

TOWNSHIP COMMITTEE MEETING – AUGUST 11, 2014

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

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

Mayor Brantley 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 on January 2, 2014 and The Coaster on January 3, 2014, 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. Bishop stated as far as the bicycle ordinance we cannot not cut chains or rip bikes off something because it was still considered public property. Mr. Anthony stated he remembered something about that but he had not researched it. Mayor Brantley requested Mr. Anthony look into it. Mr. Gadaleta stated the Township already has a bicycle ordinance but there were no enforcement provisions.

Mayor Brantley suggested creating a Mayor's Roundtable that would meet quarterly to discuss specific topics that could possibly affect the residents. He suggested having elected or appointed officials from the Housing Authority, School Board, Sewer Department, MURC and any others that are deemed necessary. Mr. Bishop stated if they were to meet on a quarterly basis perhaps they could structure it where it's a topic for general discussion and have the proper representatives present. Mayor Brantley agreed and stated he would like to get together for a meeting in both September and December.

Mr. Gadaleta discussed arrangements for shared services with the City of Asbury Park. He stated currently there were arrangements with the City in unwritten form and then there are some that the Township is looking at from the City specifically they have an on staff mason and electrician. There are two projects that the Township is looking at, right now. One is the Broadway Street lighting project and some sidewalk repair work that must be made adjacent to a bridge on Old Corlies Avenue and some other small concrete projects that our Public Works Department can be assisted by an individual that has mason skills. This shared services agreement would add things we are currently not involved in and would codify some of the things that we are already doing and it would be setting forth how both entities would be billing one another. Mr. Bishop questioned whether this was a we could and not a we have to. Mr. Gadaleta confirmed that was correct. Mr. Bishop stated he received phone calls inquiring whether the Township would be pick up the City of Asbury's garbage and snow plowing. He stated that simply was not true and that this merely established a rate and conditions. Mr. Bascom stated when FEMA is doing reimbursement to municipalities they look for shared services or mutual aide agreements. These steps are necessary to make sure everyone is made whole. Mr. Anthony stated he had concerns with the draft agreement. He felt it should state subject to availability of the vendor and it should also mention the scope of services because right now it is pretty broad. Nor does it mention anything about insurance or indemnification. He recommended tightening up the language. Mayor Brantley questioned how would this stand if the County was going to have the same thing under an umbrella. Mr. Bishop stated the County's was for emergency situations only. Mr. Anthony stated he would contact Asbury's attorney.

Mr. Bascom stated the Monmouth County Multi-Jurisdictional Hazard Mitigation Plan was an update and this was to make sure that the public was aware that the Township was working with them. Every five years the plan has to be updated and we have a qualifying litigation plan and it's on the Township website, the Monmouth County website and also on file in the Municipal Clerk's office. He stated Mr. Gadaleta, Mr. Doolittle and Mrs. Hoffman were all involved with this and it is beneficial to the Township as a whole.

Mr. Bishop stated after reviewing the vacant and abandoned ordinance he noticed that it did not have the registration portion on it. He questioned what were they trying to accomplish by putting on yet another layer. Mr. Anthony stated also if they were having a problem with the property owner, they would have even more problems trying to get them to register. He suggested eliminating that layer and go right to the heart of the matter. He also stated this ordinance was based on State Statute and we cannot do more than State Statute. There are some things the State Statutes provides that we don't have in this ordinance and that is we don't get involved with foreclosing on buildings and selling them which is allowed under certain circumstances in the statute but not

required. Another thing is there are two sections that provide criteria, what is an abandoned building and what is a nuisance. This is important because the Construction/Code Official whose the designated public official has to have a basis for issuing a notice of violation and these are the basis for issuing a notice of violation and ultimately a summons. The question is the State Statute says you don't even get to the criteria if the building hasn't been abandoned for at least six months. Then we had this discussion do we live it at six months or do we make it more keeping in mind that we have seasonal rentals and that was the issue we discussed. What about a seasonal home that might be vacant for more than six months but might not necessarily meet all of the criteria but meets some of the criteria and that's when it was discussed to make it eight months or ten months. He stated he put in ten months but informed them that they could play with that and do anything from six months on. Mr. Bishop stated in Ocean Grove people use their homes predominately two months out of the year if they are using a summer home and there maybe things that happen to them during the course of the winter that they don't come and take care of it until they move back into their home. He stated that he thought that was why they looked at ten months and he was comfortable with that number. Mr. Anthony stated what it also provides is that the Construction/Code Official upon notice to the property owner or lien holder under certain circumstances can issue a notice of violation and summons. If they cannot contact them by certified or regular mail then as an alternative it can be posted on the building which settles the notice requirement and that's allowed under State Statute which we don't have as a guideline. Then we have the right to fine the property owner and do the minimum repair work for the property and place a lien on it. In addition to that, under a new State Statute they could also do that to a mortgage holder who is in foreclosure. Mr. Houghtaling stated some of the wording could drag on indefinitely as far as going before the board. Mr. Anthony stated it was at the discretionary aspect that Mr. Doolittle requested. Mr. Anthony stated he would make some of the reasonable changes and will do a final for the next meeting.

Mr. Houghtaling questioned what has been done with the Broadway World War II monument. He questioned whether the base of the monument has been done. Mr. Gadaleta stated he has only seen the curbing therefore he could not comment on the monument but could follow up and give him a response to that.

Mr. Anthony stated the Committee might want to discuss the no parking in front of mailboxes. Mayor Brantley expressed his concerns as well as stating his neighbor has three cars and may have to park around the corner of his home. Mr. Bishop stated he hoped the Township would not be utilizing Township money to ride around and measure how far people are from the mailbox. He stated this would mainly be done if there was a complaint from an individual. Mr. Anthony suggested limiting the hours of it or do it as it is and see how it works. Mr. Bishop stated they could monitor and see how it happens. Mayor Brantley stated he would get complaints from his neighborhood when its football season and will have to call the Township if they have a problem.

