

**TOWNSHIP COMMITTEE WORKSHOP MEETING – APRIL 22, 2019 – 6:00 P.M.**

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

ROLL CALL

PRESENT/ABSENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Mayor Rizzo announces 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 January 3, 2019, 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. Business Administrator's report.
2. Review Committee calendars.

Res. # 19-180 - Authorize an Executive Session as authorized by the Open Public Meetings Act.

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

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

RESOLUTION #19-180 – 4/22/19

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:

Personnel – Environmental/Shade Tree Commission vacancies

Personnel – Recommendations for EMT and Violations Clerk

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.

**TOWNSHIP COMMITTEE MEETING – APRIL 22, 2019 – 7:00 P.M.**

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

**ROLL CALL**

**PRESENT/ABSENT**

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; and Richard J. Cuttrel, 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 Rizzo announces 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 January 3, 2019 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 April 8th.

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

**PUBLIC HEARING – 2019 MUNICIPAL BUDGET**

Michael Bascom, C.F.O., will make a presentation on the 2019 municipal budget.

Public comments regarding the 2019 Municipal Budget which was introduced on March 25, 2019. The public will be permitted one visit to the microphone with a limit of five minutes.

**RESOLUTION TO AMEND APPROVED 2019 MUNICIPAL BUDGET**

Res. # 19-181 – Authorize an amendment to approved 2019 Municipal Budget.

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

**ADOPT 2019 MUNICIPAL BUDGET**

Res. # 19-182 – Adopt 2019 Municipal Budget.

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

**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. 19-09** – An ordinance to amend Volume I, Chapter XVIII, Section 18-2.8 of the Code of the Township of Neptune to prohibit parking of trailers during weekends and holidays on the riverside parking areas of the Municipal Marina - Final Reading

*Explanatory Statement: This ordinance prohibits the parking of trailers on the area of the Municipal Marina between South Riverside Drive and the Shark River on weekends and holidays.*

Public Hearing:

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

**ORDINANCE NO. 19-10** – Bond Ordinance amending and restating Bond Ordinance Number 18-19 finally adopted by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey on June 11, 2018 in its entirety to decrease the total debt authorization therein from \$1,704,126 to \$1,580,187, and to amend and restate other provisions therein – Final Reading

*Explanatory Statement: The ordinance amends and restates Bond Ordinance No. 18-19 (various 2018 road improvements) in its entirety to decrease the total debt authorization from \$1,704,126 to \$1,580,187, and amend and restate other provisions therein as a result of the award of a NJDOT Municipal Aid Program Grant.*

Public Hearing:

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

**ORDINANCE NO. 19-11** – An ordinance to further amend and supplement the Land Development Ordinance of the Township of Neptune by amending Section 416.04 – “Exempt Signs” to define “Public Access Signs” – First Reading

*Explanatory Statement: This ordinance amends the Township’s Land Use Ordinance to define “Public Access Signs” as required NJ Department of Environmental Protection and the Township’s Municipal Public Access Plan.*

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

**ORDINANCE NO. 19-12** – 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 Benson Avenue, converting an existing handicapped zone to a resident only zone on Embury Avenue and removing a handicapped parking zone on Lawrence Avenue – First Reading

*Explanatory Statement: This ordinance authorizes a resident only handicapped parking stall in front of 37 Benson Avenue, converts an existing handicapped parking zone in front of 34 Embury Avenue to a resident only handicapped zone and removes a resident only handicapped parking zone adjacent to 148 Broadway.*

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

The Public Hearings on Ordinances 19-11 and 19-12 will be held on Monday, May 13, 2019.

**CONSENT AGENDA**

Res. #19-183 – Extend contract for Emergency Responder Reply System.

Res. #19-184 – Accept the resignation of Michael Jones, Jr. as a Special Law Enforcement Officer in the Police Department.

Res. #19-185 – Appoint Alternate Prosecutor.

Res. #19-186 – Authorize execution of a first amendment to Conditional Designation and Interim Cost Agreement with OG North End Development, LLC pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

Res. #19-187 – Place lien on 4 Broadwalk due to costs association with demolition of the structure.

Res. #19-188 – Authorize hazardous material training.

Res. #19-189 – Authorize modification and conversion of an existing vehicle to a Library bookmobile.

Res. #19-190 – Employ Emergency Medical Technician in the Emergency Medical Services Department on a part-time basis.

