

TOWNSHIP COMMITTEE MEETING – AUGUST 13, 2018

Deputy Mayor Rizzo 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., and Carol Rizzo. Absent: Kevin B. McMillan 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.

Deputy Mayor Rizzo 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:

Lauren Kaapcke, Township Intern, presented an update on the Township's Sustainable New Jersey efforts. She stated that the Township is working on reducing energy usage. The recent boiler project saved \$8,000 annually and consumes less gas and electricity. The energy star score for the Municipal Building went from 60 to 67. She suggested lighting upgrades for more savings. The construction of the new Public Works facility will also provide energy savings and is eligible for \$70,000 in Pay for Performance grants. The lighting upgrades will get the Township close to an energy star score of 75 points. The Township will be applying for Sustainable NJ bronze level status.

The Committee discussed a fee for weddings performed by the Mayor or Deputy Mayor. Mr. Anthony stated that the Local Finance Board addressed the issue in 2007. A municipality can charge for weddings. A fee ordinance is required and the money must go to the current fund. The Mayor can also establish hours which weddings are performed. Mr. Anthony added that many towns have fees so many people come to Neptune for the ceremony because there is no charge. Dr. Brantley stated that this topic should wait until all of the Committee members are present.

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

Mr. Lane 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:
  - Litigation – OPRA/common law document litigation
  - Personnel – Recommendations for hiring of Recreation Coordinator at Senior Center and Customer Service Representative in Code/Construction
  - Litigation – Insurance broker present to discuss property insurance renewal and a non-covered claim
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; and Rizzo, aye.

Mr. Anthony stated that a resolution is on the regular meeting to appeal a ruling by Judge

Thornton. In the recent case regarding the release of internal affairs document for Philip Seidle, the Judge ruled in favor of the Township on the OPRA side of the case, but the Township lost the common law argument. However, Judge Thornton awarded fees based on common law. The awarding of fees to Plaintiff is specific to OPRA law.

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

The Committee reviewed recommendations for hiring of a Recreation Coordinator at the Senior Center and Customer Service Representative in Code/Construction and took action by resolutions at the regular meeting.

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

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

Deputy Mayor Rizzo 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

Mr. Lane offered a motion, seconded by Dr. Brantley, to approve the minutes of the meetings held on July 9<sup>th</sup> and July 24<sup>th</sup>. All were in favor.

#### COMMENTS FROM THE DAIS

Dr. Brantley attended National Night Out and enjoyed the event. Redevelopment meetings continue to make progress.

Mr. Lane attended National Night Out and thanked the Police Department for their efforts. He announced that there will be a Memorial Day service at Veterans Park. The 4<sup>th</sup> annual Pound the Pavement event is coming up and ads are going out. He attended various outreach events in the community including churches that offer food, clothing, and bicycles. He appealed for baby diapers which are need at the food pantry at 1710 Columbus Avenue.

Ms. Rizzo met with Shark River Hills residents on code enforcement issues. Bill Doolittle, Director of Code, is working to resolve these issues.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, stated that she resigned from the Senior Center in protest of the removal of Brian Butch. She saw a document on the internet which is a national plan for military takeover and internment for many people. In regards to the Seidle OPRA litigation, she said it would be cheaper just to pay the Asbury Park Press and government is secretive.

Hank Coakley, Valley Road, asked for more information on the resolution to authorize medication in a legal matter. Mr. Anthony stated that this involves a zoning violation at Stumpy's on Route 35. The lawsuit was filed to stop them from expanding a non-conforming use and now mediation is being used to resolve the matter.

Richard Williams, 1 Abbott Avenue, asked for information on Seidle OPRA litigation. Mr.

Anthony stated that an OPRA request was filed for Mr. Seidle internal affairs reports. Access was denied because OPRA law specifically exempts internal affairs reports. Judge Thornton ruled that the Township was correct under OPRA but can be released under common law because the public's right to know outweighs the confidentiality of the document. The Judge also awarded partial attorney fees, but there is no provision for a fee award under common law. The Township feels an obligation to appeal the decision to award fees.

