

TOWNSHIP COMMITTEE WORKSHOP MEETING – November 14, 2022 – 6:00 P.M.

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

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

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

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 is posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Committee Calendars
2. Discussion On The Proposed Procedure To Address Parking Concerns in Ocean Grove

Res # 476 Authorize An Executive Session As Authorized By The Open Public Meetings Act.

Offered by: _____ Seconded by: _____
Note: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

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

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

Also present: Gina M. LaPlaca, Business Administrator; Gene Anthony, Township Attorney; Gabriella Siboni, 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 _____, seconded by _____, to approve the minutes of meetings of October 24, 2022.

PRESENTATION

COMMENTS FROM THE DAIS

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

REPORT OF THE BUSINESS ADMINISTRATOR

The Business Administrator will report on capital projects and matters of general interest.

PUBLIC COMMENTS ON RESOLUTIONS

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

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

PUBLIC HEARING AND FINAL ADOPTION ORDINANCES:

Ordinance 22-49 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 Mt. Hermon Way

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 41 Pilgrim Pathway

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Ordinance 22-50 Ordinance Authorizing Acceptance Of Deed Of Dedication With Regard To Block 5303, Lots 2, 3 And 4 On The Tax Map Of The Township Of Neptune, South Riverside Drive, From Shark River Hills Estates To Township Of Neptune

Explanatory Statement: This ordinance authorizes acceptance of Deed of Dedication of property located at Block 5303 Lots 2, 3 and 4 on South Riverside Dr.

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

The Clerk announces that the Public Hearings on Ordinances will be held at the next Township Committee meeting on November 28, 2022.

CONSENT AGENDA

- Res # 477** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing A Chapter 159 Budget Amendment To Insert Revenue Received For The It Pays To Plug In Grant
- Res # 478** Resolution Authorizing Lawsuit Against Shimron LLC % Coforge BPS Of 2005 Stratford Avenue, Block 904, Lot 20, Neptune Township, New Jersey For Trespass And Encroachment Upon Neptune Township Right-Of-Way And Public Road
- Res # 479** A Resolution Of The Township Committee Of The Township Of Neptune Accepting Resignations
- Res # 480** A Resolution Of The Township Committee Of The Township Of Neptune Granting Leave Of Absence To Teresa Richard Under The Family Medical Leave Act
- Res # 481** Confirm Action Of The Business Administrator To Suspend Employee
- Res # 482** Resolution Authorizing Steven R. Tombalakian, Esq. And Ronald D. Cucchiaro, Esq. Of The Werner Law Group To Represent The Township Of Neptune And George Waterman In His Official Capacity As Zoning Officer Of Neptune Township And All Other Relevant Defendants In The Of OG North End Development, Llc V. Neptune Township And George Waterman Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. Mon-L-2916-22
- Res # 483** Resolution Of The Township Committee Of The Township Of Neptune Authorizing The Release A Performance Bond Filed By All County Exteriors, Llc For Dumpster Permit At Block 702 Lot 22
- Res # 484** Place Lien On Various Properties
- Res # 485** Resolution Of Support For H.R. 8994 Referred To As The “Supporting Our First Responders Act”
- Res # 486** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing The Cancellation And Refunds Of Certain Marina Fees Or Payments
- Res # 487** Resolution Of The Township Committee Of The Township Of Neptune Authorizing Shared Service Agreement With Neptune Township Fire District #1 Under The Neptune Board Of Fire Commissioners For Fit Testing, Repair And Calibration Of Equipment And Use Of Training Facility
- Res # 488** Resolution Authorizing The Award Of A Non-Fair And Open Contract For Consulting Services With Monmouth Conservation Foundation To Assist In The Donation Of Land As Part Of Its Land Trust

Res # 490 Resolution Authorizing The Professional Services Agreement With T&M Associates For Engineering Services Relating To Remedial Action In Regard To Former Welsh Farms Block 7013 Lot 11, 703 Old Corlies Ave. In An Amount Not To Exceed \$428,765.00

Res # 491 Resolution Authorizing Steven R. Tombalakian, Esq. And Ronald D. Cucchiaro, Esq. Of The Werner Law Group To Represent The Township Of Neptune And George Waterman In His Official Capacity As Zoning Officer Of Neptune Township And All Other Relevant Defendants In The Of OG North End Development, LLC V. Neptune Township And George Waterman Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. Mon-L-2916-22

