TOWNSHIP COMMITTEE WORKSHOP MEETING -- OCTOBER 7, 2021 -- 6:00 P.M.

ROLL CALL

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

PRESENT/ABSENT

	Keith Cafferty Robert Lane, Jr. Nicholas Williams Tassie D. York Dr. Michael Brantley	
Also present: Richard J. Cuttrell, M		ator; Gene Anthony, Township Attorney; and
publication of the req posting the notice on a Clerk. In addition, the the meeting is being	quired advertisement in The Coaster ar the Board in the Municipal Complex, and meeting agenda is posted on the Towns streamed live via townhallstreams.com.	nts of R.S. 10:4-18 have been satisfied by the nd the Asbury Park Press on May 27, 2021, difiling a copy of said notice with the Municipal ship web site (www.neptunetownship.org) and
ITEMS FOR DISCUS	SSION IN OPEN SESSION	
1. Review Comn	nittee calendars.	
Res. # 21-253 – Auth	norize an Executive Session as authoriz	ed by the Open Public Meetings Act.
Offered by: Vote: Cafferty,	Seconded by:; Lane,; York,	; Brantley,

RESOLUTION #21-353 - 10/7/21

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

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

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

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

- 1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
 - 2. The general nature of the subject matter to be discussed is as follows:

Personnel – Employee covid policies

- 3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.
 - 4. This Resolution shall take effect immediately.

TOWNSHIP COMMITTEE MEETING - OCTOBER 7, 2021 - 7:00 P.M.

PRESENT/ABSENT

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

ROLL CALL

Keith Cafferty Robert Lane, Jr. Nicholas Williams Tassie D. York Dr. Michael Brantley
Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; and Richard J. Cuttrell, Municipal Clerk.
Silent Prayer and Flag Salute
The Clerk states, "Fire exits are located in the rear of the room and to my right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."
Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on May 27, 2021, 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, ordinances, and resolutions are posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.
APPROVAL OF MINUTES – Motion offered by, seconded by,, to approve the minutes of meeting of September 27th.
COMMENTS FROM THE DAIS - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.
<u>REPORT OF THE BUSINESS ADMINISTRATOR</u> – The Business Administrator will report on capital projects and matters of general interest.
<u>PUBLIC COMMENTS ON RESOLUTIONS</u> - Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.
<u>ORDINANCES</u> - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes.
ORDINANCE NO. 21-43 — An ordinance to amend Chapter 9 of the Code of the Township of Neptune to delete Section 9-29.1 containing the Table of Contents of the Township's Personnel Policy Guidebook — Final Reading
Explanatory Statement: This ordinance removes the Table of Contents of the Township's Personnel Policy Guidebook from the General Code.
Public Hearing:
Offered by: Seconded by: Vote: Cafferty,; Lane,; Williams,; York,; Brantley,

ORDINANCE NO. 21-44 — An ordinance to amend the Land Development Ordinance of the Township of Neptune by allowing for a clustering option in the R-1 Very Low Density Residential Zone District — First Reading

Explanatory Statement: This ordinance provides for a Clustering Overlay Zone in the low density R-1 district only and establishes standards and regulations for a cluster development application

classified as a major subdivision, and major site plan, if applicable.
Offered by: Seconded by: Vote: Cafferty,; Lane,; Williams,; York,; Brantley,
DRDINANCE NO. 21-45 – An ordinance amend and supplement Section 412 of the Land Development Ordinance of the Township of Neptune by amending Section 412.21F, rescinding Section 412.21G through M, and establishing an ordinance under Section 4-34 of the Code of the Township of Neptune entitled, "Temporary Trailers, Dumpsters, Portable Storage Units and Like Portable On-Demand Storage Containers" – First Reading
Explanatory Statement: This ordinance amends the regulations pertaining to trailers, dumpsters, storage units, and storage containers and moves the ordinance from the Land Use Code to the General Code.
Offered by: Seconded by: Vote: Cafferty,; Lane,; Williams,; York,; Brantley,
The Clerk announces that Ordinances 21-44 and 21-45 will be referred to the Planning Board for a determination on consistency with the Master Plan. Public Hearings on Ordinances 21-44 and 21-45 will then be held at the regularly scheduled Township Committee meeting on Monday, November 8, 2021.
CONSENT AGENDA
Res. #21-354 – Approve the transfer of Taxi Medallion License No. 020.
Res. #21-355 – Amend hourly rates for Special Duty Assignments for Special Law Enforcement Officers – Class II.
Res. #21-356 – Authorize settlement in the matter of Department of Environmental Protection v. Township of Neptune.
Res. #21-357 – Authorize an amendment to the 2021 municipal budget to realize monies from the Monmouth County Office on Aging.
Res. #21-358 – Authorize refund of taxes as a result of an overpayment.
Res. #21-359 – Designate Secondary Sewer Operator.
Res. #21-360 – Adopt Covid-19 vaccination policy for Township employees.
Res. #21-361 – Authorize the purchase of computers in connection with the Senior Center technology upgrade through the State Cooperative Purchasing Program.
CONSENT AGENDA Offered by: Seconded by: Vote: Cafferty : Lane : Williams : York : Brantley

