

TOWNSHIP COMMITTEE WORKSHOP MEETING – August 14, 2023 – 6:00 P.M.

Mayor Cafferty 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	_____
Robert Lane, Jr.	_____
Nicholas Williams	_____
Tassie D. York	_____
Keith Cafferty	_____

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

Mayor Cafferty 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 5, 2023, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. The notice of meeting location was noticed to The Coaster and Asbury Park Press on June 29, 2023. In addition, the meeting agenda is posted on the Township web site (www.neptunetownship.org).

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Township Vehicles
2. Committee Calendars

Res #23 - 292 Authorize An Executive Session As Authorized By The Open Public Meetings Act.

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

TOWNSHIP COMMITTEE MEETING – August 14, 2023 – 7:00 P.M.

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

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

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

MOMENT OF SILENCE 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 Cafferty 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 5, 2023, 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).

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of meetings of July 10, 2023.

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.

APPOINTMENT OF POLICE OFFICERS AND SWEARING IN

- Chief of Police will announce the recommendations for hire
- Mayor Cafferty will open Public Comments on Resolution 23-293 only. The public will be permitted one visit to the microphone with a limit of five minutes.

Res # 293 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Police Department

Offered by:	_____	Seconded by:	_____
<i>Vote:</i>	Brantley _____ Lane _____ Williams _____ York _____ Cafferty _____		

Oaths of office will be administered.

PUBLIC COMMENTS ON RESOLUTIONS

The Clerk will announce additional information regarding Separated Resolutions if necessary.

Public comments regarding resolutions presented on this agenda only.

The public comment portion of our meeting is to allow the public to bring to the Committee’s attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Neptune Rules of Committee, the Committee asks the public to limit their comments to five minutes or less. The Committee will respect the

public's time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that public comment portion of our meeting is not structured as a question-and-answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the appropriate office, Business Administrator or Township Committee Liaison during regular business hours. The Township Clerk will regulate the time during the comment portion of our meeting. The Committee reserves the right to respond to comments or questions at the conclusion of the speaker's time.

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 23-30 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 Heck Ave. And Broadway

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

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 37 Broadway and 135 Heck Ave.

Ordinance 23-31 Ordinance Amending Neptune Township Code Of Ordinances, Volume I, Chapter III, Entitled, "Police Regulations"

Explanatory Statement: This ordinance amends the regulations on the Ocean Grove Boardwalk to amend times of enforcement and restricted wheeled vehicle or equipment.

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

ORDINANCES FOR FIRST READING

Ordinance 23-32 Ordinance Authorizing The Leasing Of Certain Capital Equipment By The Township Of Neptune, In The County Of Monmouth, New Jersey From The Monmouth County Improvement Authority And The Execution Of A Lease And Agreement Relating Thereto

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

The Clerk announces the public hearing on ordinances listed will be held on September 11, 2023

CONSENT AGENDA

- Res #23- 294** Resolution Of The Township Committee Of The Township Of Neptune Awarding "Improvements To Public Works Facility Site Improvements" Lucas Brothers Inc In An Amount Not To Exceed \$1,795,795.00
- Res #23- 295** Authorizing The Rejection Of Bids Of Bids Received For Improvement To Public Works Facility, Phase II- Pole Barn Construction
- Res #23- 296** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing The Cancellation And Refunds Of Certain Marina Fees Or Payments
- Res #23- 297** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Submission Of Grant Application To Monmouth County Park Improvement Grant Program For "Welsh Farms Property- Park Improvements"

- Res #23- 298** Authorize Execution Of A Treatment Works Application For Timber Ridge At Neptune, Llc To Provide Service To Victoria Gardens
- Res#23- 299** Authorize Execution Of A Treatment Works Application For Ster Developers, Llc To Provide Service To Surfside Crossings
- Res#23- 300** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing A Chapter 159 Budget Amendment To Insert Revenue Received For The Nationwide Settlement Agreement With Johnson & Johnson, Mckesson, Cardinal Health And Amerisourcebergen
- Res#23- 301** A Resolution Of The Township Committee Of The Township Of Neptune Authorizing A Chapter 159 Budget Amendment To Insert Revenue Received For Nj Department Of Community Affairs Lead Grant Assistance Program
- Res#23- 302** A Resolution Of The Township Committee Of The Township Of Neptune Co-Sponsoring The 10th Annual Pound The Pavement
- Res#23- 303** A Resolution Of The Township Committee Of The Township Of Neptune To Amend Professional Services Agreement To With Fox Rothschild For Legal Services Related To Case 3:17-CV-04428-MAS-LHG
- Res#23- 304** Resolution Authorizing Developer's Agreement With Cotr, Inc. Block 3903, Lot 3.02, 1400 Jumping Brook Road, Neptune Township New Jersey
- Res#23- 305** Resolution Authorizing Purchase Of Powerpro2 Load Stretcher, Accessories And Extended Warranty From Stryker Medical Under Savvik Buying Group Cooperative Contract #2019-05 In An Amount Not To Exceed \$38,000.00
- Res#23- 306** Resolution Rescinding Resolution 23-280 And Authorizing Purchase Of Three 2023 Chevrolet Malibu From Gentilini Motors Under New Jersey State Contract #20-Fleet-01393 For \$70,000.00
- Res#23- 307** A Resolution Of The Township Committee Of The Township Of Neptune Granting Leave Of Absence
- Res#23- 308** A Resolution Of The Township Committee Of The Township Of Neptune Amending Resolution 23-271 Authorizing Certain Personnel Actions- Reclassification
- Res#23- 309** Appoint School Crossing Guards For The 2023-2024 School Year
- Res#23- 310** Reappoint Special Law Enforcement Officers In The Police Department On A Part-Time Basis
- Res#23- 311** A Resolution Of The Township Committee Of The Township Of Neptune Accepting Resignations
- Res#23- 312** Authorizing the Payment of Bills
- Res#23- 313** Governing Body Certification Of The Annual Audit
- Res#23- 314** Community Development Block Grant Resolution Authorizing The Mayor And Clerk To Execute A Project Agreement With Monmouth County For Performance And Delivery Of Fiscal Year 2023 Community Development Projects
- Res#23- 315** Community Development Block Grant Resolution Authorizing The Mayor To Sign A Certification Prohibiting The Use Of Excessive Force And A Certification Prohibiting The Use Of Federal Funds For Lobbying

CONSENT AGENDA

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

SEPARATED RESOLUTION

Res#23- 316 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Senior Center

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

Res#23- 317 A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Certain Personnel Actions- Public Works

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township.

