

**TOWNSHIP COMMITTEE WORKSHOP MEETING – NOVEMBER 9, 2017 – 6:00 P.M.**

Mayor Brantley calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

ROLL CALL

PRESENT/ABSENT

|                      |       |
|----------------------|-------|
| Robert Lane, Jr.     | _____ |
| Kevin B. McMillan    | _____ |
| Carol Rizzo          | _____ |
| Nicholas Williams    | _____ |
| Dr. Michael Brantley | _____ |

Also present: Gene Anthony, Township Attorney; and Richard J. Cuttrel, Municipal Clerk.

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster on January 12, 2017, and the Asbury Park Press on January 5, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Finalize ordinance regulating the use of public parks and building facilities. (PW)
2. Discussion – Canned food drive for Puerto Rico.
3. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 17-425 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**TOWNSHIP COMMITTEE MEETING – NOVEMBER 9, 2017 – 7:00 P.M.**

Mayor Brantley calls the meeting to order and asks the Clerk to call the roll:

**ROLL CALL**

**PRESENT/ABSENT**

|                      |       |
|----------------------|-------|
| Robert Lane, Jr.     | _____ |
| Kevin B. McMillan    | _____ |
| Carol Rizzo          | _____ |
| Nicholas Williams    | _____ |
| Dr. Michael Brantley | _____ |

Also present at the dais: Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Silent Prayer and Flag Salute

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

Mayor Brantley announces 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 5, 2017 and in the Coaster on January 12, 2017, 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](http://www.neptunetownship.org).

**APPROVAL OF MINUTES** - Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meeting held on October 23rd.

**PRESENTATION** – Committeewoman Rizzo and the Township Committee will present the American Planning Association Great Neighborhood Award to various business and civic groups from Ocean Grove.

**COMMENTS FROM THE DAIS** - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

**PUBLIC COMMENTS ON RESOLUTIONS** - Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

**ORDINANCES** - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes.

**ORDINANCE NO. 17-42** - An ordinance to amend Chapter II of the general ordinances of the Township of Neptune, Article II, Section 2-10 entitled, "Police Department," "Department Established" and "Establishing the Rules and Regulations of the Police Department" – Final Reading

*Explanatory Statement: This ordinance amends the Police Department ordinance to establish the procedure and eligibility for appointment of the Chairperson of the Police Committee and establish the legislative process for adopting and amending Rules and Regulations of the Police Department.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**ORDINANCE NO. 17-43** - 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 Lawrence Avenue – Final Reading

*Explanatory Statement: This ordinance authorizes resident only handicapped parking zones adjacent to 146 Main Avenue.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

### **CONSENT AGENDA**

Res. # 17-426 – Place lien on various properties.

Res. # 17-427 – Accept the resignation of Franklin Carson as a School Crossing Guard.

Res. # 17-428 – Accept donation of a cargo trailer from Neptune Township Fire District #1.

Res. # 17-429 – Accept the resignation of Linda Maxwell as a member of the Fletcher Lake Commission.

Res. # 17-430 – Accept the resignation of Hector Bueso as a Jailor in the Police Department.

Res. # 17-431 – Authorize a reduction in the performance guarantee filed by Heritage at Neptune, LLC for site improvements at Walnut Grove subdivision (Ingles Court).

Res. # 17-432 – Accept the resignation of Sandra Hanley as a School Crossing Guard.

Res. # 17-433 – Authorize New Jersey Office of Emergency Management deployment of Sergeant Jose Arce of the Neptune Township Police Department to Puerto Rico to assist in the emergency/recovery effort.

Res. # 17-434 – Authorize Subordination, Attornment and Non-Disturbance Agreement and Tenant Estoppel Certificate between Neptune Township and Natixis Real Estate Capital, LLC.

Res. # 17-435 – Authorize Change Order #1 (final) in connection with the 2016 Road Improvement Program.

Res. # 17-436 – Authorize replacement of storm water pipe located under Poppy Drive at Gully Road.

Res. # 17-437 – Approve selection of legal counsel to represent former Police Chief Robert H. Adams, Sr. in lawsuit for punitive damages.

Res. # 17-438 – Authorize the transfer of 2017 budget appropriations.

Res. # 17-439 – Authorize the purchase of replacement servers for the video surveillance system in the Police Department through the Middlesex Regional Education Services Commission Purchasing Program.

Res. # 17-440 – Amend schedule of rates for Special Duty Assignments for Police Officers to add an administrative fee.

