

TOWNSHIP COMMITTEE MEETING – JULY 10, 2017

Mayor Brantley called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Robert Lane, Jr., Kevin B. McMillan, Carol Rizzo, Nicholas Williams and Mayor Michael Brantley.

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

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 on January 5, 2017 and The Coaster on January 12, 2017, 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:

Tom Arnone, Monmouth County Freeholder, and Joe Ettore, County Engineer, were present to discuss improvements to East End Avenue/Lakewood Road bridge connecting Neptune City with Shark River Hills. Freeholder Arnone stated that Monmouth County has over 900 bridges and this bridge has become a safety issue. The County received \$3.5 million in funding through the NJDOT to covers the entire cost with the exception of \$300,000 for diversion of utilities which will be borne by the County. The bridge will be closed to vehicular traffic from the start of the project in October until completion in May, 2018. Mr. Ettore stated the bridge was built in 1942 and received a new center span in 1990. He reviewed the project which includes a four rail system on the sides along with a 5 ½ foot wide sidewalk. He reviewed the decorative lighting, detour plan, and lighting pylons with decorative plaques. Freeholder Arnone stated that the County will evaluate possible changes to the street light at Sylvania and Brighton Avenues due to the additional traffic from the detour.

Ms. Rizzo stated that the Ocean Grove Parking Task Force met numerous times last fall and winter and submitted their recommendations. However, there are still a lot of people who want the Township to consider parking permits for residents. She asked the Committee to consider authorizing a referendum for residential parking permits for a trial period from May 15<sup>th</sup> to September 15<sup>th</sup> on one side of the street in Ocean Grove. There would be a fee for the permits which would cover the cost of the system. Mr. Anthony stated that the referendum question should be short and succinct. After adoption of an ordinance to authorize the referendum, the Committee can educate the public. There will be a lot of questions and it will be a challenge to put as much information as possible into the question while keeping it succinct. The deadline for submittal of the question to the County is August 18<sup>th</sup>, so the ordinance needs to be introduced at the next regular meeting on July 24<sup>th</sup>. The Committee asked Mr. Anthony to proceed with preparation of the question with input from members of the Committee.

Mr. Gadaleta announced a Ribbon Cutting Ceremony at Jersey Mikes on July 12<sup>th</sup> at 9:30 a.m. Mr. Williams announced that William VanMeter, OEM volunteer, passed away. Services will be on July 22<sup>nd</sup>.

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

Mr. Williams offered the following resolution, moved and seconded by Mr. McMillan, 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 – West Lake Avenue Redevelopment Plan
- Legal opinion – Sidewalk maintenance issues
- Personnel – Recommendation for hire to vacant Driver position

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: Lane, aye; McMillan, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

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

The Committee reviewed the recommendation and application of Donnell Coleman for the position of Driver and took action by resolution during the regular business portion of the meeting.

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

Mayor Brantley called the meeting to order and requested the Clerk to call the roll. The following members were present: Robert Lane, Jr., Kevin B. McMillan, Carol Rizzo, Nicholas Williams and Mayor Michael Brantley.

Also present at the dais were Richard J. Cuttrell, 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 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 on January 5, 2017 and The Coaster on January 12, 2017, 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

Ms. Rizzo offered a motion, seconded by Mr. Lane, to approve the minutes of the meetings held on June 12<sup>th</sup> and June 26<sup>th</sup>. All were in favor.

#### PRESENTATION

Kathi Abatemarco, representing the Gannett Foundation, presented a check for Veterans Memorial Park to the Township Committee

#### REPORT OF THE CLERK

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

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

Letter from the Hamilton Fire Company thanking the Township for the clean-up in and around Firehouse Pond.

Letter from Irene Maran complimenting the Library staff on the very informative "Snakes-N-Scales" event held on June 19<sup>th</sup>.

#### COMMENTS FROM THE DAIS

Mr. McMillan stated that he attended the great 4<sup>th</sup> of July parade, and the service for Bev Holland's father. He helped kick off the Summer Youth Employment Program. He expressed condolences for William Van Meter and Patti DeRosa's father who worked in the Municipal Court.

Mr. Lane expressed condolences to the families of those who passed away. He attended the wake of Bev Holland's father. He thanked Ms. Rizzo for getting NJ Network to cover the 4<sup>th</sup> of July parade and it was an honor to walk in the parade for the first time as a Committeeman.