The public comment portion of our meeting is to allow the public to bring to the Committee’s attention their concerns or comments. In accordance with N.J.S.A. 10: 4-12(a) and the Neptune Rules of Committee, the Committee asks the public to limit their comments to five minutes or less. The Committee will respect the public’s time by refraining any comment until the speaker has finished with their allotted time. It should be further noted that public comment portion of our meeting is not structured as a question-and-answer session. If a member of the public has questions, they seek answers to, an appointment can be made with the appropriate office, Business Administrator or Township Committee Liaison during regular business hours. The Township Clerk will regulate the time during the comment portion of our meeting. The Committee reserves the right to respond to comments or questions at the conclusion of the speaker’s time.

ADJOURNMENT

Offered by: _____ Seconced by: _____

Time adjourned: _____

TOWNSHIP OF NEPTUNE

RESOLUTION 23-292

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; and,

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;
- Pending or anticipated litigation;
- Privacy;
- Public Safety;
- Educational matter;
- X Contract Negotiation

Description of matter:

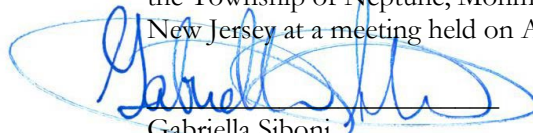
1. Employment and Personnel
 - o New hires
2. Contract Negotiation
 - o Property Donation

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; and,

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 August 14, 2023


Gabriella Siboni
Township Clerk

TOWNSHIP OF NEPTUNE

RESOLUTION 23-293

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

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

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

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

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; pending favorable results of physical and psychological examinations:

<u>NAME</u>	<u>DEPARTMENT</u>	<u>POSITION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Briant Nixon	Police	Police Officer	\$47,000.00	August 15, 2023
Dylan Tortorelli	Police	Police Officer	\$47,000.00	August 15, 2023

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 August 14, 2023.

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

Police Department Salary and Wages

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 23-294

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AWARDING “IMPROVEMENTS TO PUBLIC WORKS FACILITY SITE IMPROVEMENTS” LUCAS
BROTHERS INC IN AN AMOUNT NOT TO EXCEED \$1,795,795.00**

WHEREAS, the Township of Neptune advertised a notice to bidders on June 9, 2023, requesting bid submissions for the “Improvements to Public Works Facility Site Improvements”, and;

WHEREAS, on July 6, 2023, the Township of Neptune received bids as follows:

Company	Address	Base Bid	Bid Alternate	Total Bid
Lucas Brothers Inc	80 Amboy Rd Morganville, NJ 07751	\$1,635,635.00	\$160,160.00	\$1,795,795.00
Precise Construction	1016 Highway 33 Freehold, NJ 07728	\$1,669,228	\$159,875.00	\$1,829,173.00
S&G Paving Construction Inc	224 Forsgate Dr. Monroe, NJ 08831	\$1,761,547.03	\$127,000.00	\$1,888,547.03

WHEREAS, the Township Engineer has recommended to the Township Committee that the contract be awarded to Lucas Brothers Inc, and;

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

1. The Township Committee hereby concurs with the recommendations of the Township Engineer and hereby awards the contract for the “Improvements to Public Works Facility Site Improvements” to Lucas Brothers Inc. in an amount not to exceed \$1,795,795.00 in a form of contract acceptable to the Township Attorney.
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 August 14, 2023

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 described above.

Account Name

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 23-295

AUTHORIZING THE REJECTION OF BIDS OF BIDS RECEIVED FOR IMPROVEMENT TO PUBLIC WORKS FACILITY, PHASE II- POLE BARN CONSTRUCTION

WHEREAS, the Township of Neptune noticed and received bids for Improvement To Public Works Facility, Phase II- Pole Barn Construction, and;

WHEREAS, the bids submitted were as follows:

Company	Address	Base Bid	Bid Alternate	Total Bid
Dutchman Contracting, LLC	278 N. Ridge Road Reinholds, PA 17569	\$2,105,726.60	\$214,312.50	\$2,320,039.10
Catel, Inc.	PO Box 1383 Belmar, NJ 07719	\$2,488,050.00	\$174,550.00	\$2,662,600.00
Precise Construction, Inc.	1016 Highway 33 Freehold, NJ 07728	\$3,496,580.00	\$237,720.00	\$3,734,300.00

WHEREAS, the Township of Neptune wishes to reject all bids submitted for Improvement To Public Works Facility, Phase II due to exceeding budget allocated for project, and;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk is hereby authorized to reject all bids received on or before July 6, 2023 for Improvement To Public Works Facility, Phase II- Pole Barn Construction for the Township of Neptune.

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-296**

**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; and,

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
Pamela Renee	83 Riverdale Ave. Neptune City, NJ 07753	2023	\$250.00	The configuration of her trailer is not suitable to launch on the ramp here at the Marina.

