

TOWNSHIP COMMITTEE MEETING – OCTOBER 28, 2013

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

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

Mayor Houghtaling 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 4, 2013 and The Coaster on January 3, 2013, 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. Gadaleta stated that the Housing Authority is interested in acquiring a 13 year old backhoe free of charge that has been deemed surplus by Public Works. The Housing Authority assists the Township with snow clearing in and around their housing complexes and intends to continue to provide this assistance. The Committee asked that a resolution be placed on the next regular meeting authorizing the donation.

Mr. Cuttrell reminded the Committee that the next Township meeting would be held on Wednesday, November 6th starting at 5:00 p.m. The Committee asked that no workshop items be scheduled unless they are pertinent to action being taken at the regular business portion of the meeting.

Mr. Gadaleta stated that about 100 Make a Difference volunteers cleaned Veterans Park and made a huge difference in the appearance of the site. The bid for the demolition of the structures will be considered by resolution at the November 6th meeting. The bid for supplying the fixtures for the new Broadway lighting will be out in the next two weeks. There have been no further odor complaints from residents near the Pennsylvania Avenue Pump Station, but staff is continuing to look into the issue. Mr. Bishop asked that an update on the West Lake Avenue redevelopment be provided on a quarterly basis. Mr. Bascom reported that the pharmacy is ready to open.

The Mayor asked for an update on draft of a Responsible Contractor ordinance. Mr. Anthony stated that he is still looking into the matter and will be prepared for further discussion at the November 25th workshop meeting. Mr. Bishop asked if the Township can do Project Labor Agreements as a matter of policy. Mr. Anthony stated that an ordinance is needed to establish policy and procedures for such Agreements.

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

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

- Personnel – Housing Authority vacancy
- Potential Litigation – Request to reopen revocation hearing from taxi license driver
- Real Estate negotiations – Request for Right-of-Way license agreement to extend fence at property on Doris Terrace
- Real Estate negotiations – Conveyance of property to Board of Education

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.

A vacancy has been created on the Housing Authority due to the resignation of Alonzo Wright. Mr. Bishop asked that recommendations be presented at the November 25th meeting.

The Committee reviewed a request to reopen the October 10th hearing on the revocation of a taxi license. Mr. Anthony stated that the ordinance does not require a rehearing. The Taxi Driver received notices but they were returned by the Post Office indicating that the person moved. It does not appear that any new evidence would be presented because he still did not have insurance. The Taxi Driver can reapply for a license at the time of the annual renewal if so desired.

Mr. Cuttrell stated that the Board of Education intends to clear brush and plant new evergreens on Township property between Route 33 and the Memorial Field that is in the process of being conveyed to the Board.

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

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

Also present at the dais were Richard J. Cuttrell, 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 Clerk to indicate the fire exits.

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

Mayor Houghtaling 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 4, 2013 and The Coaster on January 3, 2013, 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.

PROCLAMATION

The Mayor issued a proclamation declaring a curfew for persons under 18 on Neptune Township streets between 9:00 p.m. and 4:00 a.m. on Wednesday, October 30th and Thursday, October, 31st.

REPORT OF THE CLERK

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

A letter from David Mooij, Superintendent of Schools, thanking the Township Committee for their support of the Coastal Monmouth Educational Consortium's Race to the Top grant proposal.

Irene Paternostro completed the course entitled Hazardous Communications Training for Supervisors.

Rosemary Gray sent letters of thanks to the following for recent donations to the Senior Center: Nicholas Napolitano, Celeste & Frank DeCapua, Rita Goldstein, Ingrid Farrell, Evelyn Bedell, Thomas Donohue, Catholic Men for Jesus Christ, Wegmans, Shop-Rite, Variety Growers and Dee Reinhold.

COMMENTS FROM THE DAIS

Mr. Bishop thanked the homeowner associations for hosting the debates among candidates for Township Committee. The debates were well spirited with polite exchange. He attended the Superstorm Sandy recognition night and thanked all who helped. He offered condolences to Rosemary Gray on the passing of her mother and former Police Chief Anthony Paduano on the passing of his wife. He attended the NEAR dinner and the Richard S. Bascom Scholarship event. On October 26th, he left the Ocean Grove debate and made it to Volunteer Park just after the dedication. He thanked the volunteers of Day of Difference who cleaned up Veterans Park. He attended the Homecoming Parade and the LEAD award ceremonies for both Green Grove and Summerfield. He attended the first meeting of the Rent Leveling Board and is pleased that Constance Holmes was selected Chairperson. Finally, he proudly announced that on October 24th, he married his longtime partner Dan Margo at Town Hall and thanked all those who attended.

