

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 28, 2015

Mayor Jahn 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, Eric J. Houghtaling, Kevin B. McMillan and 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.

Mayor Jahn 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:

Doug Gallagher presented a plan to develop 42 multi-story residential units on vacant property he owns at the corner of Route 35 and the Concourse. He provided a history of his ownership of this property which began when the State replaced the Route 35 bridge. Rich DiFolco, Planner/Engineer presented renderings and a description of the residential units which includes parking and a marina. Kristina Cafone, Planner, reviewed the proposal in the context of the existing North Channel Redevelopment Plan. She stated that an amendment would be required because the proposal is not consistent with the Plan; however, the proposal has a variety of residential uses and improves aesthetics to the waterfront. This would allow the Township to implement some, but not all of the goals of the Redevelopment Plan. Mr. DiFolco stated that the next step is to review and decide if the proposal is desirable. Mr. Anthony stated that the Committee will have to decide whether or not to ask the Planning Board for an amendment to the Redevelopment Plan. He asked the group to provide more detailed maps and proposals which would be reviewed by the Sub-Committee. The Township Planner would have to also review and submit a report to the Township Committee. The Planner would also make recommendations on preparing a Plan Amendment if the Committee wants to proceed. Mr. Houghtaling expressed concern if the beams and supports in the parking level area were struck by vehicles. Mr. DiFolco stated that the proposal will have to address structural soundness in the parking area.

Dr. Brantley presented a proposed resolution for the next meeting supporting staffing standards for hospitals and surgical centers.

Mr. Gadaleta stated that the Township has signed on to be a part of the Sustainable NJ program but needs to become a certified member. Mr. Gadaleta provided a chart of activities that earn points to achieve certain certification levels. He suggested the establishment of a new Green Team in the Township. Mr. McMillan asked Mr. Gadaleta to reach out to the members of the previous Green Team to determine their interest in serving again.

Mr. Bascom stated that the County has initiated a High Water Mark Program which ties into the Community Rating System. The Township discussed this initiative two years ago which was placing markers in various locations throughout the Township identifying the water level reached during Hurricane Sandy. Including levels reached in other storms was also discussed. The Committee indicated that this initiative should proceed.

The Committee agreed to change the two Township Committee meeting dates in December from December 14th and December 28th to December 3rd and December 21st.

Mr. Bishop asked Mr. Anthony to look at Ordinance 15-42 in regards to its impact on internet based businesses and flea markets. Mr. Bishop stated that he will move to table the ordinance until his concerns are resolved.

Mr. Anthony stated that the resolution granting a Licensing Agreement should be tabled until the authoring ordinance is adopted at the next Township Committee meeting.

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:

Contract negotiations – West Lake Avenue Redevelopment RFP

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; McMillan, aye; and Jahn, aye.

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

The Committee reviewed and discussed the RFP for the West Lake Avenue Redevelopment Plan. After these discussions, it was decided to raise the submission fee to \$300; require the Developer to acquire lots that the Township does not own; include deadlines for development benchmarks in the Redevelopment Agreement; and provide an option to bid on one block or two blocks so that multiple Redevelopers can be considered.

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 and the Flag Salute, the Deputy 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.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. McMillan, to approve the minutes of the meetings held on September 14th and September 21st. All were in favor.

PROCLAMATION

The Deputy Mayor proclaimed October 10th as "Put the Brakes on Fatalities Day" in the Township of Neptune.

REPORT OF THE CLERK

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

A copy of a letter from Joanne Penrose thanking the first responders of Neptune for their response to a motor vehicle accident.

Thank you letters from Felecia Evans and the Cooke Family to the Senior Center staff.

COMMENTS FROM THE DAIS

Dr. Michael Brantley stated Neptune Day was a great day and in the past he stated he would get in the dunk tank and to that goal he had been working out and exercising to get a little bit buff. He accomplished that goal but then he got ill and had to go to the hospital. He had not recovered enough to show off his speedos on Saturday and he was very disappointed but he did enjoy it and it was a success and the Township did a great job. He went on to state that our volunteer EMT spend 72 hours this past weekend at Camden and Philadelphia for the paper visit and providing care for people in that area. He thanked and congratulated them on the job they did.

Eric Houghtaling stated he attended the Deal Lake Commission meeting where they received good news that dredging has been approved for the east side of Deal Lake by the flume. They haven't figured out where the material is going to go yet but they have the approval to do that. He stated they had their Pancreatic Cancer Run/Walk meeting last week and he wanted to make an announcement in case anyone has not been around town. They have signs all over the place because the Town is really behind this effort and last year they raised \$37,000 and they are hoping to improve that. He stated it would be held on October 24th at the site of the Veterans Memorial Park. He attended a Shark River Hills Homeowners meeting where there was a nice presentation by Mr. Bishop about the river dredging and he is sure that he will give us a little bit of extra insight on that. He listed a lot of projects this Committee has accomplished and thanked those who assisted. He also stated he attended an Ocean Grove Homeowners meeting and they let him speak which he was very appreciative of. He stated Neptune Day was great and he thanked Public Works and everyone else who helped put this event together. He reminded everyone that the Lions Night For Sight would be held on October 31st.