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

Res. #19-191 – Extend offer of employment for the position of Violations Clerk in the Municipal Court.

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

Res. #19-192 – Authorize the payment of bills.

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

Res. #19-193 – Authorize retainer for payment of fees toward expert William Michelson, Esq. in preparation of an Affidavit of Merit and Retention of Services for the Township's legal malpractice suit.

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

Res. #19-194 – Authorize settlement in the matter of Shawn G. Hopkins v. Township of Neptune – GRC Complaint No. 2014-45.

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

**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**

ORDINANCE NO. 19-09

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVIII,  
SECTION 18-2.8 OF THE CODE OF THE TOWNSHIP OF  
NEPTUNE TO PROHIBIT PARKING OF TRAILERS DURING  
WEEKENDS AND HOLIDAYS ON THE RIVERSIDE PARKING  
AREAS OF THE MUNICIPAL MARINA

BE IT ORDAINED, by the Township Committee of the Township of Neptune, that  
Volume I, Chapter XVIII, Section 18-2.8 be and is hereby amended to subsection d. as follows:

SECTION 1

18-2.8 Parking

Subsection d. shall be added as follows:

d. There shall be no parking of trailers of any type along the riverside parking areas of the Neptune Marina between South Riverside Drive and the Shark River on weekends and holidays. Violators will be subject to the issuance of a summons for the first offense. All subsequent offenses will be subject to the issuance of a summons and the trailer being towed from the property.

SECTION 2

All ordinances or parts of ordinances of the Township of Neptune, in conflict or inconsistent with this ordinance, are hereby repealed, but only, however, to the extent of such conflict or inconsistency; it being the legislative intent that all other ordinances, or parts of ordinances, now existing and in effect, unless the same be in conflict or inconsistent with any of the provisions of this ordinance, shall remain in full force and effect.

SECTION 3

This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

\_\_\_\_\_  
Richard J. Cuttrell,  
Municipal Clerk

\_\_\_\_\_  
Carol Rizzo,  
Mayor

ORDINANCE NO. 19-10

BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 18-19 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON JUNE 11, 2018 IN ITS ENTIRETY TO DECREASE THE TOTAL DEBT AUTHORIZATION THEREIN FROM \$1,704,126 TO \$1,580,187 AND TO AMEND AND RESTATE OTHER PROVISIONS THEREIN

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), as follows:

The bond ordinance of the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"), heretofore finally adopted by the Township Committee on June 11, 2018, numbered 18-19 and entitled, "BOND ORDINANCE PROVIDING FOR VARIOUS 2018 ROAD IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,000,000 THEREFOR (INCLUDING \$223,374 NEW JERSEY DOT TRANSPORTATION TRUST FUND GRANT) AND AUTHORIZING THE ISSUANCE OF \$1,704,126 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), is hereby amended and restated in its entirety as set forth below:

"BOND ORDINANCE PROVIDING FOR VARIOUS 2018 ROAD IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$2,000,000 THEREFOR (INCLUDING \$419,813 IN NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS) AND AUTHORIZING THE ISSUANCE OF \$1,580,187 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Township of Neptune, in the County of Monmouth, State of New Jersey (the "Township"). For the said improvement or purpose stated in Section 3 hereof, there is hereby appropriated the sum of \$2,000,000, including \$419,813 in New Jersey Department of Transportation grants (the "Grant"). Pursuant to N.J.S.A. 40A:1-11(c), as amended and supplemented, no down payment is required for the improvement or purpose set forth in Section 3 hereof, as such project is being funded by the Grant.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$2,000,000 appropriation not provided for by the

Grant, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$1,580,187 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding \$1,580,187 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law").

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the Township 2018 road improvement program, including, but not limited to, construction and reconstruction of Township roadways pursuant to the target roadway improvements list maintained by the Township Engineer, and all other related improvements, design work, preparation of plans and specifications, permits, bid documents, contract administration, work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto, all as set forth in the project documents on file in the Office of the Township Clerk.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$1,580,187.

(c) The estimated cost of said improvement or purpose is \$2,000,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the Grant in the amount of \$419,813 available for such improvement or purpose.

SECTION 4. Other than the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Township, for the improvement and purpose authorized hereby and the same shall be received by the Township prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. Other than the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Township after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Township as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is



made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses and are improvements or purposes which the Township may lawfully undertake as general improvements or purposes, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Township and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$1,580,187 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Township reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Township's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of

the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Township for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Township other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Township for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$1,580,187. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Township covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this bond ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law."

