

## TOWNSHIP COMMITTEE MEETING – JULY 25, 2016

Deputy Mayor Brantley called the meeting to order at 5:00 p.m. and requested the Deputy Clerk to call the roll. The following members were present: J. Randy Bishop, Dr. Michael Brantley, and Carol Rizzo. (Nicholas Williams arrived at the start of executive session and Mayor Kevin B. McMillan arrived during the open workshop session)

Also present at the dais were Pamela D. Howard, Deputy Municipal Clerk; Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; and Gene Anthony, Township Attorney.

Deputy Mayor Brantley announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 7, 2016, a notice of revised start time published on July 21, 2016, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Anthony stated the Township passed an ordinance on precious metal jewelry a while ago and one of the changes that was made and was in the original ordinance he prepared and it was based on what was requested by the Police Department. He stated they were concerned about the inclusion of second hand goods as part of the registration requirements. He stated there were exclusions for short-term dealers of less than six months, the concerns were raised and he took it out and he was contacted by the Police Department again requesting that they put it back in there. Some of the concerns they may have may not be the same as the Committees.

Lt. Michael D'amico gave a brief overview of the ordinance. He stated a lot of the second hand goods such as electronics are what was being stolen. He stated if it was not the list they cannot find it on the rapid data base. He stated they needed back in the ordinance for clarity purposes.

Mr. Bishop stated he was afraid that his would become burdensome to a business owner and he did not want this to hurt them because it may become an issue. His concern was lumping all second hand goods together. He did not feel that this would work and that some people could take the items to flea markets. He was also concerned with regards to antiques, furniture and furs.

Mr. Bascom also explained that the dealer purchases the goods and then enters them into the system. He stated so far there were only three businesses that this would pertain too unless it's the machines that accept phones and they were trying to make sure they compliant as well.

Mr. Anthony asked if they could change the definition and exclude antiques.

Mr. Bascom suggested that both Lt. D'amico and Mr. Anthony work together on the language and bring it back to the governing body.

Ms. Rizzo stated she received a letter from Joyce Klein regarding the parking in Ocean Grove and the consensus of opinion was that it would be difficult to do a referendum because they would still have to do a survey of the people that would not be able to vote but they do not live here but own homes. She stated by taking the referendum out of the process and look at doing a survey that might be more pervasive.

Mr. Bishop stated he still felt like it was a good way to get a baseline.

Dr. Brantley stated this makes it all the more important to have a professional.

Ms. Rizzo stated as far as the parking task force they've gotten names from various groups.

Mr. Bishop stated they've discussed members such as Ray Defaria and Craig Woodland and they also discussed having two committee members and they did not feel that it should be two Ocean Grove members.

Ms. Rizzo stated she could lead it with another member of the Committee.

Mr. Bishop suggested the task force choose its own chair. Ms. Rizzo recommended Committeeman Nick Williams as the other Committee person.

Mr. Bascom went over the capital budget and stated he would prepare the ordinance.

The Committee discussed the amendment to the HPC ordinance concerning enforcement provisions.

Mr. Anthony stated all of this was done a long time ago. The HPC would direct the Zoning Officer to issue summons and there was push back from an attorney. He stated the Advisory Board should not be the one that's prosecuting the cases and when it came up in court he recommended special counsel prosecute these cases. He stated the ordinance should be made clear as to who should be writing up the summonses.

Mr. Bishop stated the Zoning Officer plays a role but this to this level. He stated his concern was to try and protect the municipality and they could not have it both ways because it would put them at risk.

Dr. Brantley stated he wanted it done correctly and it not be a conflicted interest.

Mr. Bishop stated he would like for Mr. Anthony to draft the language on this.

The Committee discussed ordinances regulating unregistered, uninsured and inoperable vehicles on private property. Mr. Anthony stated this has come up in court and in the BOCA Code they've copied that. The Committee agreed to think about changes but not to act on it now.

Ms. Rizzo stated she has not seen enforcement regarding commercial vehicles.

Mr. Gadaleta stated the ordinance covers the entire township and there is provision for one commercial vehicle per residence as long as it is in compliance with the size, width, height and weight. He stated the police have been aware and the ordinance is being enforced.

Ms. Rizzo stated she has not seen street cleaning on Thursdays and Fridays in Ocean Grove especially on her street.

Mr. Bishop stated he's seen them on Main and Ocean Avenues. He stated the reason they've done that was because they like clean streets and in the past a number of people would park and old car and that became their beach cabana.

Ms. Rizzo stated that also happens on other streets.

Mayor McMillan stated that could be something they could look into.

Mr. Bishop offered a motion to go into executive session, moved and seconded by Ms. Rizzo. All were in favor.

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

Mr. Bishop offered the following resolution, moved and seconded by Ms. Rizzo, that it be adopted:

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:

Contract negotiations – Schoolhouse Square/KMJ Construction  
Legal Opinion – Abandoned property ordinance  
Personnel – Personnel hearing

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.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

The Committee entered executive session for discussion on closed session matters.

The Committee returned to the Meeting Room for the regular portion of the meeting.

Mayor McMillan called the meeting to order and requested the Deputy Clerk to call the roll. The following members were present: J. Randy Bishop, Dr. Michael Brantley, Carol Rizzo, Nicholas Williams and Mayor Kevin B. McMillan.

Also present at the dais were Pamela D. Howard, Deputy Municipal Clerk; Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; and Gene Anthony, Township Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor McMillan announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster 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](http://www.neptunetownship.org).

#### APPROVAL OF MINUTES

Mr. Bishop offered a motion, seconded by Mr. Williams, to approve the minutes of the meetings held on June 23<sup>rd</sup> and June 27<sup>th</sup>. All were in favor.

#### REPORT OF THE CLERK

The Clerk stated that the following reports and communications are on file in his office:

Senior Beacon for July.

Tax Collector's monthly statements for April, May & June.

Notice of Public Hearing on an amendment to the Land Development Ordinance of the Township of Wall.

#### COMMENTS FROM THE DAIS

Carol Rizzo stated she was impressed with World Changers and there were fourteen projects. She also stated they had Touch a Truck Day. She thanked the Recreation Department who did a remarkable job putting the activities together. She attended the Gospel experience. She thanked MURC for organizing it. She also stated she would advocated for the West Lake Redevelopment Project.

Nick Williams thanked everyone for their calls, cards and words of encouragement regarding his recent surgery. He congratulated Captain Mangold on his retirement and wished him well. He also congratulated Lt. McGhee and Sgt. Columbo on their promotions. He also congratulated the new incoming police officers. He stated he felt the Neptune Township Police Department was the best in the State of New Jersey and they have become a part of it. He congratulated their families as well.

Randy Bishop stated the dredging of the Shark River was at a stand still because the Governor does not feel that it is critical. He stated he felt that he has endangered the project and it is reckless. He stated if the Governor is going to disregard the contracts then they should look at his contract and he should not be a part of this State. He stated the Gospel experience was great and MURC does a great job in putting that together. He stated World Changers was here they did fourteen sites and forty projects and they helped Jean who used to work on the Tourism Bureau. He stated they built a handicap ramp for her. He thanked all those who put on a party for them. He also thanked the Department of Public Works, Police, Administration and the Board of Education and all of the people in Town Hall for helping to make this possible. He thanked all those that were being promoted and to the young officers they sat down and met with because the media today is so much about what is wrong . He stated saying goodbye to

Captain Mangold was not easy. He wished him the best and congratulated the new hires and the ones receiving promotions.

Dr. Michael Brantley stated he was part of the interview process and was very impressed with the quality of people that are chosen. He stated they were highly qualified people and he was proud of the people they were picking. He also stated he also went to the Goal Setting Ministers with Carol Rizzo and there were counsel members there from Asbury to discuss things they can do with midtown. He stated he attended the retirement for Ron Kornegay and Neptune should be very proud of an all around resident. He stated Mr. Kornegay introduced him to his wife. He also stated he just returned from his niece's wedding in Annapolis.