CONSENT AGENDA Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-441 – Award bid for Municipal Complex roof project.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-442 – Extend offer of employment for the position of Violations Clerk in the Municipal Court.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-443 – Extend offer of employment for the position of Deputy Municipal Court Administrator.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**The Mayor announces the following appointments to the Environmental/Shade Tree Commission:**

**William Heyniger (currently the Alternate #1 member) to an unexpired three year term.  
Nadia Holzer as the Alternate #1 member to an unexpired two year term**

Res. # 17-444 – Confirm Mayor's appointments to the Environmental/Shade Tree Commission.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-445 – Authorize payment of bills.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-446 – Authorize Developer’s Agreement with VASM, LLC, for site improvements at Block 209, Lot 5 (44 Main Avenue).

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

Res. # 17-447 – Authorize defense of a lawsuit entitled, “MLF Lexserv, L.P., v. the Neptune Township Department of Vital Statistics.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_; Brantley, \_\_\_\_\_.

**PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS**

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

**ADJOURNMENT**

RESOLUTION #17-425 – 11/9/17

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

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:  
  
Contract negotiations – RFPs for 2018 professionals  
Personnel – Recommendation for hiring to positions in the Municipal Court
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.

RESOLUTION #17-426 - 11/9/17

PLACE LIEN ON VARIOUS PROPERTIES

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

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

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

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

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

| <u>BLOCK/LOT</u> | <u>ADDRESS</u>   | <u>AMOUNT</u> |
|------------------|------------------|---------------|
| 713/17           | 505 Fisher Place | 585.97        |

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

RESOLUTION #17-427 - 11/9/17

ACCEPT THE RESIGNATION OF FRANKLIN CARSON AS A  
SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Franklin Carson resigning as a School Crossing Guard effective October 12, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Franklin Carson as a School Crossing Guard is hereby accepted effective October 12, 2017; and,

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



RESOLUTION #17-428 - 11/9/17

ACCEPT DONATION OF A CARGO TRAILER FROM  
NEPTUNE TOWNSHIP FIRE DISTRICT #1

WHEREAS, the Neptune Township Fire District #1 has declared that a 2002 Homesteader cargo trailer owned by the District is no longer needed by the District and is therefore surplus equipment; and,

WHEREAS, the Township Public Works Department is in need of a trailer; and,

WHEREAS, the Fire District has offered the cargo trailer to the Township of Neptune at no cost,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts a donation of a 2002 Homesteader cargo trailer bearing vehicle identification number 5HABA12132N018505 from the Neptune Township Fire District #1 at no cost to the Township for use by the Neptune Township Public Works Department; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Assistant C.F.O and Neptune Fire District #1.

RESOLUTION #17-429 - 11/9/17

ACCEPT THE RESIGNATION OF LINDA MAXWELL AS A  
MEMBER OF THE FLETCHER LAKE COMMISSION

WHEREAS, the Township Clerk has received a letter from Linda Maxwell resigning as a member of the Fletcher Lake Commission effective October 25, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Linda Maxwell as a member of the Fletcher Lake Commission is hereby accepted effective October 25, 2017; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Fletcher Lake Commission.

RESOLUTION #17-430 - 11/9/17

ACCEPT THE RESIGNATION OF HECTOR BUESO AS A  
JAILOR IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Hector Bueso resigning as a Jailor in the Police Department effective November 10, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Hector Bueso as a Jailor is hereby accepted effective November 10, 2017; and,

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

RESOLUTION #17-431 – 11/9/17

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY  
HERITAGE AT NEPTUNE, LLC FOR SITE IMPROVEMENTS AT  
WALNUT GROVE SUBDIVISION (INGLES COURT)

WHEREAS, on August 22, 2016, the Township Committee adopted a resolution which accepted performance bond 38533 in the amount of \$177,067.73 filed by Heritage at Neptune, LLC written by The Service Insurance Company guaranteeing site improvements at the Walnut Grove subdivision, Ingles Court (former Block 3032, Lots 66, 74 & 75); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a 70% reduction in the performance guarantee which is the maximum amount of reduction permitted under the Municipal Land Use Law; and,

WHEREAS, the Developer will be notified to post a Change Rider reducing the amount of the performance bond from \$177,067.73 to \$53,120.32 and the Municipal Clerk will accept said Rider when posted; and,

