

TOWNSHIP COMMITTEE MEETING – JUNE 24, 2019

Mayor Rizzo called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Robert Lane, Jr., Kevin B. McMillan, Nicholas Williams, and Mayor Carol Rizzo.

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

Mayor Rizzo announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster 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.

The following items were discussed in open session:

The Committee discussed a table of Facility Use Reservation Fees as proposed by the Recreation Director. Mr. Lane stated that outside sports leagues are charging fees to utilize fields that the Township owns and maintains. Mr. Gadaleta stated that the Township's fields are overused and Neptune is the only municipality that does not charge a fee. In addition, the Township is paying for the electricity for field lighting. Green Acres permits higher fees for non-resident and for-profit groups. He recommended adoption of an ordinance to establish a fee schedule which can be amended by resolution. All groups that currently utilize the fields will be notified of the change. Mr. Anthony added that scheduling priority should also occur for township, school or non-profit use.

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

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Personnel – Recommendations for police officer hirings
Real Estate negotiation – Donation of land locked parcel to the Township
Personnel – Settlement Agreement involving personnel matter
Personnel – Recommendation for hiring CSR in Code/Construction and Administrative Assistant to the C.F.O.
Contract negotiations – Appointment of Health Insurance Broker/Consultant
Contract negotiations – BAW, LLC Redevelopment Agreement
Contract negotiations – OGNED Redevelopment Agreement
Personnel/Legal Opinion – Revisions to personnel ordinance and handbook

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

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

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

The Committee reviewed recommendations for the hiring of three police officers, hiring of a Customer Service Representative in Code/Construction, and reclassification of a current employee to the position of Administrative Assistant to the C.F.O. The Committee took action on these

matters by resolutions during the regular business portion of the meeting.

The Committee reviewed an employee settlement agreement with Lt. Eugene Stewart and took action by resolution during the regular business portion of the meeting.

The Committee reviewed an offer to donate land to the Township. The Township is landlocked and is surrounded by the Garden State Hi-Tech redevelopment zone. Mr. Anthony advised that clear title has been obtained. The Committee asked that the appropriate ordinance to accept the land be placed on the next regular meeting agenda for introduction.

Stephanie Oppegaard, Human Resources Director, reviewed recommended revisions to the Township personnel code along with adoption of a Personnel Handbook. The handbook has been approved by Labor Counsel and the ordinance revisions are to establish consistency between the handbook and the existing personnel ordinance. The Committee asked that the appropriate ordinance be placed on the next regular meeting agenda for introduction.

The Committee considered submittals to the request for the proposals for a contract for Health Insurance Broker/Consultant from July 1, 2019 through December 31, 2020. Ms. Oppegaard reviewed the performance of the current Consultant. The Committee advised Ms. Oppegaard to provide a list of expectations to the Consultant. The Committee took action to appoint a Consultant during the regular business portion of the meeting.

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

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

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

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor Rizzo announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster 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.

APPROVAL OF MINUTES

Mr. McMillan offered a motion, seconded by Dr. Brantley, to approve the minutes of the meetings held on May 23rd and June 10th, with a correction to the June 10th minutes as indicated by Dr. Brantley. All were in favor, except Dr. Brantley abstained on the May 23rd minutes and Mr. Lane abstained on the June 10th as they were not in attendance at the respective meetings.

RECOMMENDATIONS AND PUBLIC COMMENTS ON RESOLUTION TO EMPLOY POLICE OFFICERS

Chief James Hunt introduced the three candidates recommended for employment. All were present and stood as the Chief provided the background and experience on each candidate.

The Mayor requested public comments regarding the resolution and they were as follows:

Dorothy Argyros, 2100 Rutherford Avenue, stated that the Township had a difficult year paying insurance costs because of the lawsuits that originated in the Police Department. She hopes these individuals will be good officers.

Jack Bredin, 94 ½ Heck Avenue, stated that Neptune Township has the finest police department, under the direction of Chief Hunt and Deputy Chief Fisher, in the entire State of New Jersey.

There being no further comments, the Mayor closed the public comment portion.