Res # 492 Resolution Authorizing Michael Burns, Esq. Of The Rainone, Coughlin, Minchello Law Firm To Represent The Township Of Neptune In The Third Party Complaint In The Case Of Savage V. Kezmarsky V. Neptune Township Filed In The Superior Court Of New Jersey, Law Division, Monmouth County, Under Docket No. Mon-L-2588-21

Res # 493 Authorize Payment of Bills

CONSENT AGENDA

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

SEPARATED RESOLUTIONS

Res # 494 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Code And Construction

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Res # 495 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Police Department

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

Res # 496 Authorizing Certain Personnel Actions- Municipal Court

Offered by: _____ Seconded by: _____
Vote: Brantley _____ Cafferty _____ Lane _____ York _____ Williams _____

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

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

ADJOURNMENT

Offered by: _____ Seconded by: _____

Time adjourned: _____

**TOWNSHIP OF NEPTUNE
ORDINANCE NO. 22-49**

**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 MT. HERMON WAY**

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

SECTION 1

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

<u>Name of Street</u>	<u>No. Of Spaces</u>	<u>Location</u>
Mt. Hermon Way	1	Northside of Mt. Hermon Way, beginning 25 feet west of the northwest intersection of Pilgrim Pathway and Mt. Hermon Way.

SECTION 2

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

Motion/ Second	Roll Call To Adopt On First Reading				Adopted on First Reading Dated: October 24, 2022
	YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley	X			
Motion	Keith Cafferty	X			
Second	Robert Lane, Jr.	X			_____ Gabriella Siboni, RMC Township Clerk
	Tassie D. York	X			
	Nicholas Williams	X			
Motion/ Second	Roll Call To Adopt On Second and Final Reading				Adopted on Second Reading Dated:
	YAY	NAY	ABSTAIN	ABSENT	
	Dr. Michael Brantley				
	Keith Cafferty				
	Robert Lane, Jr.				_____ Gabriella Siboni, RMC Township Clerk
	Tassie D. York				
	Nicholas Williams				

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

**TOWNSHIP OF NEPTUNE
ORDINANCE #22-50**

**ORDINANCE AUTHORIZING ACCEPTANCE OF DEED OF DEDICATION WITH REGARD TO
BLOCK 5303, LOTS 2, 3 AND 4 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE, SOUTH
RIVERSIDE DRIVE, FROM SHARK RIVER HILLS ESTATES TO TOWNSHIP OF NEPTUNE**

WHEREAS, the present owner, Shark River Hills Estates, of property located Block 5303, Lots 2, 3 and 4, on South Riverside Drive, Neptune New Jersey, is offering through the Monmouth Conservation Foundation to dedicate the aforesaid property to Neptune Township; and

WHEREAS, it would be in the best interest of the Township of Neptune to receive this property as a dedication.

NOW, THEREFORE BE IT ORDAINED AND ENACTED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey that pursuant to State Statute allowing municipalities to accept and to purchase dedicated property for public use, the Township Committee hereby authorizes and accepts a Deed of Dedication to Block 5303, Lots 2, 3 and 4, located at South Riverside Drive, Neptune Township, New Jersey, from the present owner, Shark River Hills Estates; subject to a satisfactory Title Search and Survey and any due diligence recommended by the Township Engineer and Township Attorney to the satisfaction of the Township.

BE IT FURTHER ORDAINED that in consideration of the aforesaid dedication the Township shall receive said property for One Dollar (\$1.00).

BE IT FURTHER ORDAINED, that the Township Attorney is hereby authorized to prepare a Deed of Dedication and any incidental documents necessary for said transfer on behalf of the Township, obtain its execution and record the same in the Clerk’s office of Monmouth County; subject to prior due diligence of the subject property, including, but not limited to a satisfactory Title Search and Survey.

BE IT FURTHER ORDAINED, that this Ordinance shall go into effect upon adoption and advertisement according to law.

