

TOWNSHIP COMMITTEE WORKSHOP MEETING – JANUARY 24, 2022 – 6:00 P.M.

Mayor Williams called the meeting to order at 6:00PM

Roll Call	Present/ Absent
Dr. Michael Brantley	<u>Present</u>
Keith Cafferty	<u>Present</u>
Robert Lane, Jr.	<u>Present</u>
Tassie D. York	<u>Present</u>
Nicholas Williams	<u>Present</u>

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, Acting Municipal Clerk.

Items for Discussion

1. Ordinance amending Land Development Ordinance, Volume II, Article IV, Section 415.20, Entitled “Small Wireless Facilities and Wireless Poles in the Public Right-Of-Way” (*Ordinance 22-05*)
Mr. Gene Anthony stated this was discussed last year but some were not present. The original legislation in 1996 and was amended in 2014. FCC adopted regulations in 2018. These regulations include timelines for applications and review of the proposal. Mr. Anthony provided the ordinance for department review and input. A procedure and plan must be present in order to not create an issue for processing.
2. An Ordinance To Amend Volum I, Chapter XIII of the Code of The Township of Neptune By Amending Section 13-2 Entitled “Removal of Snow and Ice” to Amend Section 13-2.2 “Definition” And 13-2.3 “Reserve” (*Ordinance 22-06*)
Mr. Anthony proposed an ordinance for the Committee to adopt. The previous ordinance does not include a definition for “sidewalk”, but the general definition is pedestrian walkway. This ordinance will define sidewalk and include the boardwalk.
3. An Ordinance To Amend Chapter VII of the Code of The Township of Neptune By Amending Section 7.3, Entitled, “Temporary Parking Prohibition for Snowplowing and Removal”
Mr. Anthony stated this ordinance would clarify the parking prohibitions during Snow Emergencies and asked the committee to review and consider.

Res # 77 Authorize an Executive Session as Authorized by the Open Public Meetings Act.

Offered by: Lane Seconded by: Cafferty

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

TOWNSHIP COMMITTEE MEETING – JANUARY 24, 2022 – 7:00 P.M.

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

Roll Call	Present/ Absent
Dr. Michael Brantley	<u>Present</u>
Keith Cafferty	<u>Present</u>
Robert Lane, Jr.	<u>Present</u>
Tassie D. York	<u>Present</u>
Nicholas Williams	<u>Present</u>

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, Acting 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 Williams announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 6, 2022, 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 Committeeman Lane, seconded by, Deputy Mayor Cafferty, to approve the minutes of meeting of January 10, 2022. All present were in favor.

PRESENTATION

The Mayor will make a Proclamation in recognition of Marshall "Monk" Conklin.

WHEREAS, the Divine Creator, in His infinite wisdom, has taken Marshall "Monk" Conklin and brought him to His Kingdom; and,

WHEREAS, Marshall Conklin was born at Fitkin Hospital in Neptune, NJ on November 19, 1934. He was a member of the graduating class of 1953 of Asbury Park High School and received his degree with honors in Business Administration from Monmouth University in 1961; and,

WHEREAS, Marshall Conklin received two meritorious promotions and achieved the rank of Sergeant during his service with the United States Marine Corp. Marshall served 3 years in active duty and 5 years in the Marine Corp Reserve before he was honorably discharged from service; and,

WHEREAS, Marshall Conklin went on to work for the Township of Ocean Board of Education as School Business Administrator and Board Secretary for 32 years, while also being an asset to his community with his numerous volunteer positions; notably as a Life Member of Wanamassa Fire Company (1959), Life Member of the Wanamassa First Aid Squad (1959), Life Member of the New Jersey Fireman's Association, Life Member of Monmouth County Fireman's Association and Member of the American Legion Post No. 346.; and,

WHEREAS, Marshall Conklin departed this life on January 7, 2022 leaving behind his children, Mary Hardy and Scott M. Conklin, Kelly and her husband Jim Keane and five grandchildren, Nik, Ellen, Lauren, Erik, and Brian. Although we grieve with his family members, and a multitude of friends, we will always consider ourselves fortunate for having the privilege to have known Marshall Conklin, and;

NOW, THEREFORE BE IT PROCLAIMED, that, I, Nicholas Williams, Mayor of the Township of Neptune, along with the entire Neptune Township Committee, do hereby recognize and celebrate the life of Marshall Conklin and bestow the hope that he will always be remembered for his service to his country and community, his commitment to his faith and that he will always live in the hearts of his family and friends.