AUTHORIZE THE EMPLOYMENT OF FIVE POLICE OFFICERS ON A PROBATIONARY BASIS

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

AUTHORIZE EMPLOYMENT OF THREE POLICE OFFICERS ON A PROBATIONARY BASIS

WHEREAS, due to retirements and resignations, there are vacancies in the position of Police Officer; and,

WHEREAS, candidates were interviewed by the Police Department Command Staff; and,

WHEREAS, the Chief of Police has made his recommendations and the Police Committee has approved said recommendations; and,

WHEREAS, funds for this purpose are available in the 2019 municipal budget in the appropriation entitled Police 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 the following individuals be and are hereby employed as probationary Police Officers in the Police Department, pending favorable results of physical and psychological examinations, at an annual base salary of \$40,000.00, and to perform such other duties as prescribed by the Chief of Police effective July 1, 2019:

Morgan Holland
Brad Dougherty
Richard P. Cuttrell

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, Assistant C.F.O, Human Resources Director, and P.B.A. Local #74.

The resolution was adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye, adding his thanks to Chief Hunt and the Command Staff for the recommendations and Michael Bascom for finding money in the budget for the hirings; and Rizzo, aye.

The Oaths of Office were administered by Mayor Rizzo.

After a brief recess, the meeting reconvened. Mr. Cuttrell left the meeting and Pamela D. Howard, Deputy Clerk, served as Clerk for the balance of the meeting.

COMMENTS FROM THE DAIS

Mr. Williams stated he didn't get figures to see how the police has done. He also stated the marina is 100% full. The Police Committee is working hard and still meeting. They were able to hire three police officers and are working to get more. They are also trying to put policies together.

Dr. Brantley stated they were making progress in the Police Department. He also stated he attended the Mayor's Ball and commended her on a job well done.

Mr. McMillan stated he attended the Sustainability Summit Meeting with the Green Team throughout the State.

Mr. Lane stated he had a meeting with Randy Bishop and a lot of new members are coming into the Senior Center and they are looking into extending the hours. He also met with the Recreation Director regarding Summer Camp. He attended the Mayor's Ball and the Homeowner's meeting as well as the viewing of Kennedy Buckley.

Mayor Rizzo thanked Mr. Gadaleta for handling the calls for the potholes. She stated she attended the Homeowner's meeting. She stated Neptune was recently recognized for their property taxes. She congratulated Mr. Haney, Ms. Crozier and Chris Bedrosian. She thanked everyone who helped with the Mayor's Ball and stated \$30,000 was raised and would go towards scholarships. She spoke regarding Kennedy Buckley and his involvement in the Township and stated he would be missed and the Community has lost a great soul. She also stated that anyone that was present this

evening regarding the gates, they were setting up a meeting with Mayor John Moor.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Gadaleta provided the following report:

Administration held a conference call with OGNED representatives and our redevelopment attorneys to continue hammering out a final redevelopment agreement. A number of issues were resolved, with just a few points still requiring clarification. We are getting closer.

The Township Committee held a discussion this evening in executive session concerning the status of the submission from BAW, LLC regarding their proposed development at West Lake Avenue. Further clarification is required.

4 North Boardwalk Update: The majority of the demolition and removal of the structure from the beach area is complete, in advance of the July 1 deadline. There is still some sand sifting and grading to take place as well as the replacement of the boardwalk sections removed for the work. The OGCMA is looking to have the boardwalk open to pedestrians prior to this coming weekend.

Microgrid Project Update: The Township's consultants advised that the BPU has not yet acted on the project awards. This action should happen upon approval of the State budget.

The Pre-Submission Form received from John Sierco to complete the Schoolhouse Square project has been vetted out, including their financial qualifications. Our redevelopment attorneys have been in contact with legal counsel for Mr. Sierco to begin the redevelopment agreement process. The redevelopment committee will be scheduling a meeting with Mr. Sierco to discuss the project in more detail including the type of construction planned and the requirement to use local contractors and laborers.

The Township in cooperation with the OGCMA will be providing a shuttle service for the July 6th parade. Two shuttles will run from 9am until 3pm on that Saturday. Free shuttle parking will be available at Midtown Community Elementary School.

Skate Park Update: The Township Committee will consider action on a resolution to clarify certain points concerning the construction and operation of the skate park to be constructed at Sunshine Village Park. Our joint insurance fund requested the resolution. If approved, we will announce a construction start date.

Living Shoreline Update: Our consulting engineer is finalizing our draft design plan for the South Riverside Drive Living Shoreline Project. Once the draft plan is complete we will have a meeting with our project team which includes a number of residents from Shark River Hills and members of the Shark River Clean up Coalition. We are anticipating a fall construction timeframe.