**Motion/
Second**

Roll Call To Adopt On First Reading

YAY NAY ABSTAIN ABSENT

Dr. Michael Brantley
Keith Cafferty
Robert Lane, Jr.
Tassie D. York
Nicholas Williams

Adopted on First Reading
Dated: November 14, 2022

Gabriella Siboni, RMC
Township Clerk

**Motion/
Second**

Roll Call To Adopt On Second and Final Reading

YAY NAY ABSTAIN ABSENT

Dr. Michael Brantley
Keith Cafferty
Robert Lane, Jr.
Tassie D. York
Nicholas Williams

Adopted on Second
Reading
Dated:

Gabriella Siboni, RMC
Township Clerk

Gabriella Siboni
Township Clerk

Nicholas Williams
Mayor

TOWNSHIP OF NEPTUNE
RESOLUTION 22-476

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AUTHORIZING
THE DISCUSSION OF MATTERS IN A CLOSED SESSION PURSUANT TO THE STATUTORY EXCLUSIONS
OF N.J.S.A. 10:4-12

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,

WHEREAS, the matters to be discussed relate to a statutorily excluded topic pursuant N.J.S.A 10:4-12(b) 1-9, specifically:

- Attorney- client privilege;
- X Employment and personnel;
- Imposition of civil penalty;
- Investigation;
- Leasing or acquisition of property;
- X Pending or anticipated litigation;
- Privacy;
- Public Safety;
- Educational matter;
- Contract Negotiation

Description of matter:

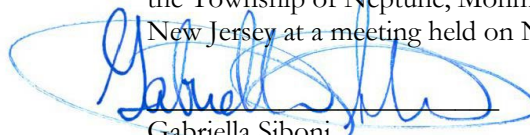
1. Personnel
 - o Hires
2. Attorney Client Privilege
 - o Cannabis
3. Contract Negotiation
 - o Update from Township Attorney

WHEREAS, this may be disclosed to the public at a time when the necessity for confidentiality no longer exists, or within six months or less from the date hereof.

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

1. That the Township Committee shall retire into executive session where the public shall be excluded and where said matters shall be discussed.
2. That the Township Committee shall reconvene in public session upon conclusions of the discussions.
3. That the minutes of this executive session shall be closed from public inspection and shall so remain until the reason for confidentiality ceases to exist, or upon formal action by the Township Committee at an official meeting.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022



Gabriella Siboni
Township Clerk

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-477**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING A CHAPTER 159 BUDGET AMENDMENT TO INSERT REVENUE
RECEIVED FOR THE IT PAYS TO PLUG IN GRANT**

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue for any 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;

WHEREAS, the Township received \$75,000.00 for It Pays to Plug In Award and wishes to amend its 2022 budget to include this amount as revenue, and;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2022 in the sum of received \$75,000.00 which is now available as revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services:

The It Pays to Plug In Grant Award for received \$75,000.00

BE IT FURTHER RESOLVED, that a like sum of received \$75,000.00 and the same is hereby appropriated under the caption of:

Additional Appropriations Offset by Revenues:

The It Pays to Plug In Grant Award for received \$75,000.00

TOWNSHIP OF NEPTUNE

RESOLUTION 22-478

RESOLUTION AUTHORIZING LAWSUIT AGAINST SHIMRON LLC % COFORGE BPS OF 2005 STRATFORD AVENUE, BLOCK 904, LOT 20, NEPTUNE TOWNSHIP, NEW JERSEY FOR TRESPASS AND ENCROACHMENT UPON NEPTUNE TOWNSHIP RIGHT-OF-WAY AND PUBLIC ROAD

WHEREAS, Neptune Township has a municipal Right-of-Way on Stratford Avenue, located at Block 904, Lot 20, which is presently being encroached upon by a retaining wall constructed without a Zoning Permit by the property owner or agent; and

WHEREAS, the property owner of the aforesaid address has also made use of a public street, which is a dead-end street adjacent to the subject property off of Stratford Avenue with debris, heavy equipment and motor vehicles; serving as a hazard and obstruction to public safety by preventing the public street from being used by the public.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey to commence legal action in the Superior Court of New Jersey seeking injunctive relief, damages and legal fees against Shimron LLC % COFORGE BPS for their continued trespass and encroachment upon the Municipal Right-of-Way and public street, after having been given due notice in writing on July 21, 2022, and having ignored the Notice to Cease and Desist.

BE IT FURTHER RESOLVED, that the Mayor and Township Committee authorizes legal fees not to exceed ten thousand dollars (\$10,000.00) without additional approval for the purpose of this litigation.

