

TOWNSHIP COMMITTEE MEETING – OCTOBER 23, 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, Nicholas Williams and Mayor Michael Brantley. Absent: Carol Rizzo

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; 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:

Mr. Gadaleta stated that the New Jersey Chapter of the American Planning Association has bestowed its Great Neighborhood Award on the Ocean Grove section of the Township and recognized Ocean Grove as the #1 great neighborhood statewide. The Monmouth County Planning Board submitted the nomination and the award ceremony is in South Orange on October 30<sup>th</sup>.

The annual Homecoming Parade will be held on October 28<sup>th</sup> at 11:30 a.m.

The Committee was reminded that the next regular Township meeting is Thursday, November 9<sup>th</sup>.

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

Mr. Williams offered the following resolution, moved and seconded by Mr. Lane, 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:  
  
Personnel – Recommendation for hiring of Driver  
Personnel – Recommendation for hiring of Customer Service Representative  
Personnel – Recommendation for vacant position on Environmental/Shade Tree Commission
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; Williams, aye; and Brantley, aye.

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

The Committee reviewed recommendations for the hiring of a full-time Driver in Public Works and a part-time Customer Service Representative in Code/Construction. They took action on both matters by resolution during the regular business portion of the meeting.

The Committee reviewed a recommendation of the Environmental/Shade Tree Commission to appoint Nadia Holzer to the Commission. They requested that William Heyniger, currently an alternate member, be moved to the vacant regular member position and Ms. Holzer be appointed as

an alternate member. The Committee asked that the appropriate resolution be placed on the next regular 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, Nicholas Williams and Mayor Michael Brantley. Absent: Carol Rizzo

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; 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

Mr. McMillan offered a motion, seconded by Mr. Lane, to approve the minutes of the meeting held on October 5th. All were in favor, except Mayor Brantley who abstained because he was absent.

#### PROCLAMATION

The Mayor presented a proclamation to the family of Donald Beekman, who passed away on September 6th. Don served as a member of the Township Committee from 1986 to 1988 and as the Township Attorney from 1992 to 1996 and again from 2004 to 2006.

#### REPORT OF THE CLERK

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

Tax Collector's monthly statements for July, August, and September.

Monmouth County Board of Health activity report for September.

#### COMMENTS FROM THE DAIS

Mr. McMillan stated that he attended Mt. Carmel Baptist Church with Reverend Lee and Second Baptist Church with Dianne Harris. He attended the New Jersey Chamber of Commerce meeting and the Phi Beta Sigma fraternity dance.

Mr. Lane stated that the results of the Pound the Pavement fundraiser are still being tallied. He attended the Harvest Festival in Ocean Grove. He endorsed the Plates of Love initiative started by Jessica Jones and the Dream Center which has a baby pantry and provides free diapers. They also will hold a Thanksgiving dinner at the Salvation Army on Asbury Avenue in Asbury Park.

Mr. Williams stated the he attended the Pound the Pavement run which enjoyed great weather. The Public Works Department is switching over to leaf collection and the marina is wrapping up the summer dockage season. The Homecoming parade is October 28<sup>th</sup> at 11:30 a.m. followed by a 1:00 football game against Sayreville.

The Mayor stated that he is feeling better following a medical procedure.

#### RESOLUTION – TABLED

Mr. Lane offered a motion, seconded by Mr. McMillan, to table a resolution to "Extend employee probationary period". All were in favor.

## PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Drive, stated that she is appalled by the resolution regarding representation for punitive damages. This is a huge amount of money and encourages bad behavior. She asked why people are still employed who cause taxes to go up. The Mayor stated that there was no increase in municipal taxes last year. Mr. Anthony stated that this representation was passed by a previous resolution. The only change is that the attorney providing the representation changed law firm. The plaintiff always includes punitive damages in a lawsuit. The Township insurance carrier does not cover punitive damages, if an employee is found guilty for punitive damages, the employee would have to pay.

Edmund Lee, 12 Patricia Drive, asked what the cases are that involve the punitive damages. Mr. Anthony stated that the cases filed by Davis, Gonzalez, and Savage include Chief Hunt and Michael Bascom.

Michael Golub, 305 Cliffwood Drive, reiterated the procedure for punitive cases and asked if representation was in the contracts of Chief Hunt and Michael Bascom. Mr. Anthony responded yes.

