

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 24, 2018

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

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

Mayor Williams announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 4, 2018, 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:

A presentation was made by Greener by Design (GBD) to the Township Committee regarding the Neptune Microgrid feasibility study. GBD met with Township staff and community partners, utilities and the hospital as part of their research into the possibility of establishing an electric microgrid. The microgrid would encompass an area within a half mile radius that includes 29 critical facilities including the Municipal Building, hospital and school facilities. There is also an additional area just outside of the half mile zone that includes other important facilities. The microgrid would include two reciprocating diesel generators and solar panels on buildings and parking lots. The cost of the microgrid is estimated to be \$29 million. The microgrid would earn revenue through the sale of energy which would pay the microgrid owner for the initial capital investment. Assuming a \$2 million grant from the State, the rate of return is expected to be 17.7%. Ms. Rizzo asked a series of questions and asked for additional financial information regarding the process. The next step is GBD to obtain approval from the NJ Board of Public Utilities to proceed with the concept.

The Mayor reminded everyone that Neptune High School homecoming is September 29<sup>th</sup>.

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

Ms. Rizzo offered the following resolution, moved and seconded by Dr. Brantley, 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 – Field maintenance equipment for Little League fields
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: Brantley, aye; Lane, aye; Rizzo, aye; and Williams, aye.

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

The Committee discussed a request from the Neptune Little League to split the cost of a field raker for the Little League fields. Mr. Anthony stated that the recreation use agreements designate responsibilities for activities and field maintenance to the Township or the recreation entity and does not split responsibilities between the two. The Committee indicated that if the Township purchases equipment it would have to be utilized by Township employees only.

Mr. Anthony stated that a resolution to authorize mediation in the Doss case in on for approval at the regular portion of the meeting.

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

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

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 Williams announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 4, 2018, 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 meeting held on August 13th. All were in favor, except Mr. McMillan and Mayor Williams who abstained because they were absent.

Mr. McMillan offered a motion, seconded by Dr. Brantley, to approve the minutes of the meeting held on September 10th. All were in favor, except Ms. Rizzo who abstained because she was absent.

#### COMMENTS FROM THE DAIS

Dr. Brantley stated Neptune Day was great and the Mayor presented a proclamation to Morgan Hulteen. He attended a Wesley Lake Commission meeting and a Redevelopment Committee meeting was held. It anticipates he will have good news to share regarding redevelopment by the end of October.

Mr. McMillan attended Neptune Day and was pleased with the great crowd. He attended the League Legislative Committee and two pending bills were discussed. The first bill prohibits the use of schools as a polling place which the League is opposing. The second bill exempts handwritten signatures on documents from public disclosure. He attended a Boy Scouts work group and Boy Scout organization is trying to increase participation.

Mr. Lane met with the Senior Citizens Advisory Council and the Recreation Committee. He attended Neptune Day, the antique Car Show and the 5Km Run for the Arts. He was pleased to be present when Morgan Hulteen received a proclamation from the Mayor. He announced three upcoming events, a POW/MIA ceremony and Veterans Day wreath laying ceremony both at Veterans Park and the annual Pound the Pavement 5km run.

Ms. Rizzo stated that MURC and the League of Women Voters are conducting a voter information session on September 26<sup>th</sup> at Martin Luther King Church.

The Mayor attended Neptune Day and presented a proclamation to Morgan Hulteen. He received complaints regarding the left turn arrow not functioning on eastbound Highway 33 at Neptune Blvd. Mr. Gadaleta stated that the entire intersection will have the left turn arrows but they are off right now while work is continuing to upgrade the intersection. He will follow up with Leanne Hoffmann as to why the left turn arrow that previously existed is not turned on.

#### PUBLIC COMMENTS ON RESOLUTIONS

Hank Coakley, Valley Road, asked for information on the resolution to authorize mediation. Mr. Anthony stated the case involves the sale of property for which the Township had a contract of sale. The Judge recommended mediation which is being authorized by the resolution. Mr. Coakley asked when the Route 66 project will be done and are the Neptune taxpayers paying for the work.

Mr. Gadaleta responded that the work is scheduled to begin in 2020 and project is being funded by federal money via the State of New Jersey.