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 23-297**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE AUTHORIZING SUBMISSION OF GRANT APPLICATION TO
MONMOUTH COUNTY PARK IMPROVEMENT GRANT PROGRAM FOR “WELSH
FARMS PROPERTY- PARK IMPROVEMENTS”**

WHEREAS, The Township Committee adopted resolution 23-289 at the July 10, 2023 Township Committee meeting for “A Resolution Of The Township Committee Of The Township Of Neptune Authorizing Submission Of Grant Application To Monmouth County Park Improvement Grant Program For “Welsh Farms Property- Park Improvements”, and; \

WHEREAS, the resolution must be amended to reflect the correct amounts for the project after public and committee input, and;

WHEREAS, the Monmouth County Board of County Commissioners has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County Park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$362,000.00 to fund Welsh Farms Property- Park Improvements, Block 3001 Lot 14; and

WHEREAS, the total cost of the project including all matching funds is \$482,942.00; and

WHEREAS, the Township of Neptune is the owner of and controls the project site.

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

1. **Keith Cafferty, Mayor of Neptune Township** or his/her successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above-named municipality; and
2. The **Township of Neptune** is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. **Keith Cafferty, Mayor of Neptune Township** his/her successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-298**

**AUTHORIZE EXECUTION OF A TREATMENT WORKS APPLICATION FOR TIMBER
RIDGE AT NEPTUNE, LLC TO PROVIDE SERVICE TO VICTORIA GARDENS**

WHEREAS, the Victoria Gardens subdivision previously received Treatment Works Approval Permit #22-0125 for the construction of 2,481 feet of 8" PVC gravity sewer to convey a proposed flow of 22,725 gallons per day, and provided for a connection to an existing sanitary manhole located within Hovchild Boulevard; and,

WHEREAS, Timber Ridge at Neptune, LLC has submitted a Treatment Works Application for the extension of 942 feet of 8" PVC Gravity Main from the Victoria Gardens Subdivision, along the easterly side of Hovchild Boulevard, to a newly proposed connection to the existing wastewater conveyance system within Hovchild Boulevard; and,

WHEREAS, the Township Engineer has reviewed said application and has certified that available capacity exists,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Clerk to execute the Treatment Works Application for the sanitary sewer extension to service the Victoria Gardens subdivision; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to TNSA along with the executed Treatment Works Application.

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-299**

**AUTHORIZE EXECUTION OF A TREATMENT WORKS APPLICATION FOR STER
DEVELOPERS, LLC TO PROVIDE SERVICE TO SURFSIDE CROSSINGS**

WHEREAS, Ster Developers, LLC has submitted a Treatment Works Application to construct approximately 66 linear feet of eight inch sewer line to service the Surfside Crossings project with a proposed flow of 11,669 gallons per day; and,

WHEREAS, the Township Engineer has reviewed said application and has certified that available capacity exists,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Clerk to execute the Treatment Works Application Statement of Consent for the sanitary sewer extension to service the Surfside Crossings Project; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to TNSA along with the executed Treatment Works Application.

TOWNSHIP OF NEPTUNE

RESOLUTION 23-302

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
CO-SPONSORING THE 10TH ANNUAL POUND THE PAVEMENT**

WHEREAS, it is desirous of the Neptune Township to co-sponsor the 10th Annual Pound the Pavement event scheduled for September 16, 2023, and;

WHEREAS, The Monmouth County Board of County Commissioners and the Neptune Township Committee are proud to support the Lustgarten Foundation, the largest private funder of Pancreatic Cancer research, and;

WHEREAS, to assist with the event, the Township of Neptune will provide:

- Assignment of officers
- Providing barricades for road closures
- Presence of Office of Emergency Management
- Presence of Emergency Medical Services

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

1. Permission for the event detailed above be granted and the host(s) are notified of requirements to comply with all rules and regulations regarding the activities intended to occur.
2. All licenses, permits and inspections that may be necessary to host such an event must be procured by the event organizer. This includes, but is not limited to games of chance, permits associated with Alcoholic Beverage Control, health inspection, fire inspection and mercantile registrations.
3. Fees associated with the labor required by the Township will be waived.

TOWNSHIP OF NEPTUNE

RESOLUTION 23-303

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE TO AMEND PROFESSIONAL SERVICES AGREEMENT TO WITH FOX ROTHSCHILD FOR LEGAL SERVICES RELATED TO CASE 3:17-CV-04428-MAS-LHG

WHEREAS, Resolution 17-437 “Approve Selection Of Legal Counsel To Represent Former Police Chief Robert H. Adams, Sr. In Lawsuit For Punitive Damages” was adopted by the Township Committee on November 9, 2017, and;

WHEREAS, an amendment to this agreement is necessary to increase the aggregate of the contract for an additional \$10,000.00, and;

WHEREAS this amendment requires \$10,000.00 in addition to the originally proposed agreement of \$2,500.00, and;

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

1. The amendment to the professional services agreement with Fox Rothschild to increase the aggregate contract \$10,000 in addition to the originally proposed agreement of \$2,500.00, for a total contract not to exceed 12,500.00 is hereby approved.
2. All Township officials, including, but not limited to, the Mayor, Business Administrator, Chief Financial Officer 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 August 14, 2023.

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 described above

Account Name
Legal OE

Account Number
01-201-20-155-020

Michael Bascom, Chief Financial Officer

Date

**TOWNSHIP OF NEPTUNE
RESOLUTION #23-304**

**RESOLUTION AUTHORIZING DEVELOPER'S AGREEMENT WITH COTR, INC.
BLOCK 3903, LOT 3.02, 1400 JUMPING BROOK ROAD, NEPTUNE TOWNSHIP NEW JERSEY**

WHEREAS, COTR, INC., is the Developer of property subject to a Final Major Site Plan Approval by the Neptune Township Zoning Board of Adjustment seeking to make certain improvements to property located at 1400 Jumping Brook Road, Block 302, Lot 3.02, on the Tax Map of the Township of Neptune, by converting an existing office building to a warehouse/office use, with a small 4,388 sq. ft. office portion to remain; and

WHEREAS, COTR, INC., has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Zoning Board of Adjustment of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with COTR, INC., to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

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 Mayor and Clerk are hereby authorized to execute the aforesaid Developer's Agreement with COTR, INC., a true copy of which is attached hereto as Exhibit "A" for compliance with the Zoning Board of Adjustment of Neptune Township's Resolution #ZBA 23-08, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County.