Hank Coakley, Valley Road, stated that in regards to the COAH resolution, he saw that Asbury Park is building housing for \$316,000 per unit. He hopes the Township is not doing something similar. Mr. Anthony stated that this is the result of a COAH lawsuit. Each County Superior Court now requires an Affordable Housing Plan from each municipality. The Township is the first municipality in Monmouth County to meet its obligation and achieve the goal of completing its housing plan.

Dianna Harris, 17 Willow Drive, asked when new housing is built, does the Developer have to provide affordable housing or do they pay into a fund. Mr. Anthony stated that the Township is meeting its 3<sup>rd</sup> round COAH requirements and is meeting its affordable housing quota and more. Mr. Gadaleta stated that the Township's obligation is to rehabilitate 100 low/moderate income housing units and the COAH Trust Fund currently has almost \$900,000 towards this obligation.

### ORDINANCE NO. 17-41 - ADOPTED

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

#### ORDINANCE NO. 17-41

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

The Mayor requested 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; Williams, aye; and Brantley, aye.

### ORDINANCE NO. 17-42 - APPROVED

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

#### ORDINANCE NO. 17-42

AN ORDINANCE TO AMEND CHAPTER II OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE, ARTICLE II, SECTION 2-10 ENTITLED, "POLICE DEPARTMENT," "DEPARTMENT ESTABLISHED" AND "ESTABLISHING THE RULES AND REGULATIONS OF THE POLICE DEPARTMENT"

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

ORDINANCE NO. 17-43 - APPROVED

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

ORDINANCE NO. 17-43

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

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

Mr. Cuttrell stated that the public hearings on Ordinances 17-42 and 17-43 will be held on Thursday, November 9th.

CONSENT AGENDA

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

AMEND RESOLUTION #17-348 WHICH APPROVED LEGAL COUNSEL FOR POLICE CHIEF JAMES M. HUNT, JR. IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, on August 14, 2017, the Township Committee adopted Resolution #17-348 which approved legal counsel for James M. Hunt, Jr., Chief of Police, who was named as a Defendant in multiple lawsuits and who requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, the Attorney representing Chief Hunt has changed firms and Chief Hunt has requested that Resolution #17-348 be amended to reflect the change; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #17-348 be and is hereby amended to reflect the following legal counsel for Police Chief James M. Hunt, Jr. for the following matters:

- Kyheem Davis v. James M. Hunt, Jr.
- Christine Savage v. James M. Hunt, Jr.
- Elena Gonzalez v. James M. Hunt, Jr.

Joseph Maddaloni, Jr.  
Schenck, Price, Smith & King, LLP  
220 Park Avenue  
P.O. Box 991  
Florham Park, NJ 07932

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

AMEND RESOLUTION #17-347 WHICH APPROVED LEGAL COUNSEL FOR MICHAEL J. BASCOM IN LAWSUITS FOR PUNITIVE DAMAGES

WHEREAS, on August 14, 2017, the Township Committee adopted Resolution #17-347 which approved legal counsel for Michael J. Bascom who was named as a Defendant in multiple lawsuits and who requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, the Attorney representing Michael Bascom has changed firms and Michael Bascom has requested that Resolution #17-347 be amended to reflect the change; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Resolution #17-347 be and is hereby amended to reflect the following legal counsel for Michael J. Bascom for the following matters:

- Kyheem Davis v. Michael J. Bascom
- Christine Savage v. Michael J. Bascom
- Elena Gonzalez v. Michael J. Bascom

Joseph Maddaloni, Jr.  
 Schenck, Price, Smith & King, LLP  
 220 Park Avenue  
 P.O. Box 991  
 Florham Park, NJ 07932

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

AUTHORIZE AND ENDORSE THE TOWNSHIP OF NEPTUNE'S 2016 HOUSING ELEMENT AND FAIR SHARE PLAN, INCLUDING THE AFFORDABLE HOUSING TRUST FUND SPENDING PLAN AND AFFIRMATIVE MARKETING PLAN

WHEREAS, Neptune Township filed a Verified Complaint on June 16, 2015 seeking a Declaratory Judgment in compliance with the Mount Laurel Doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301, in accordance with the Supreme Court case of In Re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1(2015); and

WHEREAS, Neptune Township entered into a Settlement Agreement with the sole Intervenor, Fair Share Housing Center, located at 510 Park Boulevard, Cherry Hill, New Jersey 08002, on October 31, 2016; and

