

TOWNSHIP COMMITTEE MEETING – MAY 23, 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, Kevin B. McMillan and Mayor Eric J. Houghtaling. Absent: Mary Beth Jahn. (Dr. Michael Brantley arrived during the open workshop session)

Also present at the dais were Richard J. Cuttrel, 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:

John Guinco, Attorney representing Parkway 100, addressed the Committee. He stated that the Parkway 100 complex was built in the 1990s on Route 66 on property that was zoned Light Industrial (LI) at that time. The property was placed in a C-3 zone when the Township completed amended its zoning in 2000. The C-3 does not permit the same uses as was allowed in the old LI zone. Mr. Guinco asked that this property be rezoned or grandfathered into the previous permitted uses. He added that Marlboro has an ordinance that grandfathers uses on property back to the zoning that existed at the time the property was developed. This would be an overlay of the old LI uses into the C-3 zone for this property only. Mr. Bascom stated that there may be other properties on Route 66 which would benefit from such an overlay. Mr. Bishop stated that we need to look at other properties in the Route 66 corridor because we just finished the Master Plan revisions. Mr. McMillan asked if this would result in any environmental impacts. Mr. Guinco responded no because it just a use issue in existing buildings. Mr. Anthony stated that Engineering and Zoning should look into this request and have a response within a month.

Mr. Bascom stated that the Township received \$1.2 million for a lake project from the National Resource Conservation Service. This funding will address most, if not all, of the Wesley Lake wall, the portion of the Fletcher Lake bulkheading that has collapsed and dredging for both lakes. Dr. Brantley arrived. Mr. Bishop asked if the State Historical Preservation Office needs to weigh in on this project. Mr. Bascom responded yes because FEMA is involved which automatically triggers a review from that office. Mr. Bascom added that he is waiting on an answer regarding matching funds because the Township already has money appropriated through previous bond ordinances for this purpose. All of the work will be done based on the Birdsall study of the Wesley Lake wall that was done several years ago. The Township already has \$700,000 committed in addition to the grant funding. Mr. Bishop asked if this now makes moot the issue of water displacement. Mr. Bascom responded yes.

The Committee discussed the options and ramifications of rent control in the Township. Mr. Bishop stated that this was just the start of a conversation about rent control. Mr. Anthony stated that he will be providing an opinion letter. He added that most ordinances in other municipalities say that new apartments are included in rent control. There are several options, you can include condo developments of more than three units, you can opt to include mobile homes, but hotels or commercial properties can not be included. Rent control starts after one year of occupancy. The initial rent is market value with any increases thereafter tied to the Consumer Price Index. A landlord can increase rent by an amount greater than the CPI for capital improvements or hardship cases. A Rent Control Board monitors this and makes rulings on special increases. Mr. Anthony continued that the reasons for rent control are that there is no ability for a tenant to shop for a better price elsewhere and it is difficult for renters to find other units so landlords can price gauge. The negatives of rent control are that a landlord can claim that he cannot make capital improvements; however, he can appear before the Board for approval. Also, the value of apartments may be reduced so there is less property tax collected, but that is minimal because new tenants pay market rate in the first year. Without rent control, the possibility of a rent strike exists in which case the renters have to show that a rent increase is unconscionable.

Mr. Bascom stated that the Township is pursuing a meeting with FEMA to follow up on items that may not be funded. The Township has been receiving mixed signals from FEMA on funding eligibility for certain projects. Mr. Gadaleta stated that there are still a number of residents out of their homes. Hope & Healing is conducting weekly meetings at the Municipal Complex for those that need emotional assistance. He added that mortgage companies need to loosen up funds for the purchase of flood damaged homes. There has been a lot of progress with the repair of public property but less with private homes. Finally, World Changers will be coming this summer to assist

with repairs. Mr. Bascom concluded that the application for state funds to elevate homes is on the Township web site.

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:

Real Estate negotiations – Request to repair portion of retaining wall in Right-of-Way
Litigation – Appeal of Code Violation Notice
Litigation – Parkview Inn

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; McMillan, aye; and Houghtaling, aye.

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

Mr. Cuttrell stated that a Township resident submitted a survey and request to repair an existing retaining wall that partially sits in Township Right-of-Way. Mr. Anthony stated that in other towns, he has prepared a License Agreement which says a homeowner can put something in the right-of-way but if necessary, the Township can remove it. Mr. Anthony will prepare the Agreement and charge the homeowner for the expense.