ORDINANCE NO. 18-24 - ADOPTED

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

ORDINANCE NO. 18-24

AN ORDINANCE AMENDING ORDINANCE NO. 16-46 ENTITLED "AN ORDINANCE CREATING AND SETTING THE SALARY RANGE FOR NEW JOB TITLES AND AMENDING THE SALARY RANGES FOR ALL OTHER EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE" BY CREATING THE POSITION OF HISTORIC PRESERVATION COMMISSION ADMINISTRATIVE OFFICER

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

Richard Williams, 1 Abbott Avenue, asked if anything has transpired since the last meeting based on concerns raised then. Mr. Gadaleta stated that the ordinance creates a job title and salary range. The job description is not adopted by ordinance and remains a fluid document. Mr. Gadaleta stated that the job description has changed since the last meeting.

Barbara Burns, 4 Ocean Avenue, stated there was discussion about whether this person can approve Certificates of Appropriateness because the Land Use Ordinance does not provide for administrative approval. Mr. Gadaleta stated that the job description must be in compliance with Land Use Law and Township ordinance.

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

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

ORDINANCE NO. 18-25 - ADOPTED

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

ORDINANCE NO. 18-25

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XI, SECTION 11-1.3 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY FURTHER AMENDING THE CONSTRUCTION FEE SCHEDULE IN ACCORDANCE WITH THE UNIFORM CONSTRUCTION CODE

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

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

ORDINANCE NO. 18-26 - ADOPTED

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

ORDINANCE NO. 18-26

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

BENSON AVENUE, AND ATLANTIC AVENUE AND REMOVING A  
HANDICAPPED PARKING ZONE ON OCEAN AVENUE

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

Nancy Clarke, 47 Embury Avenue, stated that there is an increase in the number of handicapped parking requests as a result of the limited parking in Ocean Grove. The Township Committee needs to address the parking situation and discuss permit parking.

Barbara Burns, 4 Ocean Avenue, asked for the process to obtain a handicapped stall. Mr. Cuttrell stated that there is an application. The person must be a resident and have a handicapped parking tag issued by the state. The Police Department then verifies the information.

Ann Horan, 69 Clark, stated that some people with a handicapped parking stall are not residents and some may be using handicapped tags that have been issued to someone else.

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

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

ORDINANCE NO. 18-27 - ADOPTED

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

ORDINANCE NO. 18-27

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION  
7-11 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY  
ESTABLISHING A STOP INTERSECTION AT YALE ROAD AND  
HARVARD AVENUE

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

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

ORDINANCE NO. 18-28 - APPROVED

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

ORDINANCE NO. 18-28

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE  
CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT  
ONLY HANDICAPPED PARKING ZONES ON BEACH AVENUE,  
PILGRIM PATHWAY AND FRANKLIN AVENUE

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

ORDINANCE NO. 18-29 – TABLED

Mr. Lane offered a motion, seconded by Dr. Brantley, to table Ordinance No. 18-29. All were in favor.

ORDINANCE NO. 18-29

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

Mr. Cuttrell stated that the public hearing on Ordinance 18-28 will be held on Monday, September 10th.

CONSENT AGENDA

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

AUTHORIZE AN AMENDMENT TO THE 2018 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DIVISION OF HIGHWAY TRAFFIC SAFETY

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2018 in the sum of \$6,500.00 which is now available from a NJDL&PS Division of Highway Traffic Safety Grant in the amount of \$6,500.00; and,

BE IT FURTHER RESOLVED that the like sum of \$6,500.00 is hereby appropriated under the caption of 2019 Pedestrian Safety Enforcement; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety Pedestrian Safety Education and Enforcement Fund in the amount of \$6,500.00; and,

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

AUTHORIZE THE EXECUTION OF A RECIPROCAL MUTUAL AID AGREEMENT WITH THE BOROUGH OF BELMAR FOR EMERGENCY MEDICAL SERVICES

WHEREAS, the Township of Neptune desires to enter into a reciprocal Mutual Aid Agreement between Neptune Township Emergency Medical Services and Belmar Emergency Medical Services; and,

WHEREAS, mutual aid assistance agreements between municipalities for police, fire and emergency medical services are permitted pursuant to N.J.S.A. 40:14-26; and,

WHEREAS, it is deemed to be in the best interest of the residents of the Township of Neptune to enter into a reciprocal mutual aid and assistance agreement with the Borough of Belmar to provide emergency medical services in the event of a large incident requiring additional resources or if the resources in the respective jurisdiction are unavailable; and,

WHEREAS, this Mutual Aid Agreement may be renewed on an annual basis and shall remain in effect for an unlimited timeframe unless cancelled by either entity in accordance with the notification requirements contained in the Agreement,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a reciprocal Mutual Aid Agreement with the Borough of Belmar, a copy of which is on file in the Office of the Municipal Clerk, for emergency medical services; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the EMS Manager and the Borough of Belmar.