COMMENTS FROM THE DAIS

Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

Committeeman Lane thanked everyone who came tonight to honor Mr. Conklin. Mr. Lane stated he attended the first round of budget hearing and they went well. Mr. Lane stated there was a COVID booster and vaccine clinic at the Senior Center. Mr. Lane thanked all involved to make a safe clinic including the senior center employees, EMS and Office of Emergency Management.

Committeewoman York stated she had the budget meeting for Code, EDC and Ms. York is excited for what was presented. Committeewoman York congratulated Randy Bishop for the wonderful job he is doing with the Senior Center.

Dr. Brantley discussed with the Business Administrator the possibility of having a Shred Day. This year we are not able to plan, but we are hoping to have one scheduled next year. Dr. Brantley stated he will have progress reports of some upcoming projects in Neptune.

Deputy Mayor Cafferty stated that DPW is preparing for a potential snowstorm. Deputy Mayor stated that if you are a gardener, now is the time to start planning your garden.

Mayor Williams stated he has spent more time in Town Hall now with the new hires of Business Administrator and Township Clerk and we are looking forward to the new hire of Deputy Clerk. Mr. Bascom is working on the budget now that the budget hearings are over. Mayor Williams stated they have worked on the budget diligently and have been making sure to take into account the tax payers as they are reviewing the budget. Mayor Williams stated on the agenda tonight, is a Hotel Occupancy tax and this is very important for Neptune. Other towns jumped on this tax when it was first announced and Neptune was able to hold off on adoption. It is necessary for Neptune to consider this ordinance because this revenue can help offset some of the financial losses Neptune has faced to better take care of the taxpayers.

REPORT OF THE BUSINESS ADMINISTRATOR

Library Automated Door Project: On February 16th and 17th, crews from Stanley Access Technologies will be installing two new sets of automated doors at the Library. For safety and access reasons, the library will be closed to the public on those days, although employees will still report to work as they have a separate entrance from the one where the doors will be installed.

COVID 19- Testing for Employees: A2Z Diagnostics, who are currently operating a COVID testing site at LoFreddo Field three days a week (Monday, Wednesday and Friday), have now begun offering COVID Tests to Township Employees on Fridays. Employees just need to bring their Township ID and their insurance card and results are guaranteed by Monday morning before they report to work. Special Thanks to Dave Milmoie and George Waterman for coming up with this idea and coordinating with the testing company to make it happen.

Meeting with the Friends of Boswell Park: On January 18th, DPW Director Dave Milmoie and I met with representatives of the Friends of Boswell Park to discuss ways that the Township can feasibly and legally partner with them on upkeep and beautification of the park. As the Committee may recall, Friends of Boswell Park attended multiple committee meetings at the end of last year seeking guidance on the Township's role in maintaining parks and green spaces in Ocean Grove. In response to specific concerns raised at those meetings, DPW has since replaced missing handrails and also ordered new trash receptacles that should be delivered soon. It is our hope that meetings like the one we had last week open the line of communication and provide whatever information and resources they need.

PUBLIC COMMENTS ON RESOLUTIONS

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

Hank Coakley, Valley Rd.

Mr. Coakley asked for clarification on resolutions 22-78 and 22-87. Mr. Anthony stated these were past litigation actions that the insurance carrier has requested that the suits are settled. On resolution 22-86, Mr. Coakley asked for Clarification. Mr. Anthony stated the settlement is related to suits about OPRA and a suit was brought to superior case and there is a delay in processing and legal fees need to be paid because of prevailing party fees.

