

TOWNSHIP COMMITTEE MEETING – FEBRUARY 8, 2021

Mayor Brantley called the meeting to order at 6:00 p.m. The meeting was held via Zoom. The Mayor announced the link for access.

The Mayor requested the Clerk to call the roll. The following members were present: Keith Cafferty, Robert Lane, Jr., Carol Rizzo, Nicholas Williams, and Mayor Michael Brantley.

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

The Mayor announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 28, 2021, which provided instructions on accessing and participating in the meeting virtually via Zoom. The Notice was filed with the Municipal Clerk and posted on the Township web site ([www.neptunetownship.org](http://www.neptunetownship.org)), along with the meeting agenda, ordinances and resolutions.

The following items were discussed in open session:

The Committee discussed the issuance of solicitor permits during the on-going public health emergency. Mr. Gadaleta stated that the Township has not issued solicitor permits and believes it is best to continue this policy. Mr. Anthony stated he was contacted by Trinity Solar. The Board of Public Utilities (BPU) issued an order temporarily banning door-to-door solicitation. A new Executive Order now allows for solicitation for essential construction activities. The BPU modified their order to mimic the order and included safety measures. Solar panels are considered an energy activity so they must be allowed. The Committee expressed concern about enforcing distancing and the whole idea of people opening their doors for this purpose. Mr. Anthony stated the Attorney General would enforce the safety measures. He will also contact Trinity Solar to ascertain if they would be willing to call residents and make appointments rather than door-to-door. He will also get more information from the State and see if they are willing to modify the order.

Mr. Cafferty stated a resident of Seaview Island is interested in building a community garden on Township owned property adjacent to Seaview Circle. He will see if there is an interested group rather than one or two people, but first wanted to check with the Committee on feasibility. Mr. Gadaleta stated this is a good use for a portion of the property since it must stay open space and cannot be developed.

The Committee discussed an ordinance regulating small wireless facilities. Mr. Anthony stated that municipalities can establish an ordinance to regulate but cannot prevent. An ordinance can establish filing procedures and deadlines for hearing application and would be an amendment to the Land Use Ordinance. He will work with the Township Planner and draft an ordinance because it is inevitable that applications will be coming.

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

Mr. Cafferty offered the following resolution, moved and seconded by Mr. Williams, 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 – Appointment to Rent Leveling Board  
Personnel – Appointment to Police Committee
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: Cafferty, aye; Lane, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

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

Mr. Cuttrell will provide the Mayor with a draft meeting agenda on the day before releasing the agenda to the public.

Mr. Lane will remain on the Police Committee as the Township Committee representative. Ms. Rizzo will be coming off the Police Committee due to the changes in membership as proposed in Ordinance No. 21-06. (The ordinance was tabled later in the meeting)

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

Mayor Brantley called the regular meeting to order at 7:00 p.m. by announcing that this a remote meeting via Zoom. The link for access can be found on the Township web site at [www.neptunetownship.org](http://www.neptunetownship.org)

The Mayor requested the Clerk to call the roll. The following members were present: Keith Cafferty, Robert Lane, Jr., Carol Rizzo, Nicholas Williams, and Mayor Michael Brantley.

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

The Mayor led a moment of Silent Prayer and the Flag Salute.

The Mayor announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 28, 2021, which provided instructions on accessing and participating in the meeting virtually via Zoom. The Notice was filed with the Municipal Clerk and posted on the Township web site ([www.neptunetownship.org](http://www.neptunetownship.org)), along with the meeting agenda, ordinances and resolutions.

#### APPROVAL OF MINUTES

Mr. Lane offered a motion, seconded by Mr. Cafferty, to approve the minutes of the meeting held on January 25, 2021. All were in favor.

#### COMMENTS FROM THE DAIS

Ms. Rizzo participated in a Meridian Patient Family Council meeting. They discussed community concerns regarding vaccine distribution. She asked for resources and a facility in the midtown community and is working with Randy Bishop, Senior Center Director on getting information to the seniors. She is also working with Dianna Harris on the Black History Month celebration via Zoom.