WHEREAS, the Honorable Jamie S. Perri, J.S.C., of the Superior Court of New Jersey, Law Division, Monmouth County, entered an Order Granting Settlement and Fairness and Preliminary Compliance on Neptune Township's Housing Element and Fair Share Plan on August 21, 2017; and

WHEREAS, the aforesaid Order of Judge Perri required, among other things, that the Township of Neptune Planning Board adopt, and the Township Committee endorse, a proposed 2016 Housing Element and Fair Share Plan, including Affordable Housing Trust Fund Spending Plan, with any revisions required by the conditions of the Order, and that the Township Committee also adopt a Resolution adopting the Township's Affirmative Marketing Plan adopted by the Neptune Township Planning Board; and

WHEREAS, the Neptune Township Planning Board adopted Resolution No. 17-18 on September 27, 2017, adopting the 2016 Housing Element and Fair Share Plan, including the Affordable Housing Trust Fund Spending Plan and the Affirmative Marketing Plan, included in the Housing Element and Fair Share Plan by Appendix, and concluding that the Plan advances the purposes of Planning and Zoning and advances the planning objectives of the Neptune Township Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby endorses and adopts the Housing Element and Fair Share Plan, including the Affordable Housing Trust Fund Spending Plan included in the Plan as Appendix A, and the Affirmative Marketing Plan included in the Plan as Appendix D, as prepared and adopted by the Planning Board of Neptune Township on September 27, 2017, and adopts the aforesaid Plan with the attached Spending Plan and Affirmative Marketing Plan. A true copy of the Neptune Township Planning Board's Resolution No. 17-18 is attached hereto and made a part hereof as Exhibit A, and a true copy of the adopted and endorsed Housing Element and Fair Share Plan with Spending Plan and Affirmative Marketing Plan is attached hereto and made a part hereof as Exhibit B.

BE IT FURTHER RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Mayor and Clerk to execute any necessary documents associated with the approval and endorsement of the aforesaid Plans.

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF PART-TIME CUSTOMER SERVICE REPRESENTATIVE IN THE CODE/CONSTRUCTION DEPARTMENT

WHEREAS, there is a vacancy in the position of Customer Service Representative in the Code/Construction Department; and,

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

WHEREAS, the Human Resources Director and Construction Official have made their recommendation; and,

WHEREAS, funds will be provided for in the 2017 municipal budget in the appropriation entitled Construction Official 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 Melanie Magnin for the position of part-time Customer Service Representative in the Code/Construction Department, on a probationary basis for a period of not less than 90 days and not exceeding one year, pending favorable results of the required physical, effective October 30, 2017, at an hourly rate of \$15.00 for 28 hours per week, with no health benefits; and,

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

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> |
|------------------|-------------------|---------------|
| 703/36           | 135 Anelve Avenue | 275.97        |

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 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> |
|--------------|------------|--------------------|----------------|-------------|---------------|
| 144          | 18         | NEWGARDEN          | 33 PITMAN AVE  | 2016        | 3,493.05      |

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

AUTHORIZE APPLICATION TO THE DIVISION OF LOCAL GOVERNMENT SERVICES TO PARTICIPATE IN THE ELECTRONIC TAX SALE PROGRAM

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Government Services, and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct pilot programs, and

WHEREAS, the rules and regulations authorize a municipality to submit an application for participation in the pilot program for an electronic tax sale, and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the Township of Neptune wishes to participate in the pilot program for an electronic tax sale,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector is hereby authorized to complete an application to participate in the electronic tax sale program and submit same to the Director of the Division of Local Government Services; and,

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

AUTHORIZE THE REFUND OF SEWER RENT (8 WILLIAMS ROAD)

WHEREAS, the property listed below reflect an overpayment; and,

WHEREAS, the property owners have furnished the necessary documentation and have requested a refund,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the Tax Collector be and hereby is authorized to refund the Sewer Rent as stated herein:

| <b>BLOCK/LOT</b> | <b>ASSESSED TO</b> | <b>ADDRESS</b>  | <b>YEAR</b> | <b>AMOUNT</b> |
|------------------|--------------------|-----------------|-------------|---------------|
| 3703/10          | LONG               | 8 WILLIAMS ROAD | 2017        | 230.00        |

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (705 HERITAGE COURT)