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, Kevin B. McMillan, and Mayor Eric J. Houghtaling. Absent: Mary Beth Jahn

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.

REPORT OF THE CLERK

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

Senior Center statistical report for April.

A certificate of appreciation from the Monmouth County Board of Freeholders to the Township for participating in the Paint the Town Pink Month.

COMMENTS FROM THE DAIS

Randy Bishop stated he stopped by Midtown's Urban Renaissance Beautification Day and there wasn't as many people. They were working in Liberty Park and in that area. He had a chance to see where they were with the community gardens which was really good. He met with the Winding Ridge Tenants Association and they were talking about what was going on with the conversion from affordable housing to market rate housing and really the displacement of 99 families. They also began entertaining discussion regarding the concept of rent control in Neptune Township. He also stated he attended the Police Memorial along with the Mayor and Committeeman McMillan. Unfortunately two more names of officers were added to the list of who were killed in the line of duty in the state of New Jersey.

Kevin McMillan stated he attended the police memorial and it was a solemn ceremony. He stated it was his first time ever going and it won't be his last. He stated it was a good program he had the opportunity of being a referee at the Midtown Beautification Day. Before it rained it was pretty good. He also stated he attended the West Neptune Homeowners Meeting where Mr. Golub presided.

Dr. Brantley stated he attended the police memorial which was very good. He had a friend who lost a relative in the line of duty and felt it should be done every year. He went on to state the slide show was great and he would be attending more of the memorials in the future.

Mayor Eric Houghtaling stated he attended the MURC clean up day. He thanked both Dianna Harris and Gail Oliver for doing such a nice job. He stated Public Works put together a flower garden box that was installed there and filled with topsoil and they would be getting started with that process real soon. He stated last year Pastor Brown talked about community spirit for that area to draw young adults to enjoy the park. He stated the area was now thriving with community spirit. He stated he also had the opportunity to meet with members of the Firemen's Fund Insurance Co. and they donated \$12,500 to our fire companies. He stated he also attended the little league dance and every year they recognize past volunteers and this year there were two more volunteers for their wall of honor. He attended the Gables Residents Association meeting, the County Tourism Office and they are trying to put the message out that the shore is back and various things would be done by the county to promote tourism in our area. He urged everyone to come out and see the parade on Monday and afterwards Frederick Dempsey Post would have food served. He reminded everyone that the Mayor's Ball was on May 31st and tickets were still available and the proceeds would go to Mary's Place. He stated on June 1st they would have the recovery along the river in the park and tomorrow at 3:30pm at the memorial park on South Riverside Drive they will be having a ceremony to dedicate the park.

Dr. Brantley stated he attended Neptune High School's student activities dinner and scholarships and awards were given out and the students also raised money for the sandy victims. They gave him a check and he turned it into the Township.

PUBLIC COMMENTS ON RESOLUTIONS

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

Michael Fornino, 120 Fulham Place commented on Resolution #13-271 and questioned where was the no passing zone going to be.

Mr. Cuttrell stated it was the entire length of Route 33 and it would not change anything.

Mr. Fornino then referred to Resolution #13-274 and questioned what was a Regional Contribution Agreement.

Mr. Cuttrell stated it was an agreement that the Township has with Wall Township where they are selling ownership of their COAH Obligation to the Township and giving us a certain amount of money to rehab homes.

Mr. Fornino commented on Resolution #13-276 by questioning how much did it cost to do.

Mr. Cuttrell stated they gave a maximum of \$20,000 and they expected it would come in well under that.

Mr. Fornino questioned whether the Township had plans scheduled to replace some of the sewer lines in the Gables.

Mr. Bascom stated he believed they completed three or four phases of it but did not believe they were ready to begin the next phase.

Mr. Fornino referred to Resolution #13-279 by asking whether the affluent from the trailer was going to be put into the sewer system.

The Committee confirmed that it would.

Dorothy Argyros, 2100 Rutherford Avenue commended the Committee for noticing and repairing the sink hole as mentioned in Resolution #13-273. She also questioned what would happen if it was the responsibility of someone else. She stated for instance the disaster at the corner of Route 33/35 and asked who would have to fix it up.

Gene Anthony stated if it was on private property the owner of the property would have to repair it.

Mrs. Argyros stated then it is allowed to exist on private property.

Mr. Anthony stated under certain circumstances it might be changed or it might be a code violation that might prompt some action.