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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Carol Rizzo,  
Mayor

ORDINANCE NO. 19-11

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT  
THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP  
OF NEPTUNE BY AMENDING SECTION 416.04 – EXEMPT  
SIGNS TO DEFINE “PUBLIC ACCESS SIGNS”

WHEREAS, the New Jersey Department of Environmental Protection requires all communities that contain tidal waters to provide for public access; and

WHEREAS, existing and future signage for public access is required at all public access locations identified in the Municipal Public Access Plan; and

WHEREAS, installation and maintenance of signage is a requirement of N.J.A.C. 7:7E-8.11(t),

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, State of New Jersey that the Land Development Ordinance of the Township of Neptune be and is hereby amended and supplemented to read as follows:

SECTION 1.

Section 416.04 – “Exempt Signs” is here amended to add “Public Access Signs” as follows:

**416.04.O. – Public Access Signs. Defined as those signs which are posted at public access locations as identified in the Municipal Public Access Plan to notify the public of accessibility.**

1. **Such signs shall be clear of obstruction and visible to the public.**
2. **Such signs shall be installed and maintained by the Department of Public Works.**

SECTION 2.

All Ordinance, or parts thereof, inconsistent with the provisions of this Ordinance, be and the same are hereby repealed to the extent of such inconsistency.

SECTION 3.

Should any section, paragraph, clause or any other portion of this Ordinance be adjusted by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

SECTION 4.

This Ordinance shall take effect upon its passage and publication according to law and upon the filing of a certified copy thereof with the Monmouth County Planning Board.

APPROVED ON FIRST READING:

APPROVED, PASSED AND ADOPTED:

ATTEST:

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Richard J. Cuttrell,  
Municipal Clerk

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Carol Rizzo,  
Mayor

ORDINANCE NO. 19-12

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 BENSON AVENUE, CONVERTING AN EXISTING HANDICAPPED ZONE TO A RESIDENT ONLY ZONE ON EMBURY AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON LAWRENCE AVENUE

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Benson Avenue	1	East side of Benson Avenue beginning 48 feet north of the northeast intersection of Benson Avenue and Mt. Hermon Way
Embury Avenue	1	South side of Embury Avenue beginning 78 feet east of the southeast intersection of Embury Avenue and Central Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Lawrence Avenue	1	East side of Lawrence Avenue beginning 25 feet south of the southeast intersection of Lawrence Avenue and Broadway

SECTION 3

Volume I, Chapter VII, Section 7-21.1 – Handicapped Parking on Street, is hereby amended by deleting the Embury Avenue location described in Section 1.

SECTION 4

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

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Richard J. Cuttrel,  
Municipal Clerk

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Carol Rizzo,  
Mayor

RESOLUTION #19-181 – 4/22/19

AUTHORIZE AN AMENDMENT TO APPROVED 2019 MUNICIPAL BUDGET

WHEREAS, the local municipal budget for the year 2019 was approved on the 25th day of March, 2019; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 22, 2019, and,

WHEREAS, it is desired to amend said approved budget as described below, and

WHEREAS, this amendment does not require an additional publication nor notice,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, of the County of Monmouth, that the following amendments to the approved budget of 2019 be made:

	<u>Approved Budget</u>	<u>Amended Budget</u>
<b>GENERAL REVENUES</b>		
3. Miscellaneous Revenues – Section A: Local Revenues:		
Fines and Costs: Municipal Court	\$ 645,000.00	\$ 646,263.61
Total Section A: Local Revenues	\$1,627,000.00	\$1,628,263.61
 <b>SUMMARY OF REVENUES</b>		
3. Miscellaneous Revenues:		
Total Section A: Local Revenues	\$1,627,000.00	\$1,628,263.61
Total Miscellaneous Revenues	\$ 9,730,892.51	\$ 9,732,156.12
5. Sub-Total General Revenues	\$13,488,839.13	\$13,490,102.74
6 Amount to be Raised by Taxes for Support of Municipal Budget:		
c) Minimum Library Tax	\$ 1,335,681.00	\$ 1,385,244.25
7 Total General Revenues	\$45,056,166.20	\$45,106,993.06
8. General Appropriations		

(A) Operations – within “CAPS”