WHEREAS, the property known as Block 2506, Lot 25, with an address of 705 Heritage Court was granted a Totally Disabled Veteran Exemption as of October 5, 2017 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property for 2017 as of October 5, 2017 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

| <b>YEAR</b> | <b>AMOUNT TO CANCEL</b> | <b>AMOUNT TO REFUND</b> |
|-------------|-------------------------|-------------------------|
| 2017        | \$ 1,910.52             | \$ 0.00                 |

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

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (1704 MONROE AVENUE)

WHEREAS, the property known as Block 808, Lot 4, with an address of 1704 Monroe Avenue was granted a Totally Disabled Veteran Exemption as of September 21, 2017 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property for 2017 as of September 21, 2017 in accordance with N.J.S.A. 54:4-3.32; and,

WHEREAS, the amounts to be cancelled and refunded are as follows:

| <b>YEAR</b> | <b>AMOUNT TO CANCEL</b> | <b>AMOUNT TO REFUND</b> |
|-------------|-------------------------|-------------------------|
| 2017        | \$ 1,011.01             | \$ 105.32               |

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

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

**AUTHORIZE THE PURCHASE OF A PASSENGER VAN THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM**

WHEREAS, the Police Department has recommended the purchase of a 2018 Chevrolet Express passenger van for prisoner transportation 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. 88230 for this equipment; 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 the equipment shall not exceed \$30,000.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 17-32 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of a 2018 Chevrolet Express passenger van for prisoner transportation through New Jersey Cooperative Purchasing Program Contract No. 88230 be and is hereby authorized at an amount not to exceed \$30,000.00; 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.

**EMPLOY PUBLIC SAFETY OFFICER IN THE EMERGENCY MEDICAL SERVICES DEPARTMENT 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 position was duly posted and applicants interviewed; and,

WHEREAS, the EMS Manager and Business Administrator have made their recommendations; and,

WHEREAS, funds will be provided the 2017 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 Daniel Hamilton be and is hereby employed as a part-time Public Safety Officer, effective September 29, 2017, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate as established by Resolution of the Township Committee; 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 AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE STATE BODY ARMOR REPLACEMENT FUND

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 \$6,766.92 which is now available from the NJ Division of Criminal Justice Body Armor Replacement Fund in the amount of \$6,766.92; and,

BE IT FURTHER RESOLVED that the like sum of \$6,766.92 is hereby appropriated under the caption of Body Armor Replacement Fund – FY 2017; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from a New Jersey Division of Criminal Justice Body Armor Replacement Fund Grant – FY17 in the amount of \$6,766.92; 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.

The resolutions of the Consent Agenda were adopted on the following vote: Lane, aye; McMillan, 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. McMillan, 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 Public Works Director have made a recommendation to rehire a former employee who resigned in good standing and has expressed a desire to return to employment with the Township; 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 Luis Perez 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 October 30, 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; Williams, aye; and Brantley, aye.

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan offered the following resolution, moved and seconded by Mr. Lane, 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          | \$3,485,272.55 |
| GRANT FUND            | 3,364.00       |
| TRUST FUND            | 35,615.75      |
| GENERAL CAPITAL FUND  | 15,220.60      |
| SEWER OPERATING FUND  | 2,424.45       |
| SEWER CAPITAL FUND    | 5,705.00       |
| MARINA OPERATING FUND | 898.47         |
| MARINA CAPITAL FUND   | 1,015.00       |
| DOG TRUST             | 7,569.71       |
| UDAG TRUST            | 5,750.00       |
| LIBRARY TRUST         | 2,417.11       |
| <br>                  |                |
| BILL LIST TOTAL       | \$3,565,252.64 |

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; Williams, aye; and Brantley, aye.

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michael Golub, 305 Cliffwood Drive, asked if Ordinance 17-42 was associated with not knowing who the 3<sup>rd</sup> person on the Police Committee was going to be. Mr. Anthony stated that the original ordinance stated that one of the two Township Committee members on the Police Committee had to be the Chairperson. The Committee decided they wanted the option of any one of the three members. Mr. Golub asked why Mr. Bascom was no longer at Township meetings. He makes a lot of money and should feel a sense of obligation to attend. The Committee should make him attend. The Mayor stated if the Committee needs to have Mr. Bascom at a meeting, he will be here. In the past he volunteered to attend Township meetings.