ORDINANCE NO. 13-19 - ADOPTED

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

ORDINANCE NO. 13-19

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 MCCLINTOCK STREET

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; McMillan, aye; and Houghtaling, aye.

ORDINANCE NO. 13-20 - ADOPTED

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

ORDINANCE NO. 13-20

AN ORDINANCE AUTHORIZING A DEED OF DEDICATION AND PERPETUAL STORM DAMAGE REDUCTION EASEMENT AND AGREEMENT WITH THE OCEAN GROVE CAMP MEETING ASSOCIATION

The Mayor requested public comments on the above ordinance, and they were as follows.

Hank Coakley, Valley Road, asked for an explanation of this ordinance. Mr. Anthony stated that this is a required easement from the State of New Jersey as part of the process to allow the Army Corps of Engineers to perform beach replenishment along the coast including the Ocean Grove beach.

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

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

ORDINANCE NO. 13-21 - APPROVED

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

ORDINANCE NO. 13-21

AN ORDINANCE AMENDING ORDINANCE NO. 11-48 ENTITLED "AN ORDINANCE CREATING AND SETTING THE SALARY RANGE FOR NEW JOB TITLES AND AMENDING THE SALARY RANGES FOR ALL OTHER EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH" BY CREATING THE JOB TITLES OF DEPUTY TAX ASSESSOR, PART-TIME COURT SECURITY OFFICER, PART-TIME JAILER AND PART-TIME MUNICIPAL INTERN

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

ORDINANCE NO. 13-22 - APPROVED

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

ORDINANCE NO. 13-22

AN ORDINANCE AUTHORIZING ACCEPTANCE OF DEED OF DEDICATION WITH REGARD TO BLOCK 10017, LOT 9.02 TO THE TOWNSHIP OF NEPTUNE

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 13-21 and 13-22 will be held on Monday, June 10, 2013.

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 NEPTUNE CIRCLE HOLDINGS I, LLC FOR SITE IMPROVEMENTS AT A CAR/TRUCK STORAGE LOT ON ROUTE 66

WHEREAS, Neptune Circle Holdings I, LLC has filed performance bond S0014425, written by First Indemnity of America Insurance Company, Inc. in the amount of \$194,400.00, guaranteeing site improvements at the proposed car/truck storage lot on Route 66 (Block 1007, Lots 6.01 and 67); 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 AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

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 2013 in the sum of \$20,511.00 which is now available from a FY11 United States Department of Justice Edward Byrne Memorial Justice Assistance Grant in the amount of \$20,511.00; and,

BE IT FURTHER RESOLVED that the like sum of \$20,511.00 is hereby appropriated under the caption of FY11 Edward Byrne Justice Assistance Grant; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from the United States Department of Justice FY11 Edward Byrne Memorial Justice Assistance Grant/Interlocal Agreement with the City of Asbury Park and the City of Long Branch in the amount of \$20,511.00; 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 AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE NEW JERSEY OFFICE OF HOMELAND SECURITY THROUGH A GRANT AGREEMENT WITH THE COUNTY OF MONMOUTH

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 2013 in the sum of \$13,333.70 which is now available from a Grant Agreement with the County of Monmouth in the amount of \$13,333.70; and,

BE IT FURTHER RESOLVED that the like sum of \$13,333.70 is hereby appropriated under the caption of Monmouth County Homeland Security ALPR System; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a New Jersey Office of Homeland Security and Preparedness via a Grant Agreement with the County of Monmouth in the amount of \$13,333.07; 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 AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM A CLICK IT OR TICKET 2013 SEAT BELT MOBILIZATION GRANT

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 2013 in the sum of \$4,000.00 which is now available from a NJDL&PS Division of Highway Traffic Safety Click It or Ticket 2013 Seat Belt Mobilization Grant in the amount of \$4,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$4,000.00 is hereby appropriated under the caption of Click It or Ticket 2013 Seat Belt Mobilization; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a NJDL&PS Division of Highway Traffic Safety Click It or Ticket 2013 Seat Belt Mobilization Grant in the amount of \$4,000.00; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

AUTHORIZE AN AMENDMENT TO THE 2013 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE NJDOT YOUTH CORPS URBAN GATEWAY ENHANCEMENT PROGRAM

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 2013 in the sum of \$32,000.00 which is now available from a NJDOT Youth Corps – Urban Gateway Enhancement Program grant in the amount of \$32,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$32,000.00 is hereby appropriated under the caption of NJDOT Youth Corps – Urban Gateway Enhancement Program; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a New Jersey Department of Transportation Youth Corps – Urban Gateway Enhancement Program grant in the amount of \$32,000.00; 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.