Mr. Lane also has been discussing utilizing the Senior Center as a vaccination center with Mr. Bishop. Homebound seniors were provided additional meals in advance of the snowstorms and the Center staff performed additional wellness calls during the storm. He participated in recognizing Lee Moses for 50 years of volunteer service to the Ocean Grove Fire Department. The Police Committee continues to meet on a regular basis and the officer survey is being worked on.

Mr. Williams stated he has been busy along with the Public Works Department due to the snow and sleet storms. Fourteen Public Works employees plowed snow for the first time and overall the Department did a nice job. There was the usual problem of pushing snow into driveways and other glitches, but he received good comments from the Ocean Grove, Shark River Hills and west Neptune. First responders were out for 48 hours during the storm which also included the issue of coastal flooding. He commended Dave Milmoie, Public Works Director, on a job well done.

Mr. Cafferty stated he participated with the Office of Emergency Management during the storm. There is a well-honed machine in place during storms between the Police Department, Public Works and the Office of Emergency Management. This was a long event, so shifting of staff has to be considered. He is exploring the idea of another community garden on Seaview Island. He asked anyone else with a similar interest in other areas to contact him. In regards to the condition of the North End Redevelopment site, he has asked that the Township clean up the site and then place a lien on the property for the cost. Mr. Anthony added that the Township's property maintenance code permits this. The case remains in court due to multiple adjournments, but Code can issue the proper notice to the property owner and the Township can move forward with cleaning the site.

Mayor Brantley stated the Redevelopment Committee is meeting this week and he will talk to the Redevelopment Attorney about cancelling the OGNED Redevelopment Agreement if the North End is not cleaned up. He made a video presentation to one of the former Midtown restaurant proprietors in connection with the Black History Month celebration soul food theme. Residents are contacting him seeking assistance in getting the covid vaccine. He knows of the County email site to get on the list but there have been no callbacks by the County. President Biden is working to get the vaccines available in pharmacies. On February 7<sup>th</sup>, the daily number of positive cases in Neptune went up by seven and then up another four on February 8<sup>th</sup>. The County is being hit harder and you can still be infected even if vaccinated. He has been asked for comments on the Garrity statement. He rescinded the letter and the Township will support any federal law enforcement investigation.

#### PUBLIC COMMENTS ON RESOLUTIONS

Mayor Brantley asked for public comments regarding resolutions presented on this agenda only. The public was permitted to speak one time with a limit of five minutes.

There were no public comments.

#### ORDINANCE NO. 21-02 - ADOPTED

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

##### ORDINANCE NO. 21-02

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK FOR PURPOSES OF INTRODUCING THE 2021 MUNICIPAL BUDGET

The Mayor requested comments on the above ordinance and they were as follows:

Ms. Rizzo stated that ordinance is done every year and does not affect the bottom line.

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

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

#### ORDINANCE NO. 21-03 - ADOPTED

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

##### ORDINANCE NO. 21-03

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "TOWNSHIP ATTORNEY" BY PROVIDING A NEW SECTION 2-21.6, ENTITLED, "ATTORNEY RECOMMENDATIONS FOR ASSIGNMENT OF LEGAL COUNSEL"

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

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

#### ORDINANCE NO. 21-04 - ADOPTED

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

ORDINANCE NO. 21-04

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-37 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "NEPTUNE SEWERAGE AUTHORITY", BY AMENDING THE MAXIMUM COMPENSATION AMOUNT PERMITTED FOR TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY MEMBERS

The Mayor requested comments on the above ordinance and they were as follows:

Michael Fornino, 120 Fulham Place, is opposed to this ordinance. TNSA members should not be paid anything. The Board of Education has a \$87 million budget and receives no compensation. The reason that it has always been done is not a good answer.

Mr. Anthony replied state statute allows this. All other authorities in other municipalities receive compensation.

Joan Venezia, 107 Mt. Hermon Way, agrees with Mr. Fornino. She is disappointed in Mr. Cafferty response last meeting when he stated "because we can".