Randy Bishop stated the contract for the dredging of the navigational channels for the Shark River have been awarded. He thanked his colleagues and also Jim Manning and Tom Catley because they've all been in this for years and it's been a fight. He also thanked Freeholder Arnone and Senator Beck for their work as well as the Mayors of the river towns. He stated they have not all agreed but they've always kept talking to one another and working and to our professionals it has been a long road but it is actually possible that they may start dredging in the fall. He stated it would be a stretch but there is a possibility which is an amazing thing to even think about. He stated there will be temporary inconveniences to people. He also stated the Affordable Housing Alliance has announced that they have signed a contract to purchase Winding Ridge and keep it affordable. They still have to get funding so there is still some hurdles but they have reached a contract agreement so that 99 families will be able to stay in their homes and at an affordable rate. He attended the Shark River Hills Property Owners Association meeting and the Winding Ridge Renters Association. He congratulated everyone involved with Neptune Day. He stated he was not able to attend but he heard that it was a great event.

Deputy Mayor McMillan commended Vito, Dawn, the staff, Police and Public Works for their part in Neptune Day. It was fantastic and the comments he received regarding it was great. Earlier that day he had the chance to take in a couple of innings at Neptune Little League. He attended the NJ League of Municipalities Intra-Government Affairs Meeting a couple of Friday's ago. It was interesting looking at the various bills many of which he will forward to Mr. Cuttrell. One of the bills that was interesting was regarding vicious dogs. He stated he did weddings as well and he had a visit with Mrs. Guenther to look at the Embury Avenue property in Ocean Grove and to hear their concerns. He also had the opportunity to utilize the track and field at Sunshine Village Park.

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH SOUTHPORTE CONDOMINIUM ASSOCIATION – TABLED

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to table a resolution to "Authorize Revocable License Agreement with Southporte Condominium Association". All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, commented on Resolution #15-406. She stated this was local funds that would be paid toward the dredging. She stated she wondered when people say the marina is paying for itself do they figure in all the monies that we are dropping in there at every meeting including this \$450,000 and it irritates her to hear them throwing bouquets at everyone except the taxpayer who is being forced to pay for everything that the Township decides to buy because they have no say in it. She suggested they take the money and add it to the cost side of the marina and when they figure in the cost side you add the five million that they paid for it. She also questioned what Resolution #15-390 would be spent for.

Mr. Bascom stated it is an extension of the system that they utilize for the computerized systems to secure our weapons.

Mrs. Argyros questioned when were they going to put money aside to teach the police not to shoot people at the drop of a hat.

Deputy Mayor McMillan stated in response to her previous question the dredging of the Shark River is a joint effort with several towns and they just wanted to get this done.

Mr. Bishop stated there were a lot of local taxpayers that are happy that we are getting this done.

Kevin Chambers, 58 Heck Avenue, spoke regarding Resolution #15-401. He recommended adoption of the special area standards. He stated in 2009 Mr. Truscott was turned down for the very same thing you have written into your adoption. He stated the Township's adoption was still in violation and was not adopting the special area standards but was adopting the Township's invalid zoning and there's no doubt that it will be turned down again until you do what they told you to do which is bring your zoning into conformity by providing parking and legal lot sizes and then you can seek the waivers.

Jack Bredin, 94 ½ Heck Avenue, commented on Resolution#15-401 and questioned whether the parking standards would apply to the North End Redevelopment.

Mr. Bishop stated they actually have stronger requirements in the North End Plan.

Mr. Bredin stated with the North End Redevelopment Plan there were no parking requirements as far as the Pavilion building because they are exempt. He questioned would the State parking standards apply to commercial parking for that building.

Mr. Bishop stated it would be residential standards and commercial parking would be done separately.

Gail Oliver, Neptune City, commented on Resolution #15-393. She questioned who was requiring the Township Committee members to attend.

Deputy Mayor McMillan stated with the Best Practices Plan they have to take continuing education classes on various subjects.

Mr. Bascom stated prior to this you had recommended that governing body members attend training such as what is outlined in this resolution. The Best Practices standards submitted by the Division of Local Government Services of the State Department of Community Affairs asked that for a point that you require that training and not recommend that training. They are changing their recommendation to a requirement.

Ms. Oliver questioned the description of the courses.

Mr. Bascom stated there were a number of courses that fit that criteria and generally they are the same courses given by the League of Municipality and Rutgers Center of Government Services.

Deputy Mayor McMillan stated there were various courses you could take.

Hank Coakley, Valley Road, commented on Resolution #15-406. He stated he felt the resolution was good and he hoped he lived long enough to see it. He stated it's been an asset to the County, Town and the State. The marina has been operating in the black for the past four or five years but there is a waiting list to get the boats docked there only because the Marina is not big enough to get the bigger boats that want to come there. When they have this new building which hopefully will be erected by the first of the year. He stated it would be an asset to the Town. How it was going to be used for the public he did not know but for the boat owners it

will be an asset. He stated after living a block from the marina for the past 45 years he's all for it. He said it was beat up when the Township purchased it but it is getting better and once it is dredged there will be one heck of a waiting list.

Mr. Bishop stated the dredging of the channels will have significant environment & economic benefits.

Michael Golub questioned whether Resolution #15-403 had anything to do with Winding Ridge or is it a totally different issue.

Mr. Anthony stated they had a Supreme Court decision in March that requires all municipalities now to have their Affordable Housing Plans approved by the Court. They had to make a declaratory judgement complaint within a certain period of time which they did and we need the Planner to update our plan and to get it approved by the court based upon the application we've already filed.