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

Mr. Bishop offered the following resolution, moved and seconded by Mr. McMillan, 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:

Litigation – Update on pending litigation

Personnel – Hiring of School Crossing Guards and Tourism Representative

Personnel – Recommendation for promotion of two police officers to the rank of Captain
Contract negotiations – West Lake Avenue Redevelopment

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; Houghtaling, aye; McMillan, aye; and Brantley, aye.

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

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

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

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

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

The Deputy 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"

Mayor Brantley 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 on January 2, 2014 and The Coaster on January 3, 2014, 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 June 23rd and July 28th.

REPORT OF THE CLERK

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

Senior Center monthly statistics for July.

Letters of appreciation to the Senior Center staff from Diane Panzer, Elizabeth Cummings and Areatha Sims.

Tax Collector's monthly statements for May, June and July.

COMMENTS FROM THE DAIS

Mr. Houghtaling stated they held a paddleboat race against Asbury Park and they did a pretty good job. He went to National Night Out and the police gave out over 20 bicycles with helmets and target gave out back packs and back to school supplies. He attended the Gospel Festival at Midtown Commons Park. He also stated on tonight's agenda the Township would be authorizing the purchase of new ambulances. He stated they've tried to get by on what they had but now they are purchasing four because we are quite pressed and we want to make the volunteers job as easy as possible and right now they are struggling with technology that is almost 20 years old. Also we are making changes in the police department and promotions tonight to make our Police Department better.

Mr. Bishop congratulated the Deputy Chief and the Police Department for National Night out. It was a great night and the crowd was huge. He extended his congratulations to Officer Robert Higgerman and his new bride. He had the privilege of performing their wedding ceremony on Saturday. It mean a great deal to him to do a ceremony for one of the Township's Police Officers.

Mr. McMillan thanked the police for another successful National Night Out. He stated there were actually 24 bicycles. He thanked Joel Popkin who was his paddleboat partner they tied with Asbury Park at the race. He also had the opportunity to meet with Annie Hainesworth of CHANT while she was handing out food to the homeless and hungry.

Mayor Brantley stated National Night Out was community policing at it's best. It was a great outing that was well done, well planned and well attended. He attended the Caribbean Festival that was

held at Living Word Christian Fellowship. He also stated he presented the Mayor's Ball check to the Jane Booker Health Center on the 30th as well the Child Life Program. He stated Asbury challenged the Township Committee stepped up to the challenge and won despite their paddleboat being the heaviest.

Mayor Brantley reading the following prepared statement:

Tonight we plan to adopt a revised ordinance governing the police department. This ordinance was originally adopted in 1924 and repealed for a new ordinance that was adopted in 1956. Since that time, we have occasionally made revisions to this ordinance, but there has been no major change in three decades. As a matter of business it is important that the Township and the Police Department review and revise this ordinance on a more regular basis. This will ensure that the ordinance makes reference to current laws and statutes and provides the leadership of the Police Department a starting point for the necessary updates to the Police Rules and Regulations.

One of the many strengths of the Neptune Township Police Department is our ability to adapt to change and to recognize the needs of the community. Adoption of this ordinance assists the Police Department in attaining these goals and strengthens the core values expected of the members of our police department; to be Noble, Trustworthy, Professional and Diverse.

I would like to thank Michael Bascom, Deputy Chief James Hunt, Captain Andrew Leather, Lieutenant Anthony Gualario and the members of the accreditation team for their hard work in the development of this ordinance.

ORDINANCE NO. 14-31 - ADOPTED

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

ORDINANCE NO. 14-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED POLICE DEPARTMENT

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

Dorothy Argyros thanked the Committee for doing something to solve a problem because she felt the Township had a couple of bad apples that were costing them money. She discussed the lawsuits that were brought against the police department. She felt the Township needed external independent monitoring to do the clean up job to convenience the people that it will be done. She suggested creating a civilian review board with subpoena power. She requested they table this ordinance for further research.

Mayor Brantley stated they were gaining more oversight over of the police department and they were not hiring nor spending money on the police director and they will be appointing a police chief in the near future.

Richard Inkeles , 115 Hawthorne Street, requested the requirements for the director. He also questioned who would the Director report to.

Mayor Brantley went over the Director's responsibilities and stated the Police Chief would be running the police department and we were establishing oversight.

Mr. Bascom stated the Chief runs the day to day operations.

Mr. Inkeles stated he was concerned with the Director that was coming in and where he was coming from and his background.

Mayor Brantley stated the requirements would be based on the description that he gave earlier.

Mr. Bishop stated the Police Director was the administrative side of the house looking at the nuts and bolts of the operational side that is non policing and it is not that the Chief of Police is going to report to the Director to ask him how to do police work. They are both going to report to The Township Committee.

Mr. Inkeles questioned why are you trying to create another layer.

Mr. Bishop stated they will be working side by side.

Mr. Anthony stated State law requires an appropriate authority, that's a phrase of art. The appropriate authority requires a civilian that the Police Department reports to. In the past that was often an administrator, police commissioner or township committee. It has been determined over time that reporting has been inadequate because the administrator has been busy doing other things, the township committee are part timers and over time it's been proven that the director has the better oversight because they develop the criteria and tools to be the proper liaison between police department and the Township Committee and making sure there is oversight without getting involved with the day to day operations and without having the Township Committee being the sole person to be the reporting authority.

Mayor Brantley we want better oversight because we are part-time.

Mr. Houghtaling stated this ordinance was in compliance with the State statute.

Michael Golub questioned how many police departments in our state or in our area have both a police chief and a director. He questioned whether they've done any research on that.

Michael Bascom stated there were none in Monmouth County.

Mr. Golub stated the attorney stated that it's been found that it's more effective. Is there a study that reports to that finding or is it just an opinion.

Mayor Brantley stated this comes from the response of the community and how things need to be improved.

Mr. Anthony stated it has been based on his experience and the lawsuits he's been involved in.

Mr. Golub questioned whether they would be hiring someone for this position or would they be appointing someone to this position and would they be posting the position.

Mayor Brantley stated it would be posted internally.

Mr. Golub expressed his concerns regarding the two positions crossing over one another and questioned what would happen if the two bumped heads.