Mr. Anthony read Resolution #19-270 which was not on the meeting. It authorized the settlement in the matter of Eugene Stewart V. Township of Neptune, County of Monmouth and State of New Jersey.

PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, Rutherford Avenue, commented on Resolution #19-256 and questioned what was ADA and where it comes from and whose handling it.

Mr. Gadaleta stated it was American with Disabilities Act and it was from HUD to the County to the Township Committee but he manages it.

Mrs. Argyros questioned what would the money be spent for.

Mr. Gadaleta stated the County is a recipient for fair housing responsibility and the Township's projects are ADA improvement projects.

Mrs. Argyros questioned whether Oxonia and Anelve Avenues were considered moderate to low income.

Mr. Gadaleta stated that area was their target area.

Mrs. Argyros stated at one time Deal received a lot of CDBG money and that's why she raised the issue.

Hank Coakley requested the Committee elaborate on Resolution #19-257.

Mr. Gadaleta stated it was a certification that the CDBG grant funds will not be used for certain reasons.

Barbara Burns, Ocean Avenue, commented on Resolution #19-258 which pertained to Sgt. Webb. She questioned what was it about.

Mr. Gadaleta stated it was a matter turned over to the Prosecutor's Office in which Sgt. Webb forfeited his position as a result of his agreement we formally accepted.

ORDINANCE NO. 19-16 - ADOPTED

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

ORDINANCE NO. 19-16

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 ASBURY AVENUE

The Mayor requested comments on the above ordinance. There being no comments, she closed the public hearing.

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

ORDINANCE NO. 19-17 - ADOPTED

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

ORDINANCE NO. 19-17

AN ORDINANCE TO AMEND VOLUME I, CHAPTER V, SECTION 5-2 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED "APPOINTMENT OF POUND MASTER OR ANIMAL CONTROL CONTRACTOR; IMPOUNDING DOGS"

The Mayor requested comments on the above ordinance. There being no comments, she closed the public hearing.

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

ORDINANCE NO. 19-18 - APPROVED

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

ORDINANCE NO. 19-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING RESIDENT HANDICAPPED PARKING ZONES ON MT. TABOR WAY, SEAVIEW AVENUE, MT. CARMEL WAY AND ATLANTIC AVENUE

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

Ms. Howard stated that the Public Hearing on Ordinance 19-18 will be held on Monday, July

22, 2019.

CONSENT AGENDA

Mr. Williams offered the following resolutions of the Consent Agenda, moved and seconded by Mr. Lane, that they be adopted:

AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION WITH NATIONAL NIGHT OUT

WHEREAS, the National Night Out event will be held on Tuesday, August 6, 2019; and,

WHEREAS, the Police Department has recommended the temporary closure of a portion of Atkins Avenue for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Atkins Avenue between Heck Avenue and Highway 33 shall be closed to vehicular traffic and designated as no parking on Tuesday, August 6, 2019 between the hours of 2:00 p.m. to 9:00 p.m.; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close said street; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, Lt. Zarro, Director of Public Works, and District #1 Fire Official.

EMPLOY TEMPORARY SEASONAL PERSONNEL FOR THE NEPTUNE SUMMER RECREATION PROGRAM

WHEREAS, the Township of Neptune Recreation Department will be sponsoring a Summer Recreation Program; and,

WHEREAS, on May 23, 2019, the Township Committee adopted Resolution #19-223 which authorized the hiring of temporary seasonal personnel for the Program; and,

WHEREAS, the Recreation Director recommends additional hirings from the qualified applicants that were interviewed; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Recreation 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 the following persons be and are hereby employed in the Neptune Summer Recreation Program from June 27, 2019 through August 12, 2019, for the number of hours and days as specified herein, pending favorable results of the required background check and with the understanding that staffing levels will be based on final enrollment and this resolution does not guarantee either employment or number of hours; and,

Role Model \$10.00/hour 6.5 hours/day 30 days
Talya Terrell

Substitute Role Model \$10.00/hour 6.5 hours/day 30 days
Jaiden Rosal

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

ACCEPT THE RESIGNATION OF BRIAN GALATIS AS A DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Human Resources Director has received a letter from Brian Galatis resigning as a Driver in the Department of Public Works effective June 25, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Brian Galatis as a Driver in the Department of Public Works is hereby accepted effective June 25, 2019; and,

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

Financial Officer, Public Works Director, Assistant C.F.O., and Human Resources Director.