Dr. Brantley congratulated Mr. Bishop and Dan Margo on their wedding. He attended a Wesley Lake Commission meeting and received a NAACP award at their state conference. He attended the Homecoming Parade and enjoyed the day except for the loss by the football team.

Mayor Houghtaling also attended the Board of Education's Green School Celebration at Summerfield and Midtown. The celebration showed how environmentally friendly both of the schools were. He felt they were two treasures that were in Neptune and they told the children how proud they should be. The Homecoming Parade was nice and the Freshmen's won the Red & Black trophy. He felt very proud standing on that field. He attended the NEAR fundraiser and he enjoyed it. He attended all of the Homeowner's meetings and met with all of his opponents. On Saturday he attended Mr. Bascom's wine tasting. It was a great evening and the scholarship fund is great to have. He stated they also renamed Riverside Park to Volunteer Park and it was renamed to show the dedication and appreciation of the people who helped to restore it after Hurricane Sandy. He attended the Make a Difference Day. They are now taking the first steps to build Memorial Park and they would try and get all of the Veteran Groups and other groups together to make it a beautiful park.

PUBLIC COMMENTS ON RESOLUTIONS

The Mayor requested public comments regarding resolutions presented on this agenda and they were as follows:

Dorothy Argyros, 2100 Rutherford Ave., asked if Meridian Health Realty went out to bid for the apartment complex they will be constructing on Taylor Avenue. Mr. Bishop stated that is not a municipal project. Mr. Bascom added that Meridian owns the property and is building the apartments. Once completed, they will swap the property for the Davis Avenue property owned by the Housing Authority. Ms. Argyros asked about the Corrective Action Plan resolution. Mr. Bascom stated that the only comment on the audit is to liquidate interfund transfers at the end of the year. The Township has not been doing this because we borrow among interfunds to avoid interest costs from borrowing.

Kennedy Buckley, Broadway, commented on the retirement of Police Officer Mike Dugan. Mr. Buckley stated that he is still alive today because one day Officer Dugan noticed that the color in his face was bad and said something. He went to the doctor and discovered that he had anemia and internal bleeding. If Officer Dugan had not taken the time to say something, he might not be here today.

Ray Clark, 626 South Riverside Drive, stated that he see no need for a bike path on South Riverside Drive. He asked what guidelines are being given to the Engineer. Mr. Bishop stated that the Township has to meet federal and state standards and will be giving the Engineer what the Committee wants to see done. The Mayor stated that the Engineer will come up with a design and then there will be discussion with the residents. Mr. Clark stated that the resolution for plans and specifications is for \$35,000, but the estimate in the plan was for \$30,000, so this is already over budget. The Mayor reiterated that once the plan is done, it will be shown to the public for input.

Margaret Grove, 625 South Riverside Drive, stated that she is against the bike path. She asked if the prohibition on skateboarding on Snake Hill will continue. The Mayor responded yes.

Michael Fornino, 120 Fulham Place, asked how long the proposed bicycle path will be. Mr. Gadaleta responded a bit over two miles.

Danielle Daly, 10 Fulton Place, congratulated Officer Dugan on his retirement. She had the honor of working with him and he is a wonderful person. In regards to the proposed bike path, she expressed concern about riding against traffic because the street is not wide enough for a path on both sides of the street.

ORDINANCE NO. 13-41 - ADOPTED

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

ORDINANCE NO. 13-41

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A HANDICAPPED PARKING ZONE ON OXONIA AVENUE

The Mayor requested public 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; and Houghtaling, aye.