Res. #21-362 – Award bid for	repairs to the Public Works garage b	ouilding.
Offered by:; Lane,	Seconded by:; Williams,; York,	; Brantley,
Res. #21-363 – Authorize the	payment of bills.	
Offered by:; Lane,	Seconded by:; York,	; Brantley,

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

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

<u>ADJOURNMENT</u>

ORDINANCE NO. 21-43

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO DELETE SECTION 9-29.1 CONTAINING THE TABLE OF CONTENTS OF THE TOWNSHIP'S PERSONNEL POLICY GUIDEBOOK

	rd J. Cuttrell ipal Clerk	Dr. Michael E Mayor	Brantley			
ATTES	ST:					
APPR	OVED, PASSED AND ADOPTED:	October 7, 20)21			
APPR	OVED ON FIRST READING:	September 2	7, 2021			
accord	This Ordinance shall take effect imme lance with law.	diately upon	passage	and	publication	in
	SECTION 2.					
	Section 9-29.1 of the Code of the Township	of Neptune is	hereby de	leted.		
	SECTION 1.					
i	BE IT ORDAINED, by the Township Commi	ttee of the Tov	vnship of N	leptur	ne as follows	:

ORDINANCE NO. 21-44

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY ALLOWING FOR A CLUSTERING OPTION IN THE R-1 VERY LOW DENSITY RESIDENTIAL ZONE DISTRICT

WHEREAS, Neptune Township's Land Development Ordinance and Regulations include standards that control the location, scale, and type of land uses within the Township; and

WHEREAS, in accordance with section 40:55D-62 of the Municipal Land Use Law, the Neptune Township Committee is charged with adopting zoning standards ordinances relating to the nature and extent of the uses of the land and of buildings and structures thereon in order to protect the general health, safety, and welfare of the public,

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Neptune, County of Monmouth, that the Land Development Ordinance of the Township of Neptune is hereby amended as follows:

SECTION 1.

Section 403.01 F. Is hereby added as follows:

F. R-1 Clustering Overlay

- Cluster Development. In the R-1 District only, a cluster development application classified as a major subdivision (and major site plan, if applicable) shall be permitted in accordance with the following standards and regulations. The cluster development shall consist of single family, detached dwellings.
- 2. The tract of lands shall have a minimum of 12 acres.
- 3. In order to determine the maximum number of lots for cluster development subdivision, a conforming plan of a conventional subdivision shall be submitted based on minimum lot areas of 12,500 sq. ft. in the R-1 District. The concept plan shall be in sufficient detail to permit the Planning Board to make an informed decision as to the subdivision satisfying all ordinance requirements and in a form that would be acceptable to the Planning Board as a conventional subdivision without the need for any lot area or lot dimension variances or exceptions to subdivision design standards. The plan shall include areas for drainage and roadways. The number of lots on the conventional concept plan shall be the maximum number of lots permitted under the clustering overlay.
- 4. Natural features such as trees, natural terrain, open waters and natural drainage areas shall be preserved wherever possible in designing any development containing such features. As part of the subdivision or site plan review process, development should be designed to preserve scenic vistas and views of cultural/historic landmarks and of unique geologic and topographic features. The open space lot shall be placed in a conservation easement, with monuments and demarcated with a split race fence.

- **5.** All lots created under this subdivision option shall be deed restricted against further subdivision for the purpose of creating an additional lot or lots.
- **6.** The subdivided residential lot shall meet the following zoning requirements:
 - a. Minimum lot area: 7,500 sq. ft.
 - b. Minimum lot width: 75 ft.
 - c. Minimum lot frontage: 75 ft.
 - d. Minimum lot depth: 100 feet.
 - e. Minimum front yard setback: 25 feet.
 - f. Minimum rear yard setback: 25 feet.
 - g. Minimum side yard: 5 feet.
 - h. Minimum combined side vard setback: 15 ft.
 - i. Maximum height: 35 feet.
 - j. Maximum number of stories: 2.5
 - k. Maximum Building coverage: 25%.
 - I. Maximum Lot coverage: 35%.

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

Δ	PPRO\	/FD	ON	FIRST	RFA	DING:
,		,	\sim 11	111101	1 12/	WII 1 U.