Dianna Harris, 17 Willow Drive, asked if the TNSA members are appointed or are they applied for. Mr. Anthony responded appointed. She stated that Mr. Fornino has a good point. She has served on boards and received nothing. Mr. Anthony stated there is a difference between authorities and advisory boards.

Eileen Michaels, stated that the Township is facing budget concerns and asked how this affects what happens with other board. Mr. Anthony replied that this payment comes from the Authority's budget. Mr. Cafferty stated that the Township is raising the cap on the salary, not granting an increase. An increase would be the decision of the Authority. Ms. Rizzo stated the Committee should look at the equity issue because other boards may be entitled to compensation. Mr. Cafferty agreed that other boards should be consider if it is allowed.

Barbara Burns, 4 Ocean Avenue, stated that Ocean Grove Sewerage Authority (OGSA) members do not get paid. TNSA meetings are short and this is not a heavy lift. There is no need to get paid and there has historically been corruption problems with authorities. This is an equity issue. The Mayor replied OGSA decided on their own for no pay.

Richard Williams, 1 Abbott Avenue, asked if the TNSA members asked for a raise. The Mayor responded yes, TNSA made the request and this is similar to other authorities elsewhere.

Ms. Rizzo stated that she brought this issue to Michael Bascom, C.F.O. and she felt it was appropriate since there has been no raise since 1973. She said other towns are members of TNSA and they also contribute to the Authority's budget. Ms. Rizzo added that this is an issue of equity and she is sorry she did not look into it further. Mr. Williams stated other boards should be made equitable before giving a raise to TNSA. The Mayor stated that the Committee has difficulty finding people willing to serve. Mr. Anthony stated that state statues do not allow for compensation to boards. The OGSA is a much smaller authority than TNSA which is a regional authority. Mr. Williams added that HUD guidelines prevent payment to Housing Authority members.

Ms. Rizzo stated that she wants to table the ordinance. The Mayor stated that he does not want to table because this is what is what other authorities in the State are receiving.

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

The ordinance was adopted on the following vote: Cafferty, aye; Lane, no, stating this should be tabled; Rizzo, no, stating that information is needed on other authorities; Williams, aye; and Brantley, aye.

ORDINANCE NO. 21-05 - ADOPTED

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

ORDINANCE NO. 21-05

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON OCEAN PATHWAY AND ON SEAVIEW AVENUE AND REMOVING A RESIDENT ONLY

## HANDICAPPED PARKING ZONE ON BROADWAY

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

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

### ORDINANCE NO. 21-06 – TABLED

#### ORDINANCE NO. 21-06

##### AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED “POLICE DEPARTMENT”

The Mayor requested comments on the above ordinance and they were as follows:

Barbara Burns, 4 Ocean Avenue, asked the Committee to take a look at the ordinance because it applies that the Committee appoints five members from the Township Committee. Mr. Anthony stated that language was part of the original ordinance. He suggested taking out the phrase “from amongst its members” which would correct the intent of the appointments.

Lisa Boyd, stated the Business Administrator should have a vote. The Administrator brings a lot of knowledge to the Police Committee. Mr. Williams indicated Mr. Gadaleta suggested that the Business Administrator not have a vote.

Mr. Cafferty suggested leaving the Administrator as a non-voting member and adding another (3<sup>rd</sup>) citizen as a voting member so there would be five voting members. Mr. Gadaleta agreed that the Administration should be a non-voting member who provides technical support to the Police Committee

Bryan Acciani, Atkins Avenue, stated that if the Business Administrator has a vote, the Committee could be giving a non-Neptune resident control of the Police Committee.

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

The Committee had discussion on the options to reintroduce the ordinance with amendments or table and discuss possible additional amendments at the next workshop meeting.

Mr. Cafferty offered that the ordinance be tabled, moved and seconded by Ms. Rizzo. All were in favor.

### ORDINANCE NO. 21-07 - APPROVED

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

#### ORDINANCE NO. 21-07

##### AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 528 ENTITLED “STORMWATER MANAGEMENT” IN ITS ENTIRETY TO INCORPORATE REQUIREMENTS BY THE NJDEP UPDATED STORMWATER MANAGEMENT RULES (N.J.A.C. 7:8)

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

Mr. Cuttrell stated that the Public Hearing on Ordinance No. 21-07 will be held on Monday, March 8, 2021.