DEVELOPER'S AGREEMENT

THIS AGREEMENT, entered this _____ day of _____ 2023,

BETWEEN:

TOWNSHIP OF NEPTUNE, a municipal corporation of the State of New Jersey, located in the County of Monmouth,

hereinafter referred to as "Township"

AND:

COTR INC., (EEL, Inc.)
c/o Rick Brodsky, Esq.
1500 Lawrence Avenue
CN 7807
Ocean, NJ 07712

hereinafter referred to as "Developer";

APPLICANT: COTR, INC. (A/K/A United Shipping Alliance)
affects all of the real estate known as:

Block 3903, Lot 3.02
1400 Jumping Brook Road
Neptune Township
Monmouth County, New Jersey

WHEREAS, the Applicant, through its attorney, Rich Brodsky, Esq. filed an application to the Zoning Board of Adjustment of the Township of Neptune for a Use and Bulk Variance Approval and Preliminary and Final Major Site Plan Approval to permit the conversion of an existing office building to a warehouse/office use, with a small 4,388 sq. ft. office portion to remain; and

WHEREAS, the Zoning Board of Adjustment's final approval under Resolution ZBA#23-08 granted the Use and Bulk Variance Approval and Final Major Site Plan Approval based on the findings that the proposed use of the property in question was

Prepared by: _____
GENE J. ANTHONY, ESQ.

substantially the same kind of use as that to which the premises was devoted at the time of the passage of the Zoning Ordinance and the conclusion that the granting of approval would not cause substantial detriment to the public good and would not substantially impair the intent and purpose of the Zoning Ordinance and the Zoning Plan of the Township of Neptune; and

WHEREAS, the Developer has agreed to construct certain improvements shown on the Final Major Site Plan, Survey and other exhibits, and is subject to the Resolution and record before the Board; and

WHEREAS, in furtherance of the requirements of the Board, the Developer shall post performance guarantees for the required improvements as set forth more fully below, and the Developer and the Township have agreed to enter into this Agreement; and

WHEREAS, the approved Final Major Site Plan to permit the conversion of an existing office building to warehouse/office use with a small 4,388 sq. ft. office portion to remain, and subject to the Final Major Site Plan prepared for Block 3903, Lot 3.02 by the Township of Neptune, County of Monmouth and State of New Jersey prepared by Kennedy Engineering, dated 1-20-2023.

NOW, THEREFORE, the parties to this Agreement, for and in consideration of the mutual promises and covenants to each other made and for other good and valuable consideration, including the Final Major Site Plan approval granted by the Zoning Board of Adjustment of Neptune Township, hereby agree for themselves, their heirs, executors, administrators, successors and assigns as follows:

1. This Developer's Agreement shall apply only to this project by the Developer.
2. The terms and conditions of this Agreement shall be applicable to the following described property: Tax Block 3903, Lot 3.02, on the tax map of the Township of Neptune.

3. The Developer agrees to be bound by the testimony, representations, commitments, approved map and requirements of the Zoning Board of Adjustment of the Township of Neptune, matters of fact and matters of law which constitute the file and record of the Board of the Township in this matter and included but not limited to all conditions set forth in the Resolution of the Board and the Final Major Site Plan submitted to the Board, and that it will faithfully discharge all of the obligations and commitments thereof, including, but not limited to site work improvements, streets, curbs, gutters, sidewalks, street signs, streetlights, sanitary sewers, water mains, fire hydrants and property monuments, and in accordance with the specifications and ordinances of the Township of Neptune, as amended to date or as further clarified and set forth subsequently in this Agreement.

4. Developer will construct, in accordance with specifications of the Land Use Ordinance of the Township as amended to date, in a manner satisfactory to the Township Engineer, and in accordance with the Final Major Site Plan, improvements set forth on the application and approved Resolution.

5. Developer will post with the Township performance guarantee of \$6,330.00 in the following manner and amounts:

a. A Performance Bond or a Letter of Credit, subject to the approval of the Township Attorney, with adequate surety to insure the faithful completion of the improvements aforesaid in the amount of \$5,697.00, plus a cash deposit in the amount of \$633.00; representing 10% of the cost of the performance guarantee, or the entire guarantee in cash at the Developer's option. The cash deposit shall be the last amount of security released by the Township, so that the entire performance guarantee shall be reduced and released prior to the release of any cash deposit posted herein. All cash deposits hereunder, as well as those required by paragraph 6, shall be by certified, cashier

or bank treasurer's check. (See Engineer's letter of February 15, 2023 attached hereto as Exhibit "A")

6. Developer shall pay an engineering inspection fee of \$5,055.00 in cash and an attorney's bond review fee and Developer's Agreement preparation fee of \$400.00. All revised Developer's Agreements or new Developer's Agreements shall require additional preparation fees of \$400.00 per agreement.

7. The improvements contemplated in this Agreement and in the application shall be performed within a period of (5) five years from the date hereof, or such additional periods of time as may be granted by the Township in accordance with N.J.S.A. 40:55D-52. In the event of an extension, the Township may annually review the amount of performance guarantees with regards to its sufficiency to ensure faithful completion of remaining required improvements, and if found insufficient, require the Developer to increase the amount of the performance guarantees. The issuance of Certificates of Occupancy by the Township within the five (5) year period shall not be deemed a waiver for defects ascertained during said period or subsequent thereto. If the Subdivision Plan project, or any part of the same, is sold, or otherwise conveyed by the Developer to another Developer prior to the installation of all improvements aforesaid new security (bond and Developer's Agreements) shall be required from the purchaser. The Developer agrees to obtain same for and on behalf of the Township.