Joan Venezia, 107 Mt. Hermon Way, asked about the resolutions to appoint a HPC Administrator and HPC Secretary. Mr. Gadaleta stated that an ordinance was previously adopted to set the salary ranges and the resolutions this evening appoint Dawn Crozier as HPC Administrator and Pam Valentine as HPC Secretary. The Administrator will process applications in coordination with the HPC members and attend the HPC meetings.

Reverend Lee, 12 Patricia Drive, asked for the extent of the Route 66 project. Mr. Gadaleta stated the project will be from Jumping Brook Road to the Wayside Ave/Bowne Road/Asbury Ave intersection. He will be a four land divided highway with left turn lanes and a large roundabout at the Wayside Ave/Bowne Road/Asbury Ave intersection. Rev. Lee asked about the Office on Aging grant. Mr. Gadaleta responded that the grant is for the Senior Center in the amount of \$35,000 which is \$10,000 more than the Township received in past years.

#### ORDINANCE NO. 18-29 – ADOPTED

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

#### ORDINANCE NO. 18-29

#### AN ORDINANCE VACATING A PORTION OF SOUTH RIVERSIDE DRIVE IN THE TOWNSHIP OF NEPTUNE

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

Hank Coakley, Valley Road, asked how much of the marina parking area will be eliminated by this ordinance. Mr. Gadaleta stated that is being done to install a 42 inch wide sidewalk along the marina property. The property on which the sidewalk is being installed is currently in the right-of-way. Green Acres requires that the property be included in the adjoining Green Acres property so this ordinance vacates that portion of the right-of-way

There being further comments, the Mayor closed the public hearing.

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

#### CONSENT AGENDA

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

#### AUTHORIZE THE EXECUTION OF A LETTER OF INTENT FOR A 2019 FUNDING GRANT FROM THE MONMOUTH COUNTY OFFICE ON AGING

WHEREAS, the Township of Neptune has been awarded Title IIIB, State COLA, and SSBG funding for the FY2019, in the amount of \$35,000, from the Monmouth County Office on Aging to provide services to Neptune Seniors through the Neptune Senior Center; and,

WHEREAS, the Senior Center Director has completed the necessary documentation in support of the grant award,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor to execute a Letter of Intent to receive a FY2019 funding grant from the Monmouth County Office on Aging; and,

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

#### ACCEPT THE RESIGNATION OF KARR MULLEN AS A PUBLIC SAFETY OFFICER

WHEREAS, the Human Resources Director has received a letter from Karr Mullen resigning as a Public Safety Officer effective September 10, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Karr Mullen as a Public Safety Officer is hereby accepted effective September 10, 2018; and,

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

RELEASE ALL SURETY BONDS AND DEVELOPERS ESCROW FILED BY 1700 ROUTE 33, LLC, FOR IMPROVEMENTS AT FOODINI (HAWTHORNE AND CORLIES AVENUE)

WHEREAS, 1700 Route 33, LLC submitted a cash maintenance guarantee in the amount of \$900.00, guaranteeing the maintenance of site improvements for two years at the project known as Foodini, located at Hawthorne and Corlies Avenues; and,

WHEREAS, the two year maintenance period has expired and the Township Engineer has conducted an inspection; and,

WHEREAS, on September 11, 2018, 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 guarantee 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, Township Engineer, and Construction Official.

PLACE LIEN ON 121 HIGHWAY 35

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> |
|------------------|----------------|---------------|
| 1003/3           | 121 Highway 35 | \$ 540.00     |

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 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> |
|--------------|------------|--------------------|-----------------|-------------|---------------|
| 284          | 3          | Calderone          | 86 Stockton Ave | 2018        | 2,051.26      |

|      |          |           |                           |      |          |
|------|----------|-----------|---------------------------|------|----------|
| 2602 | 17       | Peoples   | 13 Phoebe Dr              | 2018 | 1,576.20 |
| 129  | 7.01C206 | Howard    | 30 Ocean Pathway 2F       | 2018 | 2,386.24 |
| 5408 | 15       | Brett     | 19 Vernon Ave             | 2018 | 2,728.71 |
| 515  | 19       | US Bank   | 1309 11 <sup>th</sup> Ave | 2018 | 1,018.81 |
| 1604 | 14       | Stradford | 606 Berkeley Ln           | 2018 | 1,608.27 |
| 2506 | 30       | Jackson   | 704 East Lawn Dr          | 2018 | 350.62   |
| 1803 | 6        | Romain    | 301 Deal Ave              | 2018 | 1,188.00 |
| 1702 | 11       | Catley    | 217 Maple Ave             | 2018 | 3,398.36 |
| 1902 | 1C110    | Forbert   | 110 Louisville Ave        | 2018 | 2,562.75 |
| 149  | 6        | McCormick | 68 Mt Tabor Way           | 2018 | 5,880.89 |