Nancy Clarke, 47 Embury Ave.

Ms. Clarke thanked the committee for the new committee packet format as it provides clear information to the public.

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

PUBLIC HEARING AND FINAL ADOPTION ORDINANCES:

ORDINANCE NO. 22-01 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a resident only handicapped parking zone on Broadway and removing a resident only handicapped parking zone on Abbott Avenue

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 137 Broadway and the removal of an existing handicapped parking zone in front of 16 Abbott Avenue.

No Public Comments were made.

Offered by: Cafferty Seconded by: Brantley

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

ORDINANCE NO. 22-02 – An ordinance amending Ordinance No. 20-35 entitled “An ordinance creating and setting the salary range for new job titles and amending the salary ranges for all other existing job titles of the Township of Neptune” by creating the position of paramedic

Explanatory Statement: This ordinance creates the full-time job title of Paramedic and establishes a salary range of \$42,000 minimum/\$67,000 maximum.

No Public Comments were made.

Offered by: Lane Seconded by: York

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

ORDINANCE NO. 22-03 – An ordinance authorizing the imposition of an Occupancy Tax on hotels and motels within the Township of Neptune, County of Monmouth, State of New Jersey

Explanatory Statement: This ordinance for a Hotel, Motel and/ or Transient Accommodation Occupancy Fee of 3% to be paid by the occupant of the room. The ordinance establishes definitions and method for collection and payment. The ordinance becomes effective on the first day of the first month occurring ninety (90) days after its adoption and transmittal to the State Treasurer.

Joyce Klein, 105 Mt.
Hermon Way

Ms. Klein asked if the definition for transient placement relates to AirBNB. Mr. Anthony stated the definition is included, but this ordinance does not tax AirBNB. Ms. Klein asked if the Committee will be addressing Airbnb in the taxes in the future and if there will be enforcement on AirBNB that are in violations of the ordinance. Mr. Anthony stated if there are violations they should be forwarded to George Waterman as a zoning violation. Mayor Williams stated that if there is concern regarding the noise of an Airbnb to contact the Police Department.

Offered by: Cafferty Seconded by: York

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

ORDINANCES FOR FIRST READING

ORDINANCE NO. 22-04 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (N.J.S.A. 40a: 4-45.14)

Explanatory Statement: This ordinance permits the introduction of the annual municipal budget with a maximum increase in total appropriations of 3.5%. This ordinance does not change or negate the 2% tax levy cap.

Offered by: Cafferty Seconded by: York

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

ORDINANCE NO. 22-05 Ordinance Amending Land Development Ordinance, Volume II, Article IV, Section 415.20, Entitled, “Small Wireless Facilities And Wireless Poles In The Public Right-Of-Way

Explanatory Statement: This ordinance addresses the impact of the FCC regulations regarding Small wireless facilities by adopting local policy concerning small cell equipment and wireless poles, conserving the limited physical capacity of the Public Right-of-Way held in public trust by Township and County, assure compliance by carriers of all laws and regulations, and will establish guidelines for the placement of small cell facilities and poles in the Public Right-of-Way.

Offered by: Lane Seconded by: Cafferty

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

ORDINANCE NO. 22-06 An Ordinance To Amend Volume I, Chapter XIII Of The Code Of The Township Of Neptune By Amending Section 13-2, Entitled, “Removal Of Snow And Ice” To Amend Section 13-2.2 “Definition” And 13-2.3 “Reserve”

Explanatory Statement: This ordinance amends Chapter 13 Section 2.2 to include the definition of sidewalk and reserve section Chapter 13 Section 2.3.

Offered by: York Seconded by: Lane

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

The Clerk announced that the Public Hearings on Ordinances will be held at the next Township Committee meeting on February 14, 2022.

