

TOWNSHIP COMMITTEE WORKSHOP MEETING – APRIL 11, 2016 – 6:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Dr. Michael Brantley	_____
Carol Rizzo	_____
Nicholas Williams	_____
Kevin B. McMillan	_____

Also present: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene Anthony, Township Attorney; and Richard J. Cuttrel, Municipal Clerk.

Mayor McMillan 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 7, 2016, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Governing Body Subcommittees. (PW)

2. Discussion – Engineering proposals for Sunshine Village Field track improvements. (PW)

3. Review Committee calendars/update on outstanding issues and capital items.
- Various on-going capital improvement projects.

Res. # 16-179 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

TOWNSHIP COMMITTEE MEETING – APRIL 11, 2016 – 7:00 P.M.

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

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
J. Randy Bishop	_____
Dr. Michael Brantley	_____
Carol Rizzo	_____
Nicholas Williams	_____
Kevin B. McMillan	_____

Also present at the dais: Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; Gene J. Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Silent Prayer and Flag Salute

The Clerk states, "Fire exits are located in the rear of the room and to my right. In the event of a fire, you will be notified by fire alarm and/or public address system, then proceed to the nearest smoke-free exit."

Mayor McMillan 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 7, 2016 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, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on March 14th.

PRESENTATION

Harry J. Delgado, Accreditation Program Manager, New Jersey State Association of Chiefs of Police, will present the Neptune Township Police Department Accreditation Certificate to the Township Committee.

REPORT OF THE CLERK

The Clerk states that the following reports and communications are on file in the Clerk's office:

Notice of a public hearing on an amendment to the Land Development Ordinance of the Township of Wall.

Notice of a public hearings on a petition of NJNG for approval of an increase in natural gas rates.

Donald Clare, Electrical Sub-Code Official, has been selected as the 2016 Electrical Inspector of the Year by the Municipal Electrical Inspector's Association.

COMMENTS FROM THE DAIS

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

PUBLIC HEARING – 2016 MUNICIPAL BUDGET

Public comments regarding the 2016 Municipal Budget which was introduced on March 14, 2016. The public will be permitted one visit to the microphone with a limit of five minutes.

RESOLUTION TO ADOPT 2016 MUNICIPAL BUDGET

Res. # 16-180 – Adopt 2016 Municipal Budget.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

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.

ORDINANCE NO. 16-12 – An ordinance authorizing acceptance of Assignment of Notes and Mortgages from Ridge Avenue, LLC concerning project known as “Schoolhouse Square” - Final Reading

Explanatory Statement: This ordinance authorizes the assignment of six mortgages and promissory notes from Ridge Avenue, LLC to the Township of Neptune in connection with the Schoolhouse Square Neptune Housing Incentive Fund.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

ORDINANCE NO. 16-13 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding a resident handicapped on-street parking zone on Webb Avenue - First Reading

Explanatory Statement: This ordinance authorizes a resident handicapped on-street parking zone in front of 145 Webb Avenue.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

ORDINANCE NO. 16-14 – An ordinance to amend Volume I, Chapter II, of the Code of the Township of Neptune by adding Section 2-7.4 to establish a Self-Insurance Fund for Group Health Benefits pursuant to regulations established by the New Jersey Department of Community Affairs - First Reading

Explanatory Statement: This ordinance establishes a Self-Insurance Fund for municipal employee health benefits pursuant to guidelines established by the NJ Department of Community Affairs.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

The Public Hearings on Ordinances 16-13 and 16-14 will be held on Monday, April 25th.

CONSENT AGENDA

Res. # 16-181 – Apply for a Department of Environmental Protection Community Stewardship Incentive Program Grant.

Res. # 16-182 – Authorize the execution of an Interlocal Service Agreement with the Borough of Neptune City to provide a Telephonic Community Notification System.

Res. # 16-183 – Authorize purchase of a generator for the North Island Sanitary Sewer Pump Station.

Res. # 16-184 – Accept resignation of Janel Jones as a member of the Planning Board.

Res. # 16-185 – Employ Special Law Enforcement Officer in the Police Department on a part-time basis.