Ms. Rizzo expressed condolences to the families of Bev Holland and William Van Meter. She stated that last week her partner Yvonne fell ill in the middle of the night. She called 9-1-1 and had four police officers within five minutes. Two EMT's brought her in the ambulance to the hospital. The police officers were paragons of compassion and efficiency. Sgt. Christine Savage accompanied her to the emergency room. She thanked the officers and EMT's for the job they do every day. Everyone at Jersey Shore University Medical Center was amazing. She thanked Mr. Land and Mr. Williams for standing in for her with NJN at the parade. Finally, World Changers are in Neptune for the week making repairs on homes. They will be enjoying a bar-be-que on the beach on July 12<sup>th</sup>.

Mr. Williams stated that marching in the 4<sup>th</sup> of July was a lot of fun. He spoke at the mass of Bill Wilson whose daughter, Bev Holland, is the Chairperson of the Housing Authority. Mr. Williams stated that he served with "Bruiser" (William Van Meter) for many years in the Office of Emergency Management. He was always smiling, was one of the best responders and will be missed.

The Mayor expressed his condolences to those who lost family members this past week. He stated that he has a special place in his heart for volunteers. Bill Wilson was a great guy and will be missed. Finally, the 4<sup>th</sup> of July parade was great and fortunately it was not too hot this year.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, asked the amount of the match in the budget amendment resolution for the microgrid grant. Mr. Cuttrell stated that no match is required. Ms. Argyros stated that the Headliner is getting a deal on the fence tax resolution because they only have to make a one time payment. Mr. Anthony stated that if it's a major encroachment, the fee is \$300 per year, if it's a minor encroachment, like a fence, it's a one time fee of \$150. Ms. Argyros stated that she is trying to find automatic easements on her property but was told she needs to get a survey. She asked who determines if it's a major or minor encroachment. Mr. Anthony stated that the Township Engineer makes the determination.

Jack Bredin, 94 ½ Heck Avenue, read from the Wesley Lake Charter. He then stated that the lot in Asbury Park is recognized as a lake and under the jurisdiction of the NJDEP, Green Acres and the Army Corps. The lot in Neptune is described as a detention basin with no environmental protection. He asked if the new person will be oriented that the property is a lake or a detention basin.

Michael Golub, 305 Cliffwood Drive, asked who participated in the discussions with the Headliner. Mr. Anthony responded that he did and the Township Engineer advises if the encroachment is major or minor. Ms. Golub asked the Committee to be mindful that the Township are enabling businesses to build their brand this has an affect on the sale price of a property. Mr. Anthony stated that the site plan originally had a lot of encroachments, but it is now down to just bollards.

Norm Goldman, 36 Ocean Pathway, asked where the public can see all of the budgeting that goes into the tax bill. Mr. Gadaleta stated that the budget amendment resolutions are for grants that were received subsequent to adoption of the budget. Mr. Goldman asked for confirmation that the budget is already adopted. Mr. Gadaleta responded yes and that it is available on-line.

#### ORDINANCE NO. 17-25 - ADOPTED

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

#### ORDINANCE NO. 17-25

AN ORDINANCE AMENDING VOLUME I, SECTION 7-21.5 OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED  
"HANDICAPPED PARKING", "VIOLATIONS; PENALTIES

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: Lane, aye; McMillan, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

#### ORDINANCE NO. 17-26 - APPROVED

Mr. Lane offered the following ordinance, moved and seconded by Mr. McMillan, that it be approved:

ORDINANCE NO. 17-26

AN ORDINANCE TO AMEND VOLUME I, SECTION 3-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO PROHIBIT THE SALE OF TOBACCO TO PERSONS UNDER THE AGE OF TWENTY ONE

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

ORDINANCE NO. 17-27 - APPROVED

Mr. Williams offered the following ordinance, moved and seconded by Ms. Rizzo, that it be approved:

ORDINANCE NO. 17-27

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON COOKMAN AVENUE, ABBOTT AVENUE AND HECK AVENUE

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

ORDINANCE NO. 17-28 - APPROVED

Mr. Lane offered the following ordinance, moved and seconded by Mr. Williams, that it be approved:

ORDINANCE NO. 17-28

AUTHORIZE GRANT OF DEED OF OPEN SPACE EASEMENT TO THE COUNTY OF MONMOUTH ON BLOCK 1807, LOT 2 (FORMERLY KNOWN AS BLOCK 307.26, LOT 5) OWNED BY THE TOWNSHIP OF NEPTUNE

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

Mayor Brantley read the following prepared statement for Ordinance #17-29

This ordinance that we introduce tonight is another important step forward in this body's efforts to continually improve critical services to our residents, and to make good on our commitment to make Neptune Township the best it can be.