TOWNSHIP OF NEPTUNE

RESOLUTION 22-479

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
ACCEPTING RESIGNATIONS**

WHEREAS, the Human Resources Director has received notification from employee(s) that they will be resigning their position; and

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation(s) of noted below are hereby accepted; and,

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>DATE OF NOTIFICATION</u>	<u>EFFECTIVE DATE OF RESIGNATION</u>
George Gomez	Public Works	Class B CDL Driver	N/A	September 29, 2022
Daniel Theliska	Public Works	Driver/laborer	November 1, 2022	November 15, 2022

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the respective departments, Business Administrator and Human Resources Director.

TOWNSHIP OF NEPTUNE

RESOLUTION #22-480

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
GRANTING LEAVE OF ABSENCE TO TERESA RICHARD UNDER THE FAMILY
MEDICAL LEAVE ACT**

WHEREAS, Teresa Richard, a Kitchen Aide in the Senior Center, has requested an unpaid leave of absence under the provisions of the Family Medical Leave Act from November 15, 2022 and returning February 15, 2022, and;

WHEREAS, the Human Resources Director has approved the request, and;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Leave of Absence noted above is hereby granted ; and,

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

TOWNSHIP OF NEPTUNE

RESOLUTION #22-336

CONFIRM ACTION OF THE BUSINESS ADMINISTRATOR TO SUSPEND EMPLOYEE

BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the action of the Business Administrator to suspend William Wells, Driver in the Department of Public Works, for a period of thirty (30) days without pay from November 4, 2022 through December 3, 2022; and,

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

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-483**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING THE RELEASE A PERFORMANCE BOND FILED BY ALL COUNTY
EXTERIORS, LLC FOR DUMPSTER PERMIT AT BLOCK 702 LOT 22**

WHEREAS, on October 17, 2022, All County Exteriors, LLC, filed a cash guarantee, in the amount of \$3,330.00, guaranteeing dumpster permit at Block 702 Lot 22, and;

WHEREAS, the Code and Construction Department has certified that the dumpster/pod have been removed in a satisfactory manner as of November 8, 2022 and said performance guarantee can be released; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee with the Township be and is hereby authorized to be released.

**TOWNSHIP OF NEPTUNE
RESOLUTION #22-484**

PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well being of residents in this township unless abated without delay, the Director of Code Enforcement may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Director of Code Enforcement determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Director of Code Enforcement has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Director of Code Enforcement has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

Block	Lot	Address	Amount
520	5	1517 Cherry Lane	\$162.67
503	11	1300 Heck Avenue	\$274.00

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

TOWNSHIP OF NEPTUNE**RESOLUTION NO. 22-485****RESOLUTION OF SUPPORT FOR H.R. 8994 REFERRED TO AS THE “SUPPORTING OUR FIRST RESPONDERS ACT”**

WHEREAS, on September 28, 2022, H.R. 8944 was introduced by Congressman Andy Kim in the U.S. House of Representatives; and

WHEREAS, H.R. 8994 referred to as “Supporting our First Responders Act” is a bipartisan legislation that would provide federal funding for EMS organizations that can demonstrate financial need, cost benefit and the ability to improve medical transport and EMS through the prescribed grant activities; and

WHEREAS, Funding may be used under this act for:

- Maintaining or increasing the number of trained front-line EMS responders
- Obtaining resources, including purchasing EMS vehicles, PPE, uniforms, medicine and medical supplies
- Modifying facilities
- Other activities as the HHS secretary determines appropriate

WHEREAS, as proposed H.R. 8994 “Supporting Our First Responders Act” would authorize the HHS secretary to appropriate \$50 million dollars in annual funding over the four year period between 2023 through 2027; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, in the County of Monmouth, expresses support of H.R. 8994 referred to as the “Supporting Our First Responders Act”; and

BE IT FURTHER RESOLVED that a copy of this Resolution is forwarded Congressman Andy Kim (NJ-03), Congressman Donald Norcross (NJ-01), Congressman Jeff Van Drew (NJ-02), Congressman Christopher Smith (NJ-04), Congressman Joh Gottheimer (NJ-05), Congressman Frank Pallone (NJ-06), Congressman Tom Malinowski (NJ-07), Congressman Albio Sires (NJ-08), Congressman Bill Pascrell (NJ-09), Congressman Donald Payne Jr. (NJ-10), Congresswoman Mikie Sherrill (NJ-11), and Congresswoman Bonnie Watson Coleman (NJ-12).