AUTHORIZE AN AMENDMENT TO THE 2019 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE MUNICIPAL COURT ALCOHOL EDUCATION, REHABILITATION AND ENFORCEMENT PROGRAM

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2019 in the sum of \$7,957.09 which is now available from the Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of \$7,957.09; and,

BE IT FURTHER RESOLVED that the like sum of \$7,957.09 is hereby appropriated under the caption of Alcohol Education, Rehabilitation and Enforcement Fund; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Courts Municipal Court Alcohol Education, Rehabilitation and Enforcement Fund in the amount of \$7,957.09; and,

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

EMPLOY TEMPORARY SEASONAL RECREATION ATTENDANT FOR THE NEPTUNE SUMMER RECREATION PROGRAM

WHEREAS, the Township of Neptune Recreation Department will be sponsoring a Summer Recreation Program; and,

WHEREAS, due to a leave of absence of a full-time Recreation Department staff member, there is a need for a temporary seasonal Recreation Attendant to assist with various Program logistics; and,

WHEREAS, the Human Resources Director and Recreation Director have reviewed applications and have made a recommendation; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Recreation 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 Chanel Ellison be and is hereby employed as a temporary seasonal Recreation Attendant in the Recreation Department from June 26, 2019 through August 9, 2019, for 30 hours per week at a rate of \$15.00 per hour; and,

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

AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL YEAR 2019 COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, certain Federal funds are potentially available to Monmouth County under the Housing and Urban-Rural Recovery Act of 1974, as amended; and,

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2019 from the United States Department of Housing and Urban Development; and,

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2019 to the U.S Department of Housing and Urban Development, which included a project hereinafter referred to as ADA Improvements to Oxonia and Anelve Avenues with a grant allocation of

\$161,419.00; and,

WHEREAS, the Township of Neptune hereby met all requirements for the release of funds to begin incurring costs for this project; and,

WHEREAS, the Township of Neptune has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an Appendix to the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Municipal Clerk of the Township of Neptune are hereby authorized to execute with the County of Monmouth the attached Project Agreement.

AUTHORIZE THE MAYOR TO SIGN A CERTIFICATE PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING

WHEREAS, certain Federal funds are potentially available to Monmouth County through the Housing and Community Development Act of 1974, as amended; and,

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2019; and,

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and,

WHEREAS, it is required that the Township of Neptune execute a Project Agreement with Monmouth County to undertake a project known as ADA Improvements on Oxonia and Anelve Avenues; and,

WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Neptune sign additional certifications in order to receive these funds; and,

WHEREAS, the Township of Neptune has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and,

WHEREAS, a copy of that policy is attached to and made a part of this resolution; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Neptune has met the conditions of receiving a Fiscal Year 2019 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying; and,

BE IT FURTHER RESOLVED, that the Mayor of the Township of Neptune is hereby authorized to sign the attached certifications which will become a part of the Fiscal Year 2019 Project Agreement.

ACKNOWLEDGE RECEIPT OF COURT ORDER FOR FORFEITURE OF PUBLIC OFFICE PERTAINING TO SERGEANT MATTHEW WEBB

WHEREAS, the Township has received an Order for Forfeiture of Public Office, dated June 13, 2019, which indicates that Sergeant Matthew Webb has permanently forfeited his position as a police officer with the Neptune Township Police Department,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby acknowledges receipt of an Order for Forfeiture of Public Office dated June 13, 2019 and hereby declares that the employment of Sergeant Matthew Webb as a Police Officer in the Neptune Township Police Department has ceased effective June 13, 2019; and,

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

ACCEPT THE RESIGNATION OF TRAVIS KENNEDY AS A DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Human Resources Director has received a letter from Travis Kennedy

resigning as a Driver in the Department of Public Works effective June 28, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Travis Kennedy as a Driver in the Department of Public Works is hereby accepted effective June 28, 2019; and,

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

AMEND TEMPORARY NO PARKING AND STREET CLOSURES IN CONNECTION WITH EVENTS CELEBRATING THE 150TH ANNIVERSARY OF OCEAN GROVE AND RESCIND RESOLUTION #19-149