Mayor McMillan stated he met Mr. Kornegay and they are now neighbors and he was happy to give him a proclamation. He congratulated Captain Mangold and Michael Allen on their retirements. He congratulated the new hires and the officers being promoted. He stated they had a unity for the community vigil on Fisher Avenue in Neptune. He thanked all the officers that came and . He congratulated Ms. Howard and Mr. Cuttrel for preparing the proclamations for Karen Scott and Ron Kornegay.

### RESOLUTION TO PROMOTE POLICE OFFICERS

The Police Chief and Police Director presented police officers recommended for promotion.

The Mayor requested public comments on this resolution and they were as follows:

Dorothy Argyros, 2100 Rutherford, stated every day she hears about the Police Department's war on black people and it's going on throughout the country. She questioned whether the officers that were being promoted had lawsuits against or complaints against them for brutality and if so she did not want them promoted.

Mayor McMillan stated when they take comments it is pertinent to the resolution. It is not an interrogation.

Mr. Bishop stated an individuals background is part of what they use for the accreditation and he's very confident in the appointments.

Jack Braeden, 94 ½ Heck Avenue, congratulated the Committee for having the best Police Department in New Jersey.

Mr. Bascom commended Captain Mangold on his retirement and listed his accomplishments.

Mr. Williams offered the following resolution, moved and seconded by Mr. Bishop, that it be adopted:

WHEREAS, due the retirement of Captain Robert Mangold, the Business Administrator posted for a vacancy in the rank of Captain and Lieutenant in the Police Department; and,

WHEREAS, the resumes that were submitted for the position were reviewed and interviews subsequently conducted by the Police Department Command Staff; and,

WHEREAS, the Chief of Police and Police Director have submitted a recommendation to promote a current Lieutenant to the rank of Captain and a current Sergeant to the rank of Lieutenant in a process consistent with the Department's Standard Operating Procedure for promotions (Volume 2, Chapter 18), pursuant to Police Accreditation Standard 2.3.1; and,

WHEREAS, funds will be provided in the 2016 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 police officers are hereby promoted to the rank indicated in the Police Department effective August 1, 2016:

To the rank of Captain: Lt. Michael McGhee  
To the rank of Lieutenant: Sgt. Stephen Colombo

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.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; Williams, aye; and McMillan, aye.

Mayor McMillan administered the Oath to Lt. Columbo.

#### RESOLUTION TO EMPLOY POLICE OFFICERS

The Police Chief and Police Director presented police officers recommended for hire.

The Mayor requested public comments on this resolution. There were no public comments.

Mr. Williams offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

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 Police Director and Chief of Police have made their recommendations and the members of the Township Committee have met with each candidate; and,

WHEREAS, funds for this purpose are available in the 2016 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 employed as probationary Police Officers in the Police Department, pending favorable results of physical and psychological examinations, at an annual base salary of \$39,788.00 (except Nicola Costagliola who is being hired at Step 3 of the contract salary guide due to experience), and to perform such other duties as prescribed by the Chief of Police effective August 1, 2016:

Nicola Costagliola  
Joshua Jenkins  
Richard Brogley  
Eliot Perez  
Dominique Russo

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief of Police, Chief Financial Officer, Assistant C.F.O, Human Resources Director, and P.B.A. Local 74.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; Williams, aye; and McMillan, aye.

The Oaths of Office were administered by Mayor McMillan.

The Committee took a brief recess. Upon returning, the Deputy Clerk read the names of the Parking Task Force members contained in the corresponding resolution and read a resolution to terminate the employment of Kyheem Davis.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, commented on Resolution # 16-312 and questioned whether this was affected by the Governor bringing the dredging to a stand still.

Mr. Bascom stated it had nothing to do with the State project.

Mrs. Argyros questioned how much was it going to cost them per year to do the maintenance dredging.

Mr. Bascom stated he did not have a cost proposal and that this was just the maintenance dredging process. This was authorizing and permitting the process.

Mrs. Argyros questioned what was it costing her.

Mr. Bascom stated the cost was \$24,570 and a portion of that was being paid by the Engineering Department and the Marina Utility.

Mrs. Argyros stated this was also paid for by the taxpayers. She also commented on Resolution #16-427 and questioned what were the liens for. She stated she objected to the language that was used in the resolution.

Mr. Gadaleta stated informed her of the violations.

Michael Golub, 305 Cliffwood Drive, stated he wanted to address the issue of the police officer being terminated and the issue regarding progressive discipline.

Mr. Cohen explained progressive discipline.

Mr. Golub disagreed and gave his interpretation of what progressive discipline was. He stated it was also mentioned that Mr. Woolley was a hearing officer and he knew that he was also a friend of Mr. Huhn and there's more precedent set there because of that friendship. He also stated he was concerned that it was discovered that Mr. Cohen as the attorney was not named at the Sine-Die meeting. He stated he felt it's been handled in a sloppy manner and it would have been more credible if the timing was not suspect in him cooperating in another case. He also stated he wanted Mr. Bishop to expound upon his comments regarding Lt. McGhee.

Mr. Cohen stated as far as progressive discipline the Superior Court of the State of NJ has dictated to Hearing Officers, Superior Court Judges and Police Departments in general how to consider progressive discipline and no one could have timed Mr. Davis's recklessness and carelessness.

Donald F. Burke, Jr. stated he represented Police Officer Davis and he submitted a letter to the Mayor and the Township Committee earlier today by email and hand delivery. In his letter he requested an adjournment of consideration of the resolution to terminate Police Officer Davis until all of the facts were made public. He stated he would also like to note that Police Officer Davis was not served with his RICE notice until 9:54pm this past Thursday, July 21<sup>st</sup>. He stated it seemed as if it was a rush to action that is uncalled for and in light of the fact Police Officer Davis has been on the force for approximately 16 years. He stated he thought the Committee should consider the weight of its actions. He stated in that regard he wanted to make three brief points. He stated Police Officer Davis has nearly an unblemished record and he went more than a decade without a blemish until he cooperated in the Turner Investigation and the Turner Investigation has not been made public, despite asking to review it. He stated the Mayor and Committee had access to that report and asked them to review it. He stated the Court still has not had the chance to rule on the underlying discipline which is scheduled to be heard on August 22<sup>nd</sup>. He stated they asked to take a deposition of Mr. Woolley and the Township refused to produce him on the basis of attorney client privilege. He urged the Committee not to approve the resolution to terminate Police Officer Davis.

Michael D. Fornino, 120 Fulham Place, commented on Resolution #16-316 questioned whether six houses would be built on this property or just one.

Mr. Gadaleta stated they have a new developer who will complete the project.

Mr. Fornino stated as far as Resolution #16-344 he knew a lot about automobiles and stated he did not think the Township had a police car that would go 130mph. He stated he questioned whether the information that is being supplied is correct.

Joyce Klein, 105 Mt. Hermon Way, commented on Resolution #16-334 which pertained to the parking task force. She questioned whether the appointments of the Committee members and the members at large were listed.

Mayor McMillan confirmed that they were.

Sgt. Elena Gonzales stated she wanted to make some clarification of Mr. Cohen's viewpoint. She stated she was deposed during this and the reason why it was initiated because she was ordered to conduct an internal investigation by Captain Mangold after he reviewed the video the following morning. She stated they should not forget that he was traveling to a fatal motor vehicle accident and there was a woman dying in the car. She stated Officer Davis was not the only officer going 130 mph, three other officers were going fast as well and were in violation of policy and procedures. She stated when she requested to conduct a full investigation she was told not to which told her the focus and the target of the investigation was Kyheem Davis. She stated at the time she did not know why but now she does. She stated she wanted to impress upon them that there was no major discipline here for progressive discipline. He stood up and defended Christine Savage and her in an action against the municipality for discriminating, sexual harassment and now a second lawsuit is being put through to the Township for retaliation.

because they don't stop. She requested they look at this from an impartial view and look at the evidence.

Roger Wenzek questioned whether Resolution #16-325 which authorized the closing the street for a block party was approved.

Mr. Gadaleta stated it was being considered tonight.

Dianna Harris commented on Resolution #16-318 which accepted the resignation of an employee as a Police Officer. She questioned whether there was an exit interview process when an officer leaves.