WHEREAS, the cash portion of the performance guarantee will also be reduced by 70%,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Walnut Grove Subdivision, Ingles Court (formerly Block 3032, Lots 66, 74 & 75) be and is hereby approved to the amount of \$53,120.32 and the Change Rider submitted to affect said reduction is hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate 70% amount of cash portion of the performance guarantee in the amount of \$13,771.93 shall be refunded to the Developer; and,

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

RESOLUTION #17-432 - 11/9/17

ACCEPT THE RESIGNATION OF SANDRA HANLEY AS A  
SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Sandra Hanley resigning as a School Crossing Guard effective October 27, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Sandra Hanley as a School Crossing Guard is hereby accepted effective October 27, 2017; and,

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

RESOLUTION #17-433 – 11/9/17

AUTHORIZE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT DEPLOYMENT OF  
SERGEANT JOSE ARCE OF THE NEPTUNE TOWNSHIP POLICE DEPARTMENT TO  
PUERTO RICO TO ASSIST IN THE EMERGENCY/RECOVERY EFFORT

WHEREAS, the New Jersey Office of Emergency Management, through Monmouth County, has sought the deployment of bilingual-speaking Police Officers from Long Branch, Howell Township, Freehold Borough, Neptune Township, Red Bank and Middletown to Puerto Rico to address the emergency conditions there as a result of Hurricanes Irma and Maria for a period of two weeks to four weeks; and

WHEREAS, the Chief of Police has indicated that the temporary deployment of Sergeant Jose Arce of the Neptune Township Police Department will not adversely affect law enforcement in Neptune Township, since the deployment is temporary and part of a mutual aid arrangement.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes and encourages the deployment of Sergeant Jose Arce and commends him on his volunteer acceptance of deployment to Puerto Rico on a temporary basis as set forth more fully above; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Human Resources Director and Police Committee.

RESOLUTION #17-434 – 11/9/17

AUTHORIZE SUBORDINATION, ATTORNMENT AND NON-DISTURBANCE AGREEMENT  
AND TENANT ESTOPPEL CERTIFICATE BETWEEN NEPTUNE TOWNSHIP AND NATIXIS  
REAL ESTATE CAPITAL, LLC

WHEREAS, on June 13, 2005, Cityworks West Lake, LLC, as a Redeveloper, entered into a Redevelopment Agreement with Neptune Township with regard to the West Lake Avenue Redevelopment Area, and then entered into a Lease Agreement with Neptune Township as a Tenant on property located at 1800-1836 West Lake Avenue, Neptune Township, New Jersey, subject to the terms of the Lease Agreement dated September 22, 2008; and

WHEREAS, West Lake Neptune, LLC and West Lake Neptune II, LLC, located at 250 Moonachie Road, Suite 302, Moonachie, New Jersey, has purchased the subject property and is succeeded to the interest of Cityworks Neptune Office, LLC as Landlord of the subject property; and

WHEREAS, West Lake Neptune, LLC and West Lake Neptune II, LLC has received financing for the purchase of the subject property from Natixis Real Estate Capital, LLC, which requires that Neptune Township, as the Tenant to the subject property must execute a Subordination, Attornment and Non-Disturbance Agreement for financing to take place, requiring the Lease Agreement between Neptune Township and now West Lake Neptune, LLC and West Lake Neptune II, LLC be subject and subordinate to the terms of the Mortgage and Mortgage Lien obtained by Natixis Real Estate Capital, LLC, and that as long as the Tenant is not in default when the successor Landlord takes title, the successor Landlord, namely West Lake Neptune, LLC and West Lake Neptune II, LLC will not terminate or disturb the Tenant's possession of the leased premises; and

WHEREAS, the Tenant, Neptune Township, shall also execute a Tenant Estoppel Certificate to Natixis Real Estate Capital, LLC indicating that the Tenant, Neptune Township, is still under the Lease Agreement of September 22, 2008, which shall remain in full force and effect, and represents a sole agreement between the Tenant and the Landlord, and that there are no existing or future payments of any kind owed to the Tenant in connection with the Lease and verifying the terms of the Lease Agreement, including two five-year options of renewal.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Mayor and Clerk to execute and acknowledge execution of a Tenant Estoppel Certificate between Natixis Real Estate Capital, LLC and Neptune Township and a Subordination, Attornment and Non-disturbance Agreement between Natixis Real Estate Capital, LLC; Neptune Township and West Lake Neptune, LLC and West Lake Neptune II, LLC, the purchaser of the aforesaid property, so as to allow financing and purchase of the aforesaid property at 1800-1836 West Lake Avenue, Neptune Township, New Jersey, by West Lake Neptune, LLC and West Lake Neptune II, LLC, with financing through Natixis Real Estate Capital, LLC.; and,