APPROVED, PASSED AND ADOPTED:

Λ٦		ES	Т	٠
\sim 1	1	LO	ı	٠

Richard J. Cuttrell Municipal Clerk Dr. Michael Brantley Mayor

ORDINANCE NO. 21-45

AN ORDINANCE TO AMEND AND SUPPLEMENT §412 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING §412.21F, RESCINDING §412.21G THROUGH M AND ESTABLISHING AN ORDINANCE UNDER §4-34 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED, "TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ONDEMAND STORAGE CONTAINERS

WHEREAS, the Township Committee, under Ordinance #7-25, amended and supplemented Section 412 of the Land Development Ordinance of the Township of Neptune by adding a portion concerning Temporary Trailers, Dumpsters, Portable Storage Units and like Portable On-demand Storage Containers under §412.21; and

WHEREAS, the Township Committee would like to now amend Subsections (G) through M by rescinding its enforcement under the Land Use Development Ordinance and creating new enforcement under the Code of the Township of Neptune, while amending §412-21F to refer to this change.

NOW, THEREFORE, BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that the Land Development Ordinance, §412.21F, shall be amended as follows and the Land Use Development Ordinance, §412.21G through M shall be rescinded, while creating a new Ordinance under Code of the Township of Neptune, §4-34, entitled "Temporary Trailers, Dumpsters, Portable Storage Units and like Portable On-demand Storage Containers as follows:

- No Trailer may be temporarily or permanently used for storage of materials in any zoned district except to the extent permitted with regards to Dumpsters, Pods, Mobile Attics and like Portable On-demand storage containers to the extent permitted under §4-34 of the Code of the Township of Neptune.
- §4-34.1 TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS.

<u>Portable Storage Unit – Definition.</u> A transportable unit designed and used for the temporary storage of household goods, personal items, construction materials and supplies and other materials which are placed on a site for the use of occupants of a dwelling or building on a limited basis. Portable storage units include but are not limited to certain trade named units called "PODS", "mobile attics" and like Portable On-demand Storage Containers.

<u>Dumpster – Definition.</u> A rigid container generally used for routine collection, temporary storage of solid waste, construction materials, industrial and other waste materials generally on a temporary basis which is a portable detachable device.

<u>Public Area – Definition.</u> Includes street, sidewalk, highway, public lane, alley, Township parking lot or other public place in the Township under the control and/or ownership of the Township.

<u>Per Year – Definition.</u> Means 52 weeks from the date of issuance of the first permit.

§4-34.2 PLACEMENT OF DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS ON PRIVATE PROPERTY.

- a. Any person looking to place, permit to be placed or utilize a Dumpster as defined above shall require a permit issued by the Director of Code Enforcement and a payment of a non-refundable filing fee of \$50.00 for residential property and \$150.00 for commercial properties or such other fee as may be fixed from time to time by the Township committee and shall be limited to a use not to exceed 60 days. "Portable Storage Units or like storage containers placed on private property shall be limited to 30 days placement and shall require a permit from the Director of Code Enforcement upon payment of a non-refundable fee filing fee of \$50.00 for residential properties and \$150.00 for commercial properties, or such other fee as may be fixed from time to time by the Township Committee. Such Dumpsters and Portable Storage Units or like Portable On-demand Storage Container shall be placed either on vacant private property or located on the side yard or backyard of an existing building or private property. Should the applicant require or request placement in the front of a building on private property; said application shall be treated the same as an application under §4-34.2b of this Ordinance. No property owner or agent for the property owner shall be allowed to apply for a Dumpster or Portable Storage Unit or like Portable On-demand Storage Container permits in excess of 2 permits per year, per property. All Dumpsters and Portable Storage Units and Portable On-demand Storage Containers shall be appropriately labeled as of the date the permit was issued and the date required for removal; representing the maximum time period for use under the permit.
- b. Front yard shall be defined in accordance with the Zoning Code of the Township. Should the applicant seek a hardship from the Director of Code Enforcement, which would allow for placement of the Dumpster or Portable Storage Unit or like Portable On-demand Storage Containers in a location on the front yard of private property or on a public area as defined above, and should the Director of Code Enforcement grant such hardship application as set forth more fully below; said "Dumpster," Portable Storage Unit or like Portable On-demand Storage Container shall be subject to the same time period for removal or renewal as set forth more fully above, but shall be subject to a permit fee of \$100.00 for residential properties and \$300.00 for commercial properties, or such other fee as may be fixed from time to time by the Township Committee, with the same limitations as set forth the above.
- c. Should a permit be issued for placement of the dumpster, portable storage unit or like portable on-demand storage container on a public area as defined above within the Ocean Grove Historic District, the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container shall not be permitted in the public area on a weekend during the summer season. Weekends shall be defined as between Friday at 3 pm and Monday at 8 am. Summer season shall be defined as between the dates of May 15th and September 15th. This prohibition shall extend to Tuesday at 8 am should the weekend be followed by Memorial Day, Labor Day or the Fourth of July legal holidays.