Mr. Golub questioned whether it's ever been considered by the Township Committee to work with organizations like Interfaith Neighbors, private property owners like the former owners of Winding Ridge and maybe even the Housing Authority to develop a program where he wants to protect these people. He state they have a right to live wherever they want to or create something for first time homebuyers who could not afford the deposit but could pay their rent. He urged the Committee to come up with an initiative similar to what he mentioned to help them aspire to achieve homeownership. He requested they dispatch someone from Code to go and ask management to close the windows in the apartment complex down the street because in the cellar the windows were open and rodents and other animals are going in and out of the window.

Both Deputy Mayor McMillan and Mr. Bishop agreed that a number of these programs have been done. Some of them were done by MURC.

Ordinance 15-41

Kennedy Buckley, 65 Broadway, questioned how to differentiate between handicap parking spaces for Neptune residents only and regular handicap parking spaces.

Mr. Bishop stated there's a different placard with different signage for the resident only handicap parking.

ORDINANCE NO. 15-41 - ADOPTED

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

ORDINANCE NO. 15-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON NEW JERSEY AVENUE, HECK AVENUE, AND BEACH AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON BROADWAY

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

Kennedy Buckley, 65 Broadway, questioned how to differentiate between handicap parking spaces for Neptune residents only and regular handicap parking spaces.

Mr. Bishop stated there's a different placard with different signage for the resident only handicap parking.

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. 15-42 - TABLED

Mr. Bishop offered a motion, moved and seconded by Mr. Houghtaling, to table Ordinance No. 15-42:

ORDINANCE NO. 15-42

AN ORDINANCE TO AMEND AND SUPPLEMENT VOLUME I, CHAPTER IV, SECTION 4-29 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED DEALERS OF PRECIOUS METALS AND OTHER SECOND HAND GOODS

All were in favor.

ORDINANCE NO. 15-43 - APPROVED

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

ORDINANCE NO. 15-43

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING TO SECTION 12-5.8, ENTITLED, "REQUIREMENTS OF OWNERS AND IN SOME CASES LIENHOLDERS OF VACANT PROPERTY" AND SECTION 12-5.13, ENTITLED, "VIOLATION AND PENALTIES"

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

ORDINANCE NO. 15-44 - APPROVED

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

ORDINANCE NO. 15-44

AN ORDINANCE AMENDING VOLUME I, CHAPTER IV, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED, "BUSINESS AND LICENSING REGULATIONS CONCERNING GRANTING OF REVOCABLE LICENSES"

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

ORDINANCE NO. 15-45 - APPROVED

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

ORDINANCE NO. 15-45

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON PENNSYLVANIA AVENUE AND BATH AVENUE

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

ORDINANCE NO. 15-46 - APPROVED

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

ORDINANCE NO. 15-46

BOND ORDINANCE PROVIDING FOR SHARK RIVER DREDGING, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING

\$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$285,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE
PART OF THE COST THEREOF

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

Mr. Cuttrell stated that the public hearings on Ordinances 15-43 through 15-46 will be held on Thursday, October 8th.

CONSENT AGENDA

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

PARTICIPATE IN THE MONMOUTH COUNTY HIGH WATER MARK (HWM) INITIATIVE

WHEREAS, through the Division of Planning and the Office of Emergency Management, the Monmouth County Board of Chosen Freeholders and the Monmouth County Sheriff established the Community Rating System (CRS) Assistance Program to encourage municipal participation and advancement in the National Flood Insurance Program (NFIP) CRS program; and

WHEREAS, FEMA (Federal Emergency Management Agency) offers limited financial assistance to communities that want to raise flood risk awareness and conduct mitigation actions to protect the public from future flood events by posting high water mark signs that acknowledge the location of historic flood events; and

WHEREAS, the County of Monmouth in collaboration with Monmouth University are coordinating efforts and providing additional assistance to those communities that wish to participate in FEMA's national high water mark program; and

WHEREAS, coordination among municipalities in the County will provide a more cohesive message that improves community flood risk awareness and the need for mitigation both locally and throughout the region; and

WHEREAS, municipal participation in the Monmouth County High Water Mark Initiative is voluntary and is being offered at no cost to every municipality in the County, regardless of Community Rating System status; and

WHEREAS, municipal partners will identify the proper location for high water mark signs in their community as well as support public outreach and program launch events,

NOW, THEREFORE, BE IT RESOLVED, by the Neptune Township Committee that the Township of Neptune wishes to participate in the Monmouth County High Water Mark (HWM) Initiative as a partner community and agrees to place at least one commemorative sign within the municipality and further agrees to allow Monmouth University's Urban Coast Institute to complete the appropriate surveying to establish the High Water Mark; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Monmouth County Sheriff's Office and the Neptune Township Emergency Management Coordinator.

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

WHEREAS, the Code Enforcement Supervisor 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 Code Enforcement Supervisor 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> |
|------------------|------------------------|---------------|
| 206/2 | 98 Main Avenue | 405.00 |
| 3301/12 | 3454 West Bangs Avenue | 540.00 |

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 2015 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE UNITED STATES DEPARTMENT OF JUSTICE

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 \$14,305.00 which is now available from a United States Department of Justice - Justice Assistance Grant in the amount of \$14,305.00; and,

BE IT FURTHER RESOLVED that the like sum of \$14,305.00 is hereby appropriated under the caption of 2015 JAG Law Enforcement Equipment Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the United States Department of Justice – FY15 Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$14,305.00; 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 DEVELOPERS' AGREEMENT WITH PATRICK FASANO AND VINCENT GIFFORD FOR IMPROVMENTS AT BLOCK 1006, LOTS 4 AND 5 (774 AND 778 WAYSIDE ROAD)