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

RESOLUTION #17-435 - 11/9/17

AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH  
THE 2016 ROAD IMPROVEMENT PROGRAM

WHEREAS, ON February 13, 2017, a contract was awarded to P&A Construction in the amount of \$896,660.50 in connection with the 2016 Road Improvement Program; and,

WHEREAS, a change to the contract has been experienced as a result of final as-built quantities and an escalation in the fuel and asphalt price adjustment based on the NJDOT standard allowable deviation; and,

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

WHEREAS, funds for this purpose are available in Ordinances No. 07-40 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 #1 in the contract with P&A Construction in connection with the 2016 Road Improvement Program resulting in a net increase of \$37,990.09 revising the total contract amount to \$934,650.59; and,

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



RESOLUTION #17-436 – 11/9/17

AUTHORIZE REPLACEMENT OF STORM WATER PIPE  
LOCATED UNDER POPPY DRIVE AT GULLY ROAD

WHEREAS, the Township Engineer solicited quotes for the replacement of 120 linear feet of storm water pipe under Poppy Drive near the intersection with Gully Road where a sinkhole has formed; 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 Township Engineer and the Purchasing Agent who have 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 Ordinance No. 07-40, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Mark Woszczak Mechanical Services be and is hereby authorized to replace 120 linear feet of storm water pipe under Poppy Drive near the intersection with Gully Road pursuant to their quote of \$24,000.00; and,

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

RESOLUTION #17-437 - 11/9/17

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT FORMER  
POLICE CHIEF ROBERT H. ADAMS, SR. IN LAWSUIT FOR PUNITIVE DAMAGES

WHEREAS, Robert H. Adams, Sr., former Chief of Police, has been named as a Defendant in the matter of Kirsten Seidel, et al. v. Robert H. Adams, Sr. and has requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, in accordance with the individual employment contract of former Chief Adams, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted to former Police Chief Robert H. Adams, Sr, to retain Fox Rothschild, LLP as legal counsel for the claim of punitive damages in the matter of Kirsten Seidel, et al. v. Robert H. Adams, Sr. at an amount not to exceed \$2,500.00; and,

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

RESOLUTION #17-438 - 11/9/17

AUTHORIZE THE TRANSFER OF 2017 BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and,

WHEREAS, the Chief Financial Officer has recommended that the following appropriation transfers be authorized:

| <u>GENERAL BUDGET LINE ITEM</u> | <u>TO</u>  | <u>FROM</u> |
|---------------------------------|------------|-------------|
| Administration O.E.             | 2,500.00   |             |
| Legal O.E.                      | 300,000.00 |             |
| Land Use S&W                    | 17,000.00  |             |
| Code Enforcement S&W            | 2,000.00   |             |
| E.M.S. O.E.                     | 25,000.00  |             |
| E.M.S. S&W                      | 75,000.00  |             |
| Building Maintenance S&W        | 35,000.00  |             |
| Publicity O.E.                  | 8,500.00   |             |
| Interest on Bonds               | 98,770.00  |             |
| Community Programs S&W          |            | 17,000.00   |
| Construction S&W                |            | 2,000.00    |
| Group Insurance                 |            | 65,000.00   |
| Police S&W                      |            | 75,000.00   |
| Roads S&W                       |            | 135,000.00  |
| Solid Waste S&W                 |            | 100,000.00  |
| Vehicle Maintenance O.E.        |            | 15,000.00   |
| Natural Gas                     |            | 12,000.00   |
| Gasoline                        |            | 44,000.00   |
| Bond Principal                  |            | 98,770.00   |

| <u>MARINA UTILITY LINE ITEM</u> | <u>TO</u> | <u>FROM</u> |
|---------------------------------|-----------|-------------|
| Interest on Bonds               | 8,075.00  |             |
| Note Principal                  | 869.00    |             |
| Bond Principal                  |           | 8,944.00    |

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that 2017 Budget Appropriations be transferred as stated herein; and,

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

RESOLUTION #17-439 - 11/9/17

AUTHORIZE THE PURCHASE OF REPLACEMENT SERVERS FOR THE VIDEO SURVEILLANCE SYSTEM IN THE POLICE DEPARTMENT THROUGH THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION PURCHASING PROGRAM

WHEREAS, the Police Department wishes to replace eight year old servers for the existing video surveillance system in the Police Department utilizing pricing through the Middlesex Regional Education Services Commission Cooperative Purchasing Program; and,