8. The Township Engineer shall maintain appropriate records of inspections and related reviews and upon the Developer's complete written request, said records shall be made available within a reasonable amount of time for inspection by the Developer or its representative during regular business hours of the Township Engineer.

9. Any payments, posting of bonds or other financial obligation required to be performed by the Developer in this Agreement, unless specifically set forth otherwise,

shall be done and/or performed and tendered to the Township Clerk prior to the release of the Final Major Site Plan, and prior to the signing of any such Plan.

10. During the course of construction of the improvements shown on the Site Plan, Developer shall maintain, or shall be responsible for maintaining the subject premises in a manner which shall be safe, and shall have caused no damage to adjacent publicly owned or privately owned properties, or to members of the public. The date of final acceptance for the purposes of this Agreement is deemed to be the date upon which Developer is released from his performance bond, posted a maintenance bond, if same is required, and a Resolution of acceptance pertaining to the required improvements is adopted by the governing body of the Township.

11. Developer shall perform all work in full compliance and observance of all ordinances of the Township, as amended by the governing body or modified by the development approvals, and all proper recommendations of the Township Engineer.

12. Developer shall deliver to Township, a Certificate of Insurance for general liability coverage in the amounts of not less than \$1,000,000.00/\$2,000,000.00 naming the Township as an additional insured and in a form acceptable to Township Attorney. This insurance shall be in effect until the date of final acceptance as previously defined in this Agreement.

13. Developer grants permission for this Agreement to be recorded in the Monmouth County Clerk's Office at its expense, and remain on record until it has complied with the obligations herein, at which time the governing body shall adopt a Resolution authorizing the execution of a Release and Satisfaction of Developer's Agreement in recordable form.

14. In the event the Township is required to resort to litigation, or other similar action to enforce the terms of this Agreement and is successful, it will be entitled to

recover costs, including reasonable attorney's fees and expert witness fees from Developer.

15. The Township, its consultants, employees and agents, shall be given free access to observe construction details as set forth on the approved Final Major Site Plan. The purpose of such observation shall be limited to providing the Township with a greater degree of confidence that such improvements will be constructed in accordance with the Developer's approved submittals. The Township, or its representatives, consultants, employees or agents, shall not supervise, direct or have control over the Developer's work during such observations, nor shall they have authority over or responsibility for the means, methods, techniques, sequences or procedures of construction selected by the Developer, or safety precautions and programs incident to the work of the Developer, or for any failure of the Developer to comply with the applicable laws, rules, regulations, ordinances, codes or orders. The Developer hereby expressly agrees to indemnify and hold the Township, its representatives, consultants, employees and agents, harmless from and against all claims, costs and liability of every kind and nature, for injury, damage or loss received or sustained by any person or entity in connection with, or on account of, the performance of work at the development site and elsewhere pursuant to this Agreement, provided said injury, damage or loss is not the result of the negligence of the Township, its representatives, consultants, employees and agents. The Developer further agrees to aid and defend the Township, its representatives, consultants, employees and agents, in the event that the Township, its representatives, consultants, employees and agents, is named as a defendant in an action concerning the performance of work pursuant to this Agreement. The Developer is not an agent or employee of the Township.

16. If any terms, provisions or conditions are determined invalid by a court of competent jurisdiction, the remainder shall remain in full force and effect.

17. The Developer and its representative intend to lease the subject property to EEI, Inc., an importer of small kitchen appliances and outdoor sporting equipment and small electronics, which are imported and then distributed to small carriers. Items are pallets to racks or taken out of boxes and distributed to consumers. There will be a small office component to the building for general order processing and warehouse personnel and management and billing.

18. All notices required or permitted under this Agreement shall be in writing by Certified Mail, return receipt requested or email or fax, to the address set forth herein or as otherwise designated by the parties in writing.

19. This Developer's Agreement shall be binding upon parties who sign it and upon their successors and interests and assigns. If the Developer conveys title to be affected by the Developer's Agreement to a third-party purchaser or should other third party succeed to the interest of the Developer by way of purchase, deed in lieu of foreclosure, Sheriff's or foreclosure sale and deeds and/or other methods of succession of title, the third party shall be bound by the terms of this Agreement and complete the project in accordance with the terms of the Agreement unless otherwise modified by the Township.

20. The Developer must submit evidence to the Board of approval of outside agencies, if required by the Major Subdivision Plan approval, including but not limited to the Local Soil Conservation District, Monmouth County Planning Board, Fire Marshall, Board of Health and any federal, state, county or other municipal agency having regulatory jurisdiction over this development. If tree clearance is required, an appropriate

clearing permit must be filed and approved prior to beginning work with full compliance with the Tree Clearance Ordinance of the Township of Neptune.

21. For purpose of construction of this Agreement, the following terms, except as the context may otherwise require means:

- a. "Shall" is mandatory and "may" is permissive.
- b. "Neuter" gender includes the masculine and the feminine.

22. The Developer or its successor or assigns is required to comply with the Development Fee Ordinance of Neptune Township and all amendments pursuant to the Land Development Ordinance of the Township of Neptune to the extent applicable. The Developer shall make any Affordable Housing Contribution relating to Ordinance 04-22 and amendments, which shall be calculated by the Municipal Tax Assessor or his assigns if applicable and be responsible for all Site Plan Fees, Tax Map Adjustment Fees and Variance Fees involved.

23. The Developer, or its successors or assigns further agrees to repair and maintain all decorative lighting fixtures, lighting fixture poles, sidewalks and/or trees installed as shown on the approved Plan, including those decorative lighting fixtures installed and trees planted within the public right-of-way, if any are required by such Plan, and not on the Developer's property.

All wall mounted signs shall be subject to conditions set forth by the Plan.

24. The Developer, or its successors or assigns, is responsible for maintenance of the drainage system constructed for the project for the duration of the project. All "proposed drainage easements" as part of the project must be described and shown on all plans with specificity and to the satisfaction of the Township Engineer. Ownership and maintenance responsibility must be clearly identified on all plans for such easements and approved by the Township Engineer.