WHEREAS, Patrick Fasano and Vincent Gifford, applied for and were granted Final Major Site Plan Approval for purposes of creating thirty-two (32) townhouses, constructed within four, three-story buildings, located at Lot 4 and Lot 5, Block 1006 on the Tax Map of the Township of Neptune, along with associated landscaping, lighting, parking, storm water management and utility improvements, along with variances and waivers associated therewith before the Zoning Board of Adjustment of the Township of Neptune; and

WHEREAS, Patrick Fasano and Vincent Gifford have agreed to enter into a Developers' Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Zoning Board of Adjustment of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developers' Agreement with Patrick Fasano and Vincent Gifford to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with Patrick Fasano and Vincent Gifford, a true copy of which is attached hereto as Exhibit "A" for compliance with the Zoning Board of Adjustment of Neptune Township's Resolution #14-23, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and,

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

ACCEPT THE RESIGNATION OF MATTHEW RICHARDSON AS A SPECIAL LAW ENFORCEMENT OFFICER – CLASS II

WHEREAS, the Township Committee has received a letter from Matthew Richardson resigning as a Special Law Enforcement Officer – Class II effective August 30, 2015,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Matthew Richardson as a Special Law Enforcement Officer – Class II is hereby accepted effective August 30, 2015; and,

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

REQUIRE TOWNSHIP COMMITTEE MEMBERS TO ATTEND INSTRUCTIONAL COURSE ON RESPONSIBILITIES AND OBLIGATIONS OF ELECTED OFFICIALS

WHEREAS, the Township Committee encourages the practice of attending instructional courses covering pertinent and timely issues to assist in making informed governing decisions; and,

WHEREAS, while the Committee recommends taking multiple classes annually, it desires to establish the requirement that all current elected Township Committee members take at least one instructional course on an annual basis that covers such topics as ethics, municipal finance, labor relations, risk management, shared services, purchasing, land use, personnel and technology.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all elected Township Committee members shall hereby be required, on an annual basis, to attend at least one instructional course on responsibilities and obligations of elected officials; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Municipal Clerk and members of the Township Committee.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY NEPTUNE ESTATES, LLC FOR PHASE 1A SITE IMPROVEMENTS AT NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on May 10, 2010, the Township Committee adopted a resolution which accepted performance bond 1039630 in the amount of \$240,732.60 filed by Neptune Estates, LLC written by Lexon Insurance Company guaranteeing site improvements at Neptune Estates Phase 1A, 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Committee adopted Resolution #10-351 on September 13, 2010 authorizing a reduction in said bond to the amount of \$181,666.80; and,

WHEREAS, the Township Committee adopted Resolution #11-276 on June 27, 2011 authorizing a reduction in said bond to the amount of \$134,834.76; and,

WHEREAS, the Township Committee adopted Resolution #12-253 on June 25, 2012 authorizing a reduction in said bond to the amount of \$111,059.64; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a further reduction in the performance guarantee to reflect the portion of the site improvements that have been completed; and,

WHEREAS, the Engineer recommends reducing the amount of the performance bond from \$111,059.64 to \$72,219.60; and,

WHEREAS, the Developer will be instructed to provide a Change Rider to the original performance guarantee to reflect the reduced amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Estates, LLC, Phase 1A (Block 7018, Lot 9) be and is hereby approved to the amount of \$72,219.60 and the Municipal Clerk is directed to accept a Change Rider submitted by the Developer to reflect said reduction; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of the performance guarantee in the amount of \$4,361.47 shall be refunded to the Developer; and,

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

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY NEPTUNE ESTATES, LLC FOR PHASE 1B SITE IMPROVEMENTS AT NEPTUNE ESTATES (3351 HIGHWAY 33)

WHEREAS, on June 27, 2011, the Township Committee adopted a resolution which accepted performance bond 1070127 in the amount of \$491,778.00 filed by Neptune Estates, LLC written by Lexon Insurance Company guaranteeing site improvements at Neptune Estates Phase 1B, 3351 Highway 33 (Block 7018, Lot 9); and,

WHEREAS, the Township Committee adopted Resolution #12-254 on June 25, 2012 authorizing a reduction in said bond to the amount of \$273,538.73; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a further reduction in the performance guarantee to reflect the portion of the site improvements that have been completed; and,

WHEREAS, the Engineer recommends reducing the amount of the performance bond from \$273,538.73 to \$163,205.82; and,

WHEREAS, the Developer will be instructed to provide a Change Rider to the original performance guarantee to reflect the reduced amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Neptune Estates, LLC, Phase 1B (Block 7018, Lot 9) be and is hereby approved to the amount of \$163,205.82 and the Municipal Clerk is directed to accept a Change Rider submitted by the Developer to reflect said reduction; and,

BE IT FURTHER RESOLVED, that the proportionate amount of the cash portion of the performance guarantee in the amount of \$12,285.51 shall be refunded to the Developer; and,

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

EXTEND TERM OF UDAG LOAN GRANTED TO ALL AMERICAN TURF

WHEREAS, in 2007, the UDAG Loan Committee granted a ten year UDAG Reciprocal Loan for improvements to All American Turf located at Corlies Avenue and West Bangs Avenue; and,

WHEREAS, there are currently 24 monthly payments remaining on the loan until it is fully paid; and,

WHEREAS, All American Turf has requested an extension of the term on said loan for an additional 24 months whereby the balance of the loan will be repaid in 48 equal monthly payments at the same interest rate of 4.125%; and,