Mr. Anthony he did not think that should happen because the Chief of Police would handle the day to day operations and the Director cannot get involved in. One is a civilian supervisor and the other one handles day to day operations.

Mr. Golub questioned how the police felt about this process and whether they were in support of it.

Mayor Brantley stated he did a little research on this and they looked at what would fit Neptune best.

Mr. Bishop stated they did not poll everyone to see how they felt. He stated they got opinions, they did studies and sometimes you make unpopular decisions when you think it is the best thing to go forward. He stated they were in very difficult and changing times. This Committee has moved towards this ordinance after considerable consideration. It may not be the most popular but they are trying to do the best for the citizens in this town. They are willing to put their names and reputation on the line.

Mr. Houghtaling stated they were structuring the police department and they were not done yet. The community has questioned what we are doing and we are doing the best we can and hope our police officers will bare with us.

Michael D. Fornino, stated from the stand point of management this ordinance did not make any sense and it was up to the legislative department to set the terms and policies and to make sure that they are followed.

Mr. Bishop stated they were elected to set policy.

Mr. Fornino stated the philosophy of management was lacking.

Mayor Brantley stated they were doing the job the best way that they could and as effective as possible. He stated this was the best way for now.

Mr. Houghtaling stated he did not understand his point. They set policy by creating this ordinance.

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

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

Mayor Brantley recognized Sheriff Shaun Golden and Under Sheriff Fred Dickman

PUBLIC COMMENTS ON RESOLUTION TO PROMOTE TWO POLICE OFFICERS

The Mayor requested public comments regarding the resolution to promote two police officers. There were no comments.

Mr. Bascom and Deputy Chief Hunt introduced Larry Fisher and Robert Mangold and recommended they both be promoted to the rank of Captain.

PROMOTE TWO OFFICERS TO THE RANK OF CAPTAIN IN THE POLICE DEPARTMENT

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

WHEREAS, at the request of the Deputy Chief of Police and Acting Police Director, the Business Administrator posted for vacancies in the rank of Captain in the Police Department; and,

WHEREAS, the resumes which were submitted were reviewed by the Deputy Chief of Police and Acting Police Director who have submitted a recommendation to promote two officers to the rank of Captain; and,

WHEREAS, funds for this purpose will be provided in the 2014 budget in the appropriation entitled Police S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Larry Fisher and Robert Mangold be and are hereby promoted to the rank of Captain in the Police Department effective August 12, 2014; and,

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

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

The Mayor administered the Oath of Office to each officer.

Sheriff Golden stated it was an honor to see two great leaders to receive this promotion, both he and Lt. Mangold have been friends for a long time. He felt this was special for both Neptune and the County because they share so much.

AUTHORIZE THE BUSINESS ADMINISTRATOR TO POST NOTICE THAT APPLICATIONS WILL BE ACCEPTED FOR THE OPEN POSITION OF CHIEF OF POLICE

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

WHEREAS, there is a vacancy in the position of Chief of Police; and,

WHEREAS, in accordance with the Township Personnel Code, the Township Committee desires that a notice of said vacancy be posted to serve notice that the position will be filled with a qualified applicant,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Business Administrator be and is hereby directed to post a notice that position of Chief of Police is open and that applicants with the qualifications to hold said position may apply in

accordance with the procedure and deadlines set by Township Personnel Code; and,

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

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

Mr. McMillan offered a motion, seconded by Mr. Bishop, to take a five minute recess. All were in favor.

The Mayor called the meeting back to order.

PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros commented on Resolution #14-408 and stated this was eminent domain.

Mr. Bishop stated there was a new part of the law that allows them to do redevelopment without using eminent domain. The property involved is either owned by the Township or the State.

Mrs. Argyros questioned what Resolution #14-388 was for and whether it was for the militarization of the Police Department.

Mr. Bascom stated it was for bullet proof vest for the police.

Kathy Arlt, 106 Abbott Avenue commented on Resolution #14-387 and questioned whether these liens would be sold and if there was ever a time that they were not sold.

Mr. Bascom explained the process and stated the liens that have not been sold were normally small and irregular and no one was interested in it. He did not recall ever not selling a lien on a home.

Ms. Arlt stated that 155 Fisher Avenue has had liens on it every year two or three times and always for the same thing and for taxes. She stated the liens always get sold on them and questioned whether the liens were now worthless because they had so many liens.

Mr. Bascom listed several scenarios that either the lien was sold and was redeemed by the property owner from someone who has interest in the property. The lien is sold and the lien holder pays the subsequent taxes until they are foreclosed or the lien is struck off to the town and the town after a period of time moves on to foreclosure. He stated there was also the bankruptcy option too.

Albert Neal requested an explanation on Resolution #14-392 regarding shared services with the city of Asbury Park.

Mayor Brantley stated it was a broad services agreement that if we find a need to share services with Asbury Park in certain areas then we can go into that without being making it specific for any product.

Mr. Bishop stated it really does codify a lot of the past practices.

Mr. Neal questioned whether Neptune would be picking up the garbage in Asbury as well.

Mayor Brantley stated they would not.

Mr. Neal then commented on Resolution #14-393 and questioned how many part -time special officers would be hired.

Mr. Bascom stated they reappointed the individuals that were on the list. They have to be appointed every year.

Michael Golub questioned whether Resolution #14-392 would relate more to West Lake Avenue or Wesley Lake.

Mr. Gadaleta stated the Township has had shared services with Asbury and we were codifying some of those services. We are looking at their licensed electrician and mason for projects in town. It will be a cost affective approach. There are also small sidewalk projects

Mr. Bishop stated we did not have to do anything with this, it just gives us an opportunity.

Mr. Golub stated he just wanted to make sure because everyone has internal issues and a lot of people are concerned.

Mr. McMillan stated it is encouraged to share services.

Stephanie Sayres, 611 South Riverside Drive requested an expanded definition of 3A and questioned whether the individuals would be eligible for health benefits

Mr. Bascom stated they were already full – time employees of either Asbury or Neptune. It is creating a fairness situation.

Ms. Sayres questioned whether services have been shared before and if this was something new.

Mr. Bascom stated the Township was actually codifying where we actually pay one another for the services provided.