Environmental & Shade Tree  
Other Expenses \$ 6,200.00 \$ 12,200.00

Total Operations {Item 8(A)} within “CAPS” \$31,201,205.00 \$31,207,205.00

Detail:  
Other Expenses \$13,010,455.00 \$13,016,455.00

(E) Deferred Charges and Statutory Expenditures –  
Municipal within “CAPS”

(1) Deferred Charges  
Overexpenditure of Appropriation \$ 0.00 \$ 1,263.61

Total Deferred Charges and Statutory Expenditures –  
Municipal within “CAPS” \$ 4,227,453.00 \$ 4,228,716.61

(H-1) Total General Appropriations for Municipal  
Purposes within “CAPS” \$35,428,658.00 \$35,435,921.61

(A) Operations – Excluded from “CAPS”

Aid to Free Public Library \$ 1,335,681.00 \$ 1,385,244.25

Shared Service Agreements:

City of Asbury Park – Wesley Lake Maintenance \$ 12,000.00 \$ 6,000.00

Total Shared Service Agreements \$ 937,675.00 \$ 931,675.00

Total Operations Excluded from “CAPS” \$ 2,899,594.20 \$ 2,943,157.45

Detail:  
Other Expenses \$2,448,361.67 \$2,491,924.92

(H-2) Total General Appropriations for Municipal  
Purposes Excluded from “CAPS” \$ 7,327,508.20 \$ 7,371,071.45

(O) Total general Appropriations – Excluded  
From “CAPS” \$ 7,327,508.20 \$ 7,371,071.45

(L) Subtotal General Appropriations \$42,756,166.20 \$42,806,993.06

9. Total General Appropriations \$45,056,166.20 \$45,106,993.06

SUMMARY OF APPROPRIATIONS



(H-1) Total General Appropriations for Municipal Purposes within "CAPS"	\$35,428,658.00	\$35,429,921.61
(A) Operations – Excluded from "CAPS"	\$ 1,400,681.00	\$ 1,450,244.25
Total Operations – Excluded from "CAPS"	\$ 2,944,950.84	\$2,960,030.84
Total Operations Excluded from "CAPS"	\$ 2,899,594.20	\$ 2,949,157.45
Total General Appropriations	\$45,056,166.20	\$45,106,993.06

SEWER UTILITY BUDGET

11. Appropriations for Sewer Utility

Debt Service:

Interest on Notes	\$ 1,000.00	\$ 750.00
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Deferred Charges and Statutory Expenditures

Deferred Charges:

Fund Ordinance 09-37	\$ 0.00	\$ 250.00
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MARINA UTILITY BUDGET

11. Appropriations for Marina Utility

Debt Service:

Payment of Bond Anticipation Notes and Capital Notes:	\$100,000.00	\$ 92,000.00
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Interest on Notes	\$ 20,000.00	\$ 28,000.00
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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Township Auditor.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-182 - 4/22/19

ADOPT 2019 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$30,231,646.07 for municipal purposes; and, \$1,385,244.25 for the minimum library levy:

General Revenues

Surplus Anticipated	2,595,891.29
Miscellaneous Revenues Anticipated	9,732,156.12
Receipts from Delinquent Taxes	1,162,055.33
Local Tax for Municipal Purposes	30,231,646.07
Local Tax for Minimum Library Levy	1,385,244.25
Total Revenues	45,106,993.06

General Appropriations

Within "CAPS"	
Operations including contingent	31,207,205.00
Deferred Charges and Statutory Expenditures	4,228,716.61
Excluded from "CAPS"	
Operations	2,943,157.45
Capital Improvements	125,000.00
Municipal Debt Service	4,302,664.00
Deferred Charges	250.00
Reserve for Uncollected Taxes	2,300,000.00
Total General Appropriations	45,106,993.06

RESOLUTION #19-183 - 4/22/19

EXTEND CONTRACT FOR EMERGENCY RESPONDER REPLY SYSTEM

WHEREAS, on January 26, 2009, the Township Committee adopted Resolution #09-83 which awarded a contract for an emergency responder reply system through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, this contract was extended for an additional five years by adoption of Resolution #15-195 on April 27, 2015; and,

WHEREAS, the Purchasing Agent and Chief Financial Officer have recommended that the contract be extended for three years through May 13, 2022; and,