WHEREAS, the Ocean Grove Camp Meeting Association has several events scheduled this Summer in celebration of the 150th anniversary of the founding of Ocean Grove that will require temporary no parking restrictions and street closures for pedestrian safety; and,

WHEREAS, on March 25, 2019, the Township Committee adopted Resolution #19-149 which authorized several street closures; and,

WHEREAS, it has since been determined that some of the approved street closures are not needed; and,

WHEREAS, the Police Department has reviewed and approved this action,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the temporary closure and posting of temporary no parking on the following street at the times indicated:

July 6, 2019 – 8:00 a.m. to 11:00 p.m.
Pilgrim Pathway between Bath Avenue and McClintock Street

August 10, 2019 – 8:00 a.m. to 11:00 p.m.
Pilgrim Pathway between Bath Avenue and McClintock Street

BE IT FURTHER RESOLVED, that Resolution #19-149 be and is hereby rescinded in its entirety; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Lt. Zarro, Director of Public Works, Fire Inspector, and Ocean Grove Camp Meeting Association.

RENEW LIQUOR LICENSE HELD BY EAST COAST COOKERY, LLC

WHEREAS, East Coast Cookery, LLC is the holder of a retail consumption liquor license that is inactive; and,

WHEREAS, in accordance with State law, East Coast Cookery, LLC, has petitioned the State of New Jersey Division of Alcoholic Beverage Control to permit the renewal of said inactive license; and,

WHEREAS, the Division of A.B.C. has issued a special ruling, dated September 13, 2018, to authorize the Township of Neptune to consider the application for liquor license renewal filed by East Coast Cookery, LLC, the holder of an inactive license #1334-33-012-015 for the 2019-2020 licensing year; and,

WHEREAS, East Coast Cookery, LLC has applied for renewal of said license for the 2019-2020 license year to continue in in-pocket status,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-33-012-015 issued to East Coast Cookery, LLC be and is hereby renewed for the 2019-2020 licensing year; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and to the License Holder.

AUTHORIZE AN AMENDMENT TO THE 2019 MUNICIPAL BUDGET TO REALIZE MONIES FROM

THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS – STATE LOCAL COOPERATIVE HOUSING INSPECTION PROGRAM

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the addition of an item of revenue in the budget for the year 2019 in the sum of \$6,300.00 which is now available from the NJDCA State Local Cooperative Housing Inspection Program in the amount of \$6,300.00; and,

BE IT FURTHER RESOLVED that the like sum of \$6,300.00 is hereby appropriated under the caption of SCHLIP Program (Code Enforcement); and,

BE IF FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Community Affairs State Local Cooperative Housing Inspection Program in the amount of \$6,300.00; and,

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

APPROVE THE ENGINEERING DESIGN AND CONSTRUCTION OF SKATEBOARD PARK FACILITY

WHEREAS, the Township of Neptune has explored the idea of creating a skateboard park on public property for use by those individuals engaged in the popular sport of skateboarding; and,

WHEREAS, Spohn Ranch, Inc. has prepared a design of a proposed skateboard park facility located at Sunshine Village Fields; and,

WHEREAS, the Township Engineer and Township Administrator have reviewed this design and, after considering same and discussing it with Township staff, has approved of the design and recommended that it be approved by the Township Committee; and,

WHEREAS, the Township Committee has thoroughly examined the design, location and layout of the skateboard park as prepared by Spohn Ranch, Inc. in its design dated June 12, 2019; and,

WHEREAS, the Township Committee believes that it is in the best interests of the residents of and guests to the Township of Neptune who engage in the sport of skateboarding to approve said design, location and layout in order to move forward with the construction of the proposed skateboard park facility at Sunshine Village Fields,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey as follows:

1. The Township Committee approves the plan and design of the Neptune Township skateboard park facility prepared by Spohn Ranch, Inc. in its design plan dated June 12, 2019.