CONSENT AGENDA

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

ACCEPT PERFORMANCE GUARANTEE FILED BY MERIDIAN HEALTH REALTY CORPORATION FOR SITE IMPROVEMENTS AT HOUSING AUTHORITY APARTMENTS AT TAYLOR AND WELLS AVENUES

WHEREAS, Meridian Health Realty Corporation has filed performance bond 105867385, written by Travelers Casualty and Surety Company of America in the amount of \$1,371,600.00, guaranteeing site improvements at the new Housing Authority apartments on Taylor and Wells Avenue (Block 266, Lot 39 and Block 267.02, Lots 362-391; and,

WHEREAS, the Township Attorney has reviewed and approved said bond; and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met;

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

1. The Performance Guarantee as stated above be and is hereby accepted.
2. The Mayor and Clerk be and are hereby authorized to execute a Developer's Agreement for the above referenced project.
3. A copy of this resolution shall be forwarded to the Township Engineer, Planning Board, Construction Department, Director of Engineering and Planning, Chief Financial Officer and the Developer.

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH CONTRUCTION OF THE HOUSING AUTHORITY APARTMENTS ON TAYLOR, HARDING AND WELLS AVENUES

WHEREAS, Meridian Health Realty Corporation will commence construction on Housing Authority apartments on Taylor, Harding and Wells Avenues on Monday, November 11, 2013; and,

WHEREAS, it is necessary to temporarily designate no parking on Wells and Harding Avenues and a portion of Taylor Avenue,

WHEREAS, the Police Department has reviewed and approved these no parking

designations,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets beginning Monday, November 11, 2013 and continuing for the duration of construction activities:

- 1) Both sides of Wells Avenue – entire length
- 2) Both sides of Harding Avenue – entire length
- 3) East side of Taylor Avenue between northeast corner of Wells Avenue and continuing 502 feet north.

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.

ACKNOWLEDGE THE RETIREMENT OF DETECTIVE MICHAEL DUGAN FROM THE POLICE DEPARTMENT

WHEREAS, the Township Committee has received a letter indicating that Det. Michael Dugan will be retiring as a Detective in the Police Department effective December 1, 2013,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the retirement of Michael Dugan as a Detective in the Police Department be and is hereby acknowledged effective December 1, 2013; and,

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

ACCEPT A CORRECTIVE ACTION PLAN IN CONNECTION WITH THE 2012 AUDIT RECOMMENDATIONS

WHEREAS, the Township Committee previously accepted the 2012 Township of Neptune audit by resolution; and,

WHEREAS, the various Departments within the Township have reviewed the comments and recommendations portion of said audit and submitted a Corrective Action Plan to the Chief Financial Officer and Township Committee,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Corrective Action Plan of the 2012 Township of Neptune Audit be and is hereby accepted and is authorized for submission to the Division of Local Government Services; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer.

AUTHORIZE EXECUTION OF AN INDEMNIFICATION AGREEMENT WITH CHASE PARTNERS, LLC IN REGARDS TO THE OBLIGATIONS OF CHASE PARTNERS, LLC IN CONNECTION WITH A 1997 RECIPROCAL EASEMENT OPERATING AGREEMENT AT BLOCK 1500, LOTS 23.04 (JUMPING BROOK ROAD AND ROUTE 66)

WHEREAS, Chase Partners, LLC made an application to the Zoning Board of Adjustment of the Township of Neptune and was granted preliminary and final site plan approval from the Zoning Board of Adjustment of the Township of Neptune on February 23, 2013 for a mixed-use development located at Block 1500, Lots 23.04 and 23.05 on the Tax Map of the Township of Neptune, which said premises are also known to be located at Route 66 and Jumping Brook Road; and,

WHEREAS, Chase Partners, LLC as a Condition of Approval in the Memorializing Resolution agreed to provide to the Neptune Township Board of Adjustment Engineer or Township Engineer directly a Drainage Easement Agreement with adjoining Lot 23.01 by way of Deed of Easement Relocation for the subject property, and;

WHEREAS, by and through their attorney, Jennifer S. Krimko, Esq., in satisfaction of the Condition of Approval, provided the Township with a proposed Deed of Easement Relocation for the subject property, which Deed referenced in part, a 1997 Reciprocal Easement and Operating Agreement which purportedly allowed for the relocation of the existing drainage easements; and

WHEREAS, the Attorney for the Board of Adjustment, Monica C. Kowalski, Esq., reviewed the 1997 Reciprocal Easement and Operating Agreement which allows the relocation of the drainage easement upon completion of certain obligations by the Grantor of the Easement to Grantee; and,

WHEREAS, the completion of such obligations appears to be incumbent upon the Grantor AFTER completion of relocation work and filing of Easements, namely to obtain and file Releases between Grantor and Grantee; and,