Ray Dodd, 422 Woodmere Avenue, stated that the Township and its residents need to work together. He is disappointed in how people in opposition to the South Riverside Drive flood mitigation project are being characterized by the Township in a press release as several outspoken residents. The residents' interactions have been respectful and factual and they expect the same from the Township. He also heard that Township employees are talking about him and his daughter at Kelly's tavern. Mr. Gadaleta provided an update on the project and said the final decision is still unknown it residents can expect to have a seat at the table. The Mayor stated that no one from the Township Committee authorized the press release. The Township had a forum, listened to the residents, and tabled the project which shows respect. He will listen to everyone and does not agree with the characterization that the Township is disrespectful to the residents. Mr. Dodd stated that he should have phrased his comments that a Township employee was disrespectful not the Township.

J. and Kimberly Brown, 1711 Olden Avenue, expressed their concern regarding the recent double murder on Sayre Street. They started a petition a week after the murders to rename Sayre Street after the name of one of the men killed. The Mayor stated that often times the residents of a street do not want the street name changed. Ms. Brown stated that you can add a street sign under the existing Sayre Street sign so that it is not an official name change as is done in other

municipalities.

Dorothy Argyros, 2100 Rutherford Avenue, stated that a civilian is needed on the Police Committee and the Turner report should be released. She read portions of pending legislation to broaden the Open Public Meetings Act and stated that secrecy fosters official misconduct. The Mayor stated that the Police Committee will be most effective with the 3<sup>rd</sup> person having law enforcement experience.

Tom Burns, 3446 West Bangs Avenue, stated that he received a letter from Code Enforcement regarding an outstanding construction permit for work that was done in 2009. He then received a card that the inspection was done and approved. He then had to file a new permit and detailed a number of other problems that ensued. The Mayor asked that Mr. Burns provide his contact information to Mr. Gadaleta for follow-up.

Lynn Palumbo, 400 Woodmere Avenue, had questions regarding the press release of August 24<sup>th</sup> regarding the flood mitigation project for Shark River. She questioned where were they with the project.

Mr. Gadaleta stated after the Committee made a decision to table the capital ordinance it was discussed that they were going to modify the application and to have a new cost analysis developed for just the outfall pipe project.

Joyce Klein, 105 Mt. Hermon Way, asked for a timeline on the discussion regarding permit parking in Ocean Grove. The Mayor stated that Ms. Rizzo will be presenting her case study at the next Township Committee meeting. Ms. Klein stated that she contacted the Asbury Park parking official and he said that the resident permit parking was a success based on a recent resident survey. Asbury Park is expanding their resident permit parking to 24 hours a day and are doing permit parking on one side and meters on the other side of the street and allowing people with permits to park on the metered side.

Arlene Sciarappa, 14 Tucker Drive, Neptune City, spoke on behalf of the Shark River Hills Clean Up Coalition. She stated they were not opposed to using FEMA money if a true natural living shoreline that is ecological and environmentally sound is presented. The previous plan was totally unacceptable. It was nothing more than a replacement for a barrier that was concrete and also harmful. She questioned who was responsible for submitting the FEMA plan.

Mr. Gadaleta stated it was the Township Engineer and a consultant Textra Tech who works with the Township as far as FEMA hazard mitigation applications.

Ms. Sciarappa asked whether they were concerned at all with some of the data that was submitted by some of the residents of Shark River Hills in terms of it being flawed data.

Deputy Mayor Williams stated they listen to everyone and they just did not go on one hear say they listened to what everyone had to say.

Ms. Sciarappa questioned how much it would cost just to do the storm drains.

Mr. Gadaleta stated it was just under \$300,000.00.

Ms. Sciarappa also questioned whether her OPRA request has been completed.

Mr. Cuttrell stated they were in the process of compiling it because it was seven years worth of data.

Mr. Gadaleta stated no grant money has been expended at this time.

Nancy Clarke, 47 Embury Avenue, questioned the status of the RFQ for the Historic Preservation Commission.

Mr. Gadaleta stated he responded to her over the weekend and so his answer won't change from the weekend. He stated her suggestions have been incorporated in it and before it goes out she will have the opportunity to look at it again. He stated it was a work in progress and they were getting there.

Ms. Clarke stated she wanted to make sure that they start moving forward with this because at some time the North End project will be starting. She urged them to start moving forward. As far as the CLG has there been any direct contact with SHIPPO since the last time and do they need

anything else.

Mr. Gadaleta stated he recalled she received a response from Mr. Haney over the weekend as well that SHIPPO has stated that they are busy and hope to get back to us before the end of the year.