2. The Township Committee has reviewed and approved all aspects of the design, including, but not limited to:

a. the proposed location of the facility in Sunshine Village Fields near Sunshine Parkway

b. the preparation of the location for the skateboard park facility

c. the layout of all component parts that will make up the skateboard park facility; the proposed means and methods of assembly of the component parts and all related aspects of construction of the skateboard park facility

d. the specific design of the individual components and how they relate to each other as a whole

e. the means of security surrounding the components and the skateboard park facility as a whole, including the fencing proposed

- f. the location, design and construction of the adjacent area for use by spectators and those skateboarders seeking to rest from participation in the skateboarding activity
- g. all other design specifications and details as set forth and as reflected in a drawing prepared by Spohn Ranch entitled: "Construction Plan Set Prepared for Sunshine Village Park Skate Park"

3. Signs shall be posted at the skateboard park facility in such locations as to reasonably advise the public that use of the skateboard park facility requires the wearing of all appropriate safety equipment, including, but not limited to, helmets, elbow and knee pads.

4. Said signs shall also contain a provision advising the general public and all those individuals seeking to use the skateboard park facility that the skateboard park facility is not supervised by Township employees, and that use of the skateboard park facility shall be at the participant's sole and exclusive risk.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Garden State Insurance Fund, Township Engineer, Township Attorney, Recreation Director and Public Works Director.

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>
4912/4	400 Overlook Drive	415.00
415/30	604 Ridge Avenue	1,682.00
503/26	1223 Embury Avenue	477.50
810/3	1806 Olden Avenue	477.50

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

AUTHORIZE MOTION FOR ENFORCEMENT IN THE MATTER OF TOWNSHIP OF NEPTUNE V. EVELYN STUMPF, JOHN WHERLE AND STUMPY'S SALES AND SERVICE, INC., ET ALS.

WHEREAS, the governing body of the Township of Neptune previously authorized legal action by Neptune Township through its Municipal Attorney, Gene J. Anthony, Esq., against Evelyn Stumpf, John Wherle and Stumpy's Sales and Service, Inc., with regard to zoning violations, and as a result a lawsuit was filed by Neptune Township in the Superior Court of New Jersey, Chancery Division, Monmouth County on July 22, 2016, under Docket No. C-125-16, addressing issues of Nonconforming Structures and Nonconforming Uses; and

WHEREAS, Defendants filed Third Party Complaints against Neptune Township employee, George Waterman and Monroe and Susan Boyce, Mac's Bait and Tackle and Mac's Shark River Tackle, and filed a Counterclaim against Neptune Township; and

WHEREAS, the parties reached an amicable settlement by Release and Stipulation of Settlement and Dismissal with Prejudice addressing all claims by all parties without further litigation, which was approved by the Township Committee of Neptune by Resolution on October 4, 2018; which provided that all the claims against the Township and individual employees of the Township were dismissed, but limitations were placed on Nonconforming Uses and Nonconforming Structures, and the requirement for the Defendants to file an Application before an appropriate Board of the Township to address traffic circulation and ingress and egress on the subject site within 90 days of the Stipulation of Settlement; and

WHEREAS, the Defendants have failed to file an appropriate Application before the appropriate Township Board within the time period prescribed by the Stipulation of Settlement; despite numerous letters by the Township Attorney to the attorney for the Defendants requesting action; however, no response has been made by the Defendants nor their attorney concerning final implementation of the Stipulation of Settlement aforesaid; and

WHEREAS, enforcement of the Stipulation of Settlement, approved on October 4, 2018, would be in the best interest of the citizens of Neptune Township, since the issues of traffic circulation and ingress and egress onto the subject site, known as Stumpy's Sales and Service is essential to the safety of all parties using the aforesaid site, as well as those on Route 35 passing the site.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes the Township Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to commence a legal action in the Superior Court of New Jersey, for a Motion for Enforcement, seeking enforcement of the Stipulation of Settlement with regard to all aspects now in violation by the Defendants; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed \$10,000.00 without additional approval for the purpose of this litigation. Funds are available for this purpose in the 2019 municipal budget in the appropriation entitled Legal O.E. and the Chief Financial Officer has so certified in writing; 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 Zoning Officer.

The resolutions of the Consent Agenda were adopted on the following vote: Brantley, aye; Lane, aye; McMillan, aye; Williams, aye; and Rizzo, aye.

APPOINT HEALTH BENEFITS PROGRAM BROKER/CONSULTANT

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

WHEREAS, the Township of Neptune desires to appoint a Health Benefits Program Broker/Consultant through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on June 18, 2019, conducted interviews with those who submitted, and will make a selection from the proposals received; and,

WHEREAS, funds will be provided in the 2019 municipal budget in the appropriation entitled Insurance O.E., 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 execution of a contract to engage the services of R.D. Parisi Associates as Health Benefits Program Broker/Consultant for a term beginning on July 1, 2019 and concluding on December 31, 2020 at a monthly rate of \$4,250.00 for the entire term of the contract; 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 Human Resources Director.