We are confident that this ordinance gives this body, and therefore our residents that we represent, more direct oversight in the workings of the police department, while giving our law enforcement professionals the autonomy to continue the efforts to make Neptune Township the safest it can be.

ORDINANCE NO. 17-29 - APPROVED

Mr. Williams offered the following ordinance, moved and seconded by Ms. Rizzo, that it be approved:

ORDINANCE NO. 17-29

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED "POLICE DEPARTMENT"

The ordinance was approved on the following vote: Lane, aye; McMillan, no, within his comments he offered a motion which did not receive a second. He stated over the past five years

the Police Department has averaged over 35,000 service calls and out of that even if we had over three times the amount it would only amount to 1% as it relates to the complaints. The complaints he had did not tell us that was exonerated, sustained or not sustained. He stated the Police Department works hard to maintain a quality of life for the residents of Neptune, He went on to state that if you look at it over the past four or five years police had received 15 to 20 percent of the officers every year are awarded accommodations. He stated they had outreach for homeowner associations and he thought that they did a good job as it relates to that. He voted to table this because this would remove our Police Director who should only be removed for just cause and that he should be notified within fifteen days and he did not believe that this was done. He stated he could not vote for this in good conscious; Rizzo, aye; Williams, aye; and Brantley, aye.

Mr. Cuttrell stated that the public hearings on Ordinances 17-26 through 17-29 will be held on Monday, July 24th.

#### CONSENT AGENDA

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

#### AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH NEW YORK CONCOURSE, LLC AND BREW 35, INC., T/A THE HEADLINER, BLOCK 5605, LOT 2, 1401 HIGHWAY 35 SOUTH

WHEREAS, New York Concourse, LLC and Brew 35, Inc. t/a The Headliner, with property located at 1401 Highway 35 South, Neptune Township, New Jersey, and more specifically identified as Block 5606, Lot 2 on the tax map of the Township of Neptune have requested a Revocable License Agreement be entered into between Neptune Township, and New York Concourse, LLC and Brew 35, Inc., t/a The Headliner concerning certain encroachments upon a municipal right-of way at Block 5605, Lot 2; and

WHEREAS, New York Concourse, LLC and Brew 35, Inc., t/a The Headliner, are seeking a license to provide and to maintain certain bollards presently encroaching on the municipal right-of-way, which the property owners intend to continue use of, subject to removal should the controlling authority have reasonable cause to believe that such encroachments need to be removed from the aforesaid municipal right-of-way, and subject to a Revocable License Agreement; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with New York Concourse, LLC and Brew 35, Inc., t/a The Headliner, with property located 1401 Highway 35 South, Neptune Township, New Jersey, and more specifically identified as Block 5606, Lot 2, Neptune Township, New Jersey a true copy of such proposed Agreement is filed in the Office of the Municipal Clerk, subject to the conditions of the Agreement and prior review of the Township Engineer and approval of this Agreement as a minor encroachment, with a one-time payment to the Township of Neptune of \$150.00 for preparation of the Revocable License Agreement for a minor 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.

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

#### AUTHORIZE DEVELOPER'S AGREEMENT WITH BREW 35, INC. (A/K/A THE HEADLINER) BLOCK 5606, LOTS 2-14

WHEREAS, BREW 35, INC. sought redevelopment of property subject to an amendment to a Major Site Plan Approval by the Neptune Township Planning Board for reconstruction of an existing outdoor bar area along the south side of the existing bar/nightclub so as to provide for reconfigured bars, new DJ/stage area and new proposed pool, as well as reconfiguration of an existing parking lot to accommodate the proposed relocation of the volleyball courts further to the west, and also along with variances and waivers associated therewith before the Planning Board of the Township of Neptune; and

WHEREAS, BREW 35, INC., has agreed to enter into a Developer's Agreement with the Township of Neptune to guarantee the faithful performance of the obligations and representations associated with the application before the Planning Board of Neptune Township; and

WHEREAS, it is in the best interest of the citizens of the Township of Neptune to enter this Developer's Agreement with BREW 35, INC., to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with BREW 35, INC., a true copy of which is on file in the office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolutions #17-06, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County.