- §4-34.3 PROHIBITION OF DUMPSTERS, PORTABLE STORAGE UNITS, PORTABLE STORAGE UNITS OR LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS IN CERTAIN PRIVATE PROPERTY AREAS.
 - a. It shall be generally unlawful for any person to construct or place a storage container for garbage, such as a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container as defined in this ordinance upon any front yard of private property or upon any Township owned or unaccepted dedicated street, avenue, highway, lane, alley or public place or area as defined above. No permit shall be issued for such use or storage of Dumpsters, Portable Storage Units or Like Portable On-demand Storage Containers unless the applicant establishes a hardship by satisfying one or more of the following criteria:
 - (1) Narrowness of distance between property lines making placement of the Dumpster, Portable Storage Units or like Portable on-demand Storage Containers elsewhere other than at the front of said private property or at a public area difficult if not impossible.
 - (2) Parking needs affected.
 - (3) Traffic flow affected.
 - (4) Other reasons establishing the necessity of placement on the front of private property or on a public area.
 - b. Should the applicant demonstrate a hardship warranting placement of a Dumpster, Portable Storage Unit or like Portable On-demand Storage Container on the front yard of private property or on a public area as defined above, the Director of Code Enforcement shall issue a permit with regards to Dumpsters, Portable Storage Units or similar Portable Ondemand Storage Containers on a temporary basis, in the case of a Dumpster for a period not to exceed 60 days and in the case of a Portable Storage Unit or like Portable On-demand Storage Containers not to exceed 30 days. Extensions cannot be granted for more than the aforesaid time period set. Both a permit for a Dumpster and a permit for Portable Storage Container shall require a fee as set forth in §4-34.2b above.
 - c. Any permit may be revoked by the Director of Code Enforcement if it is determined that the existence of the dumpster, portable storage unit or like portable on-demand storage container is affecting traffic flow or affecting the safety or welfare of the public.
 - d. Further conditions for Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers are as follows:
 - (1) At the time the application is filed, each applicant shall furnish the Township of Neptune with a Certificate of Insurance which contains limits of at least \$100,000.00/\$300,000.00 for bodily injury and \$100,000.00 for property damage, which shall name the Township of Neptune as an additional insured and which shall be non-cancelable during the permit period.

- (2) Any applicant who is given a "Hardship Permit" to place a Dumpster, Portable Storage Unit or like Portable Ondemand Storage Container in the front yard or in a public area shall furnish the Township of Neptune with sufficient surety, to be determined by the Township Engineer to guarantee against damage to the streets, curbs and sidewalks or other improvements in the public right-of-way.
- (3) No Dumpster, Portable Storage Unit or like Portable Ondemand Storage Container shall be placed in a public area for more than 24 hours prior to commencement of construction, and shall not remain therein for more than 24 hours subsequent to construction being completed, and shall not exceed the time period limitations of §4-34.2a above.
- (4) No permit shall be issued by the Director of Code Enforcement until it is determined that the issuance of the Permit will not constitute a danger to public safety or an unwarranted interference with the efficient movement of traffic.
- (5) Any person who controls, owns or lease or operates a refuge Dumpster, Portable Storage Unit or like Portable Ondemand Storage Unit must ensure that such container or Dumpster is covered at all times and shall prevent refuge or materials from spilling out or overflowing.
- (6) Any person who controls, owns or leases or otherwise uses a refuge Dumpster, Portable Storage Unit or like Portable On-demand Storage Unit must ensure that such unit or container does not leak or otherwise discharge liquids, semiliquids or solids to the municipal sewer system operated by the Township of Neptune or public areas or adjoining properties.
- (7) No Dumpster, Portable Storage Unit or like Portable Ondemand Storage Container shall be placed in a public or private area unless it is determined by the Police Department that there is sufficient room to place the Dumpster, Portable Storage Unit or like Portable Ondemand Storage Unit on the property of the person utilizing the same. No Dumpster, Portable Storage Unit or Like Portable On-demand Storage Container placed on the property shall impede the flow of pedestrian or vehicular traffic or safety and site lines.
- (8) All Dumpsters, Portable Storage Units or Like Portable Ondemand Storage Units allowed on public areas shall be equipped with markers consisting of reflective diamond shaped panels measuring a minimum of 18 inches by 18 inches. These panels shall be mounted at the edge of the Dumpster, Portable Storage Unit or like Portable Ondemand Storage Container at both ends nearest the path of passing vehicles and facing the direction of oncoming traffic.