### ORDINANCE NO. 21-08 - APPROVED

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

ORDINANCE NO. 21-08

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.3 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY CLARIFYING THE TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL

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

Mr. Cuttrell stated that the Public Hearing on Ordinance No. 21-08 will be held on Monday, February 22, 2021.

APPOINT MEMBER TO THE RENT LEVELING BOARD - TABLED

Mr. Cafferty offered a motion, seconded by Mr. Williams, to table a resolution to "Appoint member to the Rent Leveling Board". All were in favor.

CONSENT AGENDA

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

AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING IN CONNECTION WITH THE OCEAN GROVE CHAMBER OF COMMERCE FESTIVALS AND EVENTS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a slate of activities in Ocean Grove for the calendar year; and,

WHEREAS, it is necessary to designate temporary no parking and street closures for these events; and,

WHEREAS, the Police Department has reviewed and approved these closures; and,

WHEREAS, the events will be held to the extent permitted by public health emergency orders and executive orders in effect at the time of each event,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that temporary street closures and posting of temporary no parking be and are hereby in connection with the Ocean Grove Chamber of Commerce events in 2021 contingent upon the ability to hold such events in light of the on-going public health emergency:

A. Spring Fling – Saturday, May 1<sup>st</sup> - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

B. Vintage Car Show – Saturday, May 15<sup>th</sup> - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

C. Spring Flea Market – Saturday, June 5<sup>th</sup>

1) Both sides of west bound and east bound Ocean Pathway from 9:00 P.M. on Friday, June 4<sup>th</sup> until 6:00 P.M. on Saturday, June 5<sup>th</sup>.

2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, June 4<sup>th</sup> until 6:00 P.M. on Saturday, June 5<sup>th</sup>.

3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway from 9:00 P.M. on Friday, June 4<sup>th</sup> until 6:00 P.M. on Saturday, June 5<sup>th</sup>. Central Avenue between east bound Ocean Pathway and Bath Avenue will be closed to through traffic but accessible for parking.

4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway from 9:00 P.M. on Friday, June 4<sup>th</sup> until 6:00 P.M. on Saturday, June 5<sup>th</sup>.

D. Fall Flea Market – Saturday, September 11<sup>th</sup>

1) Both sides of west bound and east bound Ocean Pathway and from 9:00 P.M. on Friday, September 10th until 6:00 P.M. on Saturday, September 11th.

2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, September 11, 2020 until 6:00 P.M. on Saturday, September 12, 2020.

3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway and from 9:00 P.M. on Friday, September 10<sup>th</sup> until 6:00 P.M. on Saturday, September 11<sup>th</sup>. Central Avenue between east bound Ocean Pathway and Bath Avenue will be closed to through traffic but accessible for parking.

4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway May 30, 2020 and from 9:00 P.M. on Friday, September 10th until 6:00 P.M. on Saturday, September 11th.

E. British Car Show – Saturday, September 18th - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

F. Fall Harvest Festival – Saturday, October 2nd - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

G. Holiday Festival – Saturday, December 4th - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue to and Mt. Tabor Way from 8:00 A.M. to 4:00 P.M.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. MacConchie, Director of Public Works, Ocean Grove Fire Inspector, and Ocean Grove Chamber of Commerce.

AUTHORIZE OCEAN GROVE CAMP MEETING ASSOCIATION'S ANNUAL INDEPENDENCE DAY PARADE

WHEREAS, the Ocean Grove Camp Meeting Association coordinates and sponsors an annual Independence Day Parade through the streets of the Ocean Grove Historic District that attracts thousands of residents and visitors each year; and,

WHEREAS, the Township participates in the parade as well as providing traffic support and a contribution toward parade expenses,

WHEREAS, the parade will be contingent upon public health emergency orders and executive orders allowing the event,

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

1. Permission is hereby granted for Ocean Grove Camp Meeting Association to hold their annual Independence Day Parade on Saturday, July 3, 2021 contingent upon the ability to hold the event in light of the on-going public health emergency.

