

TOWNSHIP COMMITTEE SPECIAL MEETING – JULY 27, 2020

Mayor Lane called the virtual meeting to order at 5:00 p.m. and announced that video and audio access to the meeting is via townhallstreams.com/towns/neptune_nj.

The Mayor requested the Clerk to call the roll. The following members were present: Kevin B. McMillan, Carol Rizzo, and Mayor Robert Lane, Jr. Absent: Dr. Michael Brantley and Nichlolas Williams.

Also present at the dais were Richard J. Cuttrel, Municipal Clerk; Vito D. Gadaleta, Business Administrator; Michael J. Bascom, C.F.O. and Gene Anthony, Township Attorney.

Mayor Lane announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on July 23, 2020, which included a notice of virtual meeting with web access instructions, 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.

ORDINANCE NO. 20-18 - APPROVED

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

ORDINANCE NO. 20-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON COOKMAN AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON EMBURY AVENUE

The ordinance was approved on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

ORDINANCE NO. 20-19 - APPROVED

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

ORDINANCE NO. 20-19

BOND ORDINANCE PROVIDING FOR VARIOUS 2020 ROADWAY AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,900,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The ordinance was approved on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

ORDINANCE NO. 20-20 - APPROVED

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

ORDINANCE NO. 20-20

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF VEHICLES, EQUIPMENT, OFFICE EQUIPMENT AND FURNITURE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$427,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

The ordinance was approved on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

ORDINANCE NO. 20-21 - APPROVED

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

ORDINANCE NO. 20-21

SEWER UTILITY BOND ORDINANCE PROVIDING FOR PHASE VI OF THE GABLES AREA SANITARY SEWER REHABILITATION PROJECT, THE REPLACEMENT OF VARIOUS SEWER FORCE MAINS AND LINES, VARIOUS PUMP STATION IMPROVEMENTS AND VARIOUS SANITARY SEWER SYSTEM INFRASTRUCTURE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,375,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Ms. Rizzo asked for the interest rate on these bonds. Mr. Bascom replied that short term funding will be done first. The Township financed \$7 million in short term financing at a rate of 0.64% so expect similar rates. Some of this will go to the Monmouth County Improvement Authority which had a rate of 2.6% the last time long term financing was issued.

The ordinance was approved on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

ORDINANCE NO. 20-22 - APPROVED

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

ORDINANCE NO. 20-22

MARINA UTILITY BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO DOCKS AND RAMPS AND FOR PRELIMINARY COSTS RELATED TO DREDGING THE MARINA BASIN, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$95,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

Ms. Rizzo asked if the marina is still self-liquidating meaning the taxpayers bear none of the costs associated with the marina. Mr. Bascom responded yes.

The ordinance was approved on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

ORDINANCE NO. 20-23 - APPROVED

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

ORDINANCE NO. 20-23

SEWER UTILITY CAPITAL ORDINANCE PROVIDING FOR EQUIPMENT AND FURNITURE FOR THE SEWER UTILITY, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$75,000 FROM THE TOWNSHIP'S SEWER UTILITY CAPITAL SURPLUS FUND TO PAY FOR THE COST THEREOF

The ordinance was approved on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

Mr. Cuttrell stated that the Public Hearings on Ordinances 20-18 through 20-23 will be held on Monday, August 10, 2020.

PUBLIC COMMENTS ON RESOLUTIONS

Mayor Lane asked for public comments regarding resolutions on this agenda via text to 908-415-3680.

There was one question that was held until a resolution was acted upon after Executive Session. There were no other questions.

DECLARE THE SUNSHINE VILLAGE SKATEPARK IMPROVEMENT PROJECT AS COMPLETE

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

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Township of Neptune entered into a Municipal Open Space Program Grant Agreement with the County of Monmouth on April 2, 2018 that provided \$165,000.00 for Sunshine Field Skatepark Improvements under Application No. 17-05 that required certain conditions be met by the Township of Neptune prior to receipt of the aforesaid funds; and

WHEREAS, the Monmouth County Park System requires a certified copy of a resolution of the governing body determining that the project aforesaid was finally complete and a closing statement of "Final Change Order" adopted by the governing body,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that all conditions of the April 2, 2018 Grant Agreement have been satisfied by the Township of Neptune and that the project known as Sunshine Village Skatepark Improvement Project has been completed; and

BE IT FURTHER RESOLVED, that the Township of Neptune made final payment to the contractor Spohn Ranch and that payment was made per voucher on 9/23/2019 under Check No. 30533, resulting in a total project cost for Spohn Ranch of \$310,000.00. Voucher and check are hereby attached and also on file in the Municipal Clerk's Office; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Township Engineer and Monmouth County Park System.