The required marker shall have a minimum height of 3 feet from the bottom of the panel/unit to the surface of the roadway.

- (9) All Dumpsters, Portable Storage Units or like Portable Ondemand Storage Containers shall at all times be kept in good repair and shall be structurally sound and leak proof and shall be painted as to prevent the show of rust or deterioration, and shall be constructed to stand firmly upright.
- (10) All permits for Dumpsters, Portable Storage Units or like Portable On-demand Storage Containers for particular properties shall be restrictive in that any garbage or debris placed in the same must be as a result of construction or work on the site listed in the application and cannot be used as a transfer station for construction materials, garbage and/or debris from other sites.
- (11) Any "Hardship Permit" located in a public area shall be subject to the following requirements:
 - (i) They shall be located a minimum of 25 feet from the nearest intersection. A minimum of 35 feet from a stop sign.
 - (ii) They shall be located a minimum of 10 feet from the nearest fire hydrant.
 - (iii) They shall be located as close to the curb as possible.
 - (iv) A minimum clearance of 15 feet shall be maintained on the street side of the unit for the passage of vehicles. In locations where 15 feet is not normally available with automobiles parked on the street, the Dumpster or Storage Unit or like Portable On-Demand Storage Container shall not exceed six (6) feet, six (6) inches in width.
 - (v) They shall be marked with reflective material so as they are visible to oncoming traffic.
 - (vi) 24-hour emergency contact shall be provided in the event that removal of the Dumpster, Storage Unit or like Portable On-Demand Storage Container is necessary.

§4-34.4 NOTICE OF FAILURE TO COMPLY.

The Director of Code Enforcement is hereby authorized to notify, in writing, by mailing by certified mail, return receipt requested and regular mail or hand delivering to the owner, or person or entity in control of the property where the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container is located or person or entity that in the opinion of the Township controls, owns or

leases the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container or the agent of the owner or person or entity in control therein of the particular violation. The person or entity shall have five (5) days from the date of receipt of the notice to cure the violation. Said notice shall be deemed to serve as a continuing notice for the remainder of the calendar year and the Township may, without further notice, correct any existing violation in accordance with this Ordinance.

§4-34.5 FAILURE OR REFUSAL TO COMPLY.

Upon the failure, neglect or refusal of an owner, tenant, person or entity in control or his or her agent to comply with this Ordinance per the aforesaid notice within the time period prescribed by this Ordinance then the Township is authorized to either issue citations of violation as set forth more fully in this Ordinance and/or to remove the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container without further notice. The Township may act with regards to this provision without notice if it determines an emergency condition exists requiring action with regards to the dumpster or container.

§4-34.6 UNPAID CHARGES TO CONSTITUTE A LIEN ON PROPERTY.

Should the Township be required to move the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container in order to correct any violation of this Ordinance, the Director of Code Enforcement shall certify the costs of removal and storage of said Dumpster, Portable Storage Unit or like Portable On-demand Storage Container and shall be authorized to forward the bill to the property owner or person or entity in control of said Dumpster, Portable Storage Unit or like Portable On-demand Storage Container for payment within thirty (30) days of the date of the bill and any continuing storage costs. The amount of the charge shall become a lien upon the lands and properties for which the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container was located or properties of the owner, tenant or controller of the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container where such Dumpster, Portable Storage Unit or like Portable On-demand Storage Container served the benefit and use of in the opinion of the Township. Should the person or entity who owns, leases or controls the Dumpster, Portable Storage Unit or like Portable Ondemand Storage Container fail to pay all charges and remove the dumpster or container from Township custody within ninety (90) days of the Township removing and storing the same, then the Township may sell the property at public auction. If the Dumpster, Portable Storage Unit or like Portable On-demand Storage Container identifies the owner of the subject Dumpster, Portable Storage Unit or like Portable On-demand Storage Container, the same shall be notified of the proposed sale in writing ten (10) days prior to public sale.

§4-34.7 OTHER VIOLATIONS, PENALTIES.

In the event that any person or entity fails to comply with this Ordinance by committing an unlawful act, a fine not exceeding \$2,000.00 Dollars per violation, a term of imprisonment not exceeding ninety (90) days or a period of community service not exceeding ninety (90) days or any combination thereof shall be imposed.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The Ordinance shall become effective immediately upon its final passage and publication as required by law.

Richard J. Cuttrell Municipal Clerk	Dr. Michael Brantley Mayor
ATTEST:	
APPROVED, PASSED AND ADOPTED:	
APPROVED ON FIRST READING:	
required by law.	