Res. # 16-186 – Accept the resignation of Raina Pettway as a Customer Service Representative in the Code/Construction Department.

Res. # 16-187 – Accept the resignation of Thomas Collins as a member of the Senior Center Advisory Board.

Res. # 16-188 – Authorize temporary street closing in connection with the Community Pride Block Party.

Res. # 16-189 – Reject all bids for reconstruction of South Concourse.

Res. # 16-190 – Authorize use of Firemen’s Park for Monmouth County Democrats Community Breakfast.

Res. # 16-191 – Authorize the Mayor to sign a certificate prohibiting the use of excessive force and certification prohibiting the use of federal funds for lobbying.

Res. # 16-192 – Authorize the Mayor and Clerk to execute a Project Agreement with Monmouth County for performance and delivery of FY2014 community development projects.

Res. # 16-193 – Certify completion of Jumping Brook Ballfield improvements.

Res. # 16-194 – Authorize lawsuit seeking removal of zoning violations and addressing other collateral legal issues with regard to 1207 Highway 35 South, known as Stumpy’s.

Res. # 16-195 – Authorize counterclaim against Partners Engineering Science, Inc.

Res. # 16-196 – Reject all bids for West Lake Avenue Streetscape Improvements – Phase II.

Res. # 16-197 – Authorize Revocable License Agreement with Raymond C. Dodd and Barbara J. Dodd of 422 Woodmere Avenue, Block 5103, Lot 8.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

Res. # 16-198 – Authorize Change Order #2 in connection with reconstruction of the Ocean Grove Boardwalk – North End.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

Res. # 16-199 – Extend offer of employment for the position of Driver in the Department of Public Works.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

Res. # 16-200 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Bishop, _____; Brantley, _____; Rizzo, _____; Williams, _____; McMillan, _____.

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

ORDINANCE NO. 16-13

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT HANDICAPPED ON-STREET PARKING ZONE ON WEBB AVENUE

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>
Webb Avenue	1	North side of Webb Avenue beginning 49 feet east of the northeast intersection of Webb Avenue and Lawrence Avenue

SECTION 2

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

ORDINANCE NO. 16-14

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 2-7.4 TO ESTABLISH A SELF-INSURANCE FUND FOR GROUP HEALTH BENEFITS PURSUANT TO REGULATIONS ESTABLISHED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS

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

SECTION 1

Volume I, Chapter II, Section 2.7, of the Code of the Township of Neptune, be and is hereby amended to adding Section 2-7.4 – Self Insurance Fund for Group Health Benefits, as follows:

2-7.4 Self Insurance Fund for Group Health Benefits

- a. There is hereby established a Trust Fund to be known as “The Self-Insurance Fund for Group Health Benefits” (hereafter the Fund) pursuant to N.J.S.A. 40A:10-1 et seq. and regulations established by the New Jersey Department of Community Affairs.
- b. The Township Chief Financial Officer shall remain and bear responsibility for the Fund in the same manner and to the same extent as other public funds under his/her care. All interest earned on the Fund shall accrue to the Fund's principal.
- c. The Township Administrator shall annually estimate the probable maximum exposure of the Fund during the coming year. He/she shall make this estimate on such factors as contributory and non-contributory self-funded or partially self-funded health benefits to Township employees, their dependents, retirees or both in accordance with rules and regulations of the Director of the Division of Local Government Services in the Department of Community Affairs
- d. The Township Administrator shall include as part of the recommended annual operating budget for the coming year, an amount, in his/her opinion, over and above the current balance in the Fund needed to adequately and responsibly account for the costs associated with the above estimate as to Fund exposure for the coming year.
- e. The Township Administrator shall fix reasonable rates of premium for all insurance carried by the Insurance Fund to be applied to the various covered persons and dependent categories, and shall effect all insurance in the Insurance Fund or with any insurance company or companies authorized to do business in the State of New Jersey.
- f. The Township Committee of the Township of Neptune shall appropriate such funds as are necessary to accomplish the purposes for which the Neptune Township Self Insurance Fund for Group Health Benefits is established.

- g. The Township Chief Financial Officer shall collect and incorporate in the Fund employee and retiree contributions for health benefits which are made pursuant to applicable Township ordinances and contracts or in accordance with Chapter 78, P.L. 2011.