The resolution was adopted on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

GRANT UNPAID LEAVE OF ABSENCE UNDER THE FAMILY MEDICAL LEAVE ACT

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

WHEREAS, Richard Handy, Driver in the Department of Public Works, has requested an unpaid leave of absence under the provisions of the Family Medical Leave Act; and,

WHEREAS, the Human Resources Director has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Richard Handy, Driver in the Department of Public Works, is hereby granted an unpaid leave of absence under the provisions of the Family Medical Leave Act from May 18, 2020 to September 1, 2020; and,

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

The resolution was adopted on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

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

Mr. McMillan offered the following resolution, moved and seconded by Ms. Rizzo, 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/Potential Litigation – Personnel Investigative Report
Litigation – Settlement in Savage v. Neptune, et.al.

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: McMillan, aye; Rizzo, aye; and Lane, aye.

The Committee entered executive session for discussion on a litigation matter.

Mr. McMillan offered a motion, seconded by Ms. Rizzo, to return to open session. All were in favor.

PUBLIC COMMENTS ON RESOLUTION

Mayor Lane asked for public comments regarding the resolution authorizing a settlement on this agenda in via text to 908-415-3680.

Nancy Clarke, asked what effect this settlement will have on the Kyheem Davis matter. Mr. Anthony stated that this is a stand alone case and has no impact on the Davis matter.

Rich Williams, asked for the financial impact of the settlement. Mr. Bascom responded that the insurance carrier is covering the large majority of the cost. The Township has a small share which is already in the municipal budget.

Barbara Burns, asked if there is a confidentiality agreement. Mr. Anthony responded that there is no such clause in this agreement and that confidentiality agreement have been deemed unenforceable by the courts.

Nancy Clarke, asked if there will be an impact on out insurance coverage. Mr. Bascom replied that there should be no impact. This is an old case and the Township does not have many other claims pending.

Mr. Anthony stated that since this is a public meeting, public comments should be accepted on any other matter. However, the Committee would not have to respond unless the matter is on the agenda for consideration.

Joan Venezia, asked for a status of the CAFRA permit for the North End project. Mr. Gadaleta replied that OGNED is providing additional information requested by the NJDEP and he has no update.

Rich Williams asked the status of the extension of Mr. Gadaleta's employment contract. Mr. Anthony stated that this is not an agenda item and in his opinion, the Committee cannot discuss.

AUTHORIZE SETTLEMENT IN THE MATTER OF SAVAGE V. TOWNSHIP OF NEPTUNE, ET ALS., DOCKET NO. MON-L-1528-16

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

WHEREAS, Christine Savage (Plaintiff) has filed a lawsuit against the Township of Neptune (Neptune) and several individual Defendants (collectively referred to as (defendants”) alleging

various causes of action including New Jersey Law Against Discrimination and New Jersey Civil Rights Violations (Savage v. Neptune, et. als., Docket No. Mon. L-1528-16); and,

WHEREAS, the Township had filed charges against Plaintiff for various violations of Police Department policies; and,

WHEREAS, Judge Eugene J. McCaffrey, Jr. (Ret) served as mediator and assisted the Parties in resolving the pending litigation and personnel issues; and,

WHEREAS, all parties, to the pending matters, recognize the uncertainty of potential outcomes and the fees and costs of the continued litigation; and,

WHEREAS, the parties wish to reach a global settlement of pending litigation, personnel matter, and claims by executed a Settlement Agreement; and,

WHEREAS, in addition to other considerations as detailed in the Settlement Agreement, Plaintiff will remain employed by the Township until retirement; and,

WHEREAS, the following matters will be dismissed with prejudice as to all Parties on the date a global Settlement of all pending matters has been placed on the record in Superior Court after this Settlement Agreement has been fully executed:

- a) Savage v. Neptune et. als., Docket # Mon L-1528-16
- b) Savage v. Neptune et. als., Docket # Mon L-1185-20
- c) Neptune v. Savage Disciplinary Charges filed: IA Case Number 20-5 and 18-02 and any other pending IA's/disciplinary charges; and
- d) Christine Savage and Kyheem Davis v. Neptune Township, et al., Appellate Docket No.: A-001713-19, Law Division Docket No.: MON-L-685-18 (i.e., Plaintiff will dismiss with prejudice her claims only).

THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, that the governing body hereby authorizes execution of a Settlement Agreement, a copy of which is on file in the Office of the Municipal Clerk in the case of Savage v. Township of Neptune, et als., in the Superior Court of New Jersey, under Docket No. MON-L-1528-16; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Chief Financial Officer, and Human Resources Director.

The resolution was adopted on the following vote: McMillan, aye; Rizzo, aye; and Lane, aye.

Mr. McMillan offered a motion, seconded by Ms. Rizzo, to return to closed session. All were in favor.

The Committee entered executive session for discussion on a potential litigation/personnel matter.

Mr. McMillan offered a motion, seconded by Ms. Rizzo, to return to open session. All were in favor.

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

Richard J. Cuttrel,
Municipal Clerk