Mr. Bascom stated they discuss their reason for leaving.

Ms. Harris questioned whether there was any documentation for them leaving.

Mr. Bascom stated she provided a letter and thanked the Department.

Ms. Harris questioned whether a form was filled out from the Township that questions why they are leaving.

Mr. Bascom no.

Ms. Harris questioned the Committee by asking if they question an employee as to why they are leaving.

Ms. Rizzo stated she asked and was told she accepted a job with the Prosecutor's Office.

Ms. Harris commented on Resolution #16-344 and stated there were no disciplinary action until he was more than ten years into the force. She stated there was a reason for that and asked the Committee to dig into that and give him a fair hearing and not rush to judgement because this is his life.

Mr. Bishop asked if they could ask Mrs. Oppegaard to look into setting up exit interviews that are documented.

Mr. Gadaleta stated certainly they could.

Jack Braeden, 94 1/2 Heck Avenue commented on Resolution #16-337 and stated he did not think that they needed a parking task force at this time. He stated Dr. Brantley was the only one who made sense in saying we need a Planner and have a study done.

Sgt. Christine Savage stated she believed Ptl. Davis was being made an example of. She stated Mr. Cohen kept going on and on about minor accidents but what the Committee is not aware of they drive cars five days a week, 365 days a year for eight hours. Both officers and civilians get in car accidents but they are not subject to termination. She stated Officer Davis stood up for her and Sgt. Gonzales in a lawsuit for sexual harassment and retaliation and now he's being punished because he spoke about what was happening to them and it is still happening to them or else they would not have put together another lawsuit. He's being terminated because he stood up against discrimination, retaliation and sexual harassment. She stated she's spoken to Mr. Bascom and told him that an officer is going to lose his job because he protected us. She stated the women were leaving because of what they see and how they are treated. She went on to state that the men received more training then them because they get none. The women are leaving for better opportunities.

Donna Gonzales stated when you are a police officer your entire career is behind the wheel of a vehicle and when your family member is in an accident no speed is high. She questioned why was he the only one that was being terminated when there were others speeding. She urged the Committee to think about his family after he's given the Township 16 years of service.

Kyheem Davis, 507 Stamford Drive, stated he's been a police officer for 16 years. He stated in 2013 he received a phone call from someone that was sitting on the Committee and was asked how did he feel about having a Police Director and or Police Chief. He stated he told this individual if you promote Chief Hunt you will have more lawsuits. He stated it's interesting that he's sitting next to two other individuals that he said you have a better shot of promoting one of them in this Police Department progressing forward then promoting him and if you promote him it's the worst thing you can do for this municipality. So what did this municipality do you promoted him and they also gave him a handler by creating the position of a Police Director. We are the only town of this size that has a Police Director and a Police Chief. He stated they did not have 300 cops and they were not Newark and he questioned why was that. He stated he's been here for 16 years and there's been more officers leaving here within the past two years

then there has been the 14 years prior to that with them being female and new people walking in and literally walking out. He stated one guy walked in and stated he did not want to be a cop any more and walked out because he could not deal with what was going on here the retaliation, the BS discipline. He stated what Mr. Cohen did not tell them is that for the speeding the initial discipline was 15 days and he said 15 days was too much so he went by what there contract says and he requested a hearing and Mr. Cohen walks in the first day and says since you won't take the 15 days I want 30 so we go and have a full day hearing. The Township presented their case and my attorney steps up and says I wanted the records of all Township employees that were involved in motor vehicle accidents including Public Works and the Police Department for their entire career with the Township. So they come back the next day and were told that they could not give them that because for the Police Department all they have is a spread sheet for the last ten years. So because of the last ten years they said here are the numbers and when that number was put out he had one more than the next person but he had a three day suspension. The next person under him had a written. There were three other people under them that had one less than them, one had a written reprimand the other had a verbal and the other person had zero discipline. He stated discipline was not vetted out equally or fairly here. He stated when they walked in there Mr. Cohen said since you won't apologize he said I don't want 30 we want 60. So we go through the second day of hearings and now the briefs are due. His attorney submits her brief and Mr. Cohen submits his and in his the Township recommends 90 days. So because he goes through something that is his right to have a hearing every step he makes he gets disciplined for. He stated he was quite sure everyone here has watched the movie Roots and because Kunta Kinte decided he was not going to bow down he kept getting lashes. So it's because he would not bow down every time he walked into the hearing he got another lash.

#### ORDINANCE NO. 16-23 - ADOPTED

Mr. Bishop offered the following ordinance, moved and seconded by Dr. Brantley, that it be adopted:

#### ORDINANCE NO. 16-23

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 412 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING THE PROVISIONS FOR TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS WHEN PLACED ON A PUBLIC ROADWAY WITHIN THE HISTORIC DISTRICT

The Mayor requested public comments on the above ordinance, and they were as follows:

Jack Braeden, 94 ½ Heck Avenue, questioned whether he could put a dumpster on the front yard.

Mr. Gadaleta stated the estimate was to get items off the street that was taking up space. You can have on property but not the street. If it is not affecting the street it can be put on the front lawn.

Joan Venezia, 107 Mt. Hermon Way, stated she had her home renovated and stated it can be done and questioned when would the ordinance go into effect.

Mr. Gadaleta stated when it's adopted by the Governing Body we will notify those with dumpsters on the street now.

Michael Golub questioned the increase in parking space and how would emergency vehicles navigate around a dumpster.

Mr. Gadaleta stated the dumpster in the road impedes access on how it will allow us to get in front of the building.

Barbara Burns stated she was in favor of anything that would make more space. She stated she was not sure this will do that. She suggested they consider banning them.

Mr. Bishop stated that was still an option.

There being no further comments, the Mayor closed the public hearing.

The ordinance was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

ORDINANCE NO. 16-24 - ADOPTED

Dr. Brantley offered the following ordinance, moved and seconded by Mr. Bishop, that it be adopted:

ORDINANCE NO. 16-24

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON MT. TABOR WAY, PITMAN AVENUE, AND SPRAY AVENUE

The Mayor requested public comments on the above ordinance. There being no comments, he closed the public hearing.

The ordinance was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

ORDINANCE NO. 16-25 - APPROVED

Dr. Brantley offered the following ordinance, moved and seconded by Mr. Bishop, that it be approved:

ORDINANCE NO. 16-25

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING HANDICAPPED PARKING ZONES ON BROADWAY, HECK AVENUE AND WEBB AVENUE

The ordinance was approved on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

Ms. Howard stated that the public hearing on Ordinance 16-25 will be held on Monday, August 8th.

CONSENT AGENDA

Ms. Rizzo offered the following resolutions of the Consent Agenda, moved and seconded by Mr. Bishop, that they be adopted:

AUTHORIZE THE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENGINEERING SERVICES FOR IMPROVEMENTS TO LOFFREDO FIELD

WHEREAS, the Township of Neptune received a Monmouth County Open Space Grant for improvements to Loffredo Field and is desirous to undertake said project; and,

WHEREAS, it is necessary for a Township Engineer Consultant from the approved list of 2016 Engineering Consultants appointed via Request for Proposals to perform professional engineering services including preparation of design, plans, specifications, permitting, and construction administration in connection with this project; and,

WHEREAS, Adams, Rehmann & Heggan Associates, Inc. has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 16-08, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Adams, Rehmann & Heggan Associates, Inc. to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$46,000.00, said proposal on file in the Office of the Municipal Clerk; and,

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

Engineer.