Mr. Fornino commented on Resolution #14-410 and questioned how many ambulances would be purchased.

Mr. Bascom confirmed that it would be four.

Mr. Fornino commented on Resolution #14-393 and questioned who was it going to be directed by.

Mr. Bascom stated by the Chief.

Mr. Fornino questioned what would happen if they had a difference of opinion and who called the shots.

Mr. Bascom stated the Governing Body would call the shots.

Mr. Fornino commented on Resolution #14-402 regarding MidCoast Electric Corporation.

Mr. Anthony all we are trying to do is close the settlement.

Denis McCarthy, 79 Broadway , addressed his concerns to Resolution #14-392 and questioned why the Township would not use IBEW since they had an agreement with them.

Mr. Houghtaling stated the would need an electrical license.

Mike Dileo thanked the Mayor and Committee for purchasing the ambulances because they were needed.

Billy Rosen stated it was really important to upgrade what we have because what they had was outdated and the new ones had new technology.

Diana Harris questioned when would the submission of the Division Street Needs study to the Planning board for review and public hearing take place as mentioned in Resolution #14-408.

Mr. Gadaleta stated the Planning Board would meeting on the 27th of this month if the Committee approves this resolution, there will be an advertisement this week and next week and then it comes back to the governing body.

ORDINANCE NO. 14-28 - ADOPTED

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

ORDINANCE NO. 14-28

AN ORDINANCE TO AMEND CHAPTER IV OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE CREATING RENT CONTROL, PROTECTIVE TENANCY AND RENT LEVELING BOARD

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

Jack Pensabene, 1306 9th Avenue, stated if the landlord tried to seek additional surcharge on the rent for major capital improvements it seems like the landlord is trying to make improvements to make his property worth more but he has to ask for permission to collect the money. It seems kind of intuitive as to why one would want to improve their facility. Having to ask for approval may discourage someone from doing so. He stated it was a surcharge and not an increase in the rent and the cost of living increase is not applied to that surcharge so you are fixed at the depreciation route and following that does the rent fall off.

Mr. Anthony stated this was the same as the original ordinance and what this does is modify the definition of capital improvements, so it has always been in the ordinance. He went into detail what a capital improvement was and the process it has to be done.

Mr. Pensabene stated if he was a landlord he was not sure that he would do this because this is a person's business and this is how they make money and you would want the property to look at good as it can.

Mr. Bishop stated we are just tweeking some things in response to a settlement.

Mr. Anthony stated were changing definition.

Mr. Pensabene stated he did not feel this was fair and landlords should be able to improve their property and capitalize on it over a period of time. You are capping their business and might encourage them to live elsewhere.

Denis McCarthy stated he felt bad about the increases but questioned what about him because he's being taxed out of the town and no one was giving him any breaks.

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

ORDINANCE NO. 14-29 - ADOPTED

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

ORDINANCE NO. 14-29

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 14-13 (WHICH PROVIDES FOR THE DEVELOPMENT OF VETERANS PARK BY AND IN THE TOWNSHIP) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON MARCH 24, 2014, TO INCREASE THE APPROPRIATION THEREIN TO \$1,000,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$950,000 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$50,000

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

Jack Pensabene questioned as far as the amendment wasn't the increase supposed to be a 20 % maximum.

Mr. Bascom stated that was on a contract for a vendor and you can change a bond ordinance to anything.

Mr. Pensabene stated this seemed very repetitive that they were making these increases and this was a very large one. Felt they should have better numbers on these items when getting the initial approval because this was a massive increase.

Michael Golub questioned what was the reason for the increase.

Mr. Gadaleta stated they went out to bid and there were a number of items that the Township wanted to see undertaken. This will allow them to complete what the Committee wanted to see.

Mr. Golub stated he was in favor of this but was concerned with the process.

Mr. Bascom stated this would give us seed money for the balance of the site.

Mr. Golub requested the Committee at least consider a historical designation of the neighborhood.

Edward Robinson stated he was a veteran and the park was important to him and he did not want to go out of town to a park. He wanted one in his town. He urged the Committee to put the funding through so they can have it by next May.

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

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

ORDINANCE NO. 14-30 - ADOPTED

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

ORDINANCE NO. 14-30

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 11-05 (WHICH PROVIDES FOR THE UNDERTAKING OF THE CONCOURSE/SEAVIEW ISLAND FLOOD MITIGATION PROJECT) HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON JANUARY 24, 2011, TO INCREASE THE APPROPRIATION THEREIN TO \$850,000, TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN TO \$399,353 AND TO INCREASE THE DOWN PAYMENT THEREIN TO \$20,470.25

The Mayor requested comments on the above ordinance, there being no comments, the Mayor closed the public hearing.

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

ORDINANCE NO. 14-32 - ADOPTED

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

ORDINANCE NO. 14-32

AN ORDINANCE TO AMEND VOLUME 1, CHAPTER VII, SECTION 7-21 OF CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "HANDICAPPED PARKING"

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

Heinz Weck, Ocean Grove, thanked the Committee for considering this ordinance.

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

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

ORDINANCE NO. 14-33 - APPROVED

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

ORDINANCE NO. 14-33

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XXI, SECTION 21-3 AND CHAPTER XII, SECTION 12-2 OF THE CODE OF THE

TOWNSHIP OF NEPTUNE BY ADDING AUTOMATED RECYCLING
CONTAINERS TO THE REGULATIONS FOR AUTOMATED TRASH
CONTAINERS

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

ORDINANCE NO. 14-34 - APPROVED

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

ORDINANCE NO. 14-34

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 7-
7.15 ENTITLED "PARKING IN FRONT OF MAILBOXES"

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

Ms. Howard stated that the Public Hearings on Ordinances 14-33 and 14-34 will be held on Monday, August 25, 2014.