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF CUSTOMER SERVICE REPRESENTATIVE IN THE CODE/CONSTRUCTION DEPARTMENT

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

WHEREAS, there is a vacancy in the position of Customer Service Representative in the Code/Construction Department; and,

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

WHEREAS, the Human Resources Director and Construction Official have made their recommendation; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Construction Official 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 Nicole Ruddy for the position of Customer Service Representative in the Code/Construction Department, 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 July 1, 2019, at an annual salary of \$27,300.00; and,

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

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE CHIEF FINANCIAL OFFICER

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

WHEREAS, there is a vacancy in the position of Administrative Assistant to the Chief Financial Officer in the Finance Department; and,

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

WHEREAS, the Human Resources Director and Chief Financial Officer have made their recommendation; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Financial Administration 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 Alexis Perez for the position of Administrative Assistant to the Chief Financial Officer in the Finance Department, 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 July 1, 2019, at an annual salary of \$43,000.00; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	5,805,970.51
GRANT FUND	69,588.64
TRUST FUND	55,538.21
GENERAL CAPITAL FUND	3,358.00
SEWER OPERATING FUND	96,901.52
SEWER CAPITAL FUND	349,697.55
MARINA OPERATING FUND	12,161.91
LIBRARY TRUST	1,293.46
 BILL LIST TOTAL	 \$6,394,509.80

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

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

AUTHORIZE SETTLEMENT IN THE MATTER OF EUGENE STEWART V. TOWNSHIP OF NEPTUNE, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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

WHEREAS, Plaintiff, Eugene Stewart (hereinafter referred to as "Stewart") has been employed by the Neptune Township Police Department and currently holds the rank of Lieutenant, and was subject to a Disciplinary Hearing conducted regarding Stewart's actions as they pertained to the custody death of Katie Lee Thomas, and a Disciplinary Hearing concerning an unexecuted Arrest Warrant, the former of which resulted in a proposal by the Hearing Officer of a 90 day suspension, and the latter of which resulted in a recommendation by the Hearing Officer of an unpaid suspension of 10 days; and

WHEREAS, Stewart objected to the aforesaid proposed suspensions; resulting in negotiations by Special Counsel, Michael Burns, with the recommendation of a settlement with the Settlement Agreement attached hereto and made a part hereof as Exhibit A; and

WHEREAS, Special Counsel has advised the Township Committee, and the Township Committee has reviewed the attached Stipulation of Settlement, and believes it is in the best interest of the Township of Neptune to receive the said Stipulation of Settlement.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes a settlement of the case with Eugene Stewart with regard to suspension per the Disciplinary Hearings as set forth more fully in the attached Exhibit A; and,

BE IT FURTHER RESOLVED, that this settlement authorization is made without prejudice with regard to any changes or actions taken by the Defendant prior to execution of the Settlement Agreement; 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., Chief of Police, and Human Resources Director.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Gail Rosewater, 309 Lake Avenue, stated she appreciates the partnership with Neptune and was appreciative of the professionals that assist them. She stated she would like to offer

assistance of the Commission as far as the gates. She lives in Wesley Grove in Asbury Park and offered to help. She stated she would like for an informed decision to be made.

Aubry Conway, 2301 Timberridge Rd, Parlin NJ, stated she was a marijuana advocate and spoke regarding cultivation and recreational use in Neptune.

Angela Kulesz, 8 Ingles Court, stated she lived in a new development in the Gables and was concerned that there were no sidewalks near Walnut Street. She stated people are driving through the area too fast and her daughter is going to the middle school next year and she was concerned.

Mr. Gadaleta stated it was on property beyond her development and there was no requirement for sidewalks at the time it was developed. He stated they only get involved when grant funds are involved.

Dr. Brantley asked Mr. Gadaleta to please put this matter on his radar.

Mr. Gadaleta stated they could look for funding through safe streets.

Mrs. Argyros stated she already asked if the police matter had a docket number and questioned who would she serve to get information on the matter.

Mr. Anthony informed her that she would serve the Municipal Clerk and there was no docket number.