AUTHORIZE THE TOWNSHIP ENGINEERING CONSULTANT TO PREPARE AND SUBMIT A PERMIT APPLICATION FOR MAINTENANCE DREDGING OF THE SHARK RIVER MUNICIPAL MARINA

WHEREAS, the Township of Neptune desires to perform maintenance dredging at the Shark River Municipal Marina; and,

WHEREAS, it is necessary for a Township Engineer Consultant from the approved list of 2016 Engineering Consultants appointed via Request for Proposals to prepare and submit an application to the New Jersey Department of Environmental Protection and the US Army Corps of Engineers for approval of maintenance dredging; and,

WHEREAS, CME Associates has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in the 2016 municipal budget in the appropriations entitled Engineering O.E. and Marina Utility O.E., and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes CME Associates to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$24,570.00, said proposal on file in the Office of the Municipal Clerk; and,

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

EMPLOY TEMPORARY MUNICIPAL INTERNS

WHEREAS, the Township of Neptune desires to employ municipal interns of high school age for temporary employment during the summer months through the Clean Communities Program; and,

WHEREAS, the availability of paid intern positions for students attending high school was posted and advertised on the Township web site; and,

WHEREAS, the Township Committee authorized the hiring of nine individuals by Resolution #16-284 dated June 13, 2016; and,

WHEREAS, the Human Resources Department has interviewed applications and recommends the employment of individuals of two additional high school level municipal interns; and,

WHEREAS, funds will be provided in the 2016 Municipal Budget through the Clean Communities grant funding and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Thomas Smith and Joseph Smith be and are hereby employed as temporary Municipal High School Interns assigned to the Department of Public Works and to perform other duties as assigned by the Business Administrator from July 5, 2016 to August 26, 2016, 25 hours per week, at an hourly wage of \$10.00; and,

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

AMEND THE SALARY OF JOSEPH LEONE DUE TO AWARD OF PROFESSIONAL CERTIFICATION

WHEREAS, the Township Committee continues to encourage its employees to attend classes and seminars and obtain certifications in their respective field of study; and,

WHEREAS, the Township Committee awards an additional \$1,000 in annual compensation to any employee obtaining a certification in an area related to their specific job classification up to a maximum of two certifications; and,

WHEREAS, Joseph Leone, Public Works Department Driver, has earned the designation of Certified Playground Safety Inspector; and,

WHEREAS, funds for this purpose will be provided in the 2016 municipal budget under the appropriation entitled \_\_\_\_\_ 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 Joseph Leone shall receive an additional \$1,000.00 in annual salary effective July 16, 2016 for receiving the Certified Playground Safety Inspector designation; and,

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

AUTHORIZE TEMPORARY STREET CLOSING IN CONNECTION WITH R&B FEST AT MIDTOWN COMMONS PARK

WHEREAS, Neptune Recreation and MURC are planning a R&B Fest at Midtown Commons Park on Saturday, August 6, 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 6, 2016 between the hours of 5:00 p.m. to 8:00 p.m.; 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, and Neptune Fire District #1.

ACCEPT A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION (FORMER CHIDNESE PROPERTY – REMEDIAL ACTION)

WHEREAS, the Township of Neptune has applied for and has been awarded a grant in the amount of \$39,237.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for Remedial Action of the Brownfield Development Area - Chidnese property on West Lake Avenue,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the above referenced grant is hereby accepted and the Mayor is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Neptune; and,

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority, the Chief Financial Officer, Business Administrator and Administrative Assistant to the C.F.O.

ACCEPT THE RESIGNATION OF SARAI LAVANDERO AS A POLICE OFFICER

WHEREAS, the Township Committee has received a letter from Sarai Lavandero resigning as a Police Officer effective July 3, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Sarai Lavandero as a Police Officer is hereby accepted effective July 3, 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 Chief of Police.

AUTHORIZE REMEDIAL ACTION OF SOIL AT THE FORMER CHIDNESE PROPERTY AT 1825 WEST LAKE AVENUE

WHEREAS, Dynamic Earth prepared and submitted an application to the Hazardous Discharge Site Remediation Fund for funding to perform remedial action of soil at the former

Chidnese property at 1825 West Lake Avenue; and,

WHEREAS, this work is consistent with the Licensed Site Remediation Professional Program established by the Site Remediation Reform Act; and,

WHEREAS, funds for this purpose will be provided in the 2016 municipal budget via a grant from the Hazardous Discharge Site Remediation Fund in the amount of \$39,237.00 plus Township grant matching funds in the amount of \$13,077.75, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes Dynamic Earth to perform remedial action of soil at the former Chidnese property at 1825 West Lake Avenue at an amount not to exceed \$52,314.75; and,

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

GRANT LEAVE OF ABSENCE TO PAMELA SMALL UNDER THE FAMILY MEDICAL LEAVE ACT

WHEREAS, Pamela Small, Customer Service Representative in the Police Department, has requested an unpaid leave of absence under the provisions of the Family Medical Leave Act; and,

WHEREAS, the Human Resources Director has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Pamela Small, Customer Service Representative in the Police Department Records Bureau, is hereby granted an unpaid leave of absence under the provisions of the Family Medical Leave Act from July 13, 2016 through August 15, 2016; 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 Director.

ACCEPT PERFORMANCE GUARANTEE IN CONNECTION WITH SITE IMPROVEMENTS AT OMNI CENTRE (1900 CORLIES AVENUE)

WHEREAS, Omni Centre Condominium Association, Inc. has filed a performance guarantee in the form of cash in the amount of \$27,120.00, guaranteeing proposed site improvements at Omni Centre, 1900 Corlies Avenue (Block 1203, Lot 3); and,

WHEREAS, the required 10% cash surety and inspection fee escrow have been posted; and,

WHEREAS, the acceptance of this Performance Guarantee does not authorize the issuance of any licenses or permits by the Construction Department but serves as certification to the Planning Board/Board of Adjustment that compliance with the Land Development Ordinance of the Township of Neptune has been met; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Performance Guarantee as stated above be and is hereby accepted; and,

BE IT FURTHER RESOLVED, that a copy of this resolution shall be forwarded to the Township Engineer, Administrative Officer to the Planning Board, and Construction Department.

AUTHORIZE TOWNSHIP PLANNER TO PERFORM PLANNING SERVICES FOR PROJECTS FUNDED THROUGH THE POST SANDY PLANNING ASSISTANCE GRANT PROGRAM

WHEREAS, the Township of Neptune has been awarded five grants through the New Jersey Department of Community Affairs Post Sandy Planning Assistance Grant Program for initiatives to examine and assess the Township's preparedness and resources against natural disasters; and,

WHEREAS, the Township Committee desires to authorize the Township Planner to perform planning services for each of the five grant funded initiatives; and,

WHEREAS, CME Associates, Township Planner, has submitted proposals for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in the 2016 municipal budget via Post Sandy Planning Assistance Grants, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes CME Association, Township Planner, to perform the following professional planning services at the amounts indicated, said proposals on file in the Office of the Municipal Clerk:

PROJECT	AMOUNT NOT TO EXCEED
Parks, Recreation and Open Space Master Plan Update	\$24,625.00
Community Resiliency Neighborhood Plan for Shark River Hills	\$44,965.00
Community Resiliency Neighborhood Plan for North Island area	\$44,965.00
Environmental Resources Inventory Update	\$19,875.00
Prepare Ordinances to Reduce Flood Risk	\$14,390.00

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

ACCEPT THE RESIGNATION OF STACEY DRAPER AS A MEMBER OF THE ENVIRONMENTAL/ SHADE TREE COMMISSION

WHEREAS, the Township Committee has received a letter from Stacey Draper resigning as a member of the Environmental/Shade Tree Commission effective June 23, 2016,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Stacey Draper as a member of the Environmental/Shade Tree Commission is hereby accepted effective June 23, 2016; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Environmental/Shade Tree Commission Secretary.

APPOINT MEMBER TO THE SENIOR CITIZEN ADVISORY COUNCIL

BE IT RESOLVED, by the Township Committee of the Township of Neptune that Serina Noral be and is hereby appointed as a member of the Neptune Township Senior Citizen Advisory Council for the year 2016; and,

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

AUTHORIZE THE CLOSING OF STREETS IN CONNECTION WITH SHARK RIVER HILLS PROPERTY OWNERS ASSOCIATION BLOCK PARTY AT VOLUNTEER PARK

WHEREAS, the Shark River Hills Property Owners Association has scheduled a community block party on August 20, 2016 at Volunteer Park on South Riverside Drive; and,

WHEREAS, it is necessary to temporarily close the side streets bordering Volunteer Park during this event; and,

WHEREAS, the Police Department has reviewed and approved these closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the temporary closure of the following streets on August 20, 2016 (rain date August 21, 2016) from 4:00 P.M. to 9:00 P.M. for the Shark River Hills Property Owners Association Community Block Party:

Highland Avenue between South Riverside Drive and Valley Road  
Melrose Place between South Riverside Drive and Valley Road

BE IT FURTHER RESOLVED, that the Director of Public Works is hereby directed to provide the necessary barricades to effectuate these street closures; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Lt. Michael Zarro, and Director of Public Works.