CONSENT AGENDA

- Res # 78** Authorizing Settlement In The Matter Of Elena Gonzalez V. Neptune Township, Et Als. Under Docket No. Mon-L-367-16
- Res # 79** Approve The Transfer Of Taxi Medallion License No. 022
- Res # 80** Authorizing The Township Of Neptune To Participate In The Nationwide Settlement Agreements With Johnson & Johnson , McKesson, Cardinal Health, And AmerisourceBergen To Resolve Claims Involving Their Roles In The Country’s Opioid Crisis
- Res # 81** Authorizing The Township Committee Of The Township Of Neptune To Execute PCO#14COVID For \$14,548.98 And Change Order # 3 For \$25,186.13 With Kappa Construction Company For A New Contract Total Of \$4,229,237.34
- Res # 82** A Resolution Of The Township Committee Of The Township Of Neptune Appointing Members To The Westley Lake Committee
- Res # 83** Authorizing Proposed Site Modification To Cell Tower License Area For Verizon Wireless At 25 Neptune Blvd., Neptune Township, New Jersey 07753
- Res # 84** Establish Salaries For Part-Time Positions Not Covered By Contract
- Res # 85** Authorizing Settlement In All Matters Involving Jersey Shore University Medical Center

- Res # 86** Authorizing Settlement In The Matter Of Brian Butch V. Rick Cuttrell, Custodian Of Records And Neptune Township In OPRA Complaint Only, Filed In The Superior Court Of New Jersey, Appellate Division, Under Docket No. A-3930-19T4
- Res # 87** Authorizing Settlement In The Matter Of Elena Gonzalez V. Rick Cuttrell, Custodian Of Records And Neptune Township In OPRA Complaint Only, Filed In The Superior Court Of New Jersey, Appellate Division, Under Docket No. A-3929-19T3
- Res # 88** Authorizing Settlement In The Matter Of Garden Homes Management Corp. And Third Garden Park Limited Partnership V. Township Of Neptune In The Superior Court Of New Jersey, Count Of Monmouth, Law Division, Under Docket No. 280-09
- Res # 89** Resolution Authorizing Termination Of Sewer Reservation Fee Agreement With The Borough Of Tinton Falls And William J. Sitar, Sr.
- Res # 90** Accept The Resignation Of Michael Bonanno As A Special Law Enforcement Officer Class II In The Police Department
- Res # 91** Accept The Resignation Of John Mattia As A Special Law Enforcement Officer Class II In The Police Department
- Res # 92** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Recreation
- Res # 93** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Department Of Public Works
- Res # 94** Authorize Agreement With Monmouth Truck For Purchase Of 11 Foot Utility Body And Installation In The Amount Of \$17,538.27
- Res # 95** Resolution Authorizing The Purchase Of John Deere 333g Compact Track Loader For Department Of Public Works From Jesco Under New Jersey State Co-Op #65mcscpps, Contract # ESCNJ 18/19-25 For \$120,589.78
- Res # 96** Resolution Authorizing The Purchase And Installation Of Playground Equipment For Department Of Public Works From Ben Schaffer Recreation Inc. Under New Jersey State Co-Op #65MCESCCPS, Contract # ESCNJ 20/21-22 In An Amount Not To Exceed \$37,000.00
- Res # 97** Resolution of the Township Committee of the Township of Neptune awarding JCW INC DBA Natural Green Lawn Care and Sportcare Synthetic Field Maintenance the Jumping Brook Ballfield Complex contract in an amount not to exceed \$129,145.00
- Res # 98** Authorize the Payment of Bills
- Res # 99** Reclassify Special Law Enforcement Officer In The Police Department From Class II To Class I
- Res # 100** Authorize The Execution Of A Successor Collective Bargaining Agreement With Local No. 74, New Jersey State Policeman's Benevolent Association, Inc.