WHEREAS, the EDC/UDAG Loan Committee recommends that this extension be granted,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the UDAG Reciprocal Loan granted to All American Turf for improvements at Corlies Avenue and West Bangs Avenue be and is hereby extended by twenty-four (24) months to allow for payment of the current balance of said loan in the amount of \$23,910.14 to be made over forty-eight (48) equal monthly payments at an interest rate of 4.125%; and,

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

AUTHORIZE EXECUTION OF A BUSINESS ASSOCIATE AGREEMENT WITH JUNGLE LASERS, LLC IN CONNECTION WITH PROCESSING OF VITAL STATISTICS RECORDS

WHEREAS, the Township has contracted with Jungle Lasers, LLC to provide software

programs for processing various permits and licensing requests in various Township departments; and,

WHEREAS, there is Protected Health Information (PHI) generated and received by the Vital Statistics Department; and,

WHEREAS, the Township and Jungle Lasers, LLC desire to enter into a Business Associate Agreement to outline terms, procedures and conditions to protect the privacy and provide for the security of this information; and,

WHEREAS, the State of New Jersey requires the execution of such an Agreement and the Township Attorney has approved same,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the action of the Business Administrator to execute a Business Associate Agreement with Jungle Lasers, LLC, a copy of which is on file with the Municipal Clerk, outlining the procedures and regulations for the handling of Protected Health Information generated and received by the Department of Vital Statistics and processed through Jungle Laser, LLC software programs; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator.

EXTEND CONTRACT FOR ON-LINE GRANT MANAGEMENT AND REPORTING SYSTEM

WHEREAS, on October 5, 2011, the Purchasing Agent received bids for the award of a contract for on-line grant management and reporting software; and,

WHEREAS, on October 6, 2011, the Township Committee adopted Resolution #11-417 which awarded a contract to eCivis, Inc. on their lowest responsible bid of \$19,000.00 annually; and,

WHEREAS, the Purchasing Agent recommends that this bid be extended for a fifth and final year; and,

WHEREAS, funds for this purpose will be provided in the 2015 municipal budget in the appropriation entitled Administration O.E. 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 contract awarded to eCivis, Inc. supply an on-line grant management and reporting system at an annual cost of \$19,000.00 be and is hereby extended for a fifth year from October 11, 2015 through October 10, 2016; 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 Administrative Assistant to the C.F.O.

AUTHORIZE INSTALLATION OF AUTOMATED GATES AT THE PUBLIC WORKS YARD

WHEREAS, the Purchasing Agent solicited quotes for the installation of automated gates at the Public Works Yard; and,

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

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

WHEREAS, funds for this purpose will be provided in Ordinance No. 15-38 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 installation of automated gates at the Public Works Yard be and is hereby authorized through Sommer Fencing, LLC pursuant to their quote of \$25,482.00 for all six containers; 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.

AUTHORIZE EMPLOYMENT OF ON-CALL TEMPORARY PLUMBING SUB-CODE OFFICIAL

WHEREAS, due to vacation time taken by the appointed Plumbing Sub-Code Official, it is necessary to authorize an on-call temporary employee to serve in as Sub-Code Official in his absence to ensure uninterrupted processing of construction permits; and,

WHEREAS, the Construction Official recommends the employment of a licensed individual to serve in this capacity; and,

WHEREAS, funds will be provided in the 2015 municipal budget in the appropriation entitled Uniform Construction Code S&W 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 employment of Patrick Duggan to serve on-call part-time temporary Plumbing Sub-Code Officer, in the absence of the appointed Township Plumbing Sub-Code Official, at an hourly rate as established by prior resolution of the Township Committee and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official, 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.

RECOMMEND ADOPTION OF SPECIAL AREA STANDARDS PER N.J.A.C. 5:21-3.5

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

WHEREAS, the Township of Neptune has adopted a Comprehensive Master Plan, dated January 25, 2012, which makes the following recommendation relative to streets and parking in the designated Ocean Grove Historic District:

The rules concerning streets and parking, as promulgated in the Residential Site Improvement Standards (RSIS) are not appropriate in furthering the on-going preservation and continued enhancement of the Historic portions of the Township. Pursuant to N.J.A.C. 5:21-3.5, Neptune Township should incorporate "special area standards" for Ocean Grove into the Township's New Land Development Ordinance, to be submitted and approved by the New Jersey Site Improvement Advisory Board. (p. 45)

WHEREAS, the Land Development Ordinance establishes zoning district regulations for on- and off-street motor vehicle parking at Section 412.17, and for driveways at Section 412.06; and

WHEREAS, Table 4.2 in Section 412.17.D of the Land Development Ordinance establishes the required number of parking spaces for specific uses throughout the Township; and,

WHEREAS, Section 412.D of the Land Development Ordinance promotes consistency with the intent and purpose of the Residential Site Improvement Standards, N.J.A.C. 5:21-4.14, regarding minimum number of required parking spaces for residential land uses; and

WHEREAS, Table 4.2 in Section 412.17.D of the Land Development Ordinance prohibits off-street parking for residential land uses in all designated historic districts; and

WHEREAS, in furtherance of the prohibition of off-street parking in designated historic districts contained in Section 412.17.D of the Land Development Ordinance, Section 412.06 prohibits new driveways in all historic zone districts; and

WHEREAS, N.J.A.C. 5:21-3.5(a) recognizes the need for New Jersey municipalities to preserve and enhance community character, and sets forth a procedure whereby a municipal approving authority may develop and recommend to the New Jersey Site Improvement Advisory Board alternative standards from those set forth in N.J.A.C. 5:21 et seq.; and