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-486**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING THE CANCELLATION AND REFUNDS OF CERTAIN MARINA FEES OR PAYMENTS**

WHEREAS, the Harbor Master has requested the cancellation and refunds of certain marina fees and payments listed below,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Harbor Master be and hereby is authorized to cancel and refund certain marina fees and payments as stated herein; and,

Name	Address	Year	Amount	Reason
Kingle Wang	8 Fernwood Ct. Holmdel, NJ 07733	2022	\$1,119.56	Boat Repair work to be completed during winter storage season; no longer needed and space was filled from waiting list applicants.

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-487

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING SHARED SERVICE AGREEMENT WITH NEPTUNE TOWNSHIP FIRE
DISTRICT #1 UNDER THE NEPTUNE BOARD OF FIRE COMMISSIONERS FOR FIT TESTING,
REPAIR AND CALIBRATION OF EQUIPMENT AND USE OF TRAINING FACILITY**

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 Neptune Township Fire District # 1, Under the Neptune Board of Fire Commissioners (“NTFD”) and the Township of Neptune, through the Neptune Township, (“Township”) have identified an area where working together through Shared Services will result in a positive outcome for both the NTFD and the Township; and

WHEREAS, Neptune Township will provide the following services under the agreement to the Authority:

1. Fit Testing as more clearly defined in the agreement
2. Repair and Calibration Services as more clearly defined in the agreement
3. Training Facility Support as more clearly defined in the agreement

WHEREAS, The initial term of this Agreement shall be for three (3) years effective January 1, 2023 and terminating December 31, 2025; with an option to renew for two (2) years, unless either party provides the other party with written notice by certified mail at least sixty (60) days before the expiration of the yearly term that it does not wish to renew this Agreement.

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 Neptune Township Fire District # 1, Under the Neptune Board of Fire Commissioners with respect to the provision of Fit Testing, repair and calibration Services and Training Facility support 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, and Assistant C.F.O.

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-488**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
CONSULTING SERVICES WITH MONMOUTH CONSERVATION FOUNDATION TO ASSIST IN THE
DONATION OF LAND AS PART OF ITS LAND TRUST**

WHEREAS, the Township of Neptune has a need to acquire donated property and to undertake consulting services from the Monmouth Conservation Foundation as a Non-fair and Open Contract, pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, Monmouth Conservation Foundation (MCF) worked with the Township to assist with the acceptance of donated property known as Block 5303, Lots 2, 3 and 4 in Neptune Township and located on South Riverside Drive as an addition to the Township’s Open Space Portfolio; and

WHEREAS, such service and donation of land are in the best interest of the Township of Neptune; and

WHEREAS, the Monmouth Conservation Foundation (MCF) shall submit a Business Entry Disclosure Certification which certifies that the MCF has not made any reportable contributions to a political or candidate committee in the Township of Neptune in the previous one year, and that the contract will prohibit MCF from making any reportable contributions during the term of this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes an Agreement with the Monmouth Conservation Foundation for Open Space Consulting Services at a billing fee of \$55.00 per hour, and a submission of a form of contract acceptable to the Township Attorney.

BE IT FURTHER RESOLVED, that the Mayor and Township Committee authorizes legal fees not to exceed five thousand dollars (\$5,000.00) without additional approval for the purpose of this project.

BE IT FURTHER RESOLVED, that Township Officials are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this Resolution.

BE IT FURTHER RESOLVED, that a Certified Copy of this Resolution shall be forwarded to the Chief Financial Officer, Assistant CFO and Public Works Director.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for Agreement with Monmouth Conservation Foundation for contract related to consulting services in an amount not to exceed Five Thousand Dollars (\$5,000.00) plus reimbursable expenses.

Account Name

Account Number

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 22-489

AUTHORIZE AGREEMENT FOR MUNICIPAL COMPLEX- EXTERIOR MASONRY WITH MTB, LLC IN AN AMOUNT NOT TO EXCEED \$25,308.00

WHEREAS, the Engineer Department solicited quotes for Municipal Complex- Exterior Masonry; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Engineering Department that has recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

Now, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that:

1. The agreement for Municipal Complex- Exterior Masonry awarded to MTB, LLC, 100 Steiner Ave. Neptune City, NJ 07753 in an amount not to exceed \$25,308.00 is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer and Qualified Purchasing Agent

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the purchase of agreement for Municipal Complex- Exterior Masonry awarded to MTB, LLC, 100 Steiner Ave. Neptune City, NJ 07753 in an amount not to exceed \$25,308.00

