAS, last year, after nearly a decade of litigation, and with Exxon's liability no longer in dispute, the State Attorney General went to trial seeking damages, including \$2.6 billion for primary restoration of the Bayway and Bayonne sites and \$6.3 billion for compensatory or "loss of use" damages; and

WHEREAS, although the judge in the case was expected to be close to a decision, the Christie Administration twice petitioned the Court to delay its ruling because the State was in the process of negotiating a settlement agreement with Exxon; and

WHEREAS, in March 2015, it was reported that the Christie Administration had reached a proposed settlement agreement with Exxon for \$225 million in natural resource damages – far less than what is required to compensate the State for damaged and lost natural resources; and

WHEREAS, under the Spill Act, the DEP must publish information about the proposed settlement in the New Jersey Register and on the DEP's website for public inspection and comment; and

WHEREAS, after considering all public comments it receives, the DEP can decide to withdraw from the proposed settlement agreement if comments disclose facts or considerations which show that the agreement is inappropriate, improper, or inadequate; and

WHEREAS, the proposed \$225 million settlement agreement is grossly inappropriate, improper, and inadequate because it fails to address the decades-long contamination of important

ecological resources surrounding major metropolitan areas, and does not fairly compensate the State and the public for that contamination; and

WHEREAS, the Christie Administration has not fully disclosed the rationale for settling the case for approximately three cents on the dollar, and thus has exhibited a notable lack of candor to the public; and

WHEREAS, the Governor has a duty to protect the natural resources of the State, which are held in trust by the State for the people, and, consequently, must ensure that the proposed settlement agreement is withdrawn, and that the State obtains the maximum compensation possible from Exxon,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune strongly urges rejection of, the proposed \$225 million settlement in a lawsuit brought by the State against Exxon Mobil for natural resource damages caused by pollution at the Bayway and Bayonne oil refinery sites and at certain other Exxon Mobil sites in New Jersey, because it is grossly inappropriate, improper, and inadequate and violates the public trust; and,

BE IT FURTHER RESOLVED, that the Court presiding over the case of New Jersey Department of Environmental Protection v. Exxon Mobil Corporation is respectfully urged to reject the proposed \$225 million settlement agreement between the parties because the agreement shocks the conscience in light of undisputed evidence of significant damage to, and loss of, the State's natural resources caused by pollution at the Bayway and Bayonne oil refinery sites and at certain other Exxon Mobil sites in New Jersey; and,

BE IT FURTHER RESOLVED, that the New Jersey Attorney General and the Commissioner of Environmental Protection are urged to withdraw immediately from the proposed \$225 million settlement agreement because it is grossly inappropriate, improper, and inadequate; and,

BE IT FURTHER RESOLVED, that the Governor is respectfully urged to take all appropriate action to fully protect the public trust resources of this State, ensure that the proposed \$225 million settlement agreement between the State and Exxon Mobil is not finalized and is withdrawn, and direct the Attorney General and the Commissioner of Environmental Protection to obtain the maximum compensation possible from Exxon Mobil for the devastating environmental damage incurred at the Bayway and Bayonne oil refinery sites and at certain other Exxon Mobil sites in New Jersey; and,

BE IT FURTHER RESOLVED, that certified copies of this resolution be forwarded to the Governor, the Secretary of State, the Attorney General, the Commissioner of Environmental Protection and the Legislators representing the 11th district.

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

AUTHORIZE ACTION FOR DECLARATORY JUDGMENT REQUESTING THE SUPERIOR COURT TO DECLARE NEPTUNE TOWNSHIP'S AMENDMENT TO ITS THIRD ROUND HOUSING PLAN ELEMENT & FAIR SHARE PLAN OF 2009 CONSTITUTIONALLY SUFFICIENT; SEEKING THE APPOINTMENT OF A MASTER TO REVIEW THE TOWNSHIP'S PLAN; SEEKING IMMUNITY FROM SUBSEQUENTLY FILED EXCLUSIONARY ZONING LEGAL ACTIONS; SEEKING A COMPLIANCE HEARING ON THE AFORESAID PLAN AND JUDGMENT OF REPOSE

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

WHEREAS, the Mount Laurel series of Supreme Court cases recognize that the power to zone carries a constitutional obligation to do so in a manner that creates a realistic opportunity for producing a fair share of the regional present and prospective need for housing low and moderate income families; and

WHEREAS, the State Legislature enacted the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, to assist in municipal compliance with that constitutional obligation; and

WHEREAS, the Fair Housing Act created the Council on Affordable Housing, which was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions (COAH); and