Jack Breden 94 1/2 Heck Avenue, stated as far as the Wesley Lake Commission there were no official files since the new person took over. He stated the gates should be taken down and a wall should be built and have Asbury Park pay for it. He stated the lake is causing a health hazard and should be dredged because most of the polluted water was coming from Asbury Park.

Eva Marie Keller, 122 Mt. Tabor Way, stated the gates were for security purposes and there are parking problems as well. she stated she could not find parking on her streets because people who work or party in Asbury Park, park their cars on Mt. Tabor Way and she did not appreciate it.

Scott Imbriaco, Shark River Hills, was present on behalf of the soccer association and spoke regarding the fees that might be imposed on them for lighting. He stated he felt they should be exempt and if fees were imposed on them they would have to raise the fees for the children.

Mr. Gadaleta stated this has been an ongoing discussion on how to manage the fees and they have not required this from any of the sports organizations. They asked Mrs. Thompson to look around at other towns to see what they were doing and this is an initial presentation and nothing formal has been done. He stated his comments would be taken into consideration.

Richard Williams, 1 Abbott Avenue, thanked the Committee for the change in how they make their comments from the dais. He also spoke regarding Kennedy Buckley and how he felt he was a role model.

Danni Fiori, 120 Lake Avenue, stated he felt it was great that they were going to meet with John Moor and asked that they elaborate.

Mayor Rizzo stated they were still obtaining information.

Danni Fiori stated the only thing that will solve parking is a parking program and did not feel believe the gates were a crime deterrent and did not see a down side in taking down the gates.

Barbara Lasinsky, stated she lived in the Town when the gates went up in 1995 and in 1996 there was a protest because some people were scared. She stated she was shocked to see that the gates are still being closed and the gates are shared between Neptune and Asbury Park. She stated it was not safe to have to go around the gates, it's a public through way and people should be able to walk through the gates. She urged the Committee to reconsider.

Nancy Clark, 47 Embury Avenue, stated at the last meeting there was going to be an inquiry as to whether it was on Neptune or the Camp Meetings property.

Mayor Rizzo stated the gates were on Neptune's property.

Ms. Clark questioned whether a parking consultant has been engaged.

Mr. Gadaleta stated the governing body put money in the budget and it has been discussed but there has not been a discussion to appoint anyone.

Ms. Clark stated she was in favor of opening the gates

Hank Coakley, Valley Road commended the Public Works Department for taking care of the flooding along Melrose and Valley road. He also questioned whether Code Enforcement has done anything as far as having numbers placed on homes and buildings.

Mr. Gadaleta stated they continue to have that discussion and they are enforcing it.

Frances Delia, 39 Olden Street stated she was in support of opening the gates and the area should be more open because there's plenty of electronic surveillance that can be put up in case an event took place. She stated lines have not been painted for handicap regarding curbs. She also stated that the North End Project could not happen fast enough and if there are no lights a hazard is waiting to happen.

Casey Alseika, 510 Helen Terrace, spoke regarding the proposed facility fees and stated they would have to pass fees onto the baseball players. He stated he was willing to meet with the Committee.

Teretha Jones, Hill Drive, urged the Committee to take down the gates in Ocean Grove and stated the gates were only put up as a racist knee jerk reaction. She stated the gates were not a deterrent and it's well know that the KKK rally's were held in Ocean Grove and it's documented. She stated crime was mainly caused by people who live there. She stated this had nothing to do with parking and they had to keep in mind how the town was originally developed and most people walked. She stated crime was no worse then, then it is now.

Diana Harris, 17 Willow Drive, questioned whether World Changers would be working on the Community Garden.

Mr. Gadaleta stated on July 15th they would have a discussion with the coordinator and he would be in touch with her.

Ms. Harris thanked Mr. Williams for spending time with her and updating her on projects. She spoke regarding Tom Clarke and asked the Committee for due process so that the new developer could find money necessary to move with this project.

Dr. Brantley stated they were going to meet with BAW to discuss those articles they read because they want to hear from him and his finances.

Ms. Harris asked the Committee to allow him to get the money together and suggested they give him a block to start with. She stated this was their third developer and consistency was needed. She stated she did not want it to look chopped up.

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

Richard J. Cuttrell,
Municipal Clerk

Pamela D. Howard,
Deputy Municipal Clerk