AUTHORIZE LAWSUIT SEEKING REMOVAL OF ENCROACHMENTS FROM MUNICIPAL RIGHT-OF-WAY ON BLOCK 5608, LOT 10 (FORMERLY BLOCK 558, LOT 1.14), CONCOURSE WEST, NEPTUNE TOWNSHIP

WHEREAS, the Municipal Engineer, Leanne Hoffmann, and Municipal Attorney, Gene J. Anthony, Esq., have determined that a number of properties on the South and West Concourse have encroachments in the municipal right-of-way; and

WHEREAS, most property owners have either removed the encroachments upon demand, or have entered into Revocable License Agreements with the Township. However, encroachments existing with regard to property located at Concourse West, Block 5608, Lot 10, owned by A. J. Skora, Inc., located at 1982 Lakewood Road, Toms River, New Jersey 08755 have refused to address the encroachment issues; despite numerous demand letters; and

WHEREAS, the aforesaid encroachments consist of walkways, a fence and a part of a building in the municipal right-of-way; and,

WHEREAS, funds for this purpose are available in the 2017 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing,

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 commence a legal action in the Superior Court of New Jersey, seeking Injunctive Relief and other remedies available in the removal of the aforesaid encroachments from the municipal right-of-way at an amount not exceed Ten Thousand Dollars (\$10,000.00) without additional approval for the purposes of this litigation; and,

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

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE MONIES FROM A DIVISION OF ALCOHOLIC BEVERAGE CONTROL COPS IN SHOPS GRANT

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 2017 in the sum of \$3,400.00 which is now available from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops – Summer Shore Initiative 2017 Grant in the amount of \$3,400.00; and,

BE IT FURTHER RESOLVED that the like sum of \$3,400.00 is hereby appropriated under the caption of Cops in Shops - Summer Shore Initiative 2017; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops 2017 Summer Shore Initiative Grant in the amount of \$3,400.00; and,

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

EMPLOY TEMPORARY SEASONAL PERSONNEL FOR THE CLEAN COMMUNITIES PROGRAM

WHEREAS, the Township has created a Summer Jobs Program for high school aged residents under the Clean Communities Program; and,

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

WHEREAS, individuals were employed in the program by Resolution #17-292, dated June 26, 2017; and,

WHEREAS, the Human Resources Director and Business Administrator have forwarded their recommendation to employ two additional individuals; and,

WHEREAS, funds for this purpose are available in the 2017 Municipal Budget through the Clean Communities Program 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 Qua-Saan Braeden-Jackson and Delvonne Leone be and are hereby employed as temporary seasonal personnel in the Clean Communities Program from July 10, 2017 to August 25, 2017, not to exceed forty (40) hours per week, at a salary of \$10.00 per hour with no health benefits; 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 the Director of Public Works.

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>
605/15	213 Myrtle Avenue	410.00
605/10	237 Myrtle Avenue	285.00
504/16	45 Ridge Avenue	285.00
503/21	21 Atkins Avenue	285.00
503/24	1209 Embury Avenue	285.00
503/26	1223 Embury Avenue	285.00
713/25	1813 Summerfield Avenue	285.00
412/18	511 Atkins Avenue	285.00
5102/10	412 Highland Avenue	285.00
5310/11	325 Highland Avenue	410.00

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

AUTHORIZE THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY BOARD OF PUBLIC UTILITIES IN CONNECTION WITH THE TCDER MICROGRID

FEASIBILITY STUDY INCENTIVE PROGRAM

WHEREAS, the New Jersey Board of Public Utilities (BPU) is responsible for the Energy Master Plan regarding the production, distribution, and conservation of energy in the State of New Jersey; and,

WHEREAS, the BPU 2015 Energy Master Plan Update established the goal of improving energy infrastructure resiliency in extreme weather events by the increased use of microgrid technologies and applications for Distributed Energy Resources to improve the grid's resiliency and reliability in the event of a major storm; and,