2. Temporary no parking will be designated from 7:00 A.M. to 1:00 P.M. on July 3, 2021 on the following streets:

Both sides of Whitefield Avenue from Stockton Avenue to Main Avenue  
Both sides of westbound Ocean Pathway from Central Avenue to Ocean Avenue  
West side of Central Avenue from westbound Ocean Pathway to McClintock Street

3. A contribution in the amount of \$1,000.00 toward expenses incurred in connection with the parade is hereby authorized and funds for this purpose will be available in the 2021 municipal budget in the appropriation entitled Celebration of Public Events and the Chief Financial Officer has so certified in writing.

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

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2021; and,

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

AUTHORIZE SHARED SERVICE AGREEMENT WITH THE BOROUGH OF NEPTUNE CITY FOR EMERGENCY MEDICAL SERVICES

WHEREAS, the *Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 through 40A:65-35)* authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and,

WHEREAS, the Borough of Neptune City ("Borough") and the Township of Neptune, through the Neptune Township Emergency Medical Services, ("Neptune Township Emergency Medical Services") have identified an area where working together through Shared Services will result in a positive outcome for both the Borough and the Neptune Township Emergency Medical Services; and

WHEREAS, the Borough and Neptune Township Emergency Medical Services have agreed that the Neptune Township Emergency Medical Services will serve as the primary 9-1-1 Emergency Medical Services for the Borough in accordance with the participation plan previously submitted by the Borough; and

WHEREAS, the Neptune Township Emergency Medical Services will provide primary 9-1-1 Emergency Medical Services to the Borough by providing a Basic Life Support Ambulance, when available, in accordance with the Borough's participation plan; and,

WHEREAS, the system will meet the technical requirements and operational standards set forth in *N.J.A.C. 8:40*; and,

WHEREAS, the Neptune Township Emergency Medical Services will provide direct emergency medical services ("EMS") for the Borough; and,

WHEREAS, the Borough shall authorize and permit the Neptune Township Emergency Medical Services to bill those requesting EMS services in a manner substantially similar to the manner in which system users pay for such services within Neptune Township, pursuant to a rate schedule adopted annually by the Township Committee of the Township of Neptune and in accordance with ordinances, regulations, and laws governing the billing of EMS services; and,

WHEREAS, the term of this agreement will be retroactive to January 1, 2021 and end at 6:00 p.m. on December 31, 2021, with the ability to extend the agreement for a period of five (5) years beyond the expiration date by resolution of each governing body,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey that the Mayor and Clerk are hereby authorized and directed to enter into a Shared Services Agreement ("Agreement") with the Borough of Neptune City with respect to the provision of Emergency Medical Services pursuant to the terms and conditions set forth in the Agreement. A copy of the Agreement shall be open for public inspection at the Office of the Municipal Clerk; and,

BE IT FURTHER RESOLVED, that the terms of this Agreement shall take effect upon the



adoption of appropriate Resolutions and execution of the Agreement by the parties thereto; and,

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

AUTHORIZE TEMPORARY NO PARKING AND STREET CLOSURES IN CONNECTION WITH OCEAN GROVE CAMP MEETING ASSOCIATION FESTIVALS AND EVENTS

WHEREAS, the Ocean Grove Camp Meeting Association has scheduled festivals and events in June and July; and,

WHEREAS, it is necessary to designate temporary no parking and street closures for these events; and,

WHEREAS, the Police Department has reviewed and approved these closures; and,

WHEREAS, the events will be held to the extent permitted by public health emergency orders and executive orders in effect at the time of each event,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune that temporary street closures and/or posting of temporary no parking be and are hereby authorized in connection with Ocean Grove Camp Meeting Association community events in 2021 contingent upon the ability to hold such events in light of the on-going public health emergency:

A. Community night – Friday, July 2nd – 5:00 P.M. to 9:00 P.M. - Pilgrim Pathway between Bath Avenue and McClintock Street (street closure and no parking)