ACCEPT THE RESIGNATION OF DEANNA OWENS AS A VIOLATIONS CLERK IN THE MUNICIPAL COURT

WHEREAS, the Township Committee has received a letter from Deanna Owens resigning as a Violations Clerk in the Municipal Court effective July 22, 2016,

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

that the resignation of Deanna Owens as a Violations Clerk in the Municipal Court is hereby accepted effective July 22, 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 Municipal Court Administrator.

PLACE LIEN ON VARIOUS PROPERTIES

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

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

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

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

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
1807/23	200 Monmouth Avenue	405.00
4501/21	2 Marcy Drive	405.00
618/6	1805 Columbus Avenue	1,451.00
903/6	407 Neptune Blvd.	205.00
613/1	257 Drummond Avenue	225.00
5102/10	412 Highland Avenue	270.00
305/8	1127 Heck Avenue	270.00
605/15	213 Myrtle Avenue	816.00
4804/7	108 Ivins Road	230.00
713/17	505 Fisher Place	428.00
505/14	140 Fisher Avenue	405.00

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

AMEND RESOLUTION #16-304 TO CORRECT NAME OF CONTRACTOR FOR CENTRAL AVENUE ROAD IMPROVEMENT PROJECT

WHEREAS, on June 27, 2016, the Township Committee adopted Resolution #16-304 which awarded a contract for the Central Avenue Road Improvement Project to Lucas Development; and,

WHEREAS, the name of the Contractor as stated in said Resolution needs to be corrected to "Lucas Construction",

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution 316-304 be and is hereby amended to reflect Lucas Construction as the name of the contractor for the bid awarded in connection with the Central Avenue Road Improvement Project; and,

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

RECLASSIFY EMPLOYEE TO THE POSITION OF ADMINISTRATIVE ASSISTANT TO THE CHIEF FINANCIAL OFFICER

WHEREAS, due to a retirement, there is a vacancy in the position of Administrative Assistant to the Chief Financial Officer; and,

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

WHEREAS, the Chief Financial Officer has made a recommendation to reclassify an existing employee to said position; and,

WHEREAS, funds will be provided in the 2016 Municipal Budget in the appropriation entitled Financial Administration and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Sandra Petersen be and is hereby reclassified to the position of Administrative Assistant to the Chief Financial Officer at an annual salary of \$48,000.00 effective August 1, 2016; and,

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

AUTHORIZE TEMPORARY NO PARKING IN CONNECTION WITH THE HISTORICAL SOCIETY OF OCEAN GROVE POSTCARD AND ANTIQUE SHOW

WHEREAS, the Historical Society of Ocean Grove has scheduled their annual Post Card, Antique and Collectables Show on Saturday, August 20, 2016, in the Auditorium-Pavilion area in Ocean Grove; and,

WHEREAS, it is necessary to designate a no parking zone on a small portion of Central Avenue to allow dealers to unload materials; and,

WHEREAS, the Police Department has reviewed and approved this no parking zone,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary no parking on the following streets from 9:00 P.M. on Friday, August 19, 2016 until 5:00 P.M. on Saturday, August 20, 2016:

1) West side of Central Avenue between Bethany Block and the eastbound side of Ocean Pathway

2) East side of Central Avenue between the eastbound side of Ocean Pathway and the westbound side of Ocean Pathway; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Director of Public Works, and Historical Society of Ocean Grove.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY JERSEY SHORE UNIVERSITY MEDICAL CENTER FOR SITE IMPROVEMENTS AT TEMPORARY PARKING LOT AT 1945 HIGHWAY 33

WHEREAS, on August 13, 2007, the Township Committee adopted a resolution which accepted performance bond 104912274 in the amount of \$140,400.00 written by Travelers Casualty and Surety Company of America guaranteeing site improvements at a temporary parking lot at 1945 Highway 33 (old Block 3102, Lots 1-9); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a reduction in the performance guarantee; and,

WHEREAS, the Developer will be notified to post a Change Rider reducing the amount of the performance bond from \$140,400.00 to \$61,124.22 and the Municipal Clerk will accept said Rider when posted; and,

WHEREAS, the cash portion of the performance guarantee will also be reduced by a proportionate amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Jersey Shore University Medical Center, 1945 Highway 33 be and is hereby approved to the amount of \$61,124.22 and the Change Rider submitted to affect said reduction is hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate amount of cash portion of the performance guarantee in the amount of \$9,340.34 shall be refunded to the Developer; and,

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

AUTHORIZE AN AMENDMENT TO THE 2016 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2016 in the sum of \$7,000.00 which is now available from a NJDL&PS Division of Highway Traffic Safety Grant in the amount of \$7,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$7,000.00 is hereby appropriated under the caption of 2017 Pedestrian Safety Enforcement; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety Pedestrian Safety Education and Enforcement Fund in the amount of \$7,000.00; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

GRANT SOCIAL AFFAIR PERMITS TO ASBURY PARK/WALL ELKS LODGE #128

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Municipal Clerk and Chief of Police be and are hereby authorized to approve the applications of Asbury Park/Wall Elks Lodge #128 for two social affair permits at the Asbury Park/Wall Elks Lodge #128, 3409 West Bangs Avenue, on August 20, 2016 from 12:00 P.M. to 6:00 P.M.

EMPLOY PUBLIC SAFETY OFFICER ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Public Safety Officer on a part-time hourly basis; and,

WHEREAS, the positions were duly posted and applicants have been interviewed; and,

WHEREAS, the EMS Manager and Human Resources Director have made their recommendations; and,

WHEREAS, funds will be provided in the 2016 municipal budget in the appropriation entitled Emergency Medical Services 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 James Sestito be and is hereby employed as a part-time Public Safety Officer, effective August 1, 2016, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate of \$15.76; and,

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

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

<b>BLOCK</b>	<b>LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
141	12	Perkowski & Stetson	87 Mt Tabor Way	2016	2,321.33
5205	1	Guida	352 Woodmere Ave	2016	1,539.97

2506	24	Brown	707 Heritage Ct	2016	1,904.64
4914	5	Decotis	215 Pittenger Pl	2016	1,752.65
1902	1c120	Scalese	211 Fairway Lane	2016	1,138.58
4907	5	Projero	322 Hillside Dr	2016	2,023.79
2601	44	Capone	21 Ash Dr	2016	1,030.22
2506	30	Jackson	704 East Lawn Dr	2016	1,024.19
3205	16	Gogerty & Isacson	24 Eldorado Way	2016	640.38

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

RENEW COMMODITY RESALE SYSTEM FOR THE RESALE OF GASOLINE AND DIESEL FUEL

WHEREAS, N.J.A.C. 5:34-7.15 authorizes contracting units to establish a Commodity Resale System; and,

WHEREAS, on April 24, 2006, the Township Committee established a Commodity Resale System for the resale of gasoline and diesel fuel, which was renewed for five years effective April 24, 2011; and,

WHEREAS, the Township of Neptune agrees to continue to serve as the Lead Agency for the Commodity Resale System with Hamilton First Aid Squad, Interfaith Neighbors, Inc., Neptune Fire District #1, Neptune Board of Education, Centerra Integrated Services, Shark River Hills First Aid Squad, Neptune Housing Authority, Township of Neptune Sewerage Authority, Neptune Fire District #2, Ocean Grove First Aid Squad, Neptune First Aid Squad, Ocean Grove Camp Meeting Association, Ocean Grove Citizens Patrol and Monmouth County Vocational School; and,

WHEREAS, the Township Committee desires to renew this Commodity Resale System for a five year period,

THEREFORE, BE IT RESOLVED, on the 25<sup>th</sup> day of July, 2016 by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, as follows:

The Township Committee hereby authorizes the renewal of a Commodity Resale System to be known as the Neptune Township Gasoline and Diesel Fuel Resale System with the Township of Neptune serving as the Lead Agency for a five year period expiring April 23, 2021.