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY HERITAGE AT NEPTUNE, LLC FOR SITE IMPROVEMENTS AT WALNUT GROVE SUBDIVISION (INGLES COURT)

WHEREAS, on August 22, 2016, the Township Committee adopted a resolution which accepted performance bond 38533 in the amount of \$1 77,067.73 filed by Heritage at Neptune, LLC written by The Service Insurance Company guaranteeing site improvements at the Walnut Grove

subdivision, Ingles Court (former Block 3032, Lots 66, 74 & 75); and,

WHEREAS, on November 9, 2017, a reduction in said bond to the amount of \$53,120.32 was approved by Resolution #17-432; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of June 21, 2018 and said performance bond can be released contingent upon posting a two year maintenance bond in the amount of \$44,760.00; and,

WHEREAS, Heritage at Neptune, LLC has posted Maintenance Bond #43742 in the amount of \$44,760.00, written by The Service Insurance Company, Inc. 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 bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee and inspection fee escrow in the approximate amount of \$29,300.00 on deposit with the Township be and is hereby authorized to be refunded (\$250.00 being retained for final inspection at the end of the maintenance period); and,

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

CONFIRM TEMPORARY EMPLOYMENT OF SEASONAL PERSONNEL FOR THE MUNICIPAL ALLIANCE SUMMER PROGRAM

WHEREAS, the Municipal Alliance Against Alcoholism and Drug Abuse sponsored a Summer Program from July 2nd through July 26th; and,

WHEREAS, the Township Committee adopted Resolution #18-246 which authorized the employment of temporary personnel for the program; and,

WHEREAS, during the course of the Program, the Alliance Coordinator determined that an additional Substitute Role Model was needed; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget in the appropriation entitled DEDR – Drug and Alliance Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby confirms the temporary employment of Stephanie Hogarth as a Substitute Role Model for the 2018 Municipal Alliance Summer Program; and,

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

AUTHORIZE THE ENDORSEMENT OF THE TAX SALE CERTIFICATE AFFECTING BLOCK 503, LOT 24 (1209 EMBURY AVENUE)

WHEREAS, all the taxes, costs and interest have been paid on the Tax Title Lien Certificate affecting the property listed below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to endorse for cancellation the Tax Title Lien Certificate affecting Block 503, Lot 24 (1209 Embury Avenue); and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the endorsed Tax Sale Certificate be forwarded to the Tax Collector.

AUTHORIZE DONATION OF SURPLUS VEHICLE TO THE BOROUGH OF NEPTUNE CITY

WHEREAS, the Township of Neptune is the owner of a 2006 Ford ambulance that is no longer needed by the Township and is therefore surplus equipment; and,

WHEREAS, the Borough of Neptune City, a governmental agency performing a governmental function, is in need of said vehicle to use for parts; and,

WHEREAS, the Township of Neptune desires to authorize the donation of the vehicle to the Borough of Neptune City at no cost,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the donation of a 2006 Ford ambulance, VIN #1FDXE45P26DA85417, to the Borough of Neptune City; and,

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

AUTHORIZE RELEASE OF PERFORMANCE BOND AND AUTHORIZING QUOTES FOR A CONTRACT WITH A LANDSCAPER TO COMPLETE SOIL STABILIZATION AT 2108 WEST LAKE AVENUE, NEPTUNE TOWNSHIP, NEW JERSEY (BLOCK 909, LOT 7.01)

WHEREAS, a contractor known as Northeast Home Construction, located at 528 Arnold Avenue, Suite B, Point Pleasant Beach, New Jersey 08742, was performing construction work at 2108 West Lake Avenue in 2016 and 2017; and

WHEREAS, the Engineering Department of Neptune Township performed an inspection of the property and found that the yard of the property needed to be stabilized, and there were visible areas of erosion, in which case the same was submitted to the contractor by letter dated February 13, 2017 from Sean Areia, PE, CME, Assistant Township Engineer, requiring stabilization to occur, or the posting of a bond in the amount of \$1,800.00 to cover the future stabilization and landscaping of the area; and