WHEREAS, the reference of the recorded Reciprocal Easement and Operating Agreement of 1997 in the Deed of Easement Relocation between the current parties in interest places the Township on notice as to conditions to be satisfied between the named parties (and their successors) to the Reciprocal Easement and Operating Agreement, in their performance of obligations to each other, which may or may not be deemed to impact the development of the property or the title to said property, but which performance or compliance is outside the control of the Township of Neptune; and,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor or Deputy Mayor be and are hereby authorized to execute an Indemnification/Hold Harmless Agreement in consideration of the conditions as set forth above which shall indemnify and hold the Township of Neptune harmless from any of actions or inactions which occur between Chase Partners, LLC, or its successor and that Chase Partners or its successors shall be solely responsible for any liability or responsibility incurred with regard to the duties or obligations as set forth in the 1997 Reciprocal Easement and Operating Agreement; and,

BE IT FURTHER RESOLVED, that in consideration of an October 21, 2013 deadline for property ownership conveyance, the authorization to execute the Indemnification/Hold Harmless Agreement by the Township shall be confirmed and acknowledged to have occurred on October 21, 2013; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Township Engineer, Administrative Assistant to the Zoning Board of Adjustment, Attorney to the Zoning Board of Adjustment and Jennifer Krimko, Esq.

AUTHORIZE EXTENSION OF GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT FROM JANUARY 1, 2014 TO JUNE 30, 2014

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, Township was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and,

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and,

WHEREAS, funding has been made available to the Neptune Township Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding,

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Neptune hereby authorizes the submission of the grant extension for the Neptune Township Municipal Alliance grant in the amount of:

DEDR	<u>\$80,129</u>
Cash Match	<u>\$20,033</u>
In-Kind	<u>\$60,096</u>

The Township of Neptune acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____
Eric J. Houghtaling, Mayor

AWARD CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Business Administrator has negotiated with the organization supplying this service as required by NJSA 40:48-5.1; and,

WHEREAS, the current provider has proposed a rate of \$3.16 per capita which reflects no change over the rate charged in 2013; and,

WHEREAS, funds for this purpose will be provided in the 2014 Municipal Budget, when adopted, in the appropriation entitled Dog Account, 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 Mayor and Clerk be and are hereby authorized to execute an agreement with Associated Humane Societies for Animal Control for the year 2014 at a cost of \$7,477.00 per month based on a charge of \$3.16 per capita; and,

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

TERMINATE TAXI LICENSE AND WITHDRAWAL OF TAXI MEDALLION FROM TAXI DRIVER AHMED HASSABALLA

WHEREAS, a taxi license was issued to applicant, Ahmed Hassaballa, with an address provided of 1712 Ocean Avenue, #C9, Bradley Beach, New Jersey 07720, by the Township of Neptune; and

WHEREAS, it was determined by A. Lurker, Taxi License Coordinator for Neptune Township, and Sgt. Zarro of the Neptune Township Police Department, that the aforesaid taxi driver was driving his vehicle in Neptune Township on numerous occasions in 2013 without insurance; and

WHEREAS, Section 4-17.5 under the section entitled, "Taxicabs" of the revised General Ordinances of the Township of Neptune, specifically requires that any license issued to a taxicab operator or driver requires maintenance of insurance at all times, and in the case that insurance is cancelled or revoked for any reason whatsoever, the operator's license shall forthwith be revoked, subject to a hearing before the Township Committee, if requested by the licensee in writing; and

WHEREAS, Section 4-17.11 of the revised General Ordinances of the Township of Neptune also provides for revocation or suspension at any time after hearing by the Township Committee for any violation of the Taxicab Ordinance; and

WHEREAS, a notice of a public hearing concerning the proposed revocation or suspension of the taxi license was mailed by Certified Mail/RRR and regular mail to the licensee at his last known address as set forth in his application on September 20, 2013, notifying the aforesaid licensee that the hearing would be held before the Township Committee on Thursday, October 10, 2013 at 6 pm in the upstairs Township Committee Chambers at 25 Neptune Blvd., Neptune Township, New Jersey, for purposes of determining by the Township Committee whether the licensee's taxi license and all vehicles operated and driven by the licensee should be suspended or revoked as a result of the alleged violation of not maintaining insurance on the subject vehicles; and