RESOLUTION #21-354 - 10/7/21

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 020

WHEREAS, Ibrahem Abdo-Abdelwahed is the owner of Neptune Township Taxi Medallion No. 020; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Mohamed Elgamal of Elgamal Transportation; 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. 020 to Mohamed Elgamal of Elgamal Transportation; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

(C) Date

RESOLUTION #21-355 - 10/7/21

AMEND HOURLY RATES FOR SPECIAL DUTY ASSIGNMENTS FOR SPECIAL LAW ENFORCEMENT OFFICERS – CLASS II

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following shall represent hourly rates for Special Duty Assignments for Special Law Enforcement Officers – Class II effective immediately:

Traffic Control/Security Assignment

\$40.00 per hour

Regularly Scheduled (repetitive) Security Assignment:

\$50.00 per hour

Board of Education Assignment

\$40.00 per hour

Off-Duty Assignment - Governmental agency

\$30.00 per hour

(Includes non-profit organizations supported by the municipal budget)

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-356 - 10/7/21

AUTHORIZE SETTLEMENT IN THE MATTER OF DEPARTMENT OF ENVIRONMENTAL PROTECTION V. TOWNSHIP OF NEPTUNE

WHEREAS, the Department of Environmental Protection issued a NOCAPA PEA 210003-009404 on August 11, 2021 against Neptune Township for violation of underground storage of hazardous substances and/or air pollution control with an initial fine of \$15,000.00; and

WHEREAS, Neptune Township addressed the aforesaid issues arising from said violation at the Department of Public Works Municipal Fueling Station, which had an underground storage tank system issue, and reached a settlement of the aforesaid matter with the Department of Environmental Protection of the State of New Jersey in the amount of \$11,250.00; and,

WHEREAS, funds for this purpose are available in the 2021 municipal budget in the appropriation entitled Gasoline O.E., and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes a Settlement Agreement, a true copy of which is attached hereto as Exhibit A, for payment in the amount of \$11,250.00 towards the Department of Environmental Protection violation concerning an underground storage tank system issue at the Department of Public Works Municipal Fueling Station located at 2201 Heck Avenue, Neptune Township, New Jersey; and,

BE IT FURTHER RESOLVED, that this settlement authorization is made without any admission of guilt, and authorizes the Mayor and Clerk to execute the attached Settlement Agreement and forward the same to the State of New Jersey, Department of Environmental Protection; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

RESOLUTION #21-357 - 10/7/21

AUTHORIZE AN AMENDMENT TO THE 2021 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE MONMOUTH COUNTY OFFICE ON AGING

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 2021 in the sum of \$1,000.00 which is now available from the Monmouth County Office on Aging FY21 Title IIIB Older Americans Act grant in the additional amount of \$1,000.00; and,

BE IT FURTHER RESOLVED that the like additional sum of \$1,000.00 is hereby appropriated under the caption of Senior Citizens Program – Title IIIB; and,

BE IF FURTHER RESOLVED, that the above is the result of additional funds from the Monmouth County Office on Aging FY21 Title IIIB funding Older Americans Act grant in the amount of \$1,000.00; 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.

Vote:

Cafferty:

aye

Lane:

01/0

Williams:

aye aye

York:

ave

Brantley:

absent

CERTIFICATION

THEREBY CERTIFY THE ABOVE TO BE A TRUE COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP OF THE TOWNSHIP OF

NEPTUNE ON ______ O

RESOLUTION #21-358 - 10/7/21

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect an overpayment; 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,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
5414	2	FROMHOLD	106 MILFORD RD	2021	\$1,736.37
3705	45	MARTIN	7 DOUGLAS DRIVE	2021	\$1,017.28

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

0

RESOLUTION #21-359 - 10/7/21

DESIGNATE SECONDARY SEWER OPERATOR

WHEREAS, a vacancy exists in the stipend positon of Secondary Sewer Operator; and,

WHEREAS, Matthew Parker, Driver in the Department of Public Works, has been earned the C2 Collection license from the State of New Jersey; and,

WHEREAS, the Sewer Department Supervisor and Business Administrator have recommended that the Secondary Sewer Operator stipend by awarded to Matthew Parker; and,

WHEREAS, funds will be provided in the 2021 Sewer Utility Budget in the appropriation entitled Salary & Wages and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Matthew Parker, Driver in the Public Works Department, be and is hereby designated as the Secondary Sewer Operator in the Sewer Department of Public Works at an annual stipend of \$4,000.00, as established by prior resolution of the Township Committee, effective October 8, 2021; and,