SUPPORT THE USE OF A “NO PASSING ZONE” ON ROUTE 33 IN THE TOWNSHIP OF NEPTUNE AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation on Route 33 in Neptune Township; and,

WHEREAS, NJDOT investigation revealed the current centerline pavement markings on Route 33 meet and conform to current design standards; and,

WHEREAS, NJDOT will update existing records to reflect current No Passing Zone conditions along Route 33,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that it supports the use of a “No Passing Zone” on Route 33 in Neptune Township as recommended by NJDOT; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the NJDOT as requested.

EMPLOY PART-TIME KITCHEN AIDES IN THE SENIOR CENTER

WHEREAS, due to the resignation of Deborah Carbone, there is a vacancy in the position of part-time Kitchen Aide in the Senior Center; and,

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

WHEREAS, the Senior Center Director has made her recommendation to hire two individuals on a part-time basis; and,

WHEREAS, funds will be provided in the 2013 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 Doreen Sturgeon and Brenden Kortenhaus be and are hereby employed as part-time Kitchen Aides in the Senior Center, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective May 28, 2013, at an hourly wage of \$9.77; and,

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

AUTHORIZE EMERGENCY REPAIRS TO FILL SINK HOLE ON LOUISVILLE AVENUE

WHEREAS, on May 10, 2013, the Township of Neptune was notified that a sink hole approximately five to six feet in depth and about two and one half feet wide had developed on Louisville Avenue about 100 feet from the intersection with West Bangs Avenue; and,

WHEREAS, the Township Engineer inspected the site and determined that a collapsed storm drain had resulted in an undermining situation creating the sink hole; and,

WHEREAS, the Township Engineer declared that an emergency situation exists due to the possibility of the hole expanding and compromising other utility infrastructure located below the collapse; and,

WHEREAS, the Township Committee declares that this emergency contract was necessary to protect life and property and to ensure the health and safety of our residents due to the extraordinary amount of damage; and,

WHEREAS, Lucas Construction Group was contacted and offered a quote of not to exceed \$20,000.00 to make the necessary repairs; and,

WHEREAS, Lucas was authorized to make the necessary repairs on May 10, 2013; and,

WHEREAS, funds for this purpose are available in Ordinance No. _____ 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 an emergency contract with Lucas Construction Group to make emergency repairs at a sink hole on Louisville Avenue at an amount not to exceed \$20,000.00; and,

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

AUTHORIZE THE CANCELLATION OF MORTGAGES IN CONNECTION WITH REGIONAL CONTRIBUTION AGREEMENT PROJECTS

WHEREAS, the Township of Neptune holds four mortgages with Coleman, Hainesworth, Rudolph and Gill in connection with Regional Contribution Agreement projects; and,

WHEREAS, six full years have passed since the date of the mortgages and all properties remains in the ownership of the borrowers; and;

WHEREAS, the Township desires to cancel said mortgages in accordance with the terms of the mortgage notes,

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 execute a cancellation of mortgages with Coleman, Hainesworth, Rudolph and Gill in connection with Regional Contribution Agreement projects; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the RCA Attorney with the mortgages executed for cancellation.

AUTHORIZE THE REFUND OF SUMMER DOCKAGE FEES AT THE MUNICIPAL MARINA

WHEREAS, Martin Eisenschmeid has made full payment in the amount of \$2,880.00 for summer dockage fees at the Municipal Marina; and,

WHEREAS, due to the ongoing repairs and improvements at the Municipal Marina as a result of damage from Hurricane Sandy, the start of the summer dockage season will be delayed; and,

WHEREAS, Mr. Eisenschmeid has requested a refund of his summer dockage deposit so that he can dock elsewhere; and,

WHEREAS, the Harbor Master recommends a refund of the deposit for summer dockage fees,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to cancel and refund the 2013 Summer Dockage fees in the amount of \$2,880.00 to Martin Eisenschmeid as stated herein; and,

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

AUTHORIZE EMERGENCY REPAIRS TO FILL SINK HOLE ON FULHAM PLACE

WHEREAS, on May 16, 2013, the Township of Neptune was notified that a sink hole approximately nine feet in depth had developed on Fulham Place between Wakefield Road and Berkeley Lane; and,