B. Craft Fair – Saturday, June 19<sup>th</sup> – 5:00 A.M. to 6:00 P.M.

1) North side of eastbound Ocean Pathway from Central Avenue to Ocean Avenue (no parking only, street remains open)

2) South side of westbound Ocean Pathway from Central Avenue to Ocean Avenue (no parking only, street remains open)

3) East side of Central Avenue between eastbound Ocean Pathway and westbound Ocean Pathway (no parking only, street remains open)

4) Both sides of Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway (street closure and no parking)

5) West side of Ocean Avenue between eastbound Ocean Pathway and westbound Ocean Pathway (no parking only, street remains open)

C. Ocean Grove Praisefest – Saturday, July 17<sup>th</sup> – 2:00 P.M. to 9:00 P.M. - West side of Ocean Avenue between the two Ocean Pathways (no parking only, street remains open)

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

APPOINT MEMBER TO THE WESLEY LAKE COMMISSION

WHEREAS, Mayor Dr. Michael Brantley has resigned as the Township Committee member to the Wesley Lake Commission; and,

WHEREAS, the Township Committee desires to fill said vacancy,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mayor Michael Brantley as a member of the Wesley Lake Commission be and is hereby accepted effective January 1, 2021; and,

BE IT FURTHER RESOLVED, that Keith Cafferty be and is hereby appointed as the Township Committee representative to the Wesley Lake Commission for an unexpired three year term expiring December 31, 2021; and,

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

RELEASE ROAD OPENING BOND POSTED FOR 348 WOODMERE AVENUE

WHEREAS, GVF Construction, LLC posted a Road Opening Bond written by First Indemnity of American Insurance Company in the amount of \$4,000.00 guaranteeing roadway restoration at 348 Woodmere Avenue; and,

WHEREAS, the required five year maintenance period has passed and the road opening has been restored and maintained,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the Road Opening Bond for 348 Woodmere Avenue as stated herein; and,

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

AWARD BID FOR REMOVAL OF BRUSH

WHEREAS, on February 3, 2021, the Purchasing Agent received bids for the award of a contract for removal of brush; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Mazza Mulch, Inc.; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds will be provided for the first three months of 2021 in the 2021 Temporary Budget and funds for the balance of 2021 will be provided in the 2021 Municipal Budget in the appropriation entitled Solid Waste Disposal O.E., when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Mazza Mulch, Inc. for removal of brush from the Public Works Yard for two years based on their lowest responsible bid of \$4.73 per cubic yard for 2021 and 2022; and,

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

AUTHORIZE PARTICIPATION IN AN ELECTRONIC TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic tax sales, and,

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales, and,

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and,

WHEREAS, the Township of Neptune wishes to participate in an electronic tax sale,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary; and,

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

AUTHORIZE CHARGE FOR NOTICE OF TAX SALE

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, and

WHEREAS, the rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of Neptune wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base,

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2021 electronic tax sale; and,

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

**CONFIRM THE SALE OF TOWNSHIP OWNED PROPERTY SOLD AT AUCTION TO ADJOINING PROPERTY OWNER**

WHEREAS, as authorized by Ordinance No. 20-32, the Township of Neptune conducted a public sale of non-conforming Township owned property to adjoining property owners only on February 3, 2021; and,

WHEREAS, said property was sold to the highest bidder who has submitted the required deposit,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the sale of the following property be and is hereby confirmed:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>PURCHASER</u>	<u>AMOUNT</u>
506/2	1710 Heck Avenue	Louis Gustave	\$ 10,000.00

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute a Deed conveying each property and Affidavit of Title on behalf of the Township of Neptune, County of Monmouth, a municipal body corporate of the State of New Jersey.