The Mayor of the Township of Neptune is hereby authorized to enter into a contract with, and on behalf of, the Township of Neptune of the sale of gasoline and diesel fuel.

BE IT FURTHER RESOLVED, that a certified copy of this resolution along with a copy of the Purchase Agreement and a copy of the Request for Registration or Modification of a Commodity Resale System Form (Cooperative Purchasing Form CP-2060) shall be forwarded to the Director of the Division of Local Government Services within the State Department of Community Affairs; and,

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

The resolutions of the Consent Agenda were adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

APPOINT MEMBERS TO THE OCEAN GROVE PARKING TASK FORCE

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and are here appointed to the Ocean Grove Parking Task Force:

- Neptune Township Committee members: Carol Rizzo & Nicholas Williams
- At-large Ocean Grove residents: Raymond DeFaria & Craig Woodland
- Township Engineer (non-voting member): Leanne Hoffmann
- Police Department Traffic Officer (non-voting member): Lt. Michael Zarro

BE IT FURTHER RESOLVED, that the Township Committee hereby appoints the following individuals to the Task Force as recommended by the membership of the respective organizations:

- Ocean Grove Homeowners Association: Joyce Klein & Richard Williams

Ocean Grove Area Chamber of Commerce: Raymond Huizenga & Steve Mandeville  
Ocean Grove Camp Meeting Association: Peter Herr and Douglas Arpert

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

RESOLUTION CONCERNING ANNUAL (CLUB) ALCOHOLIC BEVERAGE LICENSE FOR VFW O'BRIEN MAJOR POST 2639; 1515 CORLIES AVENUE, NEPTUNE TOWNSHIP

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

WHEREAS, the annual Club License for the consumption of alcoholic beverages for the VFW O'Brien Major Post 2639, located at 1515 Corlies Avenue, Neptune Township, New Jersey terminated June 30, 2016; and

WHEREAS, as of the date of this Resolution, a new application, payment of the application fee and proof of payment of all taxes have not been submitted as a complete application (no proof of taxes) by the VFW O'Brien Major Post 2639 (hereinafter referred to as "VFW"); and

WHEREAS, the Neptune Township Police Department raised concerns with regard to renewal of any Club License with regard to the VFW, and as a result of said concerns, a hearing was scheduled for June 23, 2016; and

WHEREAS, Chief James Hunt and Sgt. Paul Monahan, who is certified as the Township's ABC Compliance Officer, testified as to numerous incidents occurring at the VFW between 2013 through 2016, involving violation of ABC Rules, disorderly persons offenses and violence in general, and submitted a Calls for Service Chart, an ABC Compliance Inspection Report and a Summary of Incidents to the Township Committee as Exhibits N 1-3; and

WHEREAS, the VFW had representatives from the organization who were available for testimony, including Donald Braxton, VFW Incoming Commander; Norman James, VFW Senior Vice-Commander and Deborah Jones, VFW Quartermaster, who testified as to some of the attempts made by the VFW to address security, identification of guests, compliance with ABC Rules, while acknowledging receiving a Notice of Charges from the Division of Alcoholic Beverage Control (hereinafter referred to as "ABC") on March 30, 2016, seeking a 115 day suspension of license for various alleged violations of ABC Regulations; a final decision of which has yet to be rendered by the ABC.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby finds the following facts:

FINDING OF FACTS

1. That since at least 2013 there has been a number of crimes and disorderly persons offenses, including but not limited to a homicide; shooting; aggravated assaults; drug offenses and gang violence that have occurred either in the parking lot of the VFW, or in the club itself, which represents what appears to be an uncontrolled and inordinate number of incidences;
2. That the Neptune Township Police Department has found a number of violations of Rules and Regulations of the ABC Handbook and requirements of Club Licenses in Neptune Township in not obtaining Social Affairs Permits;
3. That a number of drivers and driver incidents have occurred with regard to individuals who were at the VFW who were later charged with a DUI;
4. That the VFW has had great difficulties in controlling private party functions held in the banquet hall area of the VFW, and criminal and disorderly persons incidents arising from said functions;
5. That the VFW has experienced a number of violent incidents involving gun fire on the VFW premises; and
6. That the VFW needs to increase its security plans for the entire club; identify guests and members more accurately; have better control over the activities that occur inside and outside the club and take measures to follow the Rules and Regulations of the ABC and local ordinances.

BE IT FURTHER RESOLVED, that the governing body recognizes that as of June 30, 2016 a complete application has not been made by the VFW to renew its Club License, but that the governing body hereby makes the following determination should such application be made in the future:

## DETERMINATION

1. That no Club License shall be renewed for the VFW; either an annual license or a temporary license, before the following conditions are satisfied and meet the complete satisfaction of the Neptune Township Police Department and the governing body of Neptune Township:
  - a. The VFW must maintain an ID Scanner for all members and guests appearing at the VFW Club, which will identify the member and/or guest attending by name, date of birth and address when attending the VFW. In addition to the ID Scanner, the VFW must maintain a log of all guest, identifying the name and address of the guest, the guest's age and the name and address of the member who is allowing the guest to be allowed entry into the VFW. The log shall be available for the Police Department's review for up to six months after entry;
  - b. Members of the VFW are responsible to make sure their guests identify themselves in the ID Scanner and a log, with the understanding that their shall be a limitation of five (5) guests per member, per attendance, at the VFW, and guests shall be limited to the age of 30;
  - c. The Bar Chairman, Commander of the VFW and/or a Night Closing Manager or designated party, whose name and address will be provided to the Police Department, shall be responsible to make sure that the requirements of ID Scanning and log entry are complied with by all members and guests of the VFW Club;
  - d. The VFW shall close Sunday through Thursday by 9 pm and on Friday and Saturday by 11 pm, and the banquet hall for private parties shall be closed and vacated by all parties by 12 midnight; whenever such banquet hall is utilized;
  - e. The VFW shall allow the Police Department or designee to inspect the Attendance Log for information at the discretion of the Police Department on a periodic basis;
  - f. Any disturbance caused by a member or guest shall result in the VFW banning that member or guest from any further attendance at the VFW O'Brien Major Post 2639;
  - g. Name and addresses of individuals who have been banned from the VFW shall be maintained indefinitely;
  - h. All ABC Regulations with regard to the distribution of alcohol, private parties and other conduct must be complied with, and there can be no outstanding ABC Violations at the time that the Club License is renewed or at any time during the time the license is in force;
  - i. CCTV Surveillance Cameras shall be placed in at least two places in the parking lot of the VFW, and in every public room in the VFW Club, with signage of "CCTV Surveillance Cameras in Use" at all entrances from the parking lot and inside the club at the entrance, and in the bar area, and the placement of such cameras shall be approved by the Neptune Township Police Department;
  - j. A professional security guard shall be hired for pay after appropriate review and background check and approval by the Neptune Township Police Department, to serve on premises every Friday and Saturday nights and during all private parties and gatherings allowed by the VFW;
  - k. As part of the CCTV Surveillance Camera System the security guard shall have real time monitor capacity, and, when the security guard is not present, a member of management shall at all times have a real time monitor capacity in order to observe all areas of the building and parking lot through the surveillance cameras to make determinations at any time whether there is a disturbance or violation that needs to be reported to the Neptune Township Police Department;
  - l. The VFW will hire a Lighting Engineer to examine the outside lighting and layout of the parking lot, and make recommendations for increasing lighting and improving layout; without being in violation of local ordinance or State Law, and the Lighting Engineer's recommendation shall be undertaken and implemented within 30 days of obtaining said recommendations. The Lighting Engineer and recommendations must be approved, and the recommendations implemented prior to any renewal of license authorized by this governing body;
  - m. All employees and volunteers service alcoholic beverages of the VFW shall submit an application to the Neptune Township Police Department with their names, addresses, date of birth and social security numbers, and after a criminal background check, must be approved for working at the VFW by the Neptune Township Police Department;
  - n. All video surveillance coverage shall be maintained for review by the Neptune Township Police Department for a period of at least 6 months; and
  - o. The VFW will be subject to a conditional special approval of all private parties at the VFW for use by outside groups in addition to the requirement of Special Affairs Permits, whereby all applications for the aforesaid parties shall be subject to the

Neptune Township Police Department's review and approval based on the Police Department's approval of crowd control and security.