CONSENT AGENDA

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

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>
175/518	21 Atkins Avenue	\$ 460.00
215/107	155 Fisher Avenue	345.00
175/511	1225 Embury Avenue	345.00
193/214	412 Fisher Avenue	2,979.90
6000/32	2 Marcy Drive	250.00

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 2014 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 2014 in the sum of \$1,833.46 which is now available from a United States Department of Justice – Bureau of Justice Assistance Grant in the amount of \$1,833.46; and,

BE IT FURTHER RESOLVED that the like sum of \$1,833.46 is hereby appropriated under the caption of 2014 Bulletproof Vest Partnership Grant; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the United States Department of Justice – Bureau of Justice Assistance 2014 Bulletproof Vest Partnership Grant in the amount of \$1,833.46; 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.

SUPPORT THE “DRIVE SOBER OR GET PULLED OVER 2014 STATEWIDE CAMPAIGN”

WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and,

WHEREAS, 19% of motor vehicle fatalities in New Jersey in 2012 were alcohol related; and,

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and,

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and,

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown*; and,

WHEREAS, the project will involve increased impaired driving enforcement from August 15 through September 1, 2014; and,

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby declares its support for the *Drive Sober or Get Pulled Over 2014 Statewide Crackdown* from August 15 through September 1, 2014 and pledges to increase awareness of the dangers of drinking and driving; and,

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

AUTHORIZE AN AMENDMENT TO THE 2014 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 2014 in the sum of \$5,000.00 which is now available from the NJDLP&S – Division of Highway Traffic Safety in the amount of \$5,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$5,000.00 is hereby appropriated under

the caption of 2014 Drive Sober or Get Pulled Over Crackdown; 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 2014 Drive Sober or Get Pulled Over Crackdown grant in the amount of \$5,000.00; 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 EXECUTION OF AN AMENDMENT TO THE 2012-14 AGREEMENT WITH MONMOUTH COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT PROGRAM PURSUANT TO THE INTERLOCAL SERVICES ACT

WHEREAS, certain Federal funds are potentially available to Monmouth County under Title I of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and,

WHEREAS, it is necessary to establish a legal basis for the County and its residents to benefit from this program; and,

WHEREAS, an Agreement has been adopted under which the Township of Neptune and the County of Monmouth in cooperation with other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8B-1; and,

WHEREAS, it is in the best interest of the Township of Neptune to enter into such an agreement,

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune, that the amendment to the agreement entitled "AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND CERTAIN MUNICIPALITIES LOCATED HEREIN FOR THE ESTABLISHMENT OF A COOPERATIVE MEANS OF CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES", a copy of which is attached hereto, be and same is hereby approved; and,

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk be and same are hereby authorized to execute said amendment in accordance with the provisions of law; and,

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its enactment.

AUTHORIZE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE CITY OF ASBURY PARK FOR VARIOUS ENGINEERING AND PUBLIC WORKS RELATED SERVICES

WHEREAS, it has been determined by the City of Asbury Park and Neptune Township that it is advisable and mutually beneficial to the constituents of both municipalities to enter into a shared services agreement between the City of Asbury Park and Neptune Township for the provision of Engineering and Public Works Related Services between them; and

WHEREAS, shared services are permitted under the Uniform Shared Services Consolidation Act, N.J.S.A. 40A:65-1, et seq.; and

WHEREAS, both municipalities have mutually agreed upon the attached form of a shared services agreement between them for the aforesaid purpose; and

WHEREAS, the agreement shall become effective upon execution of said Agreement and shall remain in effect until such time as either one of the parties informs the other in writing of their intention to sever the agreement; and

WHEREAS, the executed form of said agreement by all parties will be submitted to the New Jersey State Division of Local Government Services;

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

1. That the execution of a Shared Services Agreement by the Mayor and Clerk for the provision of Engineering and Public Works Related Goods and Services between the City of Asbury Park and Neptune Township be and is hereby approved.

2. That all relevant Township officials are hereby authorized and directed to undertake all actions that are necessary in order to effectuate the intentions of this Resolution.
3. That a certified copy of this Resolution shall be provided to the Business Administrator, Chief Financial Officer, Assistant C.F.O., Township Engineer and Director of Public Works.

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

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement officers be reappointed on an annual basis; and,

WHEREAS, the Deputy Chief of Police has made his recommendations on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2014 municipal budget in the appropriation entitled Police S&W, 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 reappointed as part-time Special Law Enforcement Officers (SLEO) and to perform such other duties as prescribed by the Chief of Police, at an hourly rate as established by prior resolution of the Township Committee:

SLEO Class I – Matthew McDonough, Nicholas Jakelsky, Malcolm Jenkins & Kristin Narciso

SLEO Class II – John Mattia, Matthew Richardson, Evan Pollara, Darrell Furman, Steven Whritenour, Tyrell Thompson, JeanPierre Marcenat, William Fabian, Richard Brogley, Casey Crawford, Daniel Savastano & Marcus Neal

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

DESIGNATE GUARDIAN AS PROVIDER OF THE TOWNSHIP'S VOLUNTARY SHORT-TERM DISABILITY INSURANCE

WHEREAS, the Township provides employees in AFSCME Local #1844 with the option of short-time disability insurance coverage; and,

WHEREAS, the Township desires to designate an insurance carrier for this coverage,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Guardian be and is hereby designated as the Township's short-term optional disability insurance carrier effective September 1, 2014; 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 Human Resources.

RECLASSIFY LINDA O'BRIEN AS A PERMANENT FULL-TIME CUSTOMER SERVICE REPRESENTATIVE IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, Linda O'Brien was hired as a Customer Service Representative in the Public Works Department on December 2, 2013; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Linda O'Brien be and he is hereby reclassified as a permanent full-time Customer Service Representative effective immediately; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator, Director of Public Works, Chief Financial Officer, and Human Resources Specialist.

