TOWNSHIP COMMITTEE MEETING - OCTOBER 24, 2011

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

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

Deputy Mayor Bishop announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Bascom stated that the Township has submitted Letters of Interest for two projects for hazard mitigation grant funding. One project is a joint project with Bradley Beach, Neptune City and Avon to increase the capacity of Sylvan Lake which receives storm water runoff from the Township. The Township would be responsible for a small portion of the local match. The second project is to dredge Lake Alberta and make improvements around the lake such as piping to reduce flooding. If the Letters of Interest are accepted, the next step would be to prepare and authorize submission of an application.

Mr. Bishop asked that the Police Department conduct a lighting survey of the Gables section to determine areas that need lighting due to no light in existence or an existing light being coverage by leaves and branches.

Mr. Houghtaling asked to look into a project to pave the Sunshine Village walking/running track. Mr. Bascom will present the idea to Leanne Hoffmann.

<u>AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY THE OPEN PUBLIC MEETINGS ACT</u>

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

- 1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
 - 2. The general nature of the subject matter to be discussed is as follows:

Real Estate negotiations - Temple Beth Miriam cemetery on West Bangs Avenue

- 3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.
 - 4. This Resolution shall take effect immediately.

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

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

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

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

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

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

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

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 for an "Annual Notice" have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 6, 2011, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are available online at www.neptunetownship.org for public viewing before each Township Committee meeting.

APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Houghtaling, to approve the minutes of the meetings held on September 26th and October 6th. All were in favor, except the Mayor who abstained on the October 6th meeting.

MAYOR'S YOUTH ADVISORY CABINET/ANTI-BULLYING PROCLAMATION

The Mayor and Deputy Mayor presented a proclamation to the Mayor's Youth Advisory Cabinet to urge awareness to anti-bullying and encourage cooperative educational efforts to identify and eradicate bullying.

REPORT OF THE CLERK

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

Tax Collector's monthly statement for September.

Senior Center monthly statistics for September.

A letter from Jamie Hewitson thanking the Public Works Road Department for road surface repairs to Glenmere Avenue.

Rosemary Gray sent letters of thanks to the following individuals for recent donations to the Senior Center: Dorothy Gilmore, Ardelle Nagle, Margaret & Harvey Messier, Frances Pettit, Joan Hunziker, Catholic Men for Jesus Christ, Mary & Ronald Carr and Ed Halpin.

COMMENTS FROM THE DAIS

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

Dr. Brantley stated that Riverfest was a great event that was well attended with good food and tremendous music. He added that he visited the new Senior Center which looks very nice and commended all who are working getting the building open.

Mr. Houghtaling stated that he attended several meetings with the Midtown Urban Renaissance Corporation (MURC). The West Lake Avenue redevelopment is moving forward and is always a priority. He added that the Midtown Commons Park dedication is October 15th and Riverfest was a good time and a good day for Neptune.

Mr. Bishop stated that Riverfest was a tremendous success. A follow-up meeting is scheduled to review the event and make it even better in the future. He attended meetings with MURC, it was clear that there were some misunderstandings and we need to communicate better. He thanked Mr. Houghtaling for his work on this issue. Mr. Bishop concluded by inviting all to attend and support the Mayor's Ball on October 21st.

Mayor McMillan expressed his condolences to the family of Jerry Meyer. He stated he also attended the funeral services for John Key who was an Asbury Park football coach who was killed in

a parkway accident. He also attended a steak bake and he was able to walk in the homecoming parade. He felt the floats were getting better every year. He thanked everyone involved with the Mayor's Ball. He stated he attended the Mayor's Youth Cabinet fundraiser at IHOP and earlier today he was at the Cops vs Kids game and the cops were winning.

PUBLIC COMMENTS ON RESOLUTIONS

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

Dorothy Argyros commented on Resolution # 11-424. She questioned whether money was still being poured into the marina or was it making a profit.

Mr. Bascom stated the marina was still breaking even and making some money. He stated the audit would show that the marina was self liquidating.