WHEREAS, the BPU approved the FY17 Clean Energy Program Budget which established the Town Center Distributed Energy Resources (TCDER) Microgrid Program to provide funding for feasibility study applications; and,

WHEREAS, the Township of Neptune submitted the Neptune Township Advanced Microgrid Project for funding. The application cites the significant number of critical assets located with the municipality; and,

WHEREAS, the BPU has announced an award of \$150,000 for a Phase I feasibility study of the Neptune Township Advanced Microgrid Project,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the acceptance of a \$150,000 grant from the New Jersey Board of Public Utilities TCDER Microgrid Feasibility Study Incentive Program to perform a Phase I feasibility study of the Neptune Township Advanced Microgrid Project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk be and are hereby authorized to execute a Memorandum of Understanding with the New Jersey Board of Public Utilities setting forth the roles and responsibilities of the Township and the BPU in connection with the TCDER Microgrid Feasibility Study Incentive Program; 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 Grant Coordinator.

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 12, 2017 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 12, 2017 from 4:00 P.M. to 7:00 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.

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FOR SITE IMPROVEMENTS AT 3442 WEST BANGS AVENUE

WHEREAS, Edmar Developers, LLC filed a cash maintenance bond in the amount of \$3,171.60, guaranteeing the maintenance of site improvements for two years at 3442 West Bangs Avenue (former Block 7108, Lot 6.01); and,

WHEREAS, the two year maintenance period has expired and the Township Engineer has



conducted an inspection; and,

WHEREAS, on July 5, 2017, the Township Engineer certified that all site work has been completed and said maintenance bond may be released,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the maintenance bond as stated herein; and,

BE IT FURTHER RESOLVED, that all remaining balances of the cash performance guarantee account and inspection escrow account be and are hereby authorized to be refunded; and,

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

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY SHARK RIVER BEACH & YACHT CLUB FOR SITE IMPROVEMENTS AT THE YACHT CLUB ON SOUTH RIVERSIDE DRIVE

WHEREAS, on February 1, 2015, Shark River Beach & Yacht Club posted a cash performance guarantee in the amount of \$52,440.00, guaranteeing site improvements at the Shark River Beach & Yacht Club, 306 South Riverside Drive (Block 5322, Lot 4); and,

WHEREAS, said performance bond was subsequently reduced and currently is in the amount of \$15,732.00; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of July 5, 2017 and said performance bond can be released; and,

WHEREAS, the Township will retain the amount of \$7,866.00 from the cash performance guarantee escrow to serve as a Maintenance Bond guaranteeing said site improvements for a period of two years,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the maintenance guarantee as stated above be and is hereby accepted and the performance guarantee is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$7,948.76 be and is hereby authorized to be refunded (with \$7,866.00 being retained to serve as the two year maintenance guarantee); and,

BE IT FURTHER RESOLVED, that the inspection fee escrow be and is hereby authorized to be refunded (with \$200.00 being retained for final inspection at the end of the two year maintenance period); and,

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

APPROVE REMOVAL OF MEMBER OF THE WESLEY LAKE COMMISSION DUE TO ABSENTEEISM PURSUANT TO N.J.S.A. 40A:9-12.1

WHEREAS, N.J.S.A. 40A:9-12.1 establishes the basis for an office of any person appointed as being deemed vacant; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) establishes that in any case where a member of a board fails to attend and participate at meetings of a public body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of a longer duration, the appointing authority may officially remove said member, construe the position as vacant, and fill the position or office for the unexpired term of said member, pursuant to N.J.S.A. 40A:9-12.1(h); and

WHEREAS, the Wesley Lake Commission has notified the Township Committee that Damaris Adamo has not attended any Wesley Lake Commission Meetings since her appointment on February 8, 2016,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby finds the position held by Damaris Adamo on the Wesley Lake

Commission as vacant pursuant to N.J.S.A. 40A:9-12.1, as a result of the Township Committee's official action in removing Damaris Adamo from the Wesley Lake Commission for failure to attend four or more consecutive meetings in the years 2016 and 2017 in accordance with N.J.S.A. 40A:9-12.1(g), effective with the adoption of this resolution, and shall separately, after the adoption of this resolution, fill the aforesaid positions for the unexpired terms in the manner prescribed by law; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary of the Wesley Lake Commission.