ACKNOWLEDGE THE RETIREMENT OF JOSE DAVILA FROM THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township has received notification that Jose Davila will be retiring as a Driver in the Public Works Department effective September 1, 2014; and,

WHEREAS, the effective date of said retirement was incorrectly provided as August 1, 2014 which was the date stated in Resolution #14-379 adopted by the Township Committee on July 28, 2014; and,

WHEREAS, it is necessary to indicate the correct retirement effective date by resolution,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of Jose Davila as a Driver in the Public Works Department be and is hereby acknowledged effective September 1, 2014; and,

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

APPOINT SCHOOL CROSSING GUARDS FOR THE 2014-2015 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2014-2015 school year; and,

WHEREAS, the Deputy Chief of Police and Human Resources Specialist have made their recommendation to rehire certain crossing guards that served during the 2013-2014 school year and to hire four new crossing guards who submitted an application and were interviewed; and,

WHEREAS, funds are available for this purpose are available in the 2014 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Lisa Brown, Ronald Coleman, Nancy Cole, Philip DeStaven, Carmelo Gonzalez, Clayton Harrison, Shirley Harrison, Alfred Holmes, Josephine Hughes, Juanita Jones, Ki Nam Kang, Russell King, Kathryn Kelly, Rosalee Lane, Rita Lee, Virginia Majewski, Carol McDonald, Everett Mitchell, Loren Moses, Amelia Okpanachi, Robert Perkins, Mildred Stafford, Caroline Vandervort, Albert Weedon, Avis Williams and Alfreda Wright be and they are hereby appointed as Crossing Guards for the 2014-2015 school year and to perform such other duties as prescribed by the Deputy Chief of Police, at an hourly rate of \$13.77; and,

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

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH ASBURY PARK TRIATHLON

WHEREAS, the City of Asbury Park is holding a Triathlon on Sunday, August 24, 2014 and a portion of the route is on streets located in Neptune Township; and,

WHEREAS, it is necessary to designate a no parking zone on portions of Seaview Avenue and Ocean Avenue for the safety of the runners; and,

WHEREAS, the Police Department has reviewed and approved this no parking zone,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets between 6:00 A.M. and 10:00 A.M. on Sunday, August 24, 2014:

- 1) North side of Seaview Avenue between Central Avenue and Ocean Avenue
- 2) West side of Ocean Avenue between Seaview Avenue and Spray Avenue
- 3) A portion of the parking stalls located on the northern end of Ocean Avenue

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

AUTHORIZE TEMPORARY STREET CLOSURES IN CONNECTION WITH THE JERSEY SHORE ARTS CENTER 5KM RUN

WHEREAS, the Jersey Shore Arts Center is holding its annual Run for the Arts 5km run on

Saturday, September 13, 2014; and,

WHEREAS, it is necessary to temporarily close portions of Main Avenue, Ocean Avenue and Broadway for the safety of the runners; and,

WHEREAS, the Police Department has reviewed and approved this street closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary street closures on the following streets between 9:00 A.M. and 10:00 A.M. on Saturday, September 13, 2014:

- 1) Eastbound Main Avenue – entire length
- 2) Northbound Ocean Avenue – entire length
- 3) Eastbound Broadway between Central Avenue and Ocean Avenue

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

AUTHORIZE THE PURCHASE OF COMPUTER EQUIPMENT FOR POLICE VEHICLES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Neptune Township Police Department wishes to purchase computer equipment for police vehicles through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, GTBM, Inc. has been awarded New Jersey State Contract No. A75583 for this equipment; and,

WHEREAS, the Chief Financial Officer recommends the utilization of this contract on the grounds that the price reflects a substantial savings; and,

WHEREAS, the cost of the equipment shall not exceed \$20,000.00; and,

WHEREAS, funds for this purpose are available in the 2014 municipal budget through the appropriation entitled Police O.E. and a United States Department of Justice – Justice Assistance Grant, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of computer equipment for police vehicles through the New Jersey Cooperative Purchasing Program for the Neptune Township Police Department be and is hereby authorized at an amount not to exceed \$20,000.00; and,

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

RENEW LIQUOR LICENSE HELD BY TANKS HOSPITALITY, LLC

WHEREAS, Tanks Hospitality, LLC is the holder of a retail consumption liquor license that is inactive; and,

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

WHEREAS, the Division of A.B.C. issued a special ruling, dated August 9, 2013, which authorizes the Township of Neptune to consider the 2014-2015 application for liquor license renewal filed by Tanks Hospitality, LLC, the holder of an inactive license #1334-33-008-016; and,

WHEREAS, Tanks Hospitality, LLC has applied for renewal of said license for the 2014-2015 license year to continue in in-pocket status,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-33-008-016 issued to Tanks Hospitality, LLC be and is hereby renewed

for the 2014-2015 licensing year; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and the License Holder.

AMEND APPROPRIATION AUTHORIZATION IN REGARDS TO COUNTERCLAIM AGAINST MIDCOAST ELECTRIC CORPORATION, INC.

WHEREAS, the Township Committee of the Township of Neptune awarded a contract for electrical services to Midcoast Electric Corporation by Resolution 13-92 on January 28, 2013; and

WHEREAS, by Resolution 13-405 on August 26, 2013, the Township Committee authorized termination of the contract for failure of Midcoast Electric Corporation to fulfill its obligations under the contract with Neptune Township; and

WHEREAS, Midcoast Electric Corporation has filed a Complaint for Breach of Contract as of December 17, 2013 against Neptune Township; and

WHEREAS, Neptune Township has been damaged as a result of Midcoast Electric Corporation's Breach of Contract by its refusal to complete work contracted for and abandonment of the marina worksite; and,

WHEREAS, on January 27, 2014, the Township Committee adopted Resolution #14-91 which authorized the Municipal Attorney, Gene J. Anthony, Esq. to institute legal proceedings against Midcoast Electric Corporation, Inc. and legal fees in an amount not to exceed \$5,000.00; and,

WHEREAS, it is necessary to authorize additional legal fees as the matter has not yet concluded; and,

WHEREAS, funds will be provided in the 2014 Municipal Budget in the appropriation entitled Legal 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 Resolution #14-91 be and is hereby amended to authorize additional legal fees in an amount not to exceed Five Thousand Dollars (\$5,000.00) for the purposes of the litigation as described herein (total legal fees authorization now \$10,000.00); and,

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

APPOINT ALTERNATE MEMBER TO THE RENT LEVELING BOARD

WHEREAS, there is a vacancy in the Alternate #1 position of the Rent Leveling Board,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Ruth Johnson be and is hereby appointed as the Alternate #1 member of the Rent Leveling Board for the remainder of 2014; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Rent Leveling Board.