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

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

WHEREAS, the Middlesex Regional Education Services Commission Cooperative Purchasing Program is recognized purchasing cooperative (#65MCESCCPS) and has awarded Contract No. ESCNJ 17/18-19 to Open System Integrators; and,

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

WHEREAS, the amount of the purchase of this item shall not exceed \$20,018.00; and,

WHEREAS, funds for this purpose are available in Ordinance No. 16-27, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of new servers for the video surveillance system in the Police Department be and is hereby authorized through Open Systems Integrators, an approved vendor through the Middlesex Regional Education Services Commission Cooperative Purchasing Program – Contract No. ESCNJ 17/18-19, at an amount not to exceed \$20,018.00; and,

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

RESOLUTION #17-440 - 11/9/17

AMEND SCHEDULE OF RATES FOR SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS TO ADD AN ADMINISTRATIVE FEE

WHEREAS, the Township Committee established a schedule of rates for Special Duty Assignments for Police Officers on January 1, 2017; and,

WHEREAS, the Township desires to add an administrative fee equal to the fee charged in the event the Township assigns the administration of Special Duty Assignments to a third party vendor; and,

THEREFORD, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following shall represent hourly rates for Special Duty Assignments for Sworn Police Officers and Special Law Enforcement Officers – Class II effective January 1, 2017:

Overall rates:

|   |                  |
|---|------------------|
| Traffic Control/Security Assignment                                   | \$85.00 per hour |
| Regularly Scheduled (repetitive) Security Assignment:                 | \$75.00 per hour |
| Board of Education Assignment   | \$45.00 per hour |
| Board of Education Assignment – SLEO II                               | \$40.00 per hour |
| Off-Duty Assignment – Governmental agency                             | \$50.00 per hour |
| (Includes non-profit organizations supported by the municipal budget) |                  |

Sworn Police Officers (PBA and FOP) assigned to these duties will be paid as follows:

|   |                  |
|---|------------------|
| Traffic Control/Security Assignment                                   | \$60.00 per hour |
| Regularly Scheduled (repetitive) Security Assignment:                 | \$50.00 per hour |
| Board of Education Assignment   | \$45.00 per hour |
| Off-Duty Assignment – Governmental agency                             | \$45.00 per hour |
| (Includes non-profit organizations supported by the municipal budget) |                  |

Special Law Enforcement Class II Officers assigned to these duties will be paid as follows:

|   |                  |
|---|------------------|
| Traffic Control/Security Assignment                                   | \$30.00 per hour |
| Regularly Scheduled (repetitive) Security Assignment:                 | \$30.00 per hour |
| Board of Education Assignment   | \$40.00 per hour |
| Off-Duty Assignment – Governmental agency                             | \$30.00 per hour |
| (Includes non-profit organizations supported by the municipal budget) |                  |

BE IT FURTHER RESOLVED, that the Township may assign the administration of Special Duty Assignments to a vendor who will charge a 6% administrative fee to the contractor for all assignments managed through their program. This administrative charge will not be assessed to the Neptune Township Board of Education.

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

RESOLUTION #17-441 - 11/9/17

AWARD BID FOR MUNICIPAL COMPLEX ROOF PROJECT

WHEREAS, on October 18, 2017, the Township Engineer received bids for the award of a contract for the Municipal Complex Roof Project; and,

WHEREAS, said bids were reviewed by the Township Engineer and Township Attorney who have recommended that the bid be awarded to the lowest bid submitted by MAK Group, 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. 15-38 and No. 17-23 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 MAK Group, Inc. on their lowest responsible bid of \$882,800.00 (which includes the base bid of \$821,600.00 and Alternate #1 bid of \$61,200.00) for the Municipal Complex Roof Project; and,

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

RESOLUTION #17-442 - 11/9/17

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF  
VIOLATIONS CLERK IN THE MUNICIPAL COURT

WHEREAS, there is a vacancy in the position of Violations Clerk in the Municipal Court; and,

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

WHEREAS, the Human Resources Director and Municipal Court Administrator have made a recommendation; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Municipal Court S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Kadon Vick for the position of Violations Clerk in the Municipal Court, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon favorable results of the required pre-employment testing, effective November 13, 2017, at an annual salary of \$27,300.00; and,

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

RESOLUTION #17-443 - 11/9/17

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF  
DEPUTY MUNICIPAL COURT ADMINISTRATOR