SECTION 2

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 3

This ordinance shall take effect after second reading and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Kevin B. McMillan,
Mayor

RESOLUTION #16-179 – 4/11/16

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

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

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

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Litigation – OPRA litigation argued in early, 2015, decision rendered in February, 2016.

Personnel – Recommendation to hire Driver in DPW

Potential Litigation – Code enforcement issues at Neptune Estates

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

RESOLUTION #16-180 - 4/11/16

ADOPT 2016 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$27,773,513.58 for municipal purposes; and, \$1,219,019.00 for the minimum library levy:

General Revenues

Surplus Anticipated	2,400,000.00
Miscellaneous Revenues Anticipated	10,558,881.98
Receipts from Delinquent Taxes	1,136,896.94
Local Tax for Municipal Purposes	27,773,513.58
Local Tax for Minimum Library Levy	1,219,019.00
Total Revenues	43,088,311.50

General Appropriations

Within "CAPS"	
Operations including contingent	29,447,000.00
Deferred Charges and Statutory Expenditures	3,565,925.00
Excluded from "CAPS"	
Operations	2,970,265.13
Capital Improvements	100,000.00
Municipal Debt Service	4,098,307.37
Deferred Charges	816,814.00
Reserve for Uncollected Taxes	2,090,000.00
Total General Appropriations	43,088,311.50

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-181 - 4/11/16

APPLY FOR A DEPARTMENT OF ENVIRONMENTAL PROTECTION
COMMUNITY STEWARDSHIP INCENTIVE PROGRAM GRANT

WHEREAS, the Township of Neptune desires to further the public interest by obtaining a grant for from the State of New Jersey in the amount of approximately \$10,000.00 to the fund the following project: 2016 Neptune Township Tree Inventory; and,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Michael J. Bascom or the successor to the office of Chief Financial Officer, is hereby authorized to:

- a) make application for such a loan and/or such a grant;
- b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$10,000.00 and not more than \$10,000.00;
- c) to execute any amendments thereto which do not increase the Grantee's obligations; and,

BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune hereby agrees to match 15% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified. 100% of the match will be made up of in-kind services; and,

BE IT FURTHER RESOLVED, that the Grantee agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance pursuant to the agreement

IN WITNESS WHEREOF, I have hereunder set my hand and the official seal of this body this 11th day of April, 2016.

Ayes: 5
Noes: 0
Absent: 0

Richard J. Cuttrell, Municipal Clerk

Seal

CERTIFICATION
I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-182 – 4/11/16

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT
WITH THE BOROUGH OF NEPTUNE CITY TO PROVIDE A
TELEPHONIC COMMUNITY NOTIFICATION SYSTEM

WHEREAS, the Township of Neptune possesses a Telephonic Community Notification System (“System”) to alert its residents in the event of anticipated or on-going emergency within the Township of Neptune; and,

WHEREAS, the Township of Neptune and the Borough of Neptune City desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to allow the Borough to utilize the System to provide emergency information to its residents; and,

WHEREAS, the Borough will agree to pay the Township an annual fee of \$5,600.00 plus billings by the community notification system vendor for any mass calls; and,

WHEREAS, this Interlocal Service Agreement shall be automatically renewed on an annual basis on the anniversary date of the signing of said Agreement for a term of three (3) years effective January 1, 2016,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the Borough of Neptune City, a copy of which is on file in the Office of the Municipal Clerk, which authorizes the Borough to utilize the Township’s Telephonic Community Notification System to provide emergency notifications to Borough residents; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-183 - 4/11/16

AUTHORIZE PURCHASE OF A GENERATOR
FOR THE NORTH ISLAND SANITARY SEWER PUMP STATION

WHEREAS, the Township Engineer solicited quotes for the purchase of a generator for the North Island Sanitary Sewer Pump Station; 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 Township Engineer and the Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided through a Hazardous Mitigation Grant Program (HMGP) grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a generator for the North Island Sanitary Sewer Pump Station be and is hereby authorized through Cooper Power Systems pursuant to their quote of \$18,225.00; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-184 - 4/11/16

ACCEPT THE RESIGNATION OF JANEL JONES AS A
MEMBER OF THE PLANNING BOARD

WHEREAS, the Township Committee has received a letter from Janel Jones resigning as a member of the Planning Board effective March 24, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Janel Jones as a member of the Planning Board is hereby accepted effective March 24, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Administrative Officer to the Planning Board.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell".

RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-185 - 4/11/16

EMPLOY SPECIAL LAW ENFORCEMENT OFFICER
IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for a Special Law Enforcement Officer – Class I in the Police Department on a part-time hourly basis; and,

WHEREAS, the position was duly posted and applicants have been interviewed; and,

WHEREAS, the Chief of Police and Police Director has made a recommendation; and,

WHEREAS, funds will be provided for the first four months of 2016 in the 2016 Temporary Budget and funds for the balance of 2016 will be provided in the Budget for the year 2016, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Terrell L. Brown be and is hereby employed as a part-time Special Law Enforcement Officer - Class I, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the Special Law Enforcement Officer – Class I training at the Monmouth County Police Academy at an hourly rate as established by prior resolution of the Township Committee; and,

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.

CERTIFICATION
I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-186 - 4/11/16

ACCEPT THE RESIGNATION OF RAINA PETTWAY AS A CUSTOMER
SERVICE REPRESENTATIVE IN THE CODE/CONSTRUCTION DEPARTMENT

WHEREAS, the Township Committee has received a letter from Raina Pettway resigning as a Customer Service Representative effective April 5, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Raina Pettway as a Customer Service Representative in the Code/Construction Department is hereby accepted effective April 5, 2016; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16

A handwritten signature in black ink, appearing to read 'Richard J. Cuttrell', is written over a faint circular stamp.

RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-187 - 4/11/16

ACCEPT THE RESIGNATION OF THOMAS COLLINS AS A
MEMBER OF THE SENIOR ADVISORY BOARD

WHEREAS, the Township Committee has received a letter from Thomas Collins resigning as a member of the Senior Advisory Board effective March 31, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Thomas Collins as a member of the Senior Advisory Board is hereby accepted effective March 31, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Acting Senior Center Director.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell".

RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-188 - 4/11/16

AUTHORIZE TEMPORARY STREET CLOSING IN
CONNECTION WITH THE COMMUNITY PRIDE BLOCK PARTY

WHEREAS, the Asbury Park/Neptune NAACP is planning their annual Community Pride Block Party in and around Midtown Commons Park on Saturday, August 20, 2016; and,

WHEREAS, the Police Department has recommended that a portion of West Lake Avenue be temporarily closed for the safety of the participants; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that West Lake Avenue between State Highway 35 and Drummond Avenue shall be closed to vehicular traffic and designated as temporary no parking on Saturday, August 20, 2016 between the hours of 8:00 AM to 4:00 PM; and,

BE IT FURTHER RESOLVED, that the Department of Public Works is hereby requested to supply the necessary barricades to close said street; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police, Director of Public Works, Neptune Fire District #1 and Business Administrator.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-189 - 4/11/16

REJECT ALL BIDS FOR RECONSTRUCTION OF SOUTH CONCOURSE

WHEREAS, on March 30, 2016, the Township Engineering Consultant received bids for the award of a contract for the reconstruction of South Concourse; and,

WHEREAS, said bids were reviewed by the Engineering Consultant who has recommended that all bids be rejected because they exceed the Engineer's cost estimate and the amount of authorized funds; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the all bids received for the reconstruction of South Concourse be and are hereby rejected because all bids exceed the Engineer's cost estimate and the amount of authorized funds; and,

BE IT FURTHER RESOLVED, that the Township Engineer, through the Engineering Consultant, is hereby authorized to prepare revised specifications and advertise for the receipt of bids for this project; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

TABLED

RESOLUTION #16-190 - 4/11/16

AUTHORIZE USE OF FIREMEN'S PARK FOR MONMOUTH COUNTY
DEMOCRATS COMMUNITY BREAKFAST

WHEREAS, the Monmouth County Democrats have planned a Community Breakfast at Firemen's Park on Main Avenue on Saturday, June 5, 2016, from 9:00 a.m. to 11:00 a.m.,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Monmouth County Democrats be and are hereby authorized for the use of Firemen's Park on Main Avenue for a Community Breakfast on Saturday, June 5, 2016 between the hours of 9:00 a.m. and 11:00 a.m.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief of Police and Recreation Director.