AUTHORIZE THE CANCELLATION OF SEWER RENT (401 OLD CORLIES AVENUE)

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

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

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
525/56	John & Carol Mele	401 Old Corlies Ave	2014	225.00

REASON: Single family per assessing

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A
TOTALLY DISABLED VETERANS EXEMPTION (56 TALL PINES DRIVE)

WHEREAS, the property known as Block 10016.03, Lot 10, with an address of 56 Tall Pines Drive is eligible for a Totally Disabled Veteran Exemption; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel 2014 taxes assessed against this property's owner of record in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

YEAR	AMOUNT TO CANCEL	AMOUNT TO REFUND
2014	\$ 2,575.28	\$ 955.10

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

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

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH THE HISTORICAL SOCIETY
OF OCEAN GROVE POSTCARD AND ANTIQUE SHOW

WHEREAS, the Historical Society of Ocean Grove has scheduled their annual Post Card, Antique and Collectables Show on Saturday, August 23, 2014, in the Auditorium-Pavilion area in Ocean Grove; and,

WHEREAS, it is necessary to designate a no parking zone on a small portion of Central Avenue to allow dealers to unload materials; and,

WHEREAS, the Police Department has reviewed and approved this no parking zone,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets from 9:00 P.M. on Friday, August 22, 2014 until 5:00 P.M. on Saturday, August 23, 2014:

1) West side of Central Avenue between Bethany Block and the eastbound side of Ocean Pathway

2) East side of Central Avenue between the eastbound side of Ocean Pathway and the westbound side of Ocean Pathway; and,

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

GRANT LEAVE OF ABSENCE TO DANIEL WERNER UNDER THE FAMILY MEDICAL LEAVE
ACT

WHEREAS, Daniel Werner, Patrolman in the Police Department, has requested a leave of absence under the provisions of the Family Medical Leave Act; and,

WHEREAS, the leave of absence will convert to unpaid leave when all accumulated sick time has been exhausted; and,

WHEREAS, the Business Administrator has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Daniel Werner, Patrolman in the Police Department, is hereby granted a leave of absence, with the use of the balance of accumulated sick time followed by unpaid leave of absence, under the provisions of the Family Medical Leave Act for an eight week period beginning July 25, 2014 and ending September 19, 2014; and,

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

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye;

Houghtaling, aye; McMillan, aye; and Brantley, aye.

AUTHORIZE SUBMISSION OF THE DIVISION STREET NEEDS STUDY TO THE PLANNING BOARD FOR REVIEW AND PUBLIC HEARING TO DETERMINE WHETHER CONDITIONS EXIST TO DESIGNATE VARIOUS PROPERTIES ON DIVISION STREET WITHIN THE TOWNSHIP OF NEPTUNE AS A REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW

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

WHEREAS, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) provides a legal framework for establishing a redevelopment area and for comprehensively planning for the revitalization of such an area; and,

WHEREAS, the Township Committee authorized a Needs Study to determine if the following properties: BLOCK 173, LOTS 27.01 THROUGH 39.01, EXCLUDING LOT 29, meet the criteria set forth in N.J.S.A. 40A:12A-5 and may be designated as an area in need of redevelopment; and,

WHEREAS, the Township, under the authority of N.J.S.A. 40A:12A-6, can request the Township of Neptune Planning Board to undertake a preliminary investigation to determine whether the aforementioned properties meet the statutory criteria for redevelopment,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Township Planning Board pursuant to N.J.S.A. 40A-6(a) to undertake a review of the Needs Study to determine whether the aforementioned lots on Division Street between Ridge Avenue, Atkins Avenue and Corlies Avenue (State Highway 33) meet the criteria specified in N.J.S.A. 40A:12A-5 and should be designated in need of redevelopment; and,

BE IT FURTHER RESOLVED that, as provided by law, the Planning Board shall, after giving public notice and notice to affected property owners, conduct a public hearing at which all persons who are interested in or are affected by the proposed redevelopment designation are given an opportunity to be heard; and

BE IT FURTHER RESOLVED that after completing its hearing, the Planning Board shall transmit its recommendations to the Township Committee; and

BE IT FURTHER RESOLVED that a copy of the Resolution, assigning conduct of the investigation and public hearing on the proposed redevelopment area to the Planning Board, will be transmitted to the Planning Board, the Township Planner, the Township Business Administrator, and Economic Development Coordinator by the Township Clerk upon its adoption.

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

AWARD BID FOR IMPROVEMENTS TO WAYSIDE ROAD – PHASE II

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

WHEREAS, on July 24, 2014, the Township Consulting Engineer received bids for the award of a contract for Improvements to Wayside Road – Phase II; and,

WHEREAS, said bids were reviewed by the Township Engineer and Consulting Engineer who have recommended that the bid be awarded to the lowest bid submitted by Earle Asphalt Company; and,

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

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-14 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Earle Asphalt Company on their lowest responsible base bid of \$348,313.13 for Improvements to Wayside Road – Phase II; 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 Township Engineer.

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

AUTHORIZE THE PURCHASE OF AMBULANCES THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

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

WHEREAS, the Township Committee wishes to authorize the purchase four (4) ambulances for its volunteer first aid squads utilizing pricing through the Houston-Galveston Area Council Purchasing Program; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. AM10-12 to Horton and Wheeled Coach for ambulances; and,

WHEREAS, the Purchasing Agent and Chief Financial Officer recommends the utilization of this contract on the grounds that the price reflects a substantial savings and further recommend that two (2) ambulances be purchased through Horton and two (2) ambulances be purchased through Wheeled Coach; and,

WHEREAS, the amount of the purchase of two (2) ambulances through Horton shall not exceed a total of \$307,848.00; and,

WHEREAS, the amount of the purchase of two (2) ambulances through Wheeled Coach shall not exceed a total of \$312,354.00; and,

WHEREAS, funds for this purpose are available from Ord. #13-31, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of four (4) ambulances for the Township's volunteer first aid squads be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program as follows:

Two (2) Horton ambulances with options less trade-in allowances at an amount not to exceed \$307,848.00.