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

**AUTHORIZE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES**

WHEREAS, Fedigan, LLC previously purchased Tax Sale Certificates comprising a lien on the following properties:

| <b>Certificate #</b> | <b>Block/Lot</b> | <b>Address</b>     | <b>Property Owner</b>         |
|----------------------|------------------|--------------------|-------------------------------|
| 2018-225             | 2912/6           | 420 Prospect Pl    | Bravman, Peter J & Mariagrace |
| 2018-081             | 613/2            | 251 Drummond Av    | Holimon, Rainette B           |
| 2018-203             | 2601/116         | 612 Green Grove Rd | Bedford-Shea, Elizabeth       |

WHEREAS, Fedigan, LLC has filed duly executed affidavits swearing that he is still the lawful owner of said certificates but has lost same; and,

WHEREAS, the Tax Collector has recommended the issuance of a duplicate tax sale certificate pursuant to Chapter 99, P.L. 1997,

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 hereby is authorized to issue a duplicate tax sale certificate to be marked "Duplicate Certificate" to Fedigan, LLC upon payment of the sum of \$100.00 per certificate; 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 EXECUTION OF AN AMENDMENT TO THE UTILITY ENGINEERING AND CONSTRUCTION AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN CONNECTION WITH THE ROUTE 66 CONSTRUCTION PROJECT**

WHEREAS, the State of New Jersey is about to undertake the design and construction of Route 66 from Jumping Brook Road to Bowne Road/Wayside Road; and,

WHEREAS, the project may require the construction of new, and/or the protection, relocation and/or adjustment of facilities of the existing sewer system which is owned and operated by the Neptune Township Sewer Department (Utility); and,

WHEREAS, the State of New Jersey has prepared an Agreement outlining the responsibilities of the State and Utility for work associated with the Township's sanitary sewer infrastructure; and,

WHEREAS, the Utility's legal right to occupy public right-of-way, subject to the conditions imposed by the State, is in no way mitigated by this Agreement; and,

WHEREAS, the Utility is not obligated by State law or agreement to relocate its own facilities at its own expense for this type of Project; and,

WHEREAS, on March 27, 2017, the Township Committee adopted Resolution #17-180 which authorized execution of an Agreement and said Agreement was executed by all parties and dated April 28, 2017; and,

WHEREAS, the State is requiring an amendment to said Agreement to ensure compliance with federal regulations since federal funding will be expended in the design and construction of the project,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune does hereby authorize the execution of an amendment to the April 28, 2017 Utility Engineering and

Construction Agreement, on behalf of the Neptune Township Sewer Department, with the New Jersey Department of Transportation Community Affairs, in connection with the Route 66 construction project; and,

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the agreement, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

\_\_\_\_\_  
Nicholas Williams, Mayor

\_\_\_\_\_  
Richard J. Cuttrel, Municipal Clerk

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to the New Jersey Department of Transportation (accompanied by three executed copies of said Agreement), the Township Engineer and Township Attorney.

AUTHORIZE THE PURCHASE OF MICROSOFT LICENSE UPGRADES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the M.I.S. Director has recommended the purchase of ninety-two (92) Microsoft Windows 10 Enterprise License upgrades 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, SHI International Corp. has been awarded New Jersey State Contract No. A89851 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 license upgrades shall not exceed a total of \$17,825.92; and,

WHEREAS, funds for this purpose are available in Ordinance No. 16-27 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 ninety-two (92) Microsoft Windows 10 Enterprise License upgrades for various municipal departments through New Jersey Cooperative Purchasing Program Contract No. A89851 be and is hereby authorized at an amount not to exceed \$17,825.92; and,

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

AUTHORIZE THE PURCHASE OF A MOBILE COMMUNICATIONS VEHICLE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

WHEREAS, the Township desires to authorize the purchase of a 32 foot 2-Room Mobile Communications Vehicle on a Ford F59 chassis through the Houston-Galveston Area Council Purchasing Program; 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, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and,