WHEREAS, funds will be provided in the 2019 municipal budget in the appropriation entitled Telecommunications O.E., as well as subsequent annual budgets, 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 the extension of the contract with Emergency Services Marketing Corp, Inc. to provide a Emergency Responder Reply System which will serve as an automated emergency response system for the Township's emergency response agencies at a total amount of \$26,766.00 for a term of three years from May 14, 2019 through May 13, 2022; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-184 - 4/22/19

ACCEPT THE RESIGNATION OF MICHAEL JONES, JR. AS A  
SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Michael Jones, Jr. resigning as a Special Law Enforcement Officer in the Police Department effective April 19, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Jones, Jr. as a Special Law Enforcement Officer in the Police Department is hereby accepted effective April 19, 2019; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #19-185 - 4/22/19

APPOINT ALTERNATE PROSECUTOR

WHEREAS, on December 6, 2018 and February 19, 2019, the Township of Neptune requested proposals for Alternate Prosecutor for the year 2019 to which no responses were received; and,

WHEREAS, the Municipal Court Judge has requested that the Township Committee formally make an appointment for the year 2019 to comply with the rules of the State Judiciary; and,

WHEREAS, Patrick Healy, who served as Alternate Prosecutor for a period of time in 2018, has submitted a resume and qualifications; and,

WHEREAS, based on the amount of funds expended in the prior year for these services, it is estimated that the total 2019 appropriation for this contract will be \$5,000.00. Funds will be provided in the 2019 municipal budget in the appropriation entitled Municipal Court S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Patrick Healy to serve as Alternate Prosecutor in the absence of the Prosecutor for the balance of the year 2019, at a rate of \$410.00 per session; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #19-186 - 4/22/19

AUTHORIZE THE EXECUTION OF A FIRST AMENDMENT TO  
CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT WITH  
OG NORTH END DEVELOPMENT, LLC, PURSUANT TO THE LOCAL  
REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, Resolution #18-395, adopted by the Township Committee on November 26, 2018, authorized execution of a Conditional Designation and Interim Cost Agreement (the "Agreement") with OG North End Development, LLC (OGNED) which Agreement named OGNED as the Conditional Redeveloper of the North End Project Site as defined therein; and

WHEREAS, the Interim Period of the Agreement is 180 days from the date of full execution of the Agreement; and


WHEREAS, the Township Committee desires to amend the Agreement to extend the Interim Period; and

WHEREAS, the other provisions of the Agreement shall remain unchanged.

NOW, THEREFORE, it is hereby resolved by the Township Committee of Neptune as follows:

1. The Mayor is hereby authorized and directed to execute a First Amendment to the Conditional Designation and Interim Cost Agreement between the Township of Neptune and OG North End Development, LLC in substantially the form attached hereto as **Attachment A**.
2. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

I hereby certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at a Regular Meeting held on April 22, 2019.

  
\_\_\_\_\_  
Richard J. Cuttrell, Municipal Clerk

**FIRST AMENDMENT TO CONDITIONAL DESIGNATION AND  
INTERIM COST AGREEMENT  
BY AND BETWEEN THE TOWNSHIP OF NEPTUNE AND  
OG NORTH END DEVELOPMENT, LLC**

THIS FIRST AMENDMENT TO THE CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT dated as of \_\_\_\_\_, 2019, by and between the TOWNSHIP OF NEPTUNE, (the "Township"), having offices at 25 Neptune Boulevard, Neptune, New Jersey 07753, acting pursuant to the provisions of the Local Redevelopment and Housing Law, and OG NORTH END DEVELOPMENT, LLC, a New Jersey limited liability corporation with offices at 801 Main Street, Belmar, New Jersey 07719 ("OGNED") (this "Agreement").

**WITNESSETH**

WHEREAS (#1), the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS (#2), Resolution #18-395, adopted by the Township Committee on November 26, 2018, authorized the execution of a Conditional Designation and Interim Cost Agreement (the "Agreement") with OGNED that designated OGNED as the Conditional Redeveloper of land located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated on the Tax Map of the Township of Neptune as Block 101, Lots 3 and 4 and a portion of Lot 2, as same is set forth on the draft survey dated July 22, 2015 and prepared by Gallas Surveying Group, a copy of which is attached to the Agreement, more commonly known collectively as the "North End" (referred to herein as the "Project Site"); and

**WHEREAS (#3)**, the Agreement presently provides that the "Interim Period" is 180 days commencing on the date of full execution of the Agreement; and