Two (2) Wheeled Coach ambulances with options less trade-in allowances at an amount not to exceed \$312,354.00.

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

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Bishop offered the following resolution, moved and seconded by Mr. McMillan, 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	476,148.42
FEDERAL & STATE GRANT FUND	24,782.01

TRUST OTHER	78,399.07
GENERAL CAPITAL FUND	196,925.82
SEWER OPERATING FUND	52,212.15
MARINA OPERATING FUND	36,220.60
MARINA CAPITAL FUND	19,260.12
DOG TRUST	636.00
UDAG RECIPROCAL TRUST	11,691.94
LIBRARY TRUST	1,192.77
 BILL LIST TOTAL	 \$897,468.90

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; Houghtaling, aye; McMillan, aye; and Brantley, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Ann Horan, 69 Clark Avenue questioned whether an agreement had been signed between the Camp Meeting and the Township of Neptune to make Ocean Grove a part of Neptune Township. She stated if so it should have been around 1979.

Ms. Howard advised her to fill out an OPRA request form and the Clerk's office would try an accommodate her as best as possible.

Ms. Horan questioned who was liable for damages if a person was hurt on property that was vacant.

Mr. Anthony stated the property owner and the Camp Meeting would be responsible.

Ms. Horan questioned whether she should go to the Camp Meeting regarding this.

Mr. Anthony stated she should.

Mr. Bishop stated if the curb was face to face the Township would be responsible.

Stephanie Sayre, 611 South Riverside Drive, spoke regarding Ordinance 14-34 which would be adding section 7.7.15 regarding parking in front of mailboxes. She stated if you were to state 10 feet away he would not be able to park in front of his home. Stated felt they should not do a black 10 feet because it would not work in Shark River Hills.

Mayor Brantley stated he understood her concerns for that and if someone filed a complaint then they would address it.

Mr. Anthony stated some towns had restrictions based on the number of feet and it was not a sliding scale thing, you almost have to pick what it is going to be.

Ms. Sayre was concerned what would happen if someone had a disgruntled neighbor and used that against him

Mayor Brantley stated they are doing the best they can with this at this time. Even if the post office had a problem they could call and complain. He stated he understood and had his own concerns regarding this.

Ms. Sayre asked if they could go around to check and see if there was a different footage other than 10 feet.

Mr. Anthony stated that could be something that you could tweek.

The Committee stated the post office requires 10 feet.

Ms. Sayre stated there was a dead tree in front of her home but it was on Township property. Her neighbor doesn't want to incur the expense to get rid of it.

Mr. Anthony stated the dead tree rule is pretty classic now and normally the tree is the responsibility of the property owner even if its in the municipal right away they are still responsible. If it is on municipal owned property the Township is responsible for it unless it is an easement.

Michael D. Fornino stated the United States Constitution states that nothing should impede the mail. He also stated he heard the Township was going to install speed tables. He stated it took the Township seven years to listen to him.

Michael Golub stated there was an article in the paper the other day stating that the Barnegat Bay was dying. Members of the West Neptune Association toured with officers of the Freehold Soil Conservation and they were going to get back to the Township regarding storm management. He felt this would be an opportunity for the Township to put themselves out to the DEP and take responsibility and say we are worthy of dredging. He also discussed property owners such as the Heleotis's losing property to erosion. He questioned whether there was a plan of action and could they all sit down and talk about the drainage problem.

Mr. Anthony stated they were in a lawsuit with the Heleotis family and they could not talk about it.

Mayor Brantley stated when the vegetation at Wesley Lake was reported he got on it. He suggested he discuss it with Mr. Gadaleta.

Mr. Bishop suggested someone get in touch with Freeholder Arnone and also see what the Freehold Soil Conservation has to say.

Albert Neal thanked the Township Committee for the change that's happening in the Police Department. The streets are looking safer and they are seeing police and patrol cars. He thanked the Committee and the Police Department for what they were doing.

Mayor Brantley stated they would continue to improve.

Kathy Arlt, Abbott Avenue, stated 57 Embury Avenue was a multi-family house that has been vacant for years and the State is planning on inspecting it. It is not on the vacant property list and the owner still has the house despite it being in foreclosure. She went on to state that this is the third time that she has asked code to place a lien on 80 Main Avenue to cut the knee high grass. Since 2010 nothing has been done . She requested it be demolished for neglect. She stated if they were going to treat them like the rest of Neptune Township then do so by placing liens on the property to show owners that you cannot let your home fall apart. She stated the Township was making it hard for them to pay their tax dollars. She also stated that no one should go to the Camp Meeting about your sidewalk because Code Enforcement does issue violations in Ocean Grove.

Mr. Anthony stated Code Enforcement was issuing violations for the property owner or Camp Meeting not maintaining the sidewalk but the question was whose responsible to repair the sidewalk and the Township is not responsible to repair the sidewalk.

Diana Harris thanked Mr. Houghtaling for coming out to the Gospel Fest. She also reported that two lights were out in the Midtown Commons Park. She also requested a no smoking sign at the park and a no loitering in known drug areas.

Mr. Anthony stated it was not based on loitering. He stated there were some ordinances have been upheld where if the probable cause for arresting the person is drugs then they are being arrested for that person and not loitering. You are not using one to get the other, you are going straight to the drugs.

Rich Carlson, 225 South Riverside Drive, questioned where was the Township as far as dredging of the River and he knew the Governor talked about it during the summer.

Mr. Bishop stated they had a conference call two weeks ago and they had a good discussion about the direction that the Department of Transportation is taking. He stated he was a little put off in the Governors Comments that the counties and municipalities were doing nothing. He stated there is movement and the DEP has said they would take a more active role in this.

Jack Braeden discussed the North End Redevelopment and stated the Planning Board

reports that Lake Avenue was an existing roadway and the Committee agreed. He did the same research and came up with a different conclusion and felt that it was not a street. He questioned how everyone could come up with something different from the facts.

Heinz Weck stated he liked the promotions of the police officers and felt Neptune had the finest police department.

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

Pamela D. Howard,
Deputy Municipal Clerk