WHEREAS, both the Certified Mail/RRR and regular mail were returned, indicating that the licensee moved from the aforesaid address but did not provide a forwarding address, and no such forwarding address had been provided to the Township in the form of a licensee's amended application, and therefore, the licensee failed to appear for the hearing scheduled on October 10, 2013; and

WHEREAS, a hearing was held by the Township Committee on October 10, 2013 with testimony concerning the violations aforesaid by Taxi License Coordinator, A. Lurker and Sgt. Zarro of the Neptune Township Police Department, and it was concluded factually that the licensee aforesaid did operate a vehicle after receiving said license without auto insurance covering his operation and use of the license as a taxi driver.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body of the Township of Neptune, as a result of the aforesaid facts and testimony taken on October 10, 2013, for which the licensee, Ahmed Hassaballa, who was served with the appropriate notice at the only address known to Neptune Township, but apparently no longer lives there, and did not appear, hereby revokes the taxi license for all vehicles driven by Ahmed Hassaballa, and the same shall continue to be revoked until further notice, and that all renewals be denied without first having an application before the Township Committee for a hearing with regard to any right of renewal submitted in writing by the licensee, and that any taxi medallion held by the licensee should be returned to the issuing authority; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney and Taxi License Coordinator.

TERMINATE TAXI LICENSE AND WITHDRAWAL OF TAXI MEDALLION FROM TAXI DRIVER AHMED ELGAMASY

WHEREAS, a taxi license was issued to applicant, Ahmed Elgamasy, with an address provided of 1712 Ocean Avenue, #B3, Bradley Beach, New Jersey 07720, by the Township of Neptune; and

WHEREAS, it was determined by A. Lurker, Taxi License Coordinator for Neptune Township, and Sgt. Zarro of the Neptune Township Police Department, that the aforesaid taxi driver was driving his vehicle in Neptune Township on numerous occasions in 2013 without insurance; and

WHEREAS, Section 4-17.5 under the section entitled, "Taxicabs" of the revised General Ordinances of the Township of Neptune, specifically requires that any license issued to a taxicab operator or driver requires maintenance of insurance at all times, and in the case that insurance is cancelled or revoked for any reason whatsoever, the operator's license shall forthwith be revoked, subject to a hearing before the Township Committee, if requested by the licensee in writing; and

WHEREAS, Section 4-17.11 of the revised General Ordinances of the Township of Neptune also provides for revocation or suspension at any time after hearing by the Township Committee for any violation of the Taxicab Ordinance; and

WHEREAS, a notice of a public hearing concerning the proposed revocation or suspension of the taxi license was mailed by Certified Mail/RRR and regular mail to the licensee at his last known address as set forth in his application on September 20, 2013, notifying the aforesaid licensee that the hearing would be held before the Township Committee on Thursday, October 10, 2013 at 6 pm in the upstairs Township Committee Chambers at 25 Neptune Blvd., Neptune Township, New Jersey, for purposes of determining by the Township Committee whether the licensee's taxi license and all vehicles operated and driven by the licensee should be suspended or revoked as a result of the alleged violation of not maintaining insurance on the subject vehicles; and

WHEREAS, although the licensee refused to accept the Certified Mail notice, the regular mail notice was not returned, and therefore there is a presumption that he did receive the aforesaid notice, but failed to appear for the hearing scheduled on October 10, 2013; and

WHEREAS, a hearing was held by the Township Committee on October 10, 2013 with testimony concerning the violations aforesaid by Taxi License Coordinator, A. Lurker and Sgt. Zarro of the Neptune Township Police Department, and it was concluded factually that the licensee aforesaid did operate a vehicle after receiving said license without auto insurance covering his operation and use of the license as a taxi driver.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body of the Township of Neptune, as a result of the aforesaid facts and testimony taken on October 10, 2013, for which the licensee, Ahmed Elgamasy, was given appropriate notice but did not appear, that the tax license for all vehicles driven by Ahmed Elgamasy, are hereby revoked and continue to be revoked until further notice, and that all renewals be denied without first having an application before the Township Committee for a hearing with regard to any right of renewal submitted in writing by the licensee, and that any taxi medallion held by the licensee should be returned to the issuing authority; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney and Taxi License Coordinator.