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. AM10-16 to LDV, Inc. for this equipment; and,

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

WHEREAS, the cost to purchase this equipment shall not exceed \$203,649.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 18-20 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of a 32 foot 2-Room Mobile Communications Vehicle on a Ford F59 chassis for the Office of Emergency Management be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$203,649.00; and,

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

RECLASSIFY EMPLOYEE TO THE POSITION OF HISTORIC PRESERVATION COMMISSION ADMINISTRATIVE OFFICER

WHEREAS, by adoption of Ordinance No. 18-24, the Township Committee created the position of Historic Preservation Commission Administrative Officer; and,

WHEREAS, the Land Use Administrator and Business Administrator have made a recommendation to reclassify the current Historic Preservation Commission Secretary to said position at no change in salary; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget in the appropriation entitled Historic Preservation Commission, O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Dawn Crozier be and is hereby reclassified to the position of Historic Preservation Commission Administrative Officer effective immediately at an annual salary of \$7,065.25 (same salary currently earned as Historic Preservation Commission Secretary); and,

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

APPOINT HISTORIC PRESERVATION COMMISSION SECRETARY

WHEREAS, due to the reclassification of Dawn Crozier to the position of Historic Preservation Commission Administrative Officer, a vacancy exists in the position of Historic Preservation Commission Secretary; and,

WHEREAS, the Land Use Administrator and Business Administrator have made a recommendation to appoint an existing employee to the position; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget in the appropriation entitled Historic Preservation Commission, O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Pamela Valentine be and is hereby appointed to the position of Historic Preservation Commission Secretary at an annual salary of \$5,000.00 effective September 25, 2018; and,

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

AUTHORIZE THE CLOSING OF A PORTION OF PILGRIM PATHWAY IN CONNECTION WITH THE OCEAN GROVE CHAMBER OF COMMERCE MOVIE ON THE STREET

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a movie on the street event for Saturday, October 13, 2018 on Pilgrim Pathway in Ocean Grove; and,

WHEREAS, it is necessary to designate temporary no parking and close one block of Pilgrim Pathway between Main Avenue and Olin Street; and,

WHEREAS, the Police Department has reviewed and approved this closure,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary closure and posting of temporary no parking on Pilgrim Pathway between Main Avenue and Olin Street from 4:00 P.M. to 10:00 P.M. on Saturday, October 13, 2018; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Lt. Zarro, Director of Public Works, Ocean Grove Fire Inspector, and Ocean Grove Chamber of Commerce.

AUTHORIZE MEDIATION IN THE MATTER OF NEPTUNE TOWNSHIP V. SAMMIE L. DOSS, JR. AND LARBI KANDIL FILED IN THE SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, MONMOUTH COUNTY, DOCKET NO. C-114-18

WHEREAS, Neptune Township authorized by Resolution approved on August 13, 2018 a Complaint be brought in the Superior Court of New Jersey, Chancery Division, against Sammie L. Doss, Jr., seller, and Larbi Kandil, purchaser, of the subject property located at 1710 West Lake Avenue, for breach of a Contract of Sale entered into between Neptune Township and Sammie L. Doss, Jr.; approved by Resolution #18-107 by the Township Committee, as well as other causes of action; and,

WHEREAS, the Hon. Katie A. Gummer, P.J.Ch., recommended, and the parties fully support, a mediation session prior to trial to determine whether the issues could be settled; and

WHEREAS, it is recommended that retired Judge, Frank Ciuffani, serve as mediator as a member of the Law Firm of Wilentz, Goldman and Spitzer, P.A., located at 90 Woodbridge Center Drive, Woodbridge, New Jersey 07090; and

WHEREAS, Judge Ciuffani requires a retainer of \$1,000.00 from each of the participants prior to mediation, and payment of any additional fees at a rate of \$500.00 per hour; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget in the appropriation entitled Legal, O.E. and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorize Gene J. Anthony, Esq., the attorney for Neptune Township, to execute the Mediation Agreement on behalf of Neptune Township, and further authorize the retainer of \$1,000.00 payable to the Law Firm of Wilentz, Goldman and Spitzer, P.A., for anticipated mediation services, as well as subsequent fees based on a fee schedule of \$500.00 per hour for all sessions, site inspections, if any, and telephone conferences and preparation of documents; and,