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

**AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT**

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
1007/6	MERLO	230 NEPTUNE BLVD	2020	6,224.80
1108/17	PACHECO	1507 10TH AVE	2020	1,760.39
1815/6	WILLIAMS	100 WEST END AVE	2020	943.88
4501/22	NAVARRETE	724 OLD CORLIES AVE	2020	2,245.05
605/14	CUSA	215 MYRTLE AVE	2020	1,483.81
1506/7	STEVERSON	10 CHELSEA CT	2020	1,587.02
139/6	HELLER	103 MT. TABOR WAY	2020	1,862.53
4214/12	GUNNIS	22 PINE BROOK DR	2020	1,689.17

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

**SUPPORT SOLAR LANDSCAPE COMMUNITY SOLAR PROJECT AT 3403 ROUTE 33 (STORAGE KING)**

WHEREAS, for more than a decade, the State of New Jersey has promoted energy policies

that have created a vibrant solar energy market; and,

WHEREAS, the State of New Jersey adopted the 2019 New Jersey Energy Master Plan, Pathway to 2050 (EMP); and,

WHEREAS, Strategy 6 of the EMP calls for support of community energy planning and action with an emphasis on encouraging and supporting participation by low and moderate income and environmental justice communities; and,

WHEREAS, Goal 6.2.1 of the EMP calls for the support of community-led development of community solar projects; and,

WHEREAS, this governing body is knowledgeable about the direct benefits of community solar projects as approved by the New Jersey Board of Public Utilities, including the following:

- Local, clean power generation
- Support for active participation in the program by low and moderate income families
- Reduction of energy bills for all participants
- Job training and support

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby supports the Solar Landscape community solar project proposed for 3403 Route 33 (Storage King); and,

BE IT FURTHER RESOLVED, that the Township of Neptune endorses for selection by the New Jersey Board of Public Utilities, the Solar Landscape community solar project listed above; and,

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

#### APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 023

WHEREAS, Zafar Khan is the owner of Neptune Township Taxi Medallion No. 023; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Ibrahim Abdo-Abdelwahed of Royal Transit, LLC; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 023 to Ibrahim Abdo-Abdelwahed of Royal Transit, LLC; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

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

#### AUTHORIZE ASSIGNMENT OF LEGAL CASES PURSUANT TO SECTION 2-21 OF THE TOWNSHIP CODE ENTITLED, "TOWNSHIP ATTORNEY"

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

WHEREAS, Ordinance #21-03, adopted February 8, 2021 establishes the procedure for the Township Attorney to recommend or make assignments on legal matters to Special Counsel, Labor Attorney or other designated attorneys with the consent of the governing body,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the following assignments and transfer of cases as follows:

- I. From Eric Bernstein, Esq., to present Labor Counsel, Law Firm of Shain Schaffer, 150 Moorestown Rd., Ste. 105, Bernardsville, NJ 07924:
  - a. Continued PBA Contract Negotiations
  - b. Final Draft of new Promotional Guidelines for Police Department
  - c. Captain Gualario PERC Arbitration

- d. P.O. Rogers Disciplinary Charges and Hearing
  - 1. Eric Bernstein, Esq. shall retain FOP Contract Negotiations
- II. From Plosia Cohen Law Firm to present Labor Counsel, Law Firm of Shain Schaffer:
  - a. AFSCME Blue Contract Negotiations
  - b. AFSCME Blue PERC Hearing on Grievance
  - c. Brian Butch v. Neptune Township, et als. – GSMJIF (RC 201900372)
- III. New Cases Assigned:
  - a. Colicelli v. Neptune Township, et als. – Law Firm of Shain Schaffer
  - b. Hunt v. Neptune Township, James M. Hunt, Jr. v. Township of Neptune – Rainone, Coughlin, Minchello, LLC, 555 U.S. Highway 1 South, Ste. 440, Iselin, NJ 08830 – GSMJIF

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Eric Bernstein, Esq., Plosia Cohen Law Firm, Shain Schaffer, Business Administrator, Human Resources Director, and Chief Financial Officer.

The resolution was adopted on the following vote: Cafferty, aye; Lane, aye; Rizzo, no; Williams, aye; and Brantley, aye.

APPOINT MEMBERS TO THE POLICE COMMITTEE - TABLED

Mr. Lane offered a motion, seconded by Mr. Cafferty, to table a resolution to “Appoint members to the Police Committee”. All were in favor.