#### APPOINT MEMBER TO THE WESLEY LAKE COMMISSION

WHEREAS, the Business Administrator's representative on the Wesley Lake Commission is vacant and the Township Committee desires to appoint a member to this vacancy,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Susan Tyler be and is hereby appointed as a member of the Wesley Lake Commission (Business Administrator representative) for an unexpired three year term expiring December 31, 2018; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Wesley Lake Commission.

#### AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE NEW JERSEY BOARD OF PUBLIC UTILITIES MICROGRID FEASIBILITY STUDY INCENTIVE PROGRAM

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 2017 in the sum of \$150,000.00 which is now available from a NJBPU – Microgrid Feasibility Study Incentive Program Grant in the amount of \$150,000.00; and,

BE IT FURTHER RESOLVED that the like sum of \$150,000.00 is hereby appropriated under the caption of NJBPU – Neptune Advanced Microgrid Project; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a NJBPU – Microgrid Feasibility Study Incentive Program Grant in the amount of \$150,000.00; and,

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

#### AUTHORIZE THE PURCHASE OF ENERGY GENERATION SERVICES FOR PUBLIC USE THROUGH AN ONLINE AUCTION WEBSITE

WHEREAS, Neptune Township has determined to proceed with the Best Practice Energy Reverse Auction in order procure electricity for Neptune Township; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of energy generation service for public use through the use of an online auction service; and,

WHEREAS, Neptune Township will utilize the online auction services of Best Practice Energy, an approved vendor pursuant to the Act, located at [www.bestpracticeenergy.com](http://www.bestpracticeenergy.com); and,

WHEREAS, Best Practice Energy is compensated for all services rendered through the participating supplier that a contract is awarded to; and,

WHEREAS, the auction will be conducted pursuant to the Local Unit Technology Pilot Program and Study Act,

WHEREAS, if the auction achieves a price of \$0.08581 / kWh or less for a 12 month term, a price of \$0.08709 / kWh or less for an 18 month term, or a price of \$0.08635 / kWh or less for a 24 month term; Neptune Township may award a contract to the winning supplier for the selected term,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute on behalf of Neptune Township any electricity contract proffered by the participating supplier that submits the winning bid in the Best Practice Energy if the auction achieves a price of \$0.08581 / kWh or less for a 12 month term, a price of \$0.08709 / kWh or less for an 18 month term, or a price of \$0.08635 / kWh or less for a 24 month term; and,

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

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

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

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

WHEREAS, 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 their recommendation; and,

WHEREAS, funds will be provided for the 2017 municipal budget in the appropriation entitled Solid Waste Collection 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 an offer of employment be and is hereby extended to Donnell Coleman 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 July 17, 2017, at an annual salary of \$31,200.00; 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 #2792, and Human Resources Director.

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

AUTHORIZE THE PAYMENT OF BILLS

Ms. Rizzo offered the following resolution, moved and seconded by Mr. McMillan, 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	\$116,510.89
GRANT FUND	7,645.54
TRUST FUND	13,233.07
GENERAL CAPITAL FUND	154,973.88
SEWER OPERATING FUND	16,735.20
SEWER CAPITAL FUND	5,475.00

MARINA OPERATING FUND	3,429.96
LIBRARY TRUST	1,999.36
BILL LIST TOTAL	\$320,002.90

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: Lane, aye; McMillan, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Barbara Burns, 4 Ocean Avenue, questioned whether they voted to table Ordinance 17-29. Mr. Anthony stated there wasn't a second to the motion. Ms. Burns stated overall we have a wonderful Police Department and no institution or group is perfect. She stated she appreciated and applaud he stated this is a policy decision. the efforts of the Committee to work towards improving the Police Department because we can all stand improvement. She stated she shared some of Mr. McMillan's comments because it was unclear to her that by changing from the Police Director capacity to the Township Committee in terms of oversight would improve oversight for the Police Department. She stated it seems as if a full-time employee would be a better vehicle for oversight for the Police Department. She suggested they reconsider that.

Mr. Anthony stated there was a state statute which indicates the Chief of Police and Police Department handle the day to day operations but there is an appropriate authority which is a civilian control authority. It's similar to Congress having oversight over the military and the statutes tells you who could have oversight. He stated this was a policy decision.

Ms. Burns stated she was not disagreeing but questioned whether someone closer to day to day operations would be better for the position and the ordinance does not list additional powers or authorities this oversight person may have.