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

AUTHORIZE PAYMENT TO OFFICE OF EMERGENCY MANAGEMENT PERSONNEL

WHEREAS, as a result of flooding caused by Hurricane Florence, the New Jersey Medical Reserve Corps deployed nurses to staff Medical Needs Shelters in North Carolina; and,

WHEREAS, the NJ Department of Health and NJ EMS Task Force coordinated this deployment with the Neptune Township Office of Emergency Management; and,

WHEREAS, Donald Colarusso, Neptune Township Assistant Deputy OEM Coordinator, transported the nurses to North Carolina on September 20, 2018; and,

WHEREAS, the State of New Jersey has authorized payment at the rate of \$30.00 per hour for the round trip from Neptune Township to Durham, NC; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget in the appropriation entitled Office of Emergency Management S&W, said amount to be reimbursed to the Township by the State of New Jersey, and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Donald Colarusso, Neptune Township Assistant Deputy OEM Coordinator, be and is hereby authorized payment at the rate of \$30.00 per hour for a total of 17.5 hours for transporting nurses for the New Jersey Medical Reserve Corps deployment to North Carolina; and,

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

RENEW LIQUOR LICENSE HELD BY EAST COAST COOKERY, LLC

WHEREAS, East Coast Cookery, LLC is the holder of a retail consumption liquor license that is inactive; and,

WHEREAS, in accordance with State law, East Coast Cookery, LLC, has petitioned the State of New Jersey Division of Alcoholic Beverage Control to permit the renewal of said inactive license; and,

WHEREAS, the Division of A.B.C. has issued a special ruling, dated September 13, 2018, to authorize the Township of Neptune to consider the application for liquor license renewal filed by East Coast Cookery, LLC, the holder of an inactive license #1334-33-012-015; and,

WHEREAS, East Coast Cookery, LLC has applied for renewal of said license for the 2018-2019 license year to continue in in-pocket status,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-33-012-015 issued to East Coast Cookery, LLC be and is hereby renewed for the 2018-2019 licensing year; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and the License Holder.

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

#### AUTHORIZE THE PAYMENT OF BILLS

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

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

|                       |                |
|-----------------------|----------------|
| CURRENT FUND          | 3,502,364.20   |
| GRANT FUND            | 15,107.99      |
| TRUST FUND            | 37,518.23      |
| GENERAL CAPITAL FUND  | 86,179.46      |
| SEWER OPERATING FUND  | 28,893.36      |
| SEWER CAPITAL FUND    | 7,421.11       |
| MARINA OPERATING FUND | 2,818.39       |
| DOG TRUST             | 171.60         |
| LIBRARY TRUST         | 2,490.82       |
| <br>                  |                |
| BILL LIST TOTAL       | \$3,682,965.16 |

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Jack Bredin, 94 ½ Heck Avenue, provided definitions of a right-of-way, street, cartway, and pedestrian walkway. A pedestrian walkway is for the sidewalk and a grass strip which includes signs and fire hydrants. On Route 33, there is no sidewalk between the hospital and the Garden State Parkway. Mr. Bredin asked the Committee to talk to the State and County to add a sidewalk to give pedestrians the right to walk to the Parkway.

Joan Venezia, 107 Mt Hermon Way, asked for updates on the North End redevelopment. Mr. Gadaleta stated there have been no recent meetings with Ocean Grove North End Development (OGNED) and the Township is waiting on submission of the Options Agreement. The preliminary financials have been received and will be reviewed internally. Ms. Venezia asked that notices be posted when street sweeping is scheduled in Ocean Grove. Mr. Gadaleta will discuss this with the Public Works Department. Ms. Venezia asked for the dates of the October Committee meetings.

Mr. Cuttrell responded Thursday the 4<sup>th</sup> and Monday the 22<sup>nd</sup>.

Hank Coakley, Valley Road, stated that the state installed a guard rail on Route 33 which will result in the roadway being narrowed to a two lane highway when it snows because they will not be able to push the snow off the roadway. The Mayor stated that a meeting was held in the Township Meeting Room with the NJDOT Commissioner and representatives from other Monmouth County municipalities regarding transportation concerns. The guard rails were installed by the NJDOT where there are drop-offs along the side of the road. Mr. Coakley stated that the guard rails are a hazard and a waste of money.

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

Richard J. Cuttrell,  
Municipal Clerk