WHEREAS, the contractor posted the bond for \$1,800.00, but has failed and refused after numerous requests to return to the worksite and complete the stabilization and the landscaping required; and

WHEREAS, the Township Attorney, by letter of July 6, 2018 to the contractor required the contractor to perform the work necessary within five (5) days of receipt of the aforesaid letter mailed by Certified Mail/RRR and regular mail, or the Township would seek authorization from the Township Committee for the release of the aforesaid bond and to seek quotes for a contractor to perform the work with payment from the aforesaid Performance Bond; and

WHEREAS, the Engineering Department and the Township Attorney are requesting authorization for said quotes and release of the aforesaid funds to seek a landscaper or contractor to complete the work since the original contractor, Northeast Home Construction, did not act accordingly within the five (5) day time period; and

WHEREAS, Northeast Home Construction responded on July 9, 2018 that it was not going to act upon the Township's request,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes release of the Performance Bond of \$1,800.00; due to the fact that the contractor, Northeast Home Construction, refused to act in accordance with the terms of the Performance Bond and the contract and within five days of receipt of the Township Attorney's letter of July 6, 2018 and Northeast Home Construction's reply of July 9, 2018, and further authorizes the Engineering Department or other appropriate agency of the Township to seek quotes from contractors to complete the work based on the \$1,800.00 Performance Bond amount; and,

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

AUTHORIZE THE SUBMISSION OF A TITLE IIIB FUNDING GRANT TO THE MONMOUTH COUNTY OFFICE ON AGING

WHEREAS, the Township of Neptune is desirous to obtain Title IIIB funding under the Older Americans Act for the three year cycle 2019-2021, in the amount of \$25,000 each year, 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 for submission,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the submission of a grant request to the Monmouth County Office on Aging for Title IIIB funding for the three year cycle 2019-2021; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer and Senior Center 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>
704/1	135 Leonard Avenue	\$ 405.00
505/6	1602 Heck Avenue	245.97
802/44	710 Bingham Street	245.97
604/12	1 Ridge Avenue	889.00
604/11	3 Ridge Avenue	2,528.00
409/23	1415 8 <sup>th</sup> Avenue	405.00
4713/12	411 Durand Avenue	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.

SUPPORT A LEFT TURN PROHIBITION FROM WESTBOUND ROUTE 33 TO STANLEY AVENUE AS RECOMMENDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently completed a traffic investigation and is performing roadway improvements along Route NJ 33 (Corlies Avenue) in the vicinity of Jersey Shore University Medical Center; and,

WHEREAS, a traffic island has recently been added on Stanley Avenue near the intersection with Route NJ 33 which prohibits left turns from westbound Route NJ 33 to Stanley Avenue; and,

WHEREAS, the NJDOT traffic investigation determined that this Left Turn prohibition appears warranted and can be recommended for approval,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that it supports the establishment of a Left Turn Prohibition of Route NJ 33 in Neptune Township as recommended by NJDOT as follows:

Route NJ 33

Turn Prohibitions:

No person shall turn at the below described location as indicated:

<u>Intersection</u>	<u>Turn Prohibited</u>	<u>Movement Prohibited</u>
Route NJ 33 (Corlies Avenue) and Stanley Avenue	Left Turns	Westbound Route NJ 33 to Stanley Avenue

Repealer Clause: The Township of Neptune concurs that any approved regulation(s) in conflict with or are inconsistent with the provision of the Resolution be rescinded upon approval of the Traffic Regulation Order.

CONFIRM EXECUTION OF AN AGREEMENT WITH THE COUNTY OF MONMOUTH TO INSTALL APPROXIMATELY 400 LINEAR FEET OF SIDEWALK ON SCHOOLHOUSE ROAD AS PART OF THE SCHOOLHOUSE ROAD BRIDGE PROJECT

WHEREAS, the County of Monmouth and the Township of Neptune agree that the public interest requires improvements be made along Schoolhouse Road from its intersection with Cedarbrook Drive to the County owned Bridge W-38, which is currently under reconstruction; and,

WHEREAS, the improvements require the construction of sidewalk along the westerly side of Schoolhouse Road, in the municipal right-of-way, from its intersection with Cedarbrook Drive, extending approximately 400 feet in a southerly direction to the municipal boundary with the Township of Wall to connect to a proposed sidewalk across County Bridge W-38 over Shark River; and,