WHEREAS, COAH adopted a series of rules governing municipal housing obligations, including a Second Round of Rules, which expired in 1999 and a Third Round of Rules, which have failed to successfully withstand judicial review; and

WHEREAS, on October 21, 2009 the Planning Board of Neptune Township adopted an Amendment of the Third Round Housing Plan Element and Fair Share Plan of the Township of Neptune's Master Plan, which was endorsed by the Township Committee on October 26, 2009 in response to the then adopted Third Round Rules by COAH, and submitted the same to COAH for substantive certification; and

WHEREAS, as a result of the Third Round Rules adopted by COAH, later being held invalid by the courts, COAH never completed its review of the Township's Plan, which remains pending and therefore, the Township remains as a "participating" municipality; and

WHEREAS, the New Jersey Supreme Court in a decision entitled, "In Re Adoption of N.J.A.C. M-392 (N.J. 3-10-2015) has established a new procedure for review of Affordable Housing Plans by the courts in lieu of COAH reviewing such plans, and in light of the fact that COAH has failed its mission in adopting satisfactory Third Round Rules; and

WHEREAS, the aforesaid Court Decision requires that towns that want to maintain or obtain constitutional compliance must file an action for Declaratory Judgment before a specially assigned judge in the Superior Court and have Affordable Housing Plans reviewed and approved by the court rather than COAH.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes the Township Attorney, Gene J. Anthony, Esq., to file the necessary action for Declaratory Judgment in the Superior Court of New Jersey, Monmouth County; seeking a "Master" to review the Township's present Third Round Housing Plan Element and Fair Share Plan; seeking a Compliance Hearing before the court that would ultimately rule that the present Plan of the Township is constitutionally sufficient; granting Neptune Township continued immunity from subsequently filed exclusionary zoning actions by developers and third parties and ultimately obtaining a Judgment or Order that the Township's Amendment to the Third Round Housing Plan Element and Fair Share Plan of the Township of Neptune's Master Plan, adopted October 26, 2009, is constitutionally compliant with the Mount Laurel decisions and the Fair Housing Act and obtaining a Judgment or Order of Repeal; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Township Planner, Township Engineer, Business Administrator and Chief Financial Officer

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Houghtaling 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	\$7,523,161.51
FEDERAL & STATE GRANT FUND	381.74
TRUST OTHER	4,141.66
GENERAL CAPITAL FUND	31,446.97
SEWER OPERATING FUND	273.63
SEWER CAPITAL FUND	890.51
MARINA OPERATING FUND	51,204.66

DOG TRUST	15,704.31
LIBRARY TRUST	3,743.17
 BILL LIST TOTAL	 \$7,630,948.16

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Kathy Arlt, Abbott Avenue, stated at the last meeting she asked for an enforcement report and Mr. Gadaleta and Mr. Anthony said there was going to be a meeting with Mr. Doolittle to discuss how to construct the signs that are suppose to go on the building

Mr. Gadaleta stated it was more that that. it was a discussion on the functionality of the abandoned property ordinance as it relates to abandoned and vacant properties but it included the signage.

Ms. Arlt stated it was passed last September and they had six months of lead time to figure out how they were going to enforce this and now it's 2 ½ months after the time limit became effective and you still do not have a plan on how to enforce this ordinance.

Mr. Gadaleta stated they did not have a plan to enforce it and they are enforcing the ordinance. They've moved forward and have notified the owners that their properties are considered abandoned and they are moving forward with the signage and posting notification.

Mr. Bishop stated everyone was under the impression that the Township post the signs but the ordinance says the owner post the sign. We are giving them the sign to post.

Ms. Arlt stated at this point in time they should be in court with these people. She stated these people are destroying the community.

Mr. Anthony stated after the six month period there were certain things you couldn't do until after the 6 month period. He went on to state before the six month period, Mr. Doolittle and his group came together. They had to do a notification and the property owner had the right to appeal and the Township had a couple of appeals between the notification and appeal process and you must go through that process before you enforce.

Ms. Arlt suggested going after the people who did not appeal.

Mr. Anthony stated the Monmouth County Clerk's Office did not know how to record them because they've never done it before and they must be recorded before we enforce.

Joan Venezia, 107 Mt. Hermon Way, stated the middle of her street was cleared for the umpteenth time. She questioned what happened to putting out notices for street cleaning. As far as the snow shoveling ordinance she felt they should be fined \$100 per day, week or month. As long as they were fined and no matter who they were. She also asked whether there were any final flood maps for Ocean Grove.

Mr. Gadaleta stated there were still maps in the advisory period for the next 90 day period. He stated they were informed that the maps should be adopted by early 2016.