BE IT FURTHER RESOLVED, that the governing body hereby establishes that all of the above conditions have to be met and satisfied prior to the renewal of any license, and if said license is renewed, must be continuously complied with during the use of any Club License, or be subject to suspension for violation of said conditions upon due notice and hearing.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be forwarded to the VFW O'Brien Major Post 2639 upon adoption.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

AUTHORIZE THE PURCHASE OF EMERGENCY VEHICLES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

Dr. Brantley offered the following resolution, moved and seconded by Mr. Bishop, that it be adopted:

WHEREAS, the Township wishes to authorize the purchase of two Chevrolet police cars for the Police Department and a Chevrolet Suburban for the Office of Emergency Management through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

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

WHEREAS, Hertrich Fleet Services has been awarded New Jersey State Contract No. 88729 for 2017 Chevrolet Caprice Police Patrol Vehicles and Contract No. 88939 for a 2017 Chevrolet Suburban; and,

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

WHEREAS, the cost of the two police cars shall not exceed \$27,500.00 per vehicle and the cost of the Chevrolet Suburban shall not exceed \$60,000.00; and,

WHEREAS, funds for the purchase of the police cars are available from Ordinance No. 15-34 and an insurance refund, funds for the purchase of the Suburban are available from Ordinance No. 15-33, 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 two (2) 2017 Chevrolet Caprice Police Patrol Vehicles through New Jersey Cooperative Purchasing Program Contract No. 88729 be and is hereby authorized at an amount not to exceed \$27,500.00 each (total of \$55,000.00); and,

BE IT FURTHER RESOLVED, that the purchase of a 2017 Chevrolet Suburban for the Office of Emergency Management through New Jersey Cooperative Purchasing Program Contract No. 88939 be and is hereby authorized at an amount not to exceed \$60,000.00; and,

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

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

AUTHORIZE THE PURCHASE OF A POLICE VEHICLE THROUGH THE CRANFORD COOPERATIVE PURCHASING PROGRAM

Mr. Bishop offered the following resolution, moved and seconded by Dr. Brantley, that it be adopted:

WHEREAS, the Township wishes to authorize the purchase of a 2016 Chevrolet Tahoe SSV for the Police Department through an authorized vendor under the Cranford Township Cooperative, #47-CPCPS State of New Jersey approved cooperative; and,

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

WHEREAS, Mall Chevrolet has been awarded Cranford Township Cooperative #47-CPCPS, for this vehicle; and,

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

WHEREAS, the cost of this vehicle shall not exceed \$44,415.00; and,

WHEREAS, funds for this purpose are available through Ordinance No. 15-34 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 one (1) Chevrolet Tahoe SSV for the Police Department through the Cranford Cooperative, #47-CPCPS, State of New Jersey approved cooperative, be and is hereby authorized at an amount not to exceed \$44,415.00; 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 Auditor.

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

#### AWARD BID FOR UPGRADE TO HEATING HOT WATER PLANT AT THE NEPTUNE MUNICIPAL COMPLEX

Mr. Bishop offered the following resolution, moved and seconded by Ms. Rizzo, that it be adopted:

WHEREAS, on July 14, 2016, the Township Engineering Consultant received bids for the award of a contract for the project known as Upgrade to the Heating Hot Water Plant at the Neptune Municipal Complex; and,

WHEREAS, said bids were reviewed by the Township Engineer and Consulting Engineer who have recommended that the bid be awarded to the lowest bid submitted by Midcoast Mechanical, Inc.; and,

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

WHEREAS, funds for this purpose will be provided in Ordinances No. 13-39 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Midcoast Mechanical, Inc. on their lowest responsible base bid of \$618,123.00 for Upgrade to the Hearing Hot Water Plant at the Neptune Municipal Complex; and,

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

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

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

Mr. Bishop offered the following resolution, moved and seconded by Ms. Rizzo, that it be adopted:

WHEREAS, due to the retirement of Sylvester Taite, 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 Jeffrey Lucien 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 August 1, 2016, at an annual salary of \$28,560.00; and,

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

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye.

AUTHORIZE THE PAYMENT OF BILLS

Dr. Brantley offered the following resolution, moved and seconded by Mr. Bishop, that it be adopted:

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

CURRENT FUND	\$1,212,491.83
FEDERAL & STATE GRANT FUND	33,974.52
TRUST FUND	66,001.54
GENERAL CAPITAL FUND	61,892.72
SEWER OPERATING FUND	10,558.17
SEWER CAPITAL FUND	102,673.88
MARINA OPERATING FUND	7,050.08
MARINA CAPITAL FUND	8,086.85
DOG TRUST	1,489.20
LIBRARY TRUST	390.00
BILL LIST TOTAL	\$1,504,608.79

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

The resolution was adopted on the following vote: Bishop, aye; Brantley, aye; Rizzo, aye; and McMillan, aye, except on his reimbursement check.

TERMINATE POLICE OFFICER KYHEEM DAVIS - TABLED

Dr. Brantley offered a motion, seconded by Mr. Bishop, to table a resolution to "Terminate Police Officer Kyheem Davis". All were in favor.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michael D. Fornino, 120 Fulham Place, stated he was here to commend Lt. Zarro for responding to an accident. He stated she still did not feel that cars could go 130mph. He stated he felt the officer was saving a life. He stated he always questions the evidence. He also discussed the parking problems in Ocean Grove. He suggested having a turn stop.

Michael Golub thanked the Committee for tabling the resolution to terminate Officer Davis. He stated it was important to do the right thing but you have to do the right thing the right way. He stated he has OPRAed all of the training records in the Police Department and he has spoken to a number of Police Officers out of this jurisdiction and from this jurisdiction and there is an

obvious environment and degradation to women and bias and prejudice towards persons of color and minorities. It's wrong and it has to stop because we are better than that. People stated that our Police Department is the best in New Jersey and perhaps we can be the best in the world if we can just go through this growth spurt. He also discussed the accreditation process and the fact that no one assembled the Police Officers together when one of their own murdered his wife. Some of the officers did not get the motivation that they needed. He stated people were leaving this Police Department because of their gender, their sexual orientation, their age, their skin color and it's appalling and embarrassing. He stated this Township Committee resembles the face of the community and we can elevate and uphold us because of the diversity we have in this community and we are basically just turning our back on the greatest asset we have. We could lead all Police Departments by further diversifying and having the sensitivity to embrace and see the greater strength in all of us and see past our differences but look at those differences and say we are better prepared as individuals. He also stated as far as litigation if it was bullshit the court would have thrown it out. He stated we would have made another mistake today by terminating him.

Mr. Bishop stated when a lawsuit is brought against someone too many people assume immediately that person is guilty and that is bullshit not that lawsuits are bullshit.

Dorothy Argyros stated in looking over some of the minute books she found that a resolution or ordinance that says the Township does not defend Police against punitive damages and yet while looking through her papers she can see where it has been done.

Mr. Anthony stated it was his understanding that the Township does not pay for punitive damages.

Mrs. Argyros stated we have been settling all of these complaints and settlements prove we would rather pay a large sum of money than have the facts come out.

Donna Gonzales thanked the Committee for tabling the resolution to terminate Officer Davis. She also discussed the last chance agreement and what the terms of that agreement were. She stated most last chance agreements have a time limit and she did not believe that Kyheem's agreement had a time limit which means that for the next nine years of his career he could not make a mistake without the possibility of being terminated. She stated he would be a nervous wreck knowing that if he made one mistake he would be terminated. She also stated that Kyheem only had five minutes to defend himself and Mr. Cohen had twenty minutes. She questioned whether that was fair.