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 007

WHEREAS, S&G Florida Management, LLC is the owner of Neptune Township Taxi Medallion No. 007; and,

WHEREAS, the owners of the corporation have notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Bashir Malik; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 007 to Bashir Malik; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 024

WHEREAS, S&G Florida Management, LLC is the owner of Neptune Township Taxi Medallion No. 024; and,

WHEREAS, the owners of the corporation have notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to US Way, LLC; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 024 to US Way, LLC; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR SOUTH RIVERSIDE DRIVE BICYCLE PATH

WHEREAS, the Township of Neptune has received a grant from the New Jersey Department of Transportation for the South Riverside Drive Bicycle Path and is desirous to undertake said project; and,

WHEREAS, it is necessary for an Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer recommends that Sam Schwartz Associates perform the work based on experience in bicycle path designs; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-28, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Sam Schwartz Associates to perform the services as stated herein at an amount not to exceed \$35,000.00; and,

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

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR IMPROVEMENTS TO WAYSIDE ROAD

WHEREAS, the Township of Neptune has received a grant from the New Jersey Department of Transportation for Improvements to Wayside Road and is desirous to undertake said project; and,

WHEREAS, it is necessary for an Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer recommends that Leon S. Avakian, Inc. perform the work based on experience in roadway improvement designs; 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, that the Township Committee of the Township of Neptune hereby authorizes Leon S. Avakian, Inc. to perform the services as stated herein at an amount not to exceed \$39,100.00; and,

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

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE PLANS AND SPECIFICATIONS FOR IMPROVEMENTS TO THE JUMPING BROOK BALLFIELDS

WHEREAS, the Township of Neptune has received a grant from the Monmouth County Open Space Program for Improvements to Jumping Brook Ballfields and is desirous to undertake said project; and,

WHEREAS, it is necessary for an Engineer from the Township's approved list of Engineering Consultants to prepare plans and specifications in connection with this project; and,

WHEREAS, the Township Engineer recommends that CME Associates perform said work; and,

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

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes CME Associates to perform the services as stated herein at an amount not to exceed \$33,500.00; and,

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

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

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

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

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

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
3041/2	7 Arnold Avenue	\$ 430.00
198/9	43 Ridge Avenue	375.00

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

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY RD AMERICA, LLC FOR SITE IMPROVEMENTS AT RESTAURANT DEPOT

WHEREAS, on May 13, 2011, RD America, LLC filed a performance bond written by RLI

Insurance Company in the amount of \$325,512.00 guaranteeing site improvements for Restaurant Depot, 3560 Route 66 (Block 10000, Lot 7.03); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of August 21, 2013 and said performance bond can be released; and,

WHEREAS, Restaurant Depot has posted a maintenance guarantee in the form of cash escrow in the amount of \$45,210.00 guaranteeing said site improvements for a period of two years,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee on escrow with the Township, in addition to funds received in the amount of \$14,802.20, will be retained as the maintenance guarantee; and,

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

The resolutions of the Consent Agenda were approved on the following vote: Bishop, aye, and offering best of luck to Officer Dugan; Brantley, aye, and echoing Mr. Bishop's thoughts on Officer Dugan; and Houghtaling, aye.

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH IMPROVEMENTS TO GREEN GROVE ROAD – PHASE II

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

WHEREAS, a contract was awarded to Lucas Construction Group in the amount of \$418,914.97 in connection with Improvements to Green Grove Road – Phase II; and,

WHEREAS, the Township Committee adopted Resolution #13-331 on July 8, 2013 which authorized Change Order #1 increasing the contract amount by \$60,525.00; and,

WHEREAS, changes to the contract have been experienced as a result of final as-built quantities; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances No. 11-25 and 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 the Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Lucas Construction Group in connection with Improvements to Green Grove Road – Phase II resulting in a net increase of \$6,070.93 revising the total contract amount to \$485,510.90; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Business Administrator and Township Engineer.