**WHEREAS (#4)**, the Township and OGNED desire to amend the Agreement so that the Interim Period is extended; and

**WHEREAS (#5)**, the other provisions in the Agreement shall remain unchanged.

**NOW, THEREFORE**, for and in consideration of the promises and of the mutual representations, covenants and agreements set forth herein, the Parties agree to amend the Conditional Designation and Interim Cost Agreement as follows:

2. **Interim Period.** The Interim Period shall be the period that commenced on December 7, 2018 and continuing thereafter until such time as a Redevelopment Agreement between the parties is executed, or it is determined by the Township that a Redevelopment Agreement cannot be successfully negotiated and executed for any reason. During the Interim Period, the Township agrees to negotiate exclusively with OGNED toward the execution of a Redevelopment Agreement, which shall include all the terms and conditions, schedules, and financial arrangements between the Township and OGNED. During the Interim Period, either party may cease negotiations and terminate the Agreement if the other party is not diligently negotiating in good faith or it is determined that a Redevelopment Agreement cannot be successfully negotiated and executed for any reason. In the event that the Agreement is terminated, then neither party hereto shall be bound by any further obligations hereunder to the other, except as may exist under **Paragraph 3** pertaining to the Payment of Interim Costs.



**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed,

all as of the date first above written.

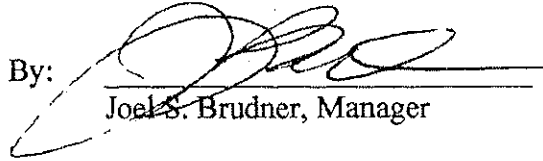
**OG NORTH END DEVELOPMENT, LLC**

By: MB2 Ocean Grove, LLC, Member

Attest:

  
\_\_\_\_\_

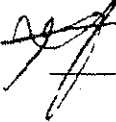
By:

  
\_\_\_\_\_

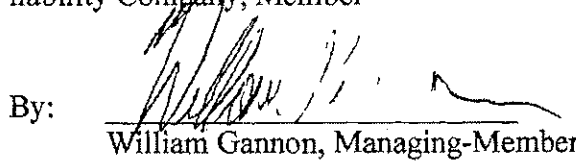
Joel S. Brudner, Manager

By: Westley Atlantic Village Enterprises Limited liability Company, Member

Attest:

  
\_\_\_\_\_

By:

  
\_\_\_\_\_

William Gannon, Managing-Member

**TOWNSHIP OF NEPTUNE**

Attest:

\_\_\_\_\_

By:

\_\_\_\_\_

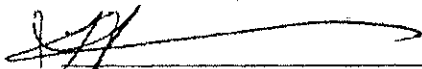
Carol Rizzo

Mayor, Township of Neptune

**[Signature Page for Interim Cost Agreement]**

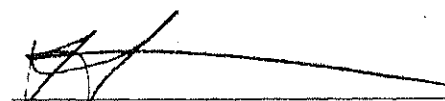
NEW JERSEY )  
 ) ss:  
COUNTY OF MONMOUTH )

I CERTIFY that on April 10, 2019, Joel S. Brudner personally came before me, and this person acknowledged under oath, to my satisfaction, that this person, is the Manager of MB2 Ocean Grove, LLC, a member of OG North End Development, LLC, a New Jersey limited liability corporation, which is the company named in this document; and signed and delivered this document as his/her act and deed on behalf of the said corporation.

  
\_\_\_\_\_  
Notary Public  
**DAVID S. MESSER, ESQ.**  
Attorney at Law  
State of New Jersey

NEW JERSEY )  
 ) ss:  
COUNTY OF MONMOUTH )

I CERTIFY that on April 10, 2019, William Gannon personally came before me, and this person acknowledged under oath, to my satisfaction, that this person, is the Managing-Member of Westley Atlantic Village Enterprises Limited liability Company, a member of OG North End Development, LLC, a New Jersey limited liability corporation, which is the company named in this document; and signed and delivered this document as his/her act and deed on behalf of the said corporation.