Jack Braeden, 94 ½ Heck Avenue, stated there is no five minute rule and that's left up to whose chairing the meeting. He stated he thought that it was unfair that one side carried on and the other side only spoke for five minutes but they say sit down while you are ahead because they tabled the motion. He went on to ask whether they had the engineers estimate for the North End Project.

Mr. Anthony stated they did not have anything yet.

Joyce Klein stated there was a belief that a lot of people were not concerned with parking. She read a petition to the Committee that she will deliver to the Clerk's office. She is waiting for someone else to sign. She stated they need something to happen by next summer and they needed alternates appointed.

Mr. Bishop suggested having the organization put together alternates and they can let us know what they want.

Ms. Rizzo stated they would create a straw process.

Ms. Klein questioned the process of scheduling the first meeting.

Mr. Bishop advised her to reach out to the Clerk's office and set up the dates for the first meeting.

Gail Oliver asked whether the public would be allowed to attend and speak at the Special Meeting with Alpha's Liquor Store.

Mr. Anthony it was a regular meeting and people can come and testify on it. The actual hearing is a public hearing. She will hear testimony from the Police, Alpha Liquors or anyone else that would like to comment on it.

Ms. Oliver questioned whether that would be the only time someone can speak on it on a Wednesday afternoon at 2pm.

Mr. Anthony stated that was the only time they could do the hearing because we can't do it tonight.

Ms. Howard stated in the past anyone wishing to make a complaint could do so by submitting it in writing to the Municipal Clerk.

Ms. Oliver stated she had complained in the past regarding their hours of operation and her questioned were for clarity.

Joan Venezia, 107 Mt. Hermon Way, questioned whether there were any updates on the North End and whether an agreement has been signed or the financials whatsoever from WAVE or the Camp Meeting. She stated her second question was also in respect to the North End. She stated since there was no time limit in the redevelopment plan this Township Committee will let this go into infinitum so nothing possibly ever happens because there's no time limit to bring progress. She stated she sent an email to both Randy Bishop and Carol Rizzo which consisted of four pictures. She stated Ocean Grove residents that live on Ocean Avenue are concerned because there are large 18 wheeler trucks blocking the streets of Ocean and Seaview Avenue making deliveries to the DUNE Café and just sitting there. At the Homeowners meeting we've advised them to contact the police. She also received pictures of the dumpsters. She stated they are implying the DUNE Café is not supplying enough of dumpsters because it is overflowing. She requested the results for the ground rent and would like to hear any input on that meeting. She stated she never received a response from anyone as to why 9 Broadway is not on the derelict list. She also stated she wanted to enforce her input by next year and stated she would like to see alternates on the task force.

Ms. Rizzo stated she would allow people to call in by phone.

Mr. Anthony stated there was nothing more on the North End and as far as the ground rent everything was on hold.

Mr. Gadaleta stated 9 Broadway was currently in litigation. He further stated that 18 wheelers were permitted if they were making deliveries.

Nancy Clark, 47 Embury Avenue, stated as a taxpayer she was very concerned with the quality of life as it relates to Neptune and Ocean Grove. She stated she was concerned about our Police force. She stated she hoped that there was more that could be done to make things better. She stated in the Workshop meeting they talked about changing enforcement procedures and questioned whether it would change HPC regulations or was it just for clarification purposes.

Mr. Anthony stated there might be a change because there might be a conclusion that the HPC is not an enforcement agency but an Advisory Committee and someone else has to enforce the HPC ordinances.

Ms. Clark questioned whether it would change the ordinances themselves.

Mr. Anthony stated it obviously would because if the ordinances presently say they can do things they can't then they will have to change that but stated he would have to talk to Eugene Melody about it.

Ms. Clark stated she heard a rumor that the Township was not applying for the CLG. She questioned whether the rumor was true.

The Committee stated they have not heard anything about it.

Mr. Bishop stated people were coming up with stories.

Ms. Clark stated at the last meeting they talked about coming up with questions for Jonathan Kenney who is in charge of the CLG application in Trenton and questioned whether the Committee Members had any questions that they could ask on their behalf.

Donald F. Burke, Jr. commended the Committee for tabling the Resolution to terminate Police Officer Kyheem Davis. He stated he was struck by a number of things because a lot of people came out to speak on his behalf tonight. There were many more here earlier when the resolution was being discussed by Mr. Cohen. He stated someone said that Mr. Cohen spoke for twenty minutes but to his count it was closer to fifty. He also stated that he thought the Mayor and Committee should consider the courage of both Sgts. Gonzales and Savage for out on behalf of Kyheem Davis and to petition the Governing Body. He questioned what did they have to gain. He stated they stood to lose more than they had to gain by speaking here this evening. It's the same courage that Police Officer Davis had in 2013 when he was President of the Police

Union with an unblemished career and he told the truth when he participated in the Turner Investigation. Finally the Governing Body hired Mr. Turner in 2013 to conduct an independent investigation. It was the right thing to do then and It's the right thing to do now. He stated they all have an interest in preventing harassment, discrimination and retaliation based upon race, sexual orientation and based upon gender. He stated he could see that they are carefully considering these issues. He urged the Township to hire an independent investigator to look into Police Officer Davis's case and look into things and the management of the Police Department.

Kyheem Davis, 506 Stamford Drive, thanked the Committee for himself and his children. He stated for clarity there were a few more things that he wanted to bring out. He stated Mr. Cohen stated he's been in limbo since August. He stated August was when Mr. Woolley issued the 90 day suspension and he started serving his 90 days. He stated his 90 days were over December 17<sup>th</sup> he used his five personal days because their contract states they have to use them before the end of the year. He came back to work December 23<sup>rd</sup>. He worked December 23<sup>rd</sup> until February 16<sup>th</sup> on the road answering calls and no issues. He stated if he was such a threat or danger to the public he did work without an issue. The Committee asked Mr. Cohen what was in the last chance agreement. He stated based on the agreement he would have to give up his rights, his appeals, any discipline over five days he will be terminated. He would have to appeal certain parts through Superior Court and in the meantime he is without employment. He stated he would also have to go through the retraining, the major one would be his appeal for his 90 days which is currently in Freehold as well as dismissing his lawsuit against the municipality for the retaliation in cooperating with the Turner Report. He stated he did not know how he would no longer be a threat by signing a piece of paper that says I dismiss my lawsuit. He stated by him not signing the paper he is a threat and should be terminated. He stated if he signed the paper he can come back to work and that bothers him. He commended the two Sergeants who came forth and he assured the Committee that they would be retaliated against for doing so. He stated he did not know how it could be stopped. He stated he also has everyone's certificates of training and someone that was hired the same day as he was has 17 more trainings then him and he was a white male. He stated he did not know how this could be fixed. He stated the Committee was charged to make sure this does not happen in this municipality and he challenged them to make sure that it doesn't. He went on to state we just lost a very good officer who went to the Prosecutors Office.

Kathy Arlt stated she noticed from the agenda that there was a discussion about the abandoned property ordinance. She stated since the last amendment to the vacant and abandoned property ordinance was adopted 29 other towns have passed an ordinance and their registration fees are higher than Neptune's. She discussed 69 Webb Avenue which had proceedings on the property, 42 McClintock which was Joe Krimko's old house and it's being foreclosed on, 103 Franklin Avenue which had tax sale certificates that were cancelled in 2015 and she did not know how it got cancelled because the owners were dead. She also stated she did not know how or who magically cut down the trees at that address. She stated as far as 9 Broadway it's in litigation but that does not prevent it from going on the vacant and abandoned list. She requested a report on those four houses at the next meeting.

Sandra Sollee, Birdsall Road Farmingdale, questioned whether they had plans to build a parking garage available.

Mr. Bishop stated it would not be able to sustain itself and the taxpayers would not be happy if they built one and no one else would make one because they would not make money on it.

Ms. Sollee stated residents have the right to park at least a block from their homes.

Ms. Rizzo stated they did not own the land in Ocean Grove. They only owned the parks.

Mr. Bishop stated they own open space park land.

Mr. Bishop offered a motion, seconded by Ms. Rizzo, to adjourn. All were in favor.

Richard J. Cuttrel,  
Municipal Clerk