WHEREAS, the Township Engineer inspected the site and determined that this area has been a repetitive problem for months. The Sewer Department had been filling the sink hole on a regular basis; however, a downstream manhole keeps filling with dirt and material that is not native to the sewer operation; and,

WHEREAS, the Township Engineer declared that an emergency situation exists due to the possibility of the hole expanding and compromising other utility infrastructure located below the collapse; and,

WHEREAS, the Township Committee declares that this emergency contract was necessary to protect life and property and to ensure the health and safety of our residents due to the extraordinary amount of damage; and,

WHEREAS, Lucas Construction Group was contacted and offered a quote of not to exceed \$25,000.00 to make the necessary repairs; and,

WHEREAS, Lucas was authorized to make the necessary repairs on May 17, 2013; and,

WHEREAS, funds for this purpose are available in Ordinance No. 07-41 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 an emergency contract with Lucas Construction Group to make emergency repairs at a sink hole on Fulham Place at an amount not to exceed \$25,000.00; and,

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

PLACE LIEN ON 506 GREEN GROVE ROAD

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>
340/20	506 Green Grove Road	\$1,853.00

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

GRANT TEMPORARY EXTENSION OF LIQUOR LICENSE PREMISES TO SHORE LANES

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the application of Shore Lanes for a temporary extension of premises at Shore Lanes, 701 Highway 35, on June 8, 2013 from 11:00 A.M. to 8:00 P.M.

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

AUTHORIZE LEASE OF A RESTROOM TRAILER FOR MUNICIPAL MARINA

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

WHEREAS, the Purchasing Agent solicited quotes for the lease of a restroom trailer for the Municipal Marina; and,

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

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

WHEREAS, funds for this purpose will be provided in the Special Emergency Appropriation – Marina Utility 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 five month lease of a restroom trailer for the Municipal Marina be and is hereby authorized through Williams Scotsman, Inc. pursuant to their quote of \$20,038.40; 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 Harbor Master.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; McMillan, aye; and Houghtaling, 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	6,059,595.10
FEDERAL & STATE GRANT FUND	7,513.03
TRUST OTHER	7,938.62
GENERAL CAPITAL FUND	78,263.12
SEWER OPERATING FUND	26,114.88
MARINA OPERATING FUND	97,988.77
MARINA CAPITAL FUND	16,665.00
DOG TRUST	666.00
LIBRARY TRUST	1,691.57
BILL LIST TOTAL	\$6,296,436.09

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; McMillan, aye; and Houghtaling, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Mr. McMillan left the meeting.

Kennedy Buckley, Broadway, stated there was a house in Ocean Grove that was sited in 2010 and it had five code violations that were repeated again in 2013 with fines paid and nothing has happened. He stated half of the ownership has changed. He questioned whether the Township would have to reissue violations or start all over. Mr. Buckley went on to state that it came up in the Workshop meeting that a Federal Grant was received to repair the Wesley Lake wall. He questioned whether Neptune would be reimbursed by whoever develops that area.

Mr. Anthony answered in response to his first question that there would probably be new violations unless there was a plea agreement that extends to the next owner.

Mr. Buckley then asked about the Parkview Inn situation.

(Mr. Bishop left the room during the discussion of the Parkview Inn)

Mr. Anthony stated it was a foreclosure and just before it went into effect there was a bankruptcy filed that stays the foreclosure. He stated it stays our consent agreement to complete development of the unit and now we have to go through the bankruptcy process which could mean setting aside the bankruptcy. It could mean filing an application to put aside certain conditions so that other things could be done with the building. It could mean a lot of things but right now we have to go through the bankruptcy proceeds.

Michael Bascom stated as far as the law was concerned the intent was definitely to recover funding from the redeveloper but at this point he doesn't have a written agreement finalized.

Mr. Buckley questioned why would they fix it, if they did not have an agreement.

Mayor Houghtaling stated they have not fixed anything yet.

Mr. Bascom stated to be very clear the wall is ours and it's our responsibility to maintain it but what we are trying to do is pass some of that responsibility to the developer. He stated they did not have a final agreement.

Mr. Bishop returned.