  
\_\_\_\_\_  
Notary Public  
**DAVID S. MESSER, ESQ.**  
Attorney at Law  
State of New Jersey

STATE OF NEW JERSEY        )  
  ) ss:  
COUNTY OF MONMOUTH        )

I CERTIFY that on \_\_\_\_\_, 2019,  
\_\_\_\_\_, personally came before me, and this person  
acknowledged under oath, to my satisfaction, that:

- (a) this person is the \_\_\_\_\_ of the Township of Neptune, named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper Township of Neptune official who is Carol Rizzo, Mayor;
- (c) this document was signed and delivered by the Township of Neptune as its voluntary act duly authorized by a proper resolution of the Township Committee of the Township of Neptune; and
- (d) this person signed this proof to attest to the truth of these facts.

\_\_\_\_\_  
Name:

Signed and sworn to before me  
on \_\_\_\_\_, 2019

\_\_\_\_\_  
Notary Public

RESOLUTION #19-187 – 4/22/19

PLACE LIEN ON 4 BOARDWALK DUE TO COSTS  
ASSOCIATED WITH DEMOLITION OF THE STRUCTURE

WHEREAS, as part of the fire investigation and to ensure that any remaining fire was fully extinguished, it was necessary to demolish the remaining portions of the North End Pavilion, 4 Boardwalk; and,

WHEREAS, the Business Administrator obtained a quote for demolition and the structure was demolished at a total cost as indicated below; and,

WHEREAS, it is necessary to place a lien on the property for the cost of the demolition,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place a lien of \$9,690.00 against 4 Boardwalk for costs associated with the demolition of the remaining fire damaged structure; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #19-188 - 4/22/19

AUTHORIZE HAZARDOUS MATERIAL TRAINING

WHEREAS, the Purchasing Agent requested and received proposals from qualified vendors to provide hazardous material training for Township emergency responders; 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 proposals 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 2019 Municipal Budget through a 2019 HMEP Training Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Federal Resources Supply be and is hereby authorized to provide two day hazardous material training program to Township emergency responders at an amount not to exceed \$19,900.00; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-189 - 4/22/19

AUTHORIZE MODIFICATION AND CONVERSION OF AN EXISTING VEHICLE  
TO A LIBRARY BOOKMOBILE

WHEREAS, the Purchasing Agent solicited quotes for the modification and conversion of an existing Township vehicle to a bookmobile for the Municipal Library; 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 Library Director and 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 2019 municipal budget in the appropriation entitled Aid to Free Public Library 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 modification and conversion of an existing Township vehicle to a bookmobile for the Municipal Library be and is hereby authorized through Eastern Surplus & Equipment Company pursuant to their quote of \$16,475.00; and,

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #19-190 - 4/22/19

EMPLOY EMERGENCY MEDICAL TECHNICIAN IN THE EMERGENCY MEDICAL SERVICES  
DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Emergency Medical Technician on a part-time hourly basis; and,

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

WHEREAS, the EMS Manager and Human Resources Director have made their recommendations; and,

WHEREAS, funds will be provided for in the 2019 municipal budget, in the appropriation entitled Emergency Medical Services 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 Scott Shanker be and is hereby employed as a part-time Emergency Medical Technician, effective April 29, 2019, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate of \$17.87; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON

4/22/19

  
Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-191 – 4/22/19

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 Court Administrator have made their recommendation; and,

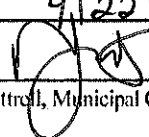
WHEREAS, funds will be provided in 2019 Municipal Budget in the appropriation entitled Municipal Court S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Victoria Caufield 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 April 29, 2019, at an annual salary of \$27,300.00; and,

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

CERTIFICATION

I HEREBY CERTIFY THE ABOVE TO BE A TRUE  
COPY OF A RESOLUTION ADOPTED BY THE  
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
NEPTUNE ON 4/22/19

  
Richard J. Cuttroll, Municipal Clerk



RESOLUTION #19-192 – 4/22/19

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	4,369,631.28
TRUST FUND	41,796.73
GENERAL CAPITAL FUND	10,075.98
SEWER OPERATING FUND	29,507.11
SEWER CAPITAL FUND	10,186.25
MARINA OPERATING FUND	3,046.00
DOG TRUST	539.20
LIBRARY TRUST	882.49
BILL LIST TOTAL	\$4,465,665.04

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

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



**Richard J. Cuttrell, Municipal Clerk**

RESOLUTION #19-193 – 4/22/19

AUTHORIZE RETAINER FOR PAYMENT OF FEES TOWARDS EXPERT WILLIAM MICHELSON, ESQ., IN PREPARATION OF AN AFFIDAVIT OF MERIT AND RETENTION OF SERVICES FOR THE TOWNSHIP'S LEGAL MALPRACTICE SUIT