25. In regard to Storm Water Management, the Township is not responsible to perform routine cleaning or maintenance of any of the drainage systems on-site. A Maintenance Plan shall be provided for the Storm Water Management System on-site by the Developer. The Maintenance Plan shall be in accordance with the Neptune Township Land Development Ordinance, Section 528.9 and shall name a responsible party for the necessary Storm Water Maintenance and provide the name, address and available phone contact to the Township upon execution of this Agreement. Any changes in the responsible party shall be shared with the Township within 24 hours of the change. In addition, in accordance with the Neptune Township Land Development Ordinance Section 528.9(b)6, maintenance logs shall be completed and sent to both the Township Public Works Superintendent and the Township Department of Engineering.

26. The Developer shall comply with requirements that all Plans must be approved by the Township Engineer and Code and Construction Departments for the issuance of Permits.

27. Per the Resolution of Approval, garbage and recycling will not be picked up by Neptune Township and all garbage will be in a masonry enclosure to be provided on the plans and subject to approval by the Board Engineer, if necessary, as a condition of approval. The Applicant agrees to removal all parking on the right side of the building (adjacent to the building) and add greenery/foundation planting. Applicant agrees on the record that they are moving back to the 3 loading dock design and will not seek to put the 4th dock in; they are reverting to the prior plan design. The Applicant shall follow all other conditions and approvals as part of Resolution ZBA #23-08, including all representations and testimony of the Applicant as being truthful and accurate.

28. The Developer has attached hereto (Exhibit B) a list setting forth the names and addresses of the individuals and/or entitled each having an interest of ten percent (10%) or more in this development and hereby certifies the correctness of that list. The Developer further agrees that it will provide the Township with any changes in this list, in writing or within 30 days of the date of this occurrence.

IN WITNESS WHEREOF, the Developer has hereunto caused these presents to be duly executed. The Township has caused this instrument to be signed by its Mayor and attested by its Clerk, and its proper corporate seal to be affixed as of the date and year first above written.

(SEAL)

TOWNSHIP OF NEPTUNE

BY: _____
KEITH CAFFERTY, Mayor

ATTEST:

GABRIELLA SIBONI, RMC
Township Clerk

COTR, INC., (EEI, Inc.)

WITNESS:

Print name: *Elan Pife*
Print title: *Treasurer*

BY: _____
Print name:
Print title:

Adrian J. DeL...

Adrian J. DeL...
V-P.

STATE OF NEW JERSEY :
COUNTY OF MONMOUTH : SS:

I CERTIFY that on JULY 31, 2023,

ADAM GAESFIELD personally came before me and this
Print Name
person acknowledged under oath, to my satisfaction, that:

- (a) this person is named in and personally signed the attached document; and
- (b) this person acknowledges that he/she is the V.P. of
Print Title
COTR, INC., (EEI, Inc.)
- (c) this person signed, sealed and delivered this document as his or her act and deed.

Antoinette Matthews
Notary Public

ANTOINETTE MATTHEWS
NOTARY PUBLIC
STATE OF NEW JERSEY
ID # 2429117
MY COMMISSION EXPIRES JAN. 23, 2028

STATE OF NEW JERSEY:

SS:

COUNTY OF MONMOUTH:

I CERTIFY that on _____, 2023

GABRIELLA SIBONI, RMC,

personally came before me, and this person acknowledged under oath, to my satisfaction that:

- (a) this person is the TOWNSHIP CLERK of the TOWNSHIP OF NEPTUNE, the municipal corporation named in this document;
- (b) this person is the attesting witness to the signing of this document by the proper corporate officer, who is the Mayor of the municipal corporation;
- (c) this document was signed and delivered by the municipal corporation as its voluntary act duly authorized by a proper Resolution of the Township Committee;
- (d) this person knows the proper seal of the municipal corporation which was affixed to this document;
- (e) this person signed this proof to attest to the truth of these facts.

GABRIELLA SIBONI, RMC,
Township Clerk

Signed and sworn to before me
on _____, 2023

GENE J. ANTHONY, ESQ.
Attorney At Law of New Jersey

LEON S. AVAKIAN, INC. Consulting Engineers

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E., P.L.S., P.P.

February 15, 2023

Ms. Gabriella Siboni, Municipal Clerk
Township of Neptune
P.O. Box 1125
Neptune, NJ 07754

Re: **United Shipping Alliance
COTR, Inc. (ZB 22/13)
Block 3903, Lot 3.02
Bond Estimate
Our File NTBA 22-16**

Dear Ms. Siboni:

Enclosed please find our performance bond estimate and other fees required for the above referenced project.

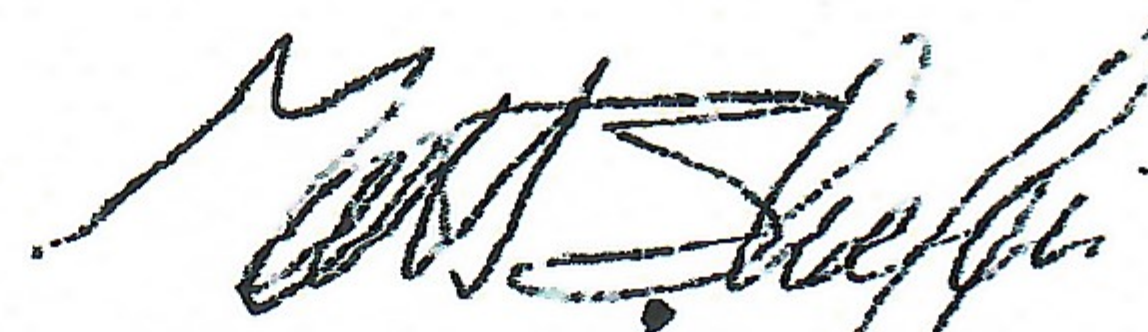
90% Surety Bond	\$5,697.00
10% Certified Check	<u>\$ 633.00</u>
TOTAL	\$6,330.00

Deposit for Engineering Inspection Fees \$5,055.00

Should you have any questions or require any additional information, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E., P.P.
Board Engineer

MS:mcs

Enclosure

cc: Kristie Dickert, Administrative Officer
Rick Brodsky, Esq.
Adam Greenfield, Applicant
Andrew Comi, P.E.