Michael Fornino, 120 Fulham Place, stated at a previous meeting he was asked to find out about the speed tables. He stated he had the specifications and read them to the Committee. He

also stated that both he and Vito Gadaleta were members of the Asbury Park Rotary Club and with the situation in Oklahoma the Rotary Club has provided shelter boxes which contains tents and other necessities to keep them alive for ten days. He stated so many homes were destroyed and they received an email indicating Oklahoma had so many homes that were damaged and they were accepting donations. Mr. Fornino stated in the past they've also donated shelter boxes to Haiti as well. He stated the donations were tax deductible.

Constance Holmes, President of Winding Ridge Tenants Association, asked if the Committee could give her information on the Winding Ridge situation.

Randy Bishop stated as a Committee they haven't discussed what action they can take. He stated something has come up to light and Mr. Anthony will be sitting down with the engineer, the planner and himself to discuss the impact of taking the units out of our affordable housing plan which is actually a plan that the State approves and there may be a way to look at that in terms of what DCA has done. He stated there were several fronts they were trying to attack this on and this will make it stop from happening and the magic date is February 2015 and they are not going to wait anytime later to do something.

Mayor Houghtaling stated they would do the best that they could.

Dorothy Argyros, 2100 Rutherford Avenue, referred to a flier she circulated regarding the property that WaWa was on. She stated she did not understand why this was going on so long. She stated not only was it a danger it was an insult. She stated the land was contaminated and that children have gotten cancer from the old Exxon gas station that was previously there. She went on to state that she made numerous calls and it appears as though nothing is being done. She stated if someone gets hurt she will go to her attorney.

Mayor Houghtaling stated she's called everyone but the Mayor and she could put him on her speed dial.

Michael Golub, Cliffwood Drive, stated he was happy with the Mayor's response because its obvious that no one would like to see these conditions in the front of their homes. He also expressed his concerns regarding the issues on Hamilton commons because there is a tremendous amount of loss of property due to run off from AIG and the same with Shorebrook Circle whose conditions are due to the Pointe. He stated the conditions near AIG could eventually affect the ball field.

Ophelia Davis, Winding Ridge, has been a tenant of Winding Ridge for the past 17 years and is a disable veteran. When she moved in she never thought that she would have to move and never thought the rent would become so high. The other homes she's looked at are not in Neptune and she cannot afford to move to other towns.

Carla Gibson, Neptune Garden Apartments, they had a meeting earlier this year and they stated they would not raise the rent because they were afraid lawyers would get involved. Then they said they received notice that the rent would be frozen. Then they received a notice stating that the rent would be increased by \$350. Then they stated that they would not fix any apartments until they fixed the ones that were leaking. She stated there were a lot of apartments with sewer problems. She also stated that there was just a shooting that took place near the apartment the other day. She did not want to relocate and have her son go to another school. She asked for assistance.

Carol Morgan, Vice-President Winding Ridge Tenants Association, stated Mr. Bishop has been a big help to them over the years and now Mrs. Argyros is a big help. She's lived there for 17 years and would like to stay there and would like for the Township to help them.

Hank Coakley, Valley Road, questioned who supervises the various construction projects going on in the town. He stated there were projects that he wanted to bring up. He stated when they changed the level of Hillcrest Avenue they raised the gutter level when the lot drains were replaced they were reduced in size and they faced down hill so the water coming east bound down the hill would flow into the lot. Also on Route 33/Brighton Avenue when it was rebuilt there were so many signs that contradicted themselves. He stated the latest one was at the head of Melrose Avenue on the western end. He stated when they leveled the trees they covered the drainage. He came home from a vacation and saw the drain was covered and there was stagnant water and the lady that leaves near there has a six month old baby. He stated the water stinks and he felt something was lacking and he would really appreciate if the Township looked into this.

Dr. Brantley stated he wanted to go back to the mold in the apartments. He stated they were doing all that they could but asked the Committee if they could look at the mold situation in the apartments.

Mr. Anthony stated normally they would contact the Code Department or the Board of Health or she could contact them or herself.

A Representative from NJ Hope & Healing, stating they were reaching out to homeowners and has a support group for the residents that were affected by super storm Sandy.

Mr. Bishop asked if it could go on the website. Mr. Gadaleta stated he would put in on an email blast reminding everyone of the service.

Robin Robinson, Winding Ridge, stated she was a life long Neptune resident and she wanted to remain in Winding Ridge. Her daughter graduated from Neptune as well and she hoped that the Township could help them.

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

Richard J. Cuttrell,
Municipal Clerk