WHEREAS, there is a vacancy in the position of Deputy Municipal Court Administrator in the Municipal Court; and,

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

WHEREAS, the Human Resources Director and Municipal Court Administrator have made a recommendation to rehire an individual that previously held the position and desires to return to employment with the Township; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Municipal Court S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Subsola Young for the position of Deputy Municipal Court Administrator, on a probationary basis for a period of not less than 90 days and not exceeding one year, effective December 4, 2017, at an annual salary of \$38,835.68; and,

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



RESOLUTION #17-444 - 11/9/17

CONFIRM MAYOR'S APPOINTMENTS TO THE  
ENVIRONMENTAL/SHADE TREE COMMISSION

BE IT RESOLVED, that the Township Committee confirms the Mayor's appointment of the following individuals to the Environmental/Shade Tree Commission:

William Heyniger (currently the Alternate #1 member) for an unexpired three year term expiring December 31, 2018.

Nadia Holzer as the Alternate #1 member for an unexpired two year term expiring December 31, 2018.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Environmental/Shade Tree Commission.

RESOLUTION #17-445 – 11/9/17

AUTHORIZE THE PAYMENT OF BILLS

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

|                       |                |
|-----------------------|----------------|
| CURRENT FUND          | \$1,729,241.49 |
| GRANT FUND            | 3,646.56       |
| TRUST FUND            | 52,045.07      |
| GENERAL CAPITAL FUND  | 72,203.27      |
| SEWER OPERATING FUND  | 116,650.86     |
| SEWER CAPITAL FUND    | 6,890.38       |
| MARINA OPERATING FUND | 152,956.97     |
| MARINA CAPITAL FUND   | 1,725.00       |
| DOG TRUST             | 54.60          |
| LIBRARY TRUST         | 1,273.56       |
| BILL LIST TOTAL       | \$2,136,687.76 |

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

RESOLUTION #17-446 – 11/9/17

AUTHORIZE DEVELOPER'S AGREEMENT WITH VASM, LLC, FOR SITE IMPROVEMENTS  
AT BLOCK 209, LOT 5 (44 MAIN AVENUE)

WHEREAS, VASM, LLC sought development of property subject to a Major Site Plan Approval by the Neptune Township Planning Board for construction and reconstruction of an existing one-story commercial building along Main Avenue in Ocean Grove, and an accessory "lean-to" structure to the rear of the commercial building, with the intent to remove the rear portion of the existing one-story commercial building and the accessory "lean-to" and pergola structures and to construct a one-story building addition along the rear of the existing building to remain on site. The existing stone driveway/parking area at the rear of the site along Heck Avenue is to be paved with one Handicapped Parking Space within said area; and

WHEREAS, VASM, LLC, has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with VASM, LLC, to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with VASM, LLC, a true copy of which is on file in the Office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolution No. 17-14, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney with an executed copy of the Developer's Agreement.

RESOLUTION #17-447 – 11/9/17

AUTHORIZE DEFENSE OF A LAWSUIT ENTITLED, “MLF LEXSERV, L.P.,  
V. THE NEPTUNE TOWNSHIP DEPARTMENT OF VITAL STATISTICS

WHEREAS, Plaintiff, MLF LexServ, L.P., has filed a lawsuit in the Superior Court of New Jersey, Chancery Division in Monmouth County under Docket No. C-176-17 against the Neptune Township Department of Vital Statistics, due to the fact that the Local Registrar refused to release a Certified Copy of a Death Certificate of a prior resident of Neptune Township; and

WHEREAS, the Registrar is acting on the advice of the State Registrar and N.J.S.A. 26:8-59.1, which limits the release of Certified Copies of Death Certificates to relatives of the decedent or funeral directors; and

WHEREAS, the Plaintiff does not qualify strictly under the State Statute as a party entitled to a Certified Copy of a Death Certificate, but may be able to obtain authorization through Court Order based on another theory of law; and

WHEREAS, it is important to maintain the integrity of the Registrar's Office, where acting in accordance with State Statute; and,

WHEREAS, funds for this purpose are available in the 2017 municipal budget, in the appropriation entitled Legal O.E., and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to file an Answer and opposition papers to the aforesaid lawsuit brought against the Neptune Township Department of Vital Statistics for the release of a Certified Copy of a Death Certificate under Docket No. C-176-17 filed in the Superior Court of New Jersey, Chancery Division; and,

BE IT FURTHER RESOLVED, that the Township Committee also authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purpose of this lawsuit; and,

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