WHEREAS, by Resolution 19-146, approved by the Township Committee on March 11, 2019, the governing body authorized a legal malpractice lawsuit and legal representation by the Law Firm of Grace, Marmero and Associates, LLP against former Labor Counsel, Nita Raval, Esq., and the pursuit of an Affidavit of Merit in support of said claims; and

WHEREAS, Special Counsel recommends retaining the expert, William Michelson, Esq., with a legal fee rate of \$400.00 per hour, and with an up-front retainer of \$800.00 towards the preparation of an Affidavit of Merit and retention as an expert in any lawsuit that may follow; and,

WHEREAS, funds will be provided in 2019 Municipal Budget in the appropriation entitled Legal Services 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, that the governing body hereby authorizes the retention of William Michelson, Esq. with offices located at 556 Belvidere Avenue, Plainfield, New Jersey 07062-5005, as an expert in preparing an Affidavit of Merit and any other services necessary in pursuit of claims against Nita Raval, Esq. of the Law Firm of Florio, Kenny and Raval, LLP at a legal fee rate of \$400.00 per hour and a retainer of \$800.00, at an amount not to exceed \$5,000.00; 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 Business Administrator.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



Richard J. Cuttrell, Municipal Clerk

AUTHORIZE SETTLEMENT IN THE MATTER OF SHAWN G. HOPKINS  
V. TOWNSHIP OF NEPTUNE - GRC COMPLAINT NO. 2014-45

WHEREAS, the Complainant submitted an Open Public Records Act (OPRA) Request to the Custodian of Records of Neptune Township seeking electronic copies via email of the Computer Assisted Mass Appraisal ("CAMA) Data for the Township of Neptune, including property photographs on January 7, 2014, and on January 8, 2014, the Custodian of Records responded in writing denying the Complainant his OPRA Request because it would require the Township to create a record not already in existence and not in custody of Neptune Township, but rather located with the Monmouth County Tax Board; and

WHEREAS, on January 23, 2014, the Complainant forwarded a Denial of Access Complaint with the Government Records Council ("GRC"); and

WHEREAS, on February 26, 2014, the Custodian of Records of Neptune Township filed a Statement of Information certifying that he received the Complainant's OPRA Request on January 7, 2014 and certifying further that his search included consulting with the Neptune Township Tax Assessor, and that no records existed in Neptune Township, and that the records existed on the Monmouth County Public Records Website; and

WHEREAS, on February 28, 2019 the GRC distributed its Interim Order to all parties indicating that it had concluded that the Custodian could not deny access to the Complainant's OPRA Request seeking CAMA Data, even though it was available on the Monmouth County Website, and that the Custodian had to comply with the request within five days of receipt of the Interim Order, of which the Custodian did comply on March 7, 2019; and

WHEREAS, by Final Order of the GRC on March 26, 2019, the GRC held that there was a violation of OPRA by the Custodian of Records of Neptune Township, but that such violation did not rise to the level of a knowing and willful violation of OPRA, but that nevertheless, the prevailing party was entitled to reasonable attorney's fees and that the parties had twenty business days from the Final Order to work out and negotiate payment of legal fees, which the parties did, and reached the conclusion that a reasonable attorney's fee for the attorney for the OPRA Complainant was One Thousand Dollars (\$1,000.00).

WHEREAS, funds will be provided in 2019 Municipal Budget in the appropriation entitled Legal Services 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, that the governing body hereby authorizes a settlement of the case of Shawn G. Hopkins v. Township of Neptune – GRC Complaint No. 2014-45 by payment of One Thousand Dollars (\$1,000.00) to the attorney for the Complainant, namely Richard Gutman, Esq., with offices located at 9 Prescott Avenue, Montclair, New Jersey 07042-5029, as settlement in full of all legal fees, and in compliance with the Final Order of the GRC issued March 26, 2019; 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 Tax Assessor.

**CERTIFICATION**  
**HEREBY CERTIFY THE ABOVE TO BE A TRUE**  
**COPY OF A RESOLUTION ADOPTED BY THE**  
**TOWNSHIP COMMITTEE OF THE TOWNSHIP OF**  
**NEPTUNE ON APRIL 22, 2019**



Richard J. Cuttrell, Municipal Clerk