RESOLUTION #16-191 - 4/11/16

AUTHORIZE THE MAYOR TO SIGN A CERTIFICATE 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 FY 2014; 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 & Accessibility Improvements on 10th Avenue; 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 a part of this resolution; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township of Neptune has met the conditions of receiving a FY 2014 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; and,

BE IT FURTHER RESOLVED, that the Mayor of the Township of Neptune is hereby authorized to sign the attached certifications which will become a part of the FY 2014 Project Agreement.

DATED: April 11, 2016

Richard J. Cuttrell, Municipal Clerk

Offered By: Mr. Williams
Seconded By: Mr. Bishop

Vote:
Bishop: aye
Brantley: aye
Rizzo: aye
Williams: aye
McMillan: aye

CERTIFICATION
I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-192 - 4/11/16

AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR PERFORMANCE AND DELIVERY OF FY 2014 COMMUNITY DEVELOPMENT PROJECTS

WHEREAS, certain Federal funds are potentially available to Monmouth County under the Housing and Urban-Rural Recovery Act of 1974, as amended; and,

WHEREAS, the County of Monmouth expects to receive an allocation for FY 2014 from the United States Department of Housing and Urban Development; and,

WHEREAS, the County of Monmouth has submitted its Annual Plan for FY 2014 to the U.S Department of Housing and Urban Development, which included a project hereinafter referred to as ADA & Accessibility Improvements with a grant allocation of \$138,512.00; and,

WHEREAS, the Township of Neptune hereby met all 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 Appendix I of the Project Agreement.

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

DATED: April 11, 2016

Richard J, Cuttrell, Municipal Clerk

Offered By: Mr. Williams
Seconded By: Mr. Bishop

Vote:
Bishop: aye
Brantley: aye
Rizzo: aye
Williams: aye
McMillan: aye

CERTIFICATION
I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-193 – 4/11/16

CERTIFY COMPLETION OF JUMPING BROOK BALLFIELD IMPROVEMENTS

WHEREAS, the Township of Neptune received funding from the Monmouth County Open Space Grant Program for the improvements to the Jumping Brook Ballfield at 170 Jumping Brook Road, Neptune, NJ,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms that the Jumping Brook Ballfield improvements have been completed. The improvements funded by this grant, including construction of a new baseball field, installation of irrigation, sod, fencing, foul poles, backstop, bases, bleachers, dugouts, landscaping, drainage, a rain garden, walking path and lighting, have been completed; and,

BE IT FURTHER RESOLVED, that all related contracts in connection with this project have been closed; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-194 – 4/11/16

AUTHORIZE LAWSUIT SEEKING REMOVAL OF ZONING VIOLATIONS AND ADDRESSING
OTHER COLLATERAL LEGAL ISSUES WITH REGARD TO 1207 HIGHWAY 35 SOUTH,
KNOWN AS STUMPY'S

WHEREAS, The Zoning Officer has discovered zoning violations concerning expansion of a nonconforming use without acquiring zoning approval and construction of commercial additions without acquiring zoning approval of a commercial building located on 1207 Highway 35 South, also known as Block 5602, Lot 31 (formerly known as Block 556, Lot 10), for which the property owner refuses to seek relief or improvements through various board processes, and for which is a continuing set of violations, while providing collateral issues with regard to traffic hazards and safety issues due to limited ingress and egress to the subject site from Highway 35; and,

WHEREAS, proceeding with enforcement through the Municipal Court does not provide sufficient enforcement, nor address the full scope of issues concerning violations on the subject property,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to commence a legal action in the Superior Court of New Jersey, seeking Injunctive Relief and other remedies available in addressing the zoning violations and other possible collateral violations and issues associated with conditions now existing at 1207 Highway 35 South, Block 5602, Lot 31, Neptune Township, New Jersey.