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

CERTIFICATION

HEREBY CERTIFY THE ABOVE TO BE A TRUE

COPY OF A RESOLUTION ADOPTED BY THE

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF

NEPTUNE ON OCTOBER 7, 2021

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-360 - 10/7/21

ADOPT COVID-19 VACCINATION POLICY FOR TOWNSHIP EMPLOYEES

WHEREAS, in light of the danger posed by the COVID-19 virus, particularly the DELTA variant currently sweeping the nation, and the widespread availability of safe and effective COVID-19 vaccines; and

WHEREAS, as the governing body of the Township of Neptune, we are charged with protecting the health and safety of the employees of Neptune Township and the public at large through all reasonable means;

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Neptune hereby adopts the attached COVID-19 Vaccination Policy for Township employees; and,

BE IT FURTHER RESOLVED, that a certified of this resolution and policy be forwarded to the Human Resources Director for dissemination to Township employees.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

0



			202
		-	404

Dear Staff:

This letter is intended to notify you that Neptune Township is updating its COVID-19 Policy to require either proof of full vaccination status or a weekly negative COVID-19 test for all employees.

Please contact Stephanie Oppegaard in Human Resources if you have any questions regarding the attached COVID-19 Policy.

Thank you

Dr. Michael Brantley, Mayor

I. PURPOSE

The Township makes every reasonable effort to provide a safe and healthy workplace that is free from recognized hazards that endanger the health, safety and welfare of its employees. With respect to the ongoing COVID-19 pandemic, the Township is implementing policies to protect its employees and members of the public. This policy, which is based on State and Federal public health guidance, is intended to help mitigate the continued and dangerous spread of COVID-19, in particular the Delta variant.

II. GENERAL INFORMATION

The New Jersey Department of Health ("NJDOH") and the U.S. Department of Labor's Occupational Safety & Health Administration ("OSHA") in conjunction with the Centers for Disease Control and Prevention ("CDC"), have issued guidance for employers to develop and modify workplace policies to protect the health and safety of all employees and members of the public during the ongoing COVID-19 pandemic.

COVID-19 continues to pose a risk to our community. Unvaccinated employees pose a heightened risk of contracting and spreading COVID-19 in the workplace to both coworkers and to members of the public who depend on Township services. In the workplace, certain health and safety measures are appropriate to deter the spread of COVID-19.

The State of New Jersey has expanded COVID-19 vaccine eligibility to all individuals age 12 and over who live, work and study in New Jersey. In addition, NJDOH² and CDC³ recommend that all eligible individuals become "fully vaccinated" against COVID-19, which means:

- 2 weeks after second dose in a two-dose vaccine series (e.g., Pfizer or Moderna); or
- 2 weeks after a single-dose vaccine (e.g., Johnson & Johnson/Janssen).

Currently, the U.S. Food and Drug Administration ("FDA") has fully approved the Pfizer COVID-19 vaccine for individuals 16 years of age and older, and approved the Moderna and Johnson & Johnson/Janssen COVID-19 vaccines for Emergency Use Authorization. Pursuant to Equal Employment Opportunity Commission guidance, employers may require employees to be fully vaccinated against COVID-19, with limited exceptions, and may require employees to provide proof of vaccination.⁴

¹ https://covid19.nj.gov/pages/vaccine.

² https://www.state.nj.us/health/cd/documents/topics/NCOV/Public FAQ.pdf.

³ https://www.cdc.gov/coronavirus/2019-ncov/vaccines/your-vaccination.html.

⁴ https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo- laws#K.

III. COVID-19 VACCINE POLICY

In order to maintain a workplace that is free from recognized hazards that are causing or likely to cause death or serious physical harm to Township employees, and to best protect Township employees and the public, it is the Township's policy that all Township employees, Independent Contractors, Emergency Management and Services Personnel (including OEM and EMS volunteers), must, either be fully vaccinated against COVID-19 or implement preventive measures and submit to weekly COVID-19 testing at their own expense. All Township employees and are required to report their vaccination status to Human Resources by October 15, 2021, and to submit proof of full vaccination status, or of negative COVID-19 status as of October 18, 2021 and weekly thereafter.

- A. How to Show That You Are Fully Vaccinated. All persons subject to this policy may demonstrate proof of full vaccination status by presenting the following documents that list COVID-19 vaccines currently authorized for Emergency Use Authorization or approved by the U.S. Food and Drug Administration ("FDA") for use in the United States and/or the World Health Organization ("WHO"), along with an administration date for each dose:
 - a. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
 - b. Official record from the New Jersey Immunization Information System (NJIIS) or other State immunization registry;
 - c. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
 - d. A military immunization or health record from the United States Armed Forces; or
 - e. Docket mobile phone application record or any state specific application that produces a digital health record.

Employees are advised not to provide any medical or genetic information as part of the proof of vaccination. The Township will keep proof of vaccination status confidential and will maintain same in a confidential medical record, separate and apart from the employee's personnel file.