Mr. Anthony stated the duties of the subcommittee and quite frankly the ordinance that created the Police Director listed the same duties for the Police Director and when he prepared the ordinance he modified the duties to be more of an evaluation review situation then it is an involvement in the day to day operations which it shouldn't be. He stated the Township Committee has to approve everything they review.

Mr. Williams stated there was also going to be a third person involved and they haven't decided who it is going to be. It could be a former Chief, Attorney or Judge. They are hoping to get someone that is familiar with law enforcement.

David Phillips, 66 Cookman Avenue, stated that he worked on the Ocean Grove Homeowners Association Parking Committee to develop a proposal which had a lot of support. Then meetings were held by the Task Force and the results have been 18 new parking spaces and a referendum. The north side of Ocean Grove has become an overflow parking lot for Asbury Park. He asked permit parking on one side of the street on a trial basis like Asbury Park is doing.

Kennedy Buckley, Broadway, stated the Camp Meeting has found a way to solve Saturday night parking problems by booking a ventriloquist act. He also read a letter from a friend regarding the parking problems in Ocean Grove.

Tia Boynton, 14 Manor Drive, stated that she was refused a hall to rent in Neptune and Neptune City for a sweet sixteen party for her daughter. She ended up using a community room in Ocean Township. She lives in Neptune and was saddened that she could not have the party here. She asked for consideration for a community center in Neptune. Mr. Williams asked who she contacted in Neptune for a hall rental. She stated Shark River Hills and Hamilton fire houses. Mr. Williams stated that the rules for the use of firehouses are set by the Board of Fire Commissioners.

Joyce Klein, 105 Mt. Hermon Way, questioned whether they were moving forward with a non-binding referendum to do permit parking in Ocean Grove or Pilot Parking in Ocean Grove. She stated she's heard both and she's not clear what they were thinking about. She questioned whether they would only consider the districts in Ocean Grove as far as the referendum was concerned.

Mayor Brantley stated they did not know the answer to that question as of yet. It has to be discussed and they will get back to us. He stated every question she's raised will be taken into consideration when they talk about it because they can't talk about it now.

Mr. Williams stated that was one of the questions he had to know before they even talked about it and received several explanations and was told that no one could be discriminated against. He stated he did not get the gist of everyone in town voting on this.

Mr. Anthony stated there were some towns that have sections that benefit from non-binding referendums and Middletown is classic.

Nancy Clarke, stated at the last Township Meeting Mr. Gadaleta asked her to meet with him and his staff regarding the Certified Local Government application. She met with them regarding submitting and application to CLG. She stated the last contact was made by Kathy Arlt in August 2016 and it seems as there has been no contact from a Township Official. Mr. Haney has now reached out to them. Jonathan Kenney from Trenton stated he would be willing to meet with them. She thanked Dawn Crozier for allowing them to look through files that were in boxes. On the request for qualifications for the redrafting of the HPC guidelines has the RFQ been re-written.

Mr. Gadaleta stated the RFQ is under rewrite and it has not been complete or reviewed by the Township Committee as of yet.

Michael Golub, Cliffwood Drive, commented on the ordinance regarding the police department. He felt this was a critical juncture and it was important for everyone to listen and get an understanding of how people felt. He also discussed the lawsuits regarding Savage and Gonzales and the leadership of the Police Department and applauded the Township for what they were doing. He discussed the parking in Ocean Grove.

Monica Kowalski, 84 Abbott Avenue, addressed the parking issue in Ocean Grove and the referendum. She stated she had a problem because Ocean Grove was also a part of Neptune and she was not for them paying for the parking permits

Theresa Checky, 74 Mt. Tabor Way, stated that permit parking is necessary and she hopes this is not a stall tactic by the Committee. She is not in favor of a referendum and asked for consideration of a pilot program. She would be willing to pay for a parking permit.

Mayor Brantley stated this was difficult because Neptune is very unique and you can't go by other towns.

Gerard Gerosko, 15 Surf Avenue, stated that he lives on a corner and has condominiums surrounding his home. There are more resident cars than spaces in his area and the Committee needs to look at each street individually and base the amount of permit parking on the number of residences.

Hank Coakley, Valley Road, discussed Ordinance #17-29 and stated he hoped it made one heck of a Police Department even better.