WHEREAS, N.J.A.C. 5:21-3.5(b)3 permits the designation of a special area within an area of a municipality that exhibits a distinct character worthy of preservation and enhancement; and

WHEREAS, Ocean Grove is a designated historic district pursuant to N.J.S.A. 40:55D-65.1, and is located in the Metropolitan Planning Area (Planning Area 1) identified in the State

Development and Redevelopment Plan, thereby qualifying for designation as a special area pursuant to N.J.A.C. 5:21-3.5(b); and

WHEREAS, The properties that compromise the North End Redevelopment and are covered under a separate redevelopment plan are excluded from this proposal;

WHEREAS, the Township Committee of Neptune Township makes the following findings of fact relative to off-street parking for residential land uses and driveways in the designated Ocean Grove Historic District:

1. The prohibition against off-street parking for residential land uses and new driveways intends to preserve the unique, historic pattern of land development in the designated Ocean Grove Historic District;
2. The prohibition against off-street parking for residential land uses and new driveways in the designated Ocean Grove Historic District seeks to preserve the shared inventory of public on-street parking spaces by barring new driveway cuts and driveway aprons into established curbs and sidewalks;
3. The prohibition against off-street parking for residential land uses and new driveways in the designated Ocean Grove Historic District seeks to enhance pedestrian safety and character of the District by limiting new vehicular movements across sidewalks; and
4. The prohibition against off-street parking for residential land uses and new driveways intends encourage the maximum permitted building coverage within established building envelopes in the designated Ocean Grove Historic District, while minimizing the amount of lot coverage dedicated solely to asphaltic, concrete, graveled or other impervious surfaces; and

WHEREAS, Township Committee of Neptune Township wishes to designate the entirety of the Ocean Grove Historic District as a special area, incorporating the following regulations as set forth in Table 4.2 in Section 412.17.D and Section 412.06 of the Land Development Ordinance:

1. Table 4.2 in Section 412.17.D:

| USE | OFF-STREET PARKING REQUIREMENT |
|--|---|
| Residential Single-family or multifamily | SEE RSIS STANDARDS except for residential historic districts |
| Uses in historic zone districts | No off-street parking permitted or required, except for new historic hotels |

This proposal specifically excludes those properties within the North End Redevelopment area.

2. Section 412.06 – New driveways shall be prohibited in all Historic Zone Districts; and,

WHEREAS, the New Jersey Site Improvement Advisory Board requires a municipality seeking approval of special area standards to adopt a resolution explaining the criteria and rationale for the designation of said special area.

NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF NEPTUNE TOWNSHIP, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, that it is the recommendation of the Township Committee that the entirety of the Ocean Grove Historic District be deemed a special area by the New Jersey Site Improvement Advisory Board.

BE IT FURTHER RESOLVED that it is the recommendation of the Township Committee that the herein cited Land Development Ordinance regulations relative to off-street parking and driveways be determined special area standards by the New Jersey Site Improvement Advisory Board.

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 | \$4,027,402.56 |
| FEDERAL & STATE GRANT FUND | 33,421.57 |
| TRUST OTHER | 38,677.64 |
| GENERAL CAPITAL FUND | 12,021.05 |
| SEWER OPERATING FUND | 1,076,897.42 |
| SEWER CAPITAL FUND | 3,995.99 |
| MARINA OPERATING FUND | 4,870.00 |
| MARINA CAPITAL FUND | 728.75 |
| DOG TRUST | 7,477.00 |
| LIBRARY TRUST | 1,282.00 |
| | |
| BILL LIST TOTAL | \$5,206,773.98 |

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.

AUTHORIZE CONTINUED SERVICES OF THE MUNICIPAL PLANNER JENNIFER C. BEAHM OF CME ASSOCIATES AND PAYMENT OF FEES FOR UPDATING NEPTUNE TOWNSHIP'S HOUSING ELEMENT AND FAIR SHARE PLAN AND INCIDENTAL SERVICES RELATED TO REQUIREMENTS OF THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH UNDER MT. LAUREL DOCKET NO. L-2236-15

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

WHEREAS, on May 13, 2013 the Township Committee of the Township of Neptune adopted a resolution authorizing the services of Municipal Planner, Jennifer C. Beahm, of CME Associates, and payment of fees for updating the Township's Spending Plan, review of the Council on Affordable Housing Statement of Municipal Affordable Housing Trust Fund current balance, and approval of the Municipal Affordable Housing Trust Fund Spending Plan, with certification and production of documents concerning committed funds, as well as other related Mt. Laurel items; and

WHEREAS, since the aforesaid authorization, Jennifer C. Beahm has also provided services with regard to reviewing and certifying as to the content of the Township's Housing Plan Element and Fair Share Plan and amendments to the same Plan, which occurred on October 21, 2009, and was originally prepared by the engineering firm of T&M Associates, and certified to the content of the aforesaid Plan to the Superior Court of New Jersey, Monmouth County, Law Division, "In the Matter of the Application of the Township of Neptune, County of Monmouth" Docket No. MON-L-2236-15; and

WHEREAS, as a result of the aforesaid lawsuit prompted by a New Jersey Supreme Court decision entitled, "In Re: Adoption of N.J.A.C. M-392 (N.J. 3-10-2015)" the continued services of Jennifer C. Beahm were needed and provided on a Notice of Motion that was filed by the Township Attorney per the authorization of the governing body, and such continued services shall be needed to address the requirements of the Superior Court of New Jersey, Law Division, Monmouth County, per its Orders of September 17, 2015; and

WHEREAS, the aforesaid services are now offered per a proposed letter contract of September 1, 2015 from CME Associates and Jennifer C. Beahm, a copy of which is on file in the Office of the Municipal Clerk ,for a fee of \$14,850.00.