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Ten Thousand Dollars (\$10,000.00) without additional approval for the purposes of this litigation and the Chief Financial Officer hereby certifies that funds for this purpose are available in the 2016 municipal budget in the appropriation entitled Legal O.E.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Chief Financial Officer, Assistant C.F.O., Zoning Officer, Land Use Administrator and Township Attorney.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-195 – 4/11/16

AUTHORIZE COUNTERCLAIM AGAINST PARTNERS ENGINEERING SCIENCE, INC.

WHEREAS, Partners Engineering and Science, Inc., acquired most of the assets of Birdsall Services Group as of June 21, 2013; and

WHEREAS, Partners Engineering and Science, Inc., filed a lawsuit against the Township of Neptune, in the Superior Court of New Jersey, Monmouth County, Special Civil Part, on February 22, 2016, in the amount of \$15,000.00, seeking to obtain payment for services rendered by Birdsall Services Group, dating back to 2007; said alleged services of which have never been substantiated or verified by either Partners Engineering and Science, Inc., or its preceding company, Birdsall Services Group, and for which neither company has ever provided any record, documentation or work product; and

WHEREAS, Neptune Township has demanded both of Birdsall Services Group and of Partners Engineering and Science, Inc., work product and copies of records for numerous projects dating back years that were undertaken by Birdsall Services Group and were paid for in full by Neptune Township, but for which Birdsall nor Partners has ever provided any project records or documentation necessary for purposes of the Township to either verify work performed by Birdsall on the aforesaid projects, or for purposes of undertaking future improvements on said projects.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to not only defend the lawsuit brought by Partners Engineering and Science, Inc., but to authorize a Counterclaim against Partners for all documentation and project records on projects that were previously undertaken by Birdsall and paid for in full, but for which Birdsall has never supplied to Neptune Township, and any damages associated therein.

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purposes of this litigation, and the Chief Financial Officer hereby certifies that funds for this purpose are available in the 2016 municipal budget in the appropriation entitled Legal O.E.; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-196 - 4/11/16

REJECT ALL BIDS FOR WEST LAKE AVENUE STREETScape
IMPROVEMENTS – PHASE II

WHEREAS, on March 31, 2016, the Township Engineer received bids for the award of a contract for West Lake Avenue Streetscape Improvements – Phase II; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that all bids be rejected because they exceed the Engineer's cost estimate and the amount of authorized funds; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all bids received for West Lake Avenue Streetscape Improvements – Phase II be and are hereby rejected because all bids exceed the Engineer's cost estimate and the amount of authorized funds; and,

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to prepare revised specifications and advertise for the receipt of bids for this project; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-197 – 4/11/16

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH RAYMOND C. DODD AND
BARBARA J. DODD OF 422 WOODMERE AVENUE, BLOCK 5103, LOT 8

WHEREAS, Raymond C. Dodd and Barbara J. Dodd, with property located at 422 Woodmere Avenue, Neptune Township, New Jersey, and property in question located at Block 5103, Lot 8, Lot 3 (formerly Block 9, Lots 24 and 25), on the tax map of the Township of Neptune have requested a Revocable License Agreement be entered into between Neptune Township, and Raymond C. Dodd and Barbara J. Dodd in Neptune Township concerning an encroachment upon a municipal easement; and

WHEREAS, Raymond C. Dodd and Barbara J. Dodd are seeking a license to provide and to maintain certain wall encroachment presently in the municipal easement, which the property owners intend to replace with a similar wall encroachment, which extends from their property along their driveway into the municipal easement by approximately 4 feet; subject to its removal should the controlling authority have reasonable cause to believe that such encroachment needs to be removed from the aforesaid municipal easement, and subject to a Revocable License Agreement.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with Raymond C. Dodd and Barbara J. Dodd, residing at 422 Woodmere Avenue, Neptune Township, New Jersey, a true copy of such proposed Agreement is attached hereto as Exhibit "A," subject to the conditions of the Agreement and the Township Engineer's letter of January 29, 2016 attached hereto as Exhibit "B" to the Agreement, with payment to the Township of Neptune of \$300.00 per year as a major encroachment, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement, and return to the Township Attorney for recording; and,