B. Weekly Testing and Protective Measures for Unvaccinated Persons

Any person subject to this policy who is not fully vaccinated must be masked while in the workplace (in accordance with the Township's Mask Policy), remain socially distanced from co-employees, undergo weekly testing at their own expense, and submit proof of negative COVID-19 status to the Township HR Director every week. Unvaccinated employees may have their duties altered to eliminate close contact with other employees and to mitigate the potential spread of COVID-19.

To provide proof of negative COVID-19 status, employees may choose either antigen or molecular

tests that have received Emergency Use Authorization.

Testing must be done at facilities that have received authorization by the FDA or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. FDA-approved at-home self-testing kits may be permitted subject to verification by Human Resources.

The weekly COVID-19 test must have been taken within 72 hours of commencing the workweek.

IV. EMPLOYEES INFECTED WITH COVID-19

Any employee who is infected with COVID-19 or has COVID-19 symptoms (including fever of 100.4 or higher; a new cough that you cannot attribute to another health condition; new shortness of breath that you cannot attribute to another health condition; and/or a new sore throat that you cannot attribute to another health condition) shall not report to work until he or she has provided a doctor's note indicating when the employee may safely return to work.

V. EXPOSED EMPLOYEES

A. Employees who have a known exposure to someone with suspected or confirmed COVID-19 shall report to work but must self-monitor and must wear a mask in the workplace in accordance with the Township's Mask Policy.

For the purpose of this policy, "known exposure" is defined as having fifteen (15) continuous minutes of being within six (6) feet of a person who has tested positive for COVID-19, or who has COVID-19 symptoms.

VI. ENFORCEMENT

- A. Township employees who have not provided proof of full vaccination by October 15, 2021, or evidence of a negative COVID-19 test taken within 72 hours of the first day of the employee's work week, will be deemed non-compliant with this Policy. Due to the extreme danger of the ongoing COVID-19 pandemic, non-compliant employees will be considered unfit for duty and prohibited from working within any Township buildings, facilities, vehicles or in the public.
- B. A non-compliant employee will not be paid for any time when they are not working and will not accrue any sick, vacation or other time while they are not working. The pay of a salaried, non-compliant employee will be reduced by that portion of their workweek that the non-compliant employee did not work. A non-compliant employee may use vacation or personal leave for days that they do not work as a result of their non-compliance. A non-compliant employee may not, however, use accumulated sick leave for those days.
- C. Any employee who remains non-compliant for a period of thirty (30) consecutive days without good cause will be deemed to have abandoned their employment with the

Township.

D. Any employee who submits false proof of vaccination or a false negative test result is subject to immediate termination.

VIII. AMENDMENTS TO POLICY

The Township reserves the right to suspend or amend this policy as needed, including, but not limited to, the right to change the deadlines set forth above based on the availability of the COVID-19 vaccine and/or additional public health guidance.

RESOLUTION #21-361 - 10/7/21

AUTHORIZE THE PURCHASE OF COMPUTERS IN CONNECTION WITH THE SENIOR CENTER TECHNOLOGY UPGRADE THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Senior Center Director has recommended the purchase of computers in connection with the Senior Center technology upgrade through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Dell has been awarded New Jersey State Contract No. 19-TELE-00656 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$25,000.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 21-35 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 purchase of computers in connection with the Senior Center technology upgrade through New Jersey Cooperative Purchasing Program Contract No. 19-TELE-00656 be and is hereby authorized at an amount not to exceed \$25,000.00; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-362 - 10/7/21

AWARD BID FOR REPAIRS TO THE PUBLIC WORKS GARAGE BUILDING

WHEREAS, on September 28, 2021, the Township Engineering Consultant received bids for the award of a contract for repairs to the Public Works garage building; and,

WHEREAS, said bids were reviewed by the Township Engineering Consultant who has recommended that a bid be awarded to Cypreco Industries, Inc. as the lowest bidder; and,

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

WHEREAS, funds for this purpose will be provided in Ordinance No. 21-31 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 Cypreco Industries, Inc. on their lowest responsible of \$187,025.00 for repairs to the Public Works garage building; and,

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-363 - 10/7/21

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	308,324.76
GRANT FUND	521.04
TRUST FUND	71,363.39
GENERAL CAPITAL FUND	505.20
SEWER OPERATING FUND	38,051.13
MARINA OPERATING FUND	4,181.00
DOG TRUST	151.20
LIBRARY TRUST	532.36
	¢422 620 09
BILL LIST TOTAL	\$423,630.08

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

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON OCTOBER 7, 2021

Richard J. Cuttrell, Municipal Clerk