Account Name

Improv to Municipal Complex

Account Number

04-215-55-928-020

Michael Bascom, Chief Financial Officer

Date

RESOLUTION 22-490

RESOLUTION AUTHORIZING THE PROFESSIONAL SERVICES AGREEMENT WITH T&M ASSOCIATES FOR ENGINEERING SERVICES RELATING TO REMEDIAL ACTION IN REGARD TO FORMER WELSH FARMS BLOCK 7013 LOT 11, 703 OLD CORLIES AVE. IN AN AMOUNT NOT TO EXCEED \$428,765.00

WHEREAS, the Township of Neptune desires to appoint an engineering services relating to the Remedial Action In Regard To Former Welsh Farms, Block 7013 Lot 11, 703 Old Corlies Ave.; and

WHEREAS, The Department of Engineering has requested proposals from the consulting firms in the engineering pool that was designated by resolution 22-13; and

WHEREAS, The following proposals were submitted for review:

<u>Company</u>	<u>Address</u>	<u>Price</u>
T&M Associates	11 Tindall Road Middletown, NJ 07748	\$428,765.00

WHEREAS, The department of Engineering has recommended the contract be awarded to T&M Associates, and;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that:

1. The award to T&M Associates for the contract related to Remedial Action In Regard To Former Welsh Farms, Block 7013 Lot 11, 703 Old Corlies Ave. in an amount not to exceed \$428,765.00 is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, and Municipal Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.
3. That a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer and Qualified Purchasing Agent.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the agreement to T&M Associates for the contract related to Remedial Action In Regard To Former Welsh Farms, Block 7013 Lot 11, 703 Old Corlies Ave. in an amount not to exceed \$428,765.

Account Name

Account Number

Michael Bascom, Chief Financial Officer

Date

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-491**

RESOLUTION AUTHORIZING STEVEN R. TOMBALAKIAN, ESQ. AND RONALD D. CUCCHIARO, ESQ. OF THE WERNER LAW GROUP TO REPRESENT THE TOWNSHIP OF NEPTUNE AND GEORGE WATERMAN IN HIS OFFICIAL CAPACITY AS ZONING OFFICER OF NEPTUNE TOWNSHIP AND ALL OTHER RELEVANT DEFENDANTS IN THE OF OG NORTH END DEVELOPMENT, LLC V. NEPTUNE TOWNSHIP AND GEORGE WATERMAN FILED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, UNDER DOCKET NO. MON-L-2916-22

WHEREAS, OG North End Development, LLC through its attorneys, Ansell, Grimm, Aaron, PC, filed a Verified Complaint in Lieu of Prerogative Writ and for Writ of Mandamus; seeking to force the Zoning Officer of Neptune Township to issue a permit for the development of the North End; and

WHEREAS, the aforesaid Complaint was as a result of action or inaction by the Historic Preservation Commission (HPC) with regard to an application before it by the Plaintiff; and

WHEREAS, Steven R. Tombalakian, Esq. and Ronald D. Cucchiaro, Esq., are the attorneys for the Historic Preservation Commission (HPC) and are most familiar with the subject matter and therefore, it would be in the best interest of the Township to employ them at the normal municipal rate of \$130.00 per hour; exclusive of costs and disbursements; and

WHEREAS, this contract is being awarded through a “non-fair and open process” pursuant to N.J.S.A. 19:44A-20.5;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes Steven R. Tombalakian, Esq. and Ronald D. Cucchiaro, Esq., of the Werner Law Group to represent Neptune Township and George Waterman in his capacity of Zoning Officer in the aforesaid lawsuit as Special Counsel for the Township of Neptune; subject to review by the Township Insurance Carrier, who in its discretion may appoint an alternative legal counsel if coverage by the Township Insurance Policy is available, and subject to monitoring by the Municipal Attorney.