Mayor Brantley stated he wanted to make sure that this Police Department had direct oversight and access they wanted to make it better and they intended to do that.

Chris Jensen, 90 Mt. Tabor Way, commented on the idea of having a referendum for parking in Ocean Grove. He felt that it was an unnecessary layer of a problem.

Norm Goldman, 36 Ocean Pathway, discussed the referendum and parking in Ocean Grove. He stated that it was an issue that was not difficult and was an easy thing and most of the residents do not vote here. He stated he was a legal resident in Florida. He suggested they send a mail ballot to all Ocean Grove Homeowners and the residents of Ocean Grove should be making the decisions that are best for them.

Ms. Woolfolk, 71 Stockton Avenue, stated asked that they take into consideration that there are a lot of multi-family homes and they should communicate a lot more broadly and involve all Ocean Grove Homeowners and tenants.

Mayor Brantley there has not been a real plan for a referendum because they do not know yet.

Ann Horan, 69 Clark Avenue, stated for the record that the Ocean Grove Homeowners Association has 600 members and an email list of over 700 individuals

Cindy Williams, 140 Mt. Hermon Way, felt the Police Department does a great job but has a problem with them coming into Ocean Grove all of a sudden and start issuing tickets when the majority of their parking is being taken by individuals who work in Asbury Park because they can't afford to pay for parking in Asbury.

Ms. Rizzo stated we recently had a fire and the emergency personnel must get through the narrow streets.

Cathy Jacomo, 7 Heck Avenue, stated that a referendum will not adequately address the situation, each house pays taxes and should have the opportunity to buy one or two permits.

James McNamara, 86 Asbury Avenue, discussed people parking in Ocean Grove for free rather than having permits to park in Asbury Park. He questioned why did the Committee choose to go with a referendum rather than the other suggestions.

Mayor Brantley stated he thought they did consider other suggestions and they are not going into the referendum it was just brought up. What we do still remains to be seen.

Ms. Rizzo stated she appreciated them giving their input.

Mr. McNamara discussed the RFQ and questioned why there weren't any members of the HPC on any of the Vetting Committees.

Mr. Gadaleta stated a decision has not been made as to who the Vetting Committee will be.

Mayor Brantley stated they would not leave them out entirely but they were in discussion and could talk to other experts and they will do that and at some point in time they will talk to the HPC.

Mr. Checky, 74 Mt. Tabor Way, stated something has to be done and it was their responsibility to find a solution to what is going on because there was a real quality of life issue to the people who live in Ocean Grove. He relayed his experiences and stated they could not be held hostages in their own homes.

Mayor Brantley stated it's not like they haven't tried and they've given up. He stated they've tried so many things to help this situation.

Jen Schaffer, Mt. Tabor Way commented on the parking in Ocean Grove and stated she did not understand the reasoning behind a referendum.

Ingrid Heldt, 34 Bath Avenue, stated that she is against the North End project and asked why the North End lot is not used for parking because you cannot create more parking spaces anywhere else. The Mayor stated that the Township does not own the North End property.

Jack Bredin, 94 ½ Heck Avenue, stated the Committee created the parking problem and he felt they would never get a solution until they start doing the right thing. He also commented on Wesley Lake.

Joan Venezia, 107 Mt. Hermon Way, requested the HPC be involved in the RFQ. She also questioned when would it be completed.

Mr. Gadaleta stated it would be completed by the end of the summer.

Ms. Venezia ask whether there was a targeted date for the CLG to be submitted.

Mr. Gadaleta stated once they have the meeting that is waiting to be scheduled with CLG and SHIPPO they will have a potential date for submission.

Ms. Venezia stated she would like to see action and was against a referendum. She would like to see parking permits for summer only and really priced.

Dorothy Argyros, 2100 Rutherford Avenue, stated the problem with Ordinance #17-29 is that it leaves the same insiders in charge of the police department. She discussed the various lawsuits and investigations into the Police Department.

Jen Coombs, Neptune City Metro Media, stated that individuals can request reports through the Open Public Record Act process.

Peter Boynton, 14 Manor Drive, suggested the Committee do a two hour parking zone for the areas that are most affected. He recommended giving out at least two permits per family. He stated since there are a few bad apples in the Police Department have you identified some benefit moving towards this new Committee vs what is being done now.

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

Richard J. Cuttrel,  
Municipal Clerk