Mrs. Argyros stated she would like to see some type of report passed out showing the debit and credits.

Mr. Bascom stated it would be available through the Clerk's office. He stated it was in the audit or in the financial statement in the beginning of the year.

Mrs. Argyros commented on Resolution #11-430 and questioned why were they hiring another policeman because every policeman either starts with or ends with over \$100,000.00 a year.

Mr. Bascom stated this was a \$17 an hour Class II Special Police Officer that does not receive a pension or benefits.

Mrs. Argyros went on to state that Neptune was still hiring officers when other towns were laying them off. She stated she objected to the hiring and she wanted to see the need for hiring the officer.

Beverly Fey stated she attended the last Township Meeting and she wanted to discuss Resolution #11-421 regarding the dry winter storage rates. She stated the Harbor Commissioners received and email from Mr. Bascom and there were two points in there that she took great offense to that in it he quotes that we have been repeatedly told that the marina was under cut and they've repeatedly asked for proof a copy of a contract an offer or pricing sheet. She stated those items have been supplied and forwarded to Mr. O'Connor who is the Marina Supervisor. She read off the rates other establishments offered per foot. She also asked if the Township decided not to raise the rate and stay at \$35 per foot what were the funding for some of the proposed improvements.

Mr. Bascom stated to this date he has not seen anything that says that someone charges less than \$34 per foot. He stated he's asked for Jen England and Mr. O'Connor for proof of these rates because it was not consistent with the information they obtained. He also stated to change our rates from \$38 to \$30 would be too large of a negative hit to sustain.

Hank Coakley questioned what was involved with the flood mitigation that was mentioned in Resolution #11-432.

Mr. Bascom stated it would raise the bulk head, place tide flex valves at the end of each of the storm drainage outlets at the end of the river, and storm drainage pipe replacement.

Mr. Coakley then commented on Resolution #11-428 regarding the tax sale certificates. He also stated there was a discrepancy as far as Resolution #11-424.

Mr. Cuttrell explained what took place.

ORDINANCE NO. 11-46 - ADOPTED

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

ORDINANCE NO. 11-46

AN ORDINANCE AMENDING ORDINANCE 11-07 AUTHORIZING CONDEMNATION OF 1700 WEST LAKE AVENUE, NEPTUNE, NEW JERSEY ALSO KNOWN AS TAX BLOCK 217, LOT 58-61 OF THE TAX MAP OF NEPTUNE TOWNSHIP

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

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

ORDINANCE NO. 11-47 - APPROVED

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

ORDINANCE NO. 11-47

AN ORDINANCE AMENDING AND SUPPLEMENTING THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY PROVIDING CLARIFICATION AND UPDATES TO VARIOUS APPLICATION COMPLETENESS CHECKLIST SECTIONS

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

Mr. Cuttrell stated that the Public Hearing on Ordinance 11-47 will be held on Monday, November 24, 2011.

AMEND RATE FOR DRY WINTER STORAGE AT THE MUNICIPAL MARINA – ADOPTED AS AMENDED

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

WHEREAS, on September 26, 2011, the Township Committee adopted Resolution #11-386 which established fees and rates for the Shark River Municipal Marina; and,

WHEREAS, the Committee desires to amend the rate established for dry winter storage to remain consistent with the fee charged by other marinas on the Shark River,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends the rate schedule for the Shark River Municipal Marina by amending the dry winter storage fee as follows (rate established by Resolution #11-386 will remain in effect if paid in full by November 15th):

d. Dry Winter storage

Dry winter storage (September 15th to May 15th) -\$25.00 per foot payable to Neptune Township plus \$10.00 per foot made payable to Monmouth Marine Engines for hauling, blocking, power washing and spring launch.

25% deposit due upon execution of customer contract. Full payment is due no later than November 15th. Late fee charged after December 1st.