WHEREAS, the County will act as lead agency for this sidewalk installation and will be responsible for construction administration. The Township shall reimburse the County for the as-built construction costs in the estimated amount of \$16,758.00; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 17-21 and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes and confirms the execution of an Agreement with the County of Monmouth, by the Mayor and Clerk, for the installation of approximately 400 linear feet of sidewalk on the west side of Schoolhouse Road between Cedarbrook Drive and County Bridge W-38 at a cost to the Township of \$16,758.00; and,

BE IT FURTHER RESOLVED, that this resolution confirms the execution of said agreement as required to allow the project to proceed the week of July 30, 2018 in accordance with the construction schedule; and,

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

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY HERITAGE AT NEPTUNE, LLC FOR SITE IMPROVEMENTS AT HERITAGE ESTATES AT HOGANS WAY (WAYSIDE ROAD)

WHEREAS, on July 15, 2015, the Township accepted performance bond 35901 in the amount of \$596,160.00 filed by Heritage at Neptune, LLC written by The Service Insurance Company guaranteeing site improvements at Heritage Estates at Hogans Way, 508 Wayside Road (Block 2702, Lot 25); and,

WHEREAS, on April 25, 2016, a reduction in said bond to the amount of \$194,351.00 was approved by Resolution #16-207; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of July 11, 2018 and said performance bond can be released contingent upon posting a two year maintenance bond in the amount of \$82,800.00; and,

WHEREAS, Heritage at Neptune, LLC has posted Maintenance Bond #43996 in the amount of \$82,800.00, written by The Service Insurance Company, Inc. 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 bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the approximate amount of \$19,700.31 and inspection fee escrow in the approximate amount of \$9,600.00 deposited with the Township be and is hereby authorized to be refunded (\$250.00 being retained for final inspection at the end of the maintenance period); and,

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

#### GRANT UNPAID LEAVE OF ABSENCE TO TRESSA HUIZENGA

WHEREAS, Tressa Huizenga, Police Officer, has requested an unpaid leave of absence from October 12, 2018 to October 24, 2018; and,

WHEREAS, the Human Resources Director has approved the request,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that Tressa Huizenga, Police Officer in the Police Department, is hereby granted an unpaid leave of absence from October 12, 2018 through October 24, 2018; and,

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

#### AUTHORIZE THE SUBMISSION OF A 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE LOCAL PROGRAM GRANT APPLICATION

WHEREAS, the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance has posted the availability of grant funds for the Edward Byrne Memorial Justice Assistance Local Grant Program FY 2018, which provides a no match funding source to local units of government for law enforcement and justice initiative purposes. The aggregate of the available funds for the eligible Monmouth County Communities is \$51,398.00 and Neptune Township along with Asbury Park and Long Branch are eligible to share in this funding; and,

WHEREAS, the Police Departments from each of the communities desires to apply for this program for the purpose of purchasing Communication Equipment, Information Technology, Surveillance and Security technology along with the eligible related training and supplies to advance the public safety and the efficiency of the Police Departments,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that, the Mayor or his designee, the Chief Financial Officer and the Chief of Police, be and are hereby authorized to submit a 2018 Edward Byrne Memorial Justice Assistance Local Assistance Grant Program application to participate in the sharing of the aggregate of the Monmouth County funding and the Chief Of Police be and is hereby authorized to enter into an agreement in the form of a Memorandum of Understanding with Monmouth County, Asbury Park and Long Branch to administer this grant; and,

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

#### DESIGNATE 2019 FLOATING HOLIDAY

WHEREAS, the current contracts with the AFSCME Locals and the Township provides for a floating holiday that is set upon mutual agreement of AFSCME and the Township Administrator; and,

WHEREAS, the Township Administrator and AFSCME Locals have requested that the 2019 floating holiday benefit be used on Friday, July 5, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2019 floating holiday benefit will be utilized by Township employees on Friday, July 5, 2019, all employees will be off-duty for that day, with the exception of Police Officers, custodial staff and library staff; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all Department Heads, AFSCME Local #1844 and AFSCME Local #2792.