BE IT FURTHER RESOLVED, that the Mayor and Township Committee authorizes legal fees not to exceed ten thousand dollars (\$10,000.00) without additional approval for the purpose of this litigation.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for agreement with Werner Law Group to represent the Township of Neptune in relation to MON-L-2916-22 for an amount not to exceed \$10,000.00

Account Name

Account Number

Michael Bascom, Chief Financial Officer

Date

**TOWNSHIP OF NEPTUNE
RESOLUTION 22-492**

**RESOLUTION AUTHORIZING MICHAEL BURNS, ESQ. OF THE RAINONE, COUGHLIN,
MINCHELLO LAW FIRM TO REPRESENT THE TOWNSHIP OF NEPTUNE IN THE THIRD
PARTY COMPLAINT IN THE CASE OF SAVAGE V. KEZMARSKY V. NEPTUNE TOWNSHIP FILED
IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, UNDER
DOCKET NO. MON-L-2588-21**

WHEREAS, former Police Officer Savage filed a lawsuit against expert Kezmarsky, who as the expert of the Police Department advised the Township that Savage was not fit for duty, and as a result, Plaintiff Savage is now suing Kezmarsky for lost wages and malpractice, and Defendant Kezmarsky is suing Defendant, Township of Neptune, who retained her originally for her expert opinion; and

WHEREAS, the JIF has denied coverage to the Township in the Third Party Complaint against the Township; and

WHEREAS, Special Counsel needs to be appointed to represent the Township in the Third Party Complaint, and it is the opinion of the Township Committee that Michael Burns, Esq., prior Special Counsel and Labor Counsel appointed to the Township, should be appointed to represent the Township privately with regard to the Third Party Complaint at the normal municipal rate of \$130.00 per hour; exclusive of costs and disbursements; and

WHEREAS, this contract was awarded through a “non-fair and open process” pursuant to N.J.S.A. 19:44A-20.5;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes Michael Burns, Esq., of the Law Firm of Raione, Coughlin, Minchello to represent Neptune Township as Special Counsel with regard to the Third Party Complaint in the lawsuit of Savage v. Kezmarsky v. Neptune Township, under Docket No. MON-L-2588-21, filed in the Superior Court of New Jersey, Monmouth County, Law Division; subject monitoring by the Municipal Attorney.

BE IT FURTHER RESOLVED, that the Mayor and Township Committee authorizes legal fees not to exceed five thousand dollars (\$5,000.00) without additional approval for the purpose of this litigation.

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for agreement with Rainone, Coughlin, Minchello Law Firm to represent the Township of Neptune in relation to MON-L-2588-21 for an amount not to exceed \$5,000.00

Account Name

Account Number

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE**RESOLUTION #22-493****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:

October 24, 2022 Bill List

Current Fund	\$1,153,146.41
Grant Fund	\$46,268.55
Trust Other	\$13,195.76
General Capital	\$78,105.37
Sewer Operating Fund	\$76,256.95
Sewer Capital Fund	\$38,893.75
Marina Operating Fund	\$9,712.86
Dog Trust	\$70.20
Library Trust	\$104.90
Bill List Total	\$1,415,754.75

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

TOWNSHIP OF NEPTUNE

RESOLUTION 22-494

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE AUTHORIZING CERTAIN PERSONNEL ACTIONS- CODE AND CONSTRUCTION

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	Code and Construction	Customer Service Representative		11/28/2022

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the above noted personnel actions.

Account Name	Account Number
Code Enforcement (50%)	01-201-22-200-010
Construction (50%)	01-201-22-195-010

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 22-495

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- POLICE DEPARTMENT**

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	Police Department	Police Support Systems Manager		11/15/2022

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the above noted personnel actions.

Account Name	Account Number
Police S&W	01-201-25-240-010

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 22-496

AUTHORIZING CERTAIN PERSONNEL ACTIONS- MUNICIPAL COURT

WHEREAS, the following appointments have been reviewed by the Department Heads of the respective Departments; and

WHEREAS, the Human Resources Director in consultation with the Township Administrator and the Department Heads involved have recommended the appointments of the following individuals; and

WHEREAS, the Township Administrator concurs with the findings of the Department Head and hereby recommends to the Township Committee that the following appointments be made.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that the following personnel actions be and are hereby authorized on the effective date included herein.

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
	Municipal Court	Senior Violations Clerk		11/15/2022

I, Gabriella Siboni, Clerk of the Township of Neptune hereby certify that the foregoing is a true copy of a resolution duly adopted by the Township Committee of the Township of Neptune, Monmouth County, State of New Jersey at a meeting held on November 14, 2022

Gabriella Siboni
Township Clerk

Certification of Funds

I, Michael Bascom, Chief Financial Officer of the Township of Neptune, do hereby certify to the Township Committee of the Township of Neptune that funds are available for the above noted personnel actions.

Account Name	Account Number
Municipal Court	01-201-43-490-010

Michael Bascom, Chief Financial Officer

Date