NT/BA/22/22-16

PHONE (732) 922-9229

FAX (732) 922-0044

A

EXHIBIT "B"

LIST OF NAMES AND ADDRESSES OF INDIVIDUALS AND/OR ENTITIES
HAVING AN INTEREST OF 10% OR MORE IN THE DEVELOPMENT

DISCLOSURE OF OWNERSHIP

IN CONNECTION WITH DEVELOPMENT APPLICATION FOR PROPERTY LOCATED
AT 1400 JUMPING BROOK ROAD, BLOCK 3903, LOT 3.02

Developer: COTR INC. (a/k/a EEI, INC.)

Owner's Name/Address

Adam Greenfield
37 W. 39th Street
Suite 601
New York, NY 10018

Elan Rofé
37 W. 39th Street
Suite 601
New York, NY 10018

Andre Rofé
37 W. 39th Street
Suite 601
New York, NY 10018

TOWNSHIP OF NEPTUNE

RESOLUTION 23-305

**RESOLUTION AUTHORIZING PURCHASE OF POWERPRO2 LOAD STRETCHER,
ACCESSORIES AND EXTENDED WARRANTY FROM STRYKER MEDICAL UNDER SAVVIK
BUYING GROUP COOPERATIVE CONTRACT #2019-05 IN AN AMOUNT NOT TO EXCEED
\$38,000.00**

WHEREAS, the Township of Neptune wishes to purchase PowerPro 2 Load Stretcher, Accessories and Extended Warranty from Stryker Medical under Savvik Buying Group Cooperative Contract #2019-05 in an amount not to exceed \$38,000.00; and

WHEREAS, Stryker Medical, having an address at 2825 Airview Boulevard Kalamazoo, MI 49002, has been awarded under Savvik Buying Group Cooperative Contract #2019-05 for purposes of providing such services; and

WHEREAS, N.J.S.A.40A:11-12 permits the purchase of goods and services without advertising for bids when purchased under contract for goods or services entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

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

1. Purchase of PowerPro 2 Load Stretcher, Accessories and Extended Warranty from Stryker Medical under Savvik Buying Group Cooperative Contract #2019-05 in an amount not to exceed \$38,000.00 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 Chief Financial Officer, Assistant C.F.O., and Police Department.

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 August 14, 2023

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 above named contract.

Account Name
Ordinance 22-31 Acquisition Vehicles & Equipment

Account Number
04-215-55-917-020

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION 23-306

RESOLUTION RESCINDING RESOLUTION 23-280 AND AUTHORIZING PURCHASE OF THREE 2023 CHEVROLET MALIBU FROM GENTILINI MOTORS UNDER NEW JERSEY STATE CONTRACT #20-FLEET-01393 FOR \$70,000.00

WHEREAS, On July 10, 2023, The Township Committee adopted resolution 23-280 "Resolution Authorizing Purchase Of Two 2023 Chevrolet Malibu From Gentilini Motors Under New Jersey State Contract #20-Fleet-01393 For \$53,000.00"; and

WHEREAS, the Township Committee wishes to rescind resolution 23-280 to amend the resolution to Authorize Purchase Of three 2023 Chevrolet Malibu From Gentilini Motors Under New Jersey State Contract #20-Fleet-01393 For \$70,000.00

WHEREAS, Gentilini Motors, having an address at 2703 Fire Road Egg Harbor Township, NJ 08234, has been awarded under New Jersey State Contract #20-FLEET-01393 for purposes of providing such services; and

WHEREAS, N.J.S.A.40A:11-12 permits the purchase of goods and services without advertising for bids when purchased under contract for goods or services entered on behalf of the State by the Division of Purchase and Property in the Department of the Treasury.

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

1. Purchase of three 2023 Chevrolet Malibu from Gentilini Motors under New Jersey state contract #20-FLEET-01393 for \$70,000.00 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 Chief Financial Officer, Assistant C.F.O., and Police Department.

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 August 14, 2023

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 above named contract.

Account Name
Police Budget

Account Number
01-201-25-240-020

Michael Bascom, Chief Financial Officer

Date

TOWNSHIP OF NEPTUNE

RESOLUTION #23-307

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
GRANTING LEAVE OF ABSENCE**

WHEREAS, Dainene Roberts, Deputy Township Clerk, has requested an unpaid leave of absence under the provisions of the Family Medical Leave Act from June 28, 2023 and returning August 8, 2023, and;

WHEREAS, An extension of time was requested by Dainene Roberts to August 21, 2023, 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 23-308**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AMENDING RESOLUTION 23-271 AUTHORIZING CERTAIN PERSONNEL ACTIONS-
RECLASSIFICATION**

WHEREAS, the following re-classifications have been reviewed by the Department Heads of the respective Departments; and,

WHEREAS, Resolution 23-271 must be amended to reflect the correct salary step for the reclassified employee, and;

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

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>DEPT</u>	<u>PREVIOUS POSITION</u>	<u>RECLASSIFICATION</u>	<u>SALARY</u>	<u>EFFECTIVE DATE</u>
Marcella Cannizzaro	Finance	Bookkeeper	Payroll Accountant	\$41,320.54	7/1/2023

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 August 14, 2023

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

Michael Bascom, Chief Financial Officer

Date

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-309
APPOINT SCHOOL CROSSING GUARDS FOR THE 2023-2024 SCHOOL YEAR**

WHEREAS, there is a need for School Crossing Guards for the 2023-2024 school year; and,