Ms. Venezia asked if the next step with the North End Ocean Grove project was to obtain principals and financials from WAVE. She asked whether the Township has received that yet.

Mr. Anthony stated he asked for that information and it is suppose to be submitted.

Ms. Venezia asked if there was a time limit or expectation as to when it should happen.

Mr. Bishop stated they've asked for it and they cannot release the Camp Meeting as the Co Developer so then we can't negotiate the redeveloper's agreement before it goes before the Planning Board.

Ms. Venezia asked if any public sessions were scheduled for the North End project.

Mr. Bishop stated when it goes before the Planning Board and HPC yes and then there will be a public session here in terms of adopting the redeveloper's agreement.

Ms. Venezia continued discussion of the redevelopment plan specifically page 14 which discussed exceeding the plan.

Mr. Bishop asked Mr. Anthony to ask Jean Beahm our planner to look at the North End redevelopment plan, page 14 in particular and look at the concept plan on the 27th to see if in fact what is proposed is exceeding what is listed in the plan and if so we will have to amend it or they will have to take it back.

Kennedy Buckley, 65 Broadway stated 2 ½ stories was mentioned in the plan but it shows four stories on the drawing and there's another portion that shows a pool south of the pavilion that is on tax empty land that is not in the original concept plan. He also stated he was very pleased that the snow shoveling ordinance was discussed tonight. He congratulated them and stated he hoped common sense would prevail and something would happen. He also questioned whether Neptune had a plan for the parking this summer because even Asbury has a plan. He stated 80 Main was a prime example of not getting things done. He stated at the meeting a month ago Mr. Anthony said there was a plea agreement that had been entered into with the owner of 80 Main Avenue.

Mr. Anthony gave him an update and stated something is happening and they are receiving fines. Mr. Buckley disagreed.

James McMichael, 111 ½ Asbury Avenue stated he lived in Ocean Grove for 25 years and when he moved there the North side of Ocean Grove was the undesirable part of town because it was near Asbury. So they wanted to live on the South side. He stated it has become undesirable again. He lives near the beer garden and parking is problematic in Ocean Grove especially in the summer. People are parking in their neighborhood and walking to Asbury Park to the restaurants and bars. He stated they also had a quality of life issue because you have people coming back from the bars late at night and are drunk, making a lot of noise, urinating in public and having sex in public. He stated some forces in Asbury Park would like the gates eliminated but both he and his neighbors would like to keep the gates and have them locked at 10pm. He felt it would cut down on them going to the bar late at night and parking in their neighborhood.

Mr. McMillan stated he did not think a two hour change would discourage them from coming around if they really wanted to.

Mr. McMichael stated he would hope that it would discourage them and eventually the Township could do parking permits. The solution he's offering can be done immediately.

Mr. McMillan stated he would take it into consideration.

Kim Misner, Neptune City, stated she's seen someone run from the police and then swim away in the lake. She also questioned whether a handicap parking space personally belonged to someone.

Mr. Cuttrell stated if it's a resident only parking spot and they have a tag and paid \$100, anyone with a resident tag can park in that spot.

Ms. Misner stated three years ago she complained about a neighbors sum pump running all the time. Recently, she found out that it's not the sum pump but rather there's a water leak. She's not sure if it is from the sewer. The water company came out and said there were no pipes. She stated the streets in front of her mothers house was falling apart.

Mr. Gadaleta stated he would send someone from the Public Works Department out to take a look at it.

Ms. Misner stated the water company said that it was not them. She also requested a speed bump be placed in front of her mothers home.

Paul Mazolli, 137 Ivins Road, commended the Police Department and Chief Hunt regarding The problems with the kids at the park on Pittenger & Ivans. He thanked Mr. Houghtaling as well. He stated he would like a sign that says no playing ball because they are messing up his plants.

Mr. McMillan stated Mr. Gadaleta would follow up with this.

Ann Horan, 69 Clark Avenue, stated she would like to help out by telling the residents when the street cleaning would take place by sending out emails and if she does she stated they would have to stick to the schedule that was posted.

Mr. Gadaleta stated he would speak with Mr. Reid and Mr. Rodes about it.

Hank Coakley, Valley Road, commended the Long Branch Police Department for organizing their SWAT team and he hoped Neptune Police Department will use their facilities to train. He went on to state that Congressman Scanlon wants New Jerseyans to pump their own gas. He urged everyone to vote against this because they would not be saving any money on the cost of gas.

Mr. McMillan stated he thought it would be optional.

Mr. Coakley stated right now it would only be an inconvenience.

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

Richard J. Cuttrell,
Municipal Clerk