WHEREAS, funds for this purpose available in the Affordable Housing Trust Fund and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, Monmouth County, New Jersey, that the governing body hereby authorizes the present Municipal Planner, Jennifer C. Beahm, of CME Associates, to update the Township's Housing Element and Fair Share Plan, and all services related thereto, and services necessary to address the action brought by the Township of Neptune in the Superior Court of New Jersey, Law Division, Monmouth County, under Docket No. L-2236-15; and,

BE IT FURTHER RESOLVED that the Township Committee hereby authorizes the aforesaid additional services rendered by Jennifer C. Beahm in the amount of \$14,850.00 based on Ms. Beahm's proposed letter contract of September 1, 2015; 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., Township Attorney and Township Engineer.

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

AUTHORIZE ESCROW FUND WITH AN INITIAL DEPOSIT OF \$5,000.00 PER THE COURT ORDER OF SEPTEMBER 17, 2015 IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY UNDER DOCKET NO. MON-L-2236-15 – MT. LAUREL APPLICATION

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

WHEREAS, the Township Committee authorized the Township Attorney to file a Complaint for Declaratory Judgment and Notice of Motion appointing a Master to review its Affordable Housing Plan and granting a Temporary Stay on all Exclusionary Zoning Actions and interim immunity pending final determination of the Township's Complaint; and

WHEREAS, the aforesaid pleadings were prompted by a New Jersey Supreme Court decision entitled, "In Re: Adoption of N.J.A.C. M-392 (N.J. 3-10-2015)" requiring all municipalities to have County Superior Court review and approve of their Affordable Housing Plans; and

WHEREAS, the Superior Court of New Jersey granted Neptune Township's Motion for a Temporary Stay on all Exclusionary Zoning Actions and appointed a Special Master to review the Township's Affordable Housing Plan, but required further that the Township establish an escrow account with an initial deposit of \$5,000.00 to be held and administered by the municipality to pay the fees of the Special Master assigned to Neptune Township and to a Regional Special Master, for all municipalities in Monmouth County pursuant to the Superior Court's Orders of September 17, 2015; and,

WHEREAS, funds for this purpose available in the Affordable Housing Trust Fund and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, Monmouth County, New Jersey, that the governing body hereby authorizes the establishment of an escrow account with an initial deposit of \$5,000.00 to be held and administered by the municipality through the office of the Chief Financial Officer, pursuant to and in accordance with the Court Orders of September 17, 2015 issued by the Superior Court of New Jersey under Docket No. L-2236-15; 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., Township Attorney and Township Engineer.

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

AUTHORIZE PARTICIPATION WITH THE COUNTY OF MONMOUTH AND ADJACENT MUNICIPALITIES IN A STATE/COUNTY/LOCAL COST SHARING AGREEMENT IN CONNECTION WITH THE DREDGING OF THE SHARK RIVER NAVIGATIONAL CHANNELS

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

WHEREAS, the State of New Jersey has awarded a bid to Mobile Dredging & Pumping Company in the amount of \$7,649,817.50 for the dredging of the Shark River navigational channels; and,

WHEREAS, this bid award is the result of many years of effort by elected officials of the Township of Neptune, County of Monmouth and State of New Jersey to get this long overdue project underway; and,

WHEREAS, the Township of Neptune desires to join with the County of Monmouth, the Township of Wall, the Borough of Belmar and the Borough of Neptune City in a cooperative effort to provide local funds for this project; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes participation in a state/local cost sharing agreement in connection with the project to dredge the Shark River navigational channels and expresses its commitment to appropriate \$450,000.00 to the cost of the project; and,

BE IT FURTHER RESOLVED, that the execution of a Cost Sharing Agreement to effectuate said appropriation be and is hereby authorized; and,

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michael D. Fornino, 120 Fulham Place, stated the Committee was remiss in not recognizing the passing of a really true American icon, Yogi Berra. He stated no one could find a derogatory word to say about Yogi Berra. He was a marvelous example of the American dream. He went on to state that Mt. Laurel was a good decision until the politicians in Trenton bastardized it when they found out they could get dollars for density. He also stated a friend of his wife called and asked him what was the differentiation between abandoned properties and vacant properties because a person has a piece of property in Ocean Grove and it seems that Mr. Doolittle has declared it as being abandoned. He stated it is not abandoned, it's just vacant. He requested clarification.

Deputy Mayor McMillan asked Mr. Anthony where he had the legal clarification.

Mr. Anthony stated he did not but stated a property could be vacant but not abandoned. When it reaches the abandoned stage when it also doesn't satisfy certain criteria which isn't part of the vacancy definition. Those criteria's may include neglect of the property, not keeping the property up, not paying the taxes, or insurance. He stated abandonment was a higher level because you are not satisfying your code violations and you are not keeping insurance and you are not doing certain other things but it could be vacant without being abandoned. It could be vacant with insurance, the house looks great and there are no outside problems.

Mr. Fornino stated the person does all of those things and her house is listed as abandoned.

Mr. Bishop requested he give Mr. Gadaleta the address so that they can go out and take a look at it.

Mr. Fornino stated it was on Lawrence Avenue and it appears that Mr. Doolittle doesn't want to hear a word the owner has to say.