AUTHORIZE MEDIATION IN THE MATTER OF NEPTUNE TOWNSHIP V. EVELYN STUMPF, JOHN WHERLE AND STUMPY'S SALES AND SERVICE, INC. V. GEORGE WATERMAN, MONROE AND SUSAN BOYCE, MAC'S BAIT AND TACKLE AND MAC'S SHARK RIVER TACKLE

WHEREAS, Neptune Township authorized by Resolution of August 11, 2016 a Complaint be brought in the Superior Court of New Jersey, Chancery Division, against Stumpy's Sales and Service, Inc. and its principals for violation of the Zoning Ordinances, as well as other causes of action; and

WHEREAS, the trial in this matter is scheduled for October 2, 2018; 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, since at present there are multiple parties besides Stumpy's Sales and Service, Inc.; and

WHEREAS, it is recommended that retired Judge Frank A. Buczynski, Jr., serve as mediator as a member of Benchmark Resolution Services, LLC, located at 1218 Andover Road, Forked River, New Jersey 08731; and

WHEREAS, Judge Buczynski requires a retainer of \$2,500.00 from each of the participants in the mediation; and,

WHEREAS, funds for this purpose are provided in the 2018 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes Gene J. Anthony, Esq., the attorney for Neptune Township, to execute the Mediation Agreement on behalf of Neptune Township, and further authorizes the retainer of \$2,500.00 payable to Benchmark Resolution Services, LLC, for anticipated mediation services, as well as subsequent fees based on a fee schedule of \$500.00 per hour for all sessions, site inspections and telephone conferences and preparation of documents; and,

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

AUTHORIZE THE EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE MONMOUTH COUNTY PROSECUTOR'S OFFICE, MONMOUTH COUNTY POLICE CHIEFS' ASSOCIATION AND THE TOWNSHIP OF NEPTUNE REGARDING THE MONMOUTH COUNTY RAPID DEPLOYMENT FORCE (RDF)

WHEREAS, N.J.S.A. 40A:14-156.1 authorizes two or more municipalities to enter into an agreement with each other for mutual police aid in case of emergency; and

WHEREAS, N.J.S.A. 40A:14-156.1 further authorizes that such agreements may provide for the reimbursement of the municipality rendering such aid for any damages to police equipment and other property, and for payment to any member of the police force for injuries sustained while serving pursuant to such agreements; and

WHEREAS, the Monmouth County Prosecutor's Office and the Monmouth County Police Chiefs' Association has prepared an agreement entitled, Memorandum of Agreement Between the Monmouth County Prosecutor's Office, the Monmouth County Police Chiefs' Association and Participating Monmouth County Police Agencies Regarding the Monmouth County Rapid Deployment Force (RDF)"; and

WHEREAS, the Township of Neptune has determined that it would be in the mutual interest of Monmouth County and all participating Police Departments, including Neptune Township, to designate selected sworn police officers to serve on the Monmouth County Rapid Deployment Force (RDF) with the understanding that the RDF personnel would be trained and equipped to quickly augment any requesting agency with additional law enforcement personnel, if needed; and

WHEREAS, the RDF will act under the authority of, and be subject to, the authority of the chief law enforcement officer, or designee, in the participating agency that has requested a RDF response, and the Monmouth County Prosecutor's Office; and

WHEREAS, the Township, as part of the RDF Program, agrees to a yearly assessment in an amount to be determined by the Monmouth County Police Chief's Association, and billed to the municipality with the assessment to be applied towards training and equipment costs for the operation of the RDF Program; and

WHEREAS, it has been determined that the total cost to Neptune Township for the first year of use of the Memorandum of Agreement is \$500.00; and,

WHEREAS, funds for this purpose are provided in the 2018 municipal budget in the appropriation entitled Police O.E. and the Chief Financial Officer has so certified in writing; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorizes the Chief of Police to execute the aforesaid Memorandum of Agreement which has been reviewed by the Township Attorney and a copy of which is on file in the Office of the Municipal Clerk; and,

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

AUTHORIZE DECLARATORY JUDGMENT ACTION SEEKING A DETERMINATION OF MUNICIPAL RIGHTS FOR INSURANCE COVERAGE ON THE CASE OF KRISTA HORAN V. NEPTUNE TOWNSHIP

WHEREAS, employee, Krista Horan of the Municipal Library was terminated, and after some negotiations between the Township's Labor Attorney and Plaintiff's Attorney, a lawsuit was brought in the Superior Court of New Jersey, Monmouth County under Docket No. MON-L-000306-18; claiming wrongful termination; and