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

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-198 - 4/11/16

AUTHORIZE CHANGE ORDER #2 IN CONNECTION WITH THE
RECONSTRUCTION OF THE OCEAN GROVE BOARDWALK – NORTH END

WHEREAS, a contract was awarded to Bird Construction in the amount of \$622,739.00 in connection with the Reconstruction of the Ocean Grove Boardwalk – North End; and,

WHEREAS, on March 14, 2016, the Township Committee adopted Resolution #16-153, which authorized Change Order #1 resulting in a net increase to the contract of \$72,942.58 for a revised total contract amount of \$695,681.60; and,

WHEREAS, additional changes to the contract have been experienced due to the discovery that the existing concrete piers at the northernmost section of the project are damaged and cannot support the proposed on-grade boardwalk. This necessitates the installation of helical piles between the existing concrete piers to support the boardwalk on-grade; and,

WHEREAS, this unforeseen condition results in the total amount of both change orders for the project to exceed the 20 percent change order limitation which requires an approval procedure as outlined in N.J.A.C. 5:30-11.8; and,

WHEREAS, a change order exceeding the 20 percent change order limitation must be accompanied by written certifications from the Business Administrator, Contractor and Project Engineer as to why the proposed change may be allowed and justification of the performance of the work which would necessitate issuance of a change order; and,

WHEREAS, said certifications have been provided to justify this change order; and,

WHEREAS, funds for this purpose in the amount of \$55,000.00 are available in Ordinance No. 14-09, as amended by Ordinance No. 14-43. Funds for the balance of the change order amount are being provided through an Agreement with the Ocean Grove Camp Meeting Association which stipulates that the Association will provide this amount in addition to the authorized appropriation through the municipal ordinances herein, and the Chief Financial Officer has so certified in writing,

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

1. The Mayor and Clerk be and are hereby authorized to execute Change Order #2 in the contract with Bird Construction in connection with the Reconstruction of the Ocean Grove Boardwalk – North End resulting in a net increase of \$115,852.60 revising the total contract amount to \$811,534.20.
2. The procedures as set forth in N.J.A.C. 5:30-11.9, for approval of change orders in excess of 20% of the original approved project amount, have been met and the Clerk is hereby directed to publish a notice in the official newspaper to fulfill the requirement of said statute.

3. The Mayor and Clerk be and are hereby authorized to execute an Agreement with the Ocean Grove Camp Meeting Association whereby the Association agrees to provide direct funding in the amount of \$60,852.60 in connection with the amount of this approved change order.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Contractor, Chief Financial Officer; Assistant C.F.O., Township Engineer, Township Attorney, and Ocean Grove Camp Meeting Association.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16

A handwritten signature in black ink, appearing to read "Richard J. Cuttrell". The signature is stylized and written in a cursive-like font.

RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-199 - 4/11/16

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF DRIVER
IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, due to the retirement of Richard Morgan, there is a vacancy in the position of Driver in the Public Works Department; and,

WHEREAS, the position was duly posted and applicants have been interviewed; and,

WHEREAS, the Human Resources Director and Business Administrator have made a recommendation; and,

WHEREAS, funds will be provided in the 2016 municipal budget in the appropriation entitled Solid Waste S&W, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Paul Green for the position of Driver in the Department of Public Works, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon favorable results of the required pre-employment testing, effective April 18, 2016, at an annual salary of \$30,600.00 (experienced); and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Business Administrator, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Human Resources Director.

CERTIFICATION

I HERBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK

RESOLUTION #16-200 – 4/11/16

AUTHORIZE THE PAYMENT OF BILLS

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

CURRENT FUND	\$1,966,369.17
FEDERAL & STATE GRANT FUND	28,379.71
TRUST FUND	31,525.57
GENERAL CAPITAL FUND	164,083.93
SEWER OPERATING FUND	23,664.03
SEWER CAPITAL FUND	1,621.39
MARINA OPERATING FUND	5,429.53
UDAG TRUST	750.00
LIBRARY TRUST	210.95
BILL LIST TOTAL	\$2,222,034.28

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

CERTIFICATION

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TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF NEPTUNE ON 04/11/16



RICHARD J. CUTTRELL, MUNICIPAL CLERK