Stephanie Sayer, S. Riverside Drive, asked if the Committee could define structure as mentioned in Ordinance #15-44.

Mr. Anthony stated he did not have the ordinance in front of him but the ordinance did have a definition of structure in it. He further stated they were using the same definition of structure that's mentioned in their Construction Code.

Ms. Sayer questioned whether a fence, retaining wall or mailbox could be considered as a structure.

Mr. Anthony stated a fence or retaining wall would be considered a structure but not a mailbox.

Jack Bredin 94 ½ Heck Avenue stated if you want to learn about planning and joining you should be a member of the Planning Board.

Deputy Mayor McMillan stated he was once on the Planning Board and he took classes.

Mr. Bredin stated at one time the Governing Body approved everything and the Planning Board was optional. Now everyone wants a Planning Board. He felt the Mayor should be on the Planning Board and they should know everything. We now have a Mayor that is not attending any meetings and he now considers Deputy Mayor McMillan as the Mayor.

Michael Golub read a prepared statement about the Neptune Township Police Department in which he stated there was evidence that in the Police Department there was a great deal of dysfunction, illegality, and hostility. He went on to state that there exists a hostile work environment towards individuals based on gender and race. He stated what was more upsetting is the number of officers and staff professionals who have been subdued into silence for fear of reprisal, consequence and in some cases vendetta. He stated he felt it was time that the Police Director stepped down. He stated he was not in his current position when this cancer was initially permitted to take root while that cancer was allowed to flourish but he is still in close contact with those that allowed it.

Deputy Mayor McMillan stated he did not want any personal attacks.

Mr. Golub stated Mr. Bascoms has been close friends with some of the police for a long time and now he would have to sit and be in judgement of some of the things that go on. He stated he will be offering in the next couple of week's photography, cell phone video, email, Facebook posting, official documents that all support what he is saying. He stated the gig was up because there was something going on with that side of the building and it needs to be straighten out and he did not think that Mr. Bascom had the where with all to resolve the issue because there is a pattern of socialization there. He stated to be honest everyone has so much crap on one another that no one wants to break the code of silence. He suggested a change and recommended they call the Prosecutors office from another County or some retired State police officer and let him be the acting Director of Police. He suggested they reinstall credibility to the Department.

Deputy Mayor McMillan stated he respectfully disagreed with his narrative.

Mr. Golub informed Deputy Mayor McMillan when he shows him the evidence he will eat his words.

Kennedy Buckley, 65 Broadway, stated he was present tonight on behalf of Kathy Art. He stated he was specifically addressing Ordinance #15-43 (vacancy and abandoned properties). He stated the vacant registration amendment relies on definition of vacant property from section 12-5.2a. He stated it was problematic for two reasons. The first being, the sixth month time frame specified in the section of 12-5.2a which would provide no differentiation between vacant and abandon properties. Secondly, without additional qualifiers a property could be classified as vacant even if it's been maintained or marketable. These two concerns could be addressed if they were to adopt the definition that was contained in the Asbury Park vacant property registration ordinance. He read Asbury's definition of a vacant property. He questioned would the Township adopt such a definition. He felt the Township needed to eliminate the six month time frame in the ordinance and questioned whether they would consider doing so.

Mr. Anthony stated all though there is a difference between abandoned and vacancy the six month period applies to both and this governing body has always held that they want to follow the six months and there were a number of reasons that were given when the ordinance was adopted.

Mr. Bishop stated the reason it went from 127 to 200 was that the 127 was vacant and you had the abandoned and it takes it to 200. He asked him to please give this ordinance a chance before you start tweeking it.

Mr. Gadaleta stated at most meetings the discussion of 80 Main Avenue comes up. He stated the building was posted and additionally there was a technical review hearing on October 6th before the HPC on the improvements for this building. He went on to state that progress was being made and Mr. Doolittle and Mr. Anthony have been in the court regarding the abandoned and vacant property ordinance. He stated the court was dictating the number of matters that were being heard at any given time.

Mr. Anthony stated as you fine tune this you are creating more problems and that's why you really need to let it settle down.

An ongoing discussion between the attorney and committee members took place.

Dorothy Argyros, 2100 Rutherford Avenue, stated she was still searching the subject of Police in America. She stated she read that the police were Terrorists in America. She read how young people should act while in the presence of police officers. She stated she didn't know what to tell her daughters. She felt like telling them that they should bow down and say yes boss and let them do whatever they want to them, even if it is to rape them. She went on to state that she felt terrorized out of our legal rights either for herself or her daughters. She also stated she could not get past the Township appointing a Police Chief who has three police brutality lawsuits against him. She stated they had to do something about it or get out of their sit and let someone else who will change a country back to a democracy where she doesn't stand in terror of the police department.

Hank Coakley stated at the last meeting he asked the Committee to consider supporting Asbury Park in condemning the narrowing of Main Street and he asked the Committee whether they discussed it amongst themselves. Have you road past the billboard on Asbury Avenue that's west of the railroad, he felt it was enlightening. It showed a fella sentenced to 82 months in prison for the illegal use of a weapon. He requested a comment at the next meeting regarding it. He stated he felt that more of them should be placed at various locations because it says a lot. He suggested they punish the illegal use of a weapon because the weapon is not dangerous, it's the person who uses it. He stated he respected the military who had to use their weapons and encouraged others to go to a shooting range and learn how to fire a weapon because it is very educational

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

Richard J. Cuttrell,
Municipal Clerk