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

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

CONSENT AGENDA

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

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless

abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

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

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

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

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

BLOCK/LOT	ADDRESS	<u>AMOUNT</u>
7005/19	3208 West Bangs Avenue	\$ 345.00
175/507	1311 Embury Avenue	260.00
499/932	213 Wilson Road	405.00
394/44	508 Lakewood Road	295.00
451/1	115 Lakewood Road	295.00
229/4	1612 Monroe Avenue	295.00
204/237	1310 ½ 8 th Avenue	295.00
242/73	1715 Bradford Avenue	295.00
153/12	1121 Heck Avenue	295.00
167/327	604 Ridge Avenue	560.00

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 EXTENSION OF LIQUOR LICENSE ISSUED TO P&K EQUITY GROUP, INC. TO PEGGY E. STALFORD, CHAPTER 7 BANKRUPTCY TRUSTEE

WHEREAS, an application has been filed for the extension of Plenary Retail Consumption License 1334-33-012-012 to the Chapter 7 Bankruptcy Trustee of P&K Equity Group, Inc. and,

WHEREAS, the submitted application is complete in all respects including proof of appointment to act as Trustee,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby approves, effective September 7, 2011, the extension of the aforesaid Plenary Retail Consumption License to Peggy E. Stalford, Chapter 7 Bankruptcy Trustee for P&K Equity Group, Inc., said license to be held in-pocket; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Division of ABC, the Chief of Police and the License Holder.

RECLASSIFY EMPLOYEE TO THE POSITION OF SENIOR CLERK/TYPIST IN THE POLICE DEPARTMENT

WHEREAS, there is a vacancy in the position of Senior Clerk/Typist in the Police Department; and,

WHEREAS, the position was duly posted; and,

WHEREAS, the Chief of Police has made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided in the 20	11 Municipal Budget in the appropriation entitled
, known as Account No	, and the Chief Financial Officer has so
certified in writing,	

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Holly Rhinehardt be and is hereby reclassified to the position of Senior Clerk/Typist in the Police Department at an annual salary of \$22,607.89 effective October 11, 2011; and,

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

AUTHORIZE THE ENDORSEMENT OF TAX SALE CERTIFICATES

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to endorse for cancellation the Tax Title Lien Certificate affecting the following properties:

Block 501.01, Lot 1342 – North Riverside Drive Block 501.01, Lot 1900 – North Riverside Drive Block 364, Lot 2065 – Jersey Avenue

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

RESCIND PURCHASE OF HYBRID VEHICLES UNDER THE NEW JERSEY STATE COOPERATIVE PURCHASING PROGRAM BECAUSE THE VECHICLE IS NO LONGER BEING PRODUCED

WHEREAS, on August 8, 2011, the Township Committee adopted Resolution #11-346 which authorized the purchase of three 2011 Ford Escape Hybrid 4WD vehicles through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, Warnock Fleet was awarded New Jersey State Contract No. A78762 for this vehicle; and,

WHEREAS, Warnock Ford has advised the Purchasing Agent that the Township's order has been cancelled because Ford is no longer producing these vehicles,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of three 2011 Ford Escape Hybrid 4WD vehicles as authorized by Resolution #11-346 be and is hereby rescinded because the vehicles are no longer being produced; and,

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Dana Page be and is hereby employed as a part-time Special Law Enforcement Officer – Class II and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, effective October 31, 2011, at an hourly rate of \$17.00; and,

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

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

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

AUTHORIZE THE PAYMENT OF BILLS

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

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	5,741,329.41
FEDERAL & STATE GRANT FUND	40,510.31
TRUST OTHER	84,552.14
GENERAL CAPITAL FUND	136,924.56
SEWER OPERATING FUND	44,662.66
MARINA OPERATING FUND	864.84
UDAG TRUST	208.45
LIBRARY TRUST	2,379.21
BILL LIST TOTAL	\$6,051,431.58

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

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

AWARD BID FOR SOUTH RIVERSIDE DRIVE FLOOD MITIGATION PROJECT - PHASE I

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

WHEREAS, on October 20, 2011, the Township's Engineering Consultant, Leon S. Avakian, Inc., received bids for the award of a contract for the South Riverside Drive Flood Mitigation Project - Phase I; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that the bid be awarded to the lowest bid submitted by R. Kremer; 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. 11-04 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 R. Kremer on their lowest responsible bid of \$425,290.00 for the base bid and Alternate #1 bid in connection with the South Riverside Drive Flood Mitigation Project -Phase I; 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 Engineer and Marina Supervisor.