WHEREAS, the Chief of Police and Human Resources Director have made their recommendation to rehire certain crossing guards that served during the 2022-2023 school year and add several individuals so that all crossings are covered; and,

WHEREAS, funds for this purpose are available in the 2023 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following be and they are hereby reappointed as School Crossing Guards for the 2023-2024 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate established by prior Resolution of the Township Committee:

Thomas Blewitt, Sr.	Carmelo Gonzales	Everett Mitchell	Megan O'Brien	Daniel Vanorden
Jeffrey Brenan	Gail Hepburn	Chester Moreski	Robert Perkins	Avis Williams
Irma Burgos	Tonya Hill	Pam Moreski	William Reilly	David Williams
Ernest Dickerson	Juanita Jones	Loren Moses	Roseann Rode	
Kathleen Eldridge	Barbara McGuire	Amelia Okpanachi	William Rutherford	

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 Resource Director.

**TOWNSHIP OF NEPTUNE
RESOLUTION #23-310**

**REAPPOINT SPECIAL LAW ENFORCEMENT OFFICERS IN THE POLICE DEPARTMENT
ON A PART-TIME BASIS**

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement Officers (SLEO) be reappointed on an annual basis; and,

WHEREAS, the Chief of Police has made his recommendation on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2023 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are hereby reappointed as part-time Special Law Enforcement Officers and to perform such other duties as prescribed by the Chief of Police, for the period September 1, 2023 through August 31, 2024, at an hourly rate as established by prior resolution of the Township Committee:

Special Law Enforcement I

Kristen Narciso
Ryan Gallagher
Conor McGhee
Scott Gomes

Special Law Enforcement II

Chuck Theodora
Chris Mottes
Robert Newman
Tristan Waldron
Malik Jenkins
Aaron Roberson
Yashmeen Jones-Muhmmad
Brandon Rodrigues

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.

TOWNSHIP OF NEPTUNE

RESOLUTION 23-311

**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>
Chris Mottes	Police	SLEO II	8/7/2023	8/17/2023

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 #23-312

AUTHORIZING 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:

June 26, 2023 BILL LIST

Current Fund	\$12,680,575.42
Grant Fund	\$18,810.10
Trust Other	\$116,781.89
General Capital	\$1,148,868.50
Sewer Operating Fund	\$178,816.44
Sewer Capital Fund	\$9,326.25
Marina Operating Fund	\$3,259.37
U.D.A.G. Reciprocol Trust	\$3,623.12
Library Trust	\$3,482.15

Bill List Total **\$14,163,543.24**

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

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-313**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2022 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled:

- Auditor's Opinion
- Schedule of Findings and Questioned Costs
- Schedule of Findings and Recommendations
- General Comments

WHEREAS, the members of the governing body have personally reviewed as a minimum, as evidenced by the group affidavit form of the governing body attached hereto,

- Auditor's Opinion
- Schedule of Findings and Questioned Costs
- Schedule of Findings and Recommendations
- General Comments

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of N.J.S.A. 52:27BB-52, to wit:

N.J.S.A. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Neptune, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I, Gabriella Siboni, Township Clerk of Neptune Township, do hereby certify that the foregoing is a true copy of a Resolution adopted by the Township Committee of Neptune, New Jersey at a regular meeting held on August 14, 2023.

Gabriella Siboni, RMC
Municipal Clerk

State of New Jersey
County of Monmouth

We, members of the governing body of the Township of Neptune, in the County of Monmouth, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Committee of the Township of Neptune in the County of Monmouth;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2022;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

Name

Signature

Mayor Keith Cafferty

Deputy Mayor Tassie York

Committeeman Robert Lane, Jr.

Committeeman Dr. Michael Brantley

Committeeman Nicholas Williams

Gabriella Siboni, RMC
Municipal Clerk

Sworn and Subscribed to me on this 14th day of August, 2023

Signature of Notary Public

The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-314**

**COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING
THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH
MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FISCAL YEAR
2023 COMMUNITY DEVELOPMENT PROJECTS**

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

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal Year 2023 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2023 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as **ADA to municipal building** with a grant allocation of **\$165,731.00**.

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

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

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

Motion/ Second	Roll Call	YAY	NAY	ABSTAIN	ABSENT
	Dr. Michael Brantley				
	Robert Lane, Jr.				
	Nicholas Williams				
	Tassie D. York				
	Keith Cafferty				

TOWNSHIP OF NEPTUNE

RESOLUTION 23-315

COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION AUTHORIZING THE MAYOR TO SIGN A CERTIFICATION PROHIBITING THE USE OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING THE USE OF FEDERAL FUNDS FOR LOBBYING

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

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for Fiscal Year 2023; and

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

WHEREAS, it is required that the **Township of Neptune** execute a Project Agreement with Monmouth County to undertake a project known as ADA to municipal building and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the Township of Neptune sign additional certifications in order to receive these funds; and

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

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

NOW, THEREFORE, BE IT ORDAINED, that **the Township of Neptune** has met the conditions of receiving a Fiscal Year 2023 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor of the **Township of Neptune** is hereby authorized to sign the attached certifications which will become part of the Fiscal Year 2023 Project Agreement.

**Motion/ Roll Call
Second**

YAY NAY ABSTAIN ABSENT

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

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-316**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- SENIOR CENTER**

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; and,

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>
	Senior Center			
	Senior Center			

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 August 14, 2023

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 appointments.

Account Name

Michael Bascom, Chief Financial Officer

Date

**TOWNSHIP OF NEPTUNE
RESOLUTION 23-317**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE
AUTHORIZING CERTAIN PERSONNEL ACTIONS- PUBLIC WORKS**

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; and,

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>
	Public Works			
	Public Works			

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 August 14, 2023

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 appointments.

Account Name

Michael Bascom, Chief Financial Officer

Date