Ms. Clarke also stated she had a very good meeting with Mr. Doolittle in relation to vacant and abandoned properties in Ocean Grove and to set up a communication system so that people that come to her with a particular problem she could communicate it to him. She questioned how would one document that a car has not been moved for thirty days.

Mr. Gadaleta stated if she felt that a car has not been moved for a period she should document and forward it to the police department and they will do the follow up.

Ernestine Horsley, 510 Myrtle Avenue, asked when the issue will be fixed regarding the street in front of the church at Heck and Atkins Avenues. Mr. Gadaleta stated that the Township Engineer and Public Works Department will look into it. He stated that Atkins Avenue is a county road and the Township has a pending application for a Transportation Trust Fund grant to repair and improve Heck Avenue between Route 35 and Memorial Drive.

Jack Bredin, 94 ½ Heck Avenue stated that he was happy to see the Mayor back.

Connie Holmes, 62 Winding Ridge Drive, stated experience is not always necessary all the time and some of these things call for common sense. She stated that the response that was given to Dorothy that the position could not be given to just any civilian and they had to have experience. She questioned what experience was needed for the Police Committee.

Mayor Brantley stated experience was needed if they were going to look at Attorney General guidelines and to look at all of the things they needed to look at. He stated experience was needed to look at all those things and common sense and judgement is what the Committee has but experience is needed. The third person has to know how the Police Department works as well as the rules and regulations.

Deputy Mayor Williams stated that a lot of things they deal with is governed by the Attorney General and there are rules and regulations that must be followed. He stated we needed an experienced person.

Joan Venezia, 107 Mt. Hermon Way, requested an update on the NorthEnd. She also stated that Mr. Bascom added to the conversations at the meeting because there were two questions he could have answered about legal fees because she's asked about money & cost in the past and he's been able to answer it. She also stated she's seen an increase in handicap spots in Ocean Grove and she believes that's due to the frustration with parking and that should be considered in their discussion for permits. She stated a couple of weeks ago she asked about the status on 68 Clark and she never received a response to it. She stated the press release that said not representing the town has totally baffled her and she did not know what it meant. She stated she really felt for the Shark River Hills people because that whole incident seemed confusing to her. She stated lastly she still hasn't heard from Ms. Thompson in Recreation.

Mr. McMillan stated Ms. Thompson sent him an email and what she's doing now is trying to access the interest as it relates to shuffle board.

Mr. Anthony stated there were no updates as far as the North End.

Hank Coakley, Valley Road, stated were are no signs on Brighton Avenue indicating that the East End Avenue bridge was closed. He brought it to the attention of the Township Engineer who indicated she would talk to the County. The state did not do anything with the timing of the traffic lights at West Sylvania and Brighton Avenue in response to the increased traffic due to the bridge closing. He asked for an update on the non-migratory birds. Mr. Gadaleta stated that the Township is considering the company that is used by Spring Lake. Mr. Williams stated that he has been forwarding complaints regarding traffic issued caused by the bridge closing to the County.

Mary Jane Dodd, stated that Township meetings should be live streamed. Everyone should have accessibility to these meetings.

Annabelle Bissett, 77 Heck Avenue, stated that the parking problem in Ocean Grove is still an issue. Asbury Park is planning more development and retail stores. Ocean Grove will have free parking that will be used by visitors to Asbury Park.

Stephanie Seyr, 611 South Riverside Drive, asked if the flood mitigation project was done, would flood insurance claims be reduced. Mr. Gadaleta stated that the project would not help in a Sandy type storm, but it would help with a 25-30 year storm similar to the 1992 Nor'Easter. When FEMA funds projects, that are banking on an amount of reduced flood claims as a result of the project equal to the funding amount. Ms. Seyr asked if the Township would consider a parking authority, similar to Asbury Park, for Ocean Grove.

Richard Williams, 1 Abbott Avenue, stated Asbury Park does not have a parking authority.

Kennedy Buckley, Broadway, thanked the Committee for recognizing Don Beekman who always was well respected as an attorney in Ocean Grove. He distributed a letter to the Committee which indicated that Bradley Beach made approximately \$157,000 from their parking meters on Ocean Avenue. Mr. Cuttrell stated that Ocean Grove would have about 40% of the number of parking stalls on Ocean Avenue compared to Bradley Beach. Mr. Buckley stated every dollar helps. The Mayor stated that there was a lot of pushback from the community when parking meters were previously considered but the Committee will take a look at the idea again.

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

Richard J. Cuttrell,  
Municipal Clerk