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

AWARD BID FOR SHEET PILING FOR BULKHEADING

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

WHEREAS, on October 20, 2011, the Township Engineer received bids for the award of a contract for sheet piling for bulkheading in connection with the South Riverside Drive Flood Mitigation Project – Phase I; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that the apparent low bid submitted by Martin Piling be rejected due to a calculation error in the bid amount which resulted in a total price that obviously does reflect a reasonable price to complete the work; and,

WHEREAS, the Township Engineer has determined that the second lowest bid submitted by CMI Limited is the lowest responsible bid; and,

WHEREAS, funds for this purpose will be provided in Ordinances No. 11-03 & 11-04, 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 bid for supplying sheet piling for bulkheading in connection with the South Riverside Drive Flood Mitigation Project – Phase I submitted by Martin Piling is hereby rejected due to non-responsiveness to the bid specifications; and,

BE IT FURTHER RESOLVED, that the next lowest bid submitted by CMI Limited for supplying sheet piling for bulkheading in connection with the South Riverside Drive Flood Mitigation Project – Phase I in the amount of \$197,736.00 (\$164.78 per linear foot) is hereby declared the lowest responsible bidder and a contract is so awarded to CMI Limited; and,

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dorothy Argyros stated she was happy that the protesters were standing up against the bankers who caused the financial crisis. She also reported on the various protests she attended. She stated whenever she votes she votes for Ralph Nader or Michael Moore. She stated they were people that she could trust. She stated voting should be from the voice of the people and not from the voice of money.

Kennedy Buckley stated he felt that was one of Dorothy Argyros best comments. He also stated that Jerry Meyer would be missed. He felt it was a good idea that the Township was willing to pay \$25 an hour to hire someone in the event of snow. He also questioned under what conditions would summonses be issued

Mr. Jahn stated in several instances they have towed people but last year there wasn't a tow company that would come out to get the cars because it was so much snow, but she's spoken to the Chief of Police.

Mr. Bishop stated last year's storm was a record storm and people try to make plans in the event that something happen. He stated a lot of neighbors will go out and do their neighbors sidewalk especially if their neighbors are seasonal residents. He stated his concern was the health and welfare of everyone.

Hank Coakley stated he wanted to condemn Judge Feinberg who made the ruling that judges don't have to pay the increase in pensions. He stated he liked the comment that the Governor made when he said she should have recused herself. He felt that everyone should pay the same price and he resented anyone picking on our police department. He requested the Committee to stand up for them.

Wayne Bell stated he was interested in the discussion regarding the snow removal. He stated he would be lining up for the \$25 an hour if he was younger. He also asked whether the Township had any snow mobiles.

Mr. Bascom stated the Township did not own any but did have access to them from another

company.

Beverly Fey asked if the Township would take a positive approach and help prevent speeding near Wayside and Maple. She stated it did not matter how the speeding was enforced but urged that they do something.

Celestine Overby requested that when the snow is plowed that they do not cover her driveway.

Jack Pennsabanne stated he felt that we needed more police officers and he did not feel that they were paid enough. He also asked if Public Works could figure out how not to recover his driveway as well.

Heinz Weck apologized for not attending the Mayor's Ball and also gave his opinion on the protesters on Wall Street.

Jeff Hunt thanked the Committee and the employee's for the work that they did throughout the Township after the hurricane. He felt the Public Work's Department was exceptional.

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

Richard J. Cuttrell, Municipal Clerk