AUTHORIZE THE PAYMENT OF BILLS

Ms. Rizzo offered the following resolution, moved and seconded by Mr. Cafferty, 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	430,701.73
GRANT FUND	20,037.00
TRUST FUND	44,445.28
GENERAL CAPITAL FUND	2,781,354.80
SEWER OPERATING FUND	25,194.54
SEWER CAPITAL FUND	3,379.71
MARINA OPERATING FUND	1,022.25
LIBRARY TRUST	1,716.69
 BILL LIST TOTAL	 \$3,307,852.00

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: Cafferty, aye; Lane, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Mayor Brantley asked for public comments regarding resolutions presented on this agenda only. The public was permitted to speak one time with a limit of five minutes. Comments were as follows:

Gail Alba, 14 Spray Avenue, stated that the North End property is an overgrown mess. It needs to be cleaned up and the chain link fence removed. Mr. Cafferty stated that he requested the Township clean the site and lien the property owner. The Mayor will address the matter at the upcoming Redevelopment Committee meeting, including the fence, and possibly using the Redevelopment Agreement to enforce. Ms. Alba asked the status of the CAFRA permit application. Mr. Gadaleta responded that the CAFRA is still looking into the application. There may be a CAFRA meeting on February 16<sup>th</sup>.

Eileen Michaels, 15 Seaview Avenue, stated the condition on the North End property is causing a lot of bad activity to occur. Garbage is thrown over the fence and no snow removal has taken place in front of the property on Spray Avenue. She also asked for trash cans be placed around the property. Mr. Cafferty replied the Township will clean up the property.

Richard Williams, 1 Abbott Avenue, stated Public Works did a great job clearing the streets of snow. He asked what entity makes the decision on how to proceed if CARFA rejects the North End Redevelopment plan and it goes back to "square one". Mr. Gadaleta responded that the Redevelopment Committee would review.

Dianna Harris, Willow Drive, stated that the lights at Midtown Park are out. She asked if World Changers was coming back this summer. Mr. Gadaleta replied that World Changers plans to come in July. Ms. Harris asked that the Liberty Park community garden be placed on the list of projects. She likes the new Public Works calendar but wanted a better picture of Midtown. In the future, the Township should ask the communities for pictures. Ms. Harris welcomed Ms. Rizzo to the Black History Month Committee and encouraged all to sign up for the free event on the website. They will be recognizing three old time restaurateurs in addition to the one the Mayor recently recognized.

Joan Venezia, 107 Mt. Hermon Way, stated that the North End is a mess and she emailed pictures to the Committee and Mr. Gadaleta. She is disappointed with OGNED and the Township and is concerned about the project moving forward.

Mike Fornino, 120 Fulham Place, stated that when he was a Board of Education member, he found something that was illegal in the teachers' contract. He didn't sign it and the judges agreed with him. He is contacting the Attorney General to ask if payment is allowed to TNSA members. They could use that money to hire an employee. People should be on boards because they want to help the Township and are proud to serve.

Frank Gaciofano, 4 Spray Avenue, stated that the residents near the North End site tried to make it better years ago. It was sold to out-of-towners and now it looks bad. Paint is being put in the dumpsters and he feels like he is in a cage because of the fence. The Township is not enforcing the codes and nothing gets done. The Township voted to declare the area in need of redevelopment because it's blighted, but the residents near the property get no break in taxes. The Mayor replied the Township is taking steps that were previously discussed.

Robert Ingato, 7 Seaview Avenue, stated there are two new unique concerns in regards to the parking issue in Ocean Grove. People are living in their vehicles at the end of Seaview Avenue who are using the lawns as a bathroom. Out-of-towners park near the beach and then sell the parking spot. Residents was permit parking. Mr. Gadaleta will contact the Chief of Police in regards to individuals sleeping in vehicles and Mr. Anthony will review the ordinances and state statutes. The Mayor will be meeting with the Better Parking Alliance and the Camp Meeting Association to further discuss the parking issues.

Andrew Levine, Better Parking Alliance, is awaiting the parking study commissioned by the Camp Meeting Association. He does not have a date as to when the study will be presented, the study is need before everyone can discuss the issue further.

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

Richard J. Cuttrell,  
Municipal Clerk