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

AUTHORIZE CHANGE ORDER #3 IN CONNECTION WITH NORTH RIVERSIDE DRIVE PUMP STATION IMPROVEMENTS

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

WHEREAS, a contract was awarded to DeMaio Electrical Co. Inc, in the amount of \$495,000.00 in connection with North Riverside Drive Pump Station Improvements; and,

WHEREAS, the Township Committee approved Change Order #1 by adoption of Resolution #13-309 which increased the contract amount by \$6,363.00; and,

WHEREAS, the Township Committee approved Change Order #2 by adoption of Resolution #13-451 which increased the contract amount by \$22,898.00; and,

WHEREAS, additional changes to the contract have been experienced as a result of removal and replacing an enclosed flow meter; and,

WHEREAS, this change has been approved by the Township Engineering Consultant; and,

WHEREAS, funds for this purpose will be provided in the Special Emergency Appropriation – Sewer Utility and Ordinance No. 12-14, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #3 in the contract with DeMaio Electrical Co. Inc. in connection with North Riverside Drive Pump Station Improvements resulting in a net increase of \$7,500.00 revising the total contract amount to \$531,761.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Engineering Consultant, Chief Financial Officer; Business Administrator and Township Engineer.

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

AWARD BID FOR REPLACEMENT OF A PORTION OF THE WESLEY LAKE RETAINING WALL

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

WHEREAS, on October 17, 2013, the Township Engineering Consultant received bids for the award of a contract for the replacement of a portion of the Wesley Lake retaining wall; and,

WHEREAS, the apparent low bidder, Mixalia Enterprises, LLC withdrew their bid due to a misinterpretation of the project; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that the bid be awarded to the lowest responsible bid submitted by Precise Construction, Inc.; 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 Ordinances No. 05-21, 11-24 and 13-23 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 Precise Construction, Inc. on their lowest responsible Base Bid plus Alternate #1 bid of \$1,093,000.00 to replace a portion of the Wesley Lake retaining wall; 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 Engineering Consultant, Public Agency Compliance Officer, Township Engineer and Wesley Lake Commission.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; and Houghtaling, aye, adding that a \$700,000 grant was received for Fletcher and Wesley Lakes.

AUTHORIZE THE PAYMENT OF BILLS

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, 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	3,095,273.83
FEDERAL & STATE GRANT FUND	35,761.70
TRUST OTHER	44,058.34
GENERAL CAPITAL FUND	22,663.21

SEWER OPERATING FUND	21,775.76
SEWER CAPITAL FUND	168,189.90
MARINA OPERATING FUND	900.57
MARINA CAPITAL FUND	50,460.19
DOG TRUST	7,477.00
LIBRARY TRUST	4,003.50
BILL LIST TOTAL	\$3,450,563.90

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; Brantley, aye; and Houghtaling, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Bredin, Ocean Grove, reviewed the North End Redevelopment process. The Planning Board expressed concerns about parking and the underground parking plan. The Township Committee took no corrective action and the underground parking element was never put into the plan. There is no redevelopment agreement to allow this to move forward.

Charles Leyton, 96 Mt. Hermon Way, asked for an update on the Parkview Inn bankruptcy status. (Mr. Bishop left the room). Mr. Anthony stated that the Developer was supposed to submit a Reorganization Plan, but the Court gave an extension until December 30th to produce the Plan. If the bankruptcy is thrown out, creditors can begin collecting. The Construction Department and Fire Bureau inspected the interior and made a report on the conditions. There is a working fire alarm system. Mr. Leyton indicated that he would submit an OPRA request for the documents.

Ermon Jones, 807 Stamford Drive, asked the Committee to keep the community informed on the progress of the West Lake Avenue redevelopment. A letter was received on October 18th indicating that additional funding was received from the state.

Dorothy Argyros, 2100 Rutherford Avenue, spoke against dumping 1.5 million cubic yards of river sludge on 16 acres of Shark River Park. There is fecal coli form in the material. She reviewed various diseases that can result from exposure to fecal coli form. The Mayor stated that the scope of the project is 100,000 cubic yards, not 1.5 million.

Michael Fornino, Fulham Place, stated that the meeting agenda refers to a silent prayer, but it should be called a Moment of Silence. He asked the Committee to speak to George Jackson, the Business Administrator in Eatontown. Mr. Jackson says that speed tables are effective. The Mayor stated that he spoke to Mr. Jackson. Mr. Fornino stated that people are fed up with speeding. Mr. Bishop stated that the Eatontown Mayor says the speed tables work in some, but not all, instances.

Mr. McMillan arrived.

Heinz Weck, Ocean Grove, stated that the worn and faded pedestrian crossing signs in Ocean Grove should be replaced. He complimented Mr. Bascom on his efforts for the Township.

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

Richard J. Cuttrel,
Municipal Clerk