CONSENT AGENDA

Offered by: Cafferty Seconded by: Brantley

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

SEPARATED RESOLUTIONS

Res # 101 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Department Of Public Works

Offered by: Brantley Seconded by: York

Vote: Brantley Yes Cafferty Yes Lane Yes York Yes Williams Yes

Res # 102 Authorizing Referral By Township Committee Of Complaint To The State Of New Jersey, Department Of Community Affairs, Local Finance Board

Offered by: Brantley Seconded by: Lane

Vote: Brantley Yes Cafferty Yes Lane Yes York Abstain Williams Yes

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.

Barbara Burns,
4 Ocean Ave. Ms. Burns asked about the ordinance for Small Wireless Facilities and noted there is inconsistency in the size of the equipment noted and asked for clarification. Mr. Anthony stated he would look into and address.

Marissa Osten,
61 Stockton Ave. Ms. Osten applied to be on the Historic Preservation Committee and knew they were appointed in January. Ms. Osten had spoken to Allison and Bernie about the appointment and then was not contacted or appointed to the committee. Ms. Osten stated she is disappointed in the process. Mayor Williams explained why the vacancy was filled by Mr. Mcnamara because he was previously on the board.

Tommy Lebello
Neptune Resident Mr. Lebello stated there was a campaign years ago to stop Amazon from coming in. Mr. Lebello stated there is not a left turn signal on Route 66 and Green Grove and there was supposed to be a circle on route 66 and it has not come to fruition.

Dr. Brantley stated that there was money received from the federal monies to widen Route 66 and there is supposed to be a traffic calming circle installed by where the food bank is. The project was intended to start in 2021, but now the State has indicated that the work may not begin until 2025 to include the widening, circle and traffic lights. A specific request can be made for Green Grove.

Ian Nugent Mr. Nugent asked about the approval process for Cannabis. Mr. Nugent explained the two types of applications/licenses available and the State requirements. Mr. Nugent encouraged the Township Committee to consider conditional licenses.

Michael Badger,
129 Broadway Mr. Badger asked that the Camp Meeting be brought into the conversation regarding Small Wireless Facilities. Mr. Anthony stated this only applies with the Public Right Of Way, and there are limits on the conversations that can be had regarding design and install. Mr. Badger expressed concern about the design in the historic district.

Mr. Badger stated that the ordinance that will define sidewalk. Mr. Anthony stated the amendment will include a definition of a sidewalk when there was previously none. Mr. Badger expressed concern about the responsibility to plow the wood boardwalk under this ordinance. There is a sidewalk available parallel to the boardwalk that pedestrians would also be able to

Joyce Klein,
105 Mt. Hermon Way

traverse.
Ms. Klein stated she appreciated the changes to the agenda packet format. Ms. Klein stated that at the Ocean Grove Home Owners Association Meeting there were questions about how to apply for citizen leadership positions. Ms. Klein requested that the committee review the forms and process to offer clarity to residents who would like to serve.

Hank Coakley
Valley Rd.

Mr. Coakley asked when the roads by ShopRite are going to be repainted. Mr. Coakley asked if the Committee ever sent a letter to request signs on the overpass. Mr. Coakley asked if the Committee intended to spend money to solve the parking issue in Ocean Grove. Mr. Coakley stated he did not believe taxpayer money should be sent to solve an issue that the people who reside in Ocean Grove should have been aware of when they chose to live in Ocean Grove.

Nancy Clark,
47 Embury Ave.

Ms. Clark asked how they can receive the proposed ordinance and how will residents on Broadway be informed. Mr. Anthony stated there was an e-mail that brought the issue to light from an Ocean Grove Resident. The ordinance has been in existence forever and has a noted contradiction that was not noticed until recently. Mr. Anthony also noted the Snow Emergency ends when the coordinator announces the end of the emergency as stated in the ordinance.

Bernie Haney
Twp. Director

Mr. Haney stated the complaints about AirBNB should be submitted to go to the Code department as it is an occupancy complaint.


ADJOURNMENT

Offered by: Cafferty

Seconded by: Brantley

Meeting adjourned at 8:32PM

Respectfully Submitted,



Gabriella Siboni
Township Clerk