WHEREAS, the matter was referred to the insurance carrier, National Casualty under Policy No. PKONJA0025, but has denied coverage in the instant matter based on the proposition that they claim that they were not informed as soon as the Plaintiff made the alleged claim by letter to the Township; and

WHEREAS, the Township feels that this is an inappropriate denial for coverage and would like to have a court ruling as to the interpretation of the policy and the appropriateness of the decision as a matter of law; and,

WHEREAS, funds for this purpose are provided in the 2018 municipal budget in the appropriation entitled Legal Services O.E. and the Chief Financial Officer has so certified in writing; and,

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 Township Attorney, Gene J. Anthony, Esq., with offices located at 48 South Street, Eatontown, New Jersey 07724, to commence a legal action known as Declaratory Judgment in the Superior Court of New Jersey seeking a court ruling and interpretation as to the appropriateness of the insurance carrier's denial, and that said action should include any other insurance carrier or excess insurance carrier that the Township may have or could have had coverage and was denied with regard to the instant matter

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Ten Thousand Dollars (\$10,000.00) without additional approval for the purposes of this litigation; and,

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

AUTHORIZE SETTLEMENT AND CONSENT ORDER WITH A. J. SKORA, INC. IN THE LAWSUIT BEFORE THE SUPERIOR COURT OF NEW JERSEY, CHANCERY DIVISION, MONMOUTH COUNTY, DOCKET NO. C-144-17, ENTITLED, "TOWNSHIP OF NEPTUNE V. A. J. SKORA, INC.,

FIG CAPITAL INVESTMENTS NJ 13, LLC AND ABL ONE, LLC AND AUTHORIZING LICENSE AGREEMENT ON REMAINING MINOR ENCROACHMENTS

WHEREAS, Neptune Township brought an action in the Superior Court of New Jersey, Chancery Division of Monmouth County against A. J. Skora, Inc., owner of property located on Block 5608, Lot 10, a/k/a Concourse West, for encroachments on the Municipal Right-of-Way, and the Defendants' failure to remove said encroachments; and

WHEREAS, the parties have reached an amicable settlement and seek approval of said settlement by way of Consent Order, a true copy of which is attached hereto and made a part hereof as Exhibit A, which resolved all of the encroachments with the removal of the building on the subject property and by entering into a License Agreement with regard to a fence and walkway in the right-of-way, and requires the Defendant, A. J. Skora, Inc., to pay for all the legal fees incurred by the Township of Neptune as a result of this legal action; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Township Attorney to execute on behalf of Neptune Township the aforesaid Consent Order attached hereto and made a part hereof as Exhibit A; settling all claims arising from the aforesaid lawsuit.

BE IT FURTHER RESOLVED, that the Township also authorizes a License Agreement in addition to the Consent Order addressing minor encroachments, such as the fencing and walkway in the Municipal Right-of-Way pursuant to the Ordinance authorizing said License Agreements; and,

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

AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH WASHINGTON AVENUE SEWER IMPROVEMENTS

WHEREAS, a contract was awarded to Earle Asphalt, Inc. in the amount of \$53,013.13 in connection with Washington Avenue sewer improvements; and,

WHEREAS, a change to the contract has been experienced as a result of final as-builty quantities; and,

WHEREAS, this change has been approved by the Township Engineer,

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 Change Order #1 in the contract with Earle Asphalt, Inc. in connection with Washington Avenue sewer improvements resulting in a net decrease of \$5,423.00 revising the total contract amount to \$47,590.13; and,

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

AUTHORIZE THE REFUND OF A SUMMER DOCKAGE FEE

WHEREAS, Larry Blake made payment to the Municipal Marina for a 2018 summer dockage fee; and,

WHEREAS, due to unforeseen personal circumstances, Mr. Blake is no longer able to utilize his boat slip; and,

WHEREAS, the slip has been leased to another tenant for the remainder of the season and Harbor Master recommends that a pro-rated refund be authorized to Mr. Blake

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the Harbor Master be and hereby is authorized to refund a summer dockage fee in the amount of \$1,823.35 as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Harbor Master, Deputy Tax Collector, Assistant Purchasing Agent and Auditor.

AUTHORIZE RIGHT OF ENTRY/USE AGREEMENT FOR PROPERTY LOCATED AT 1710 WEST LAKE AVENUE AND 296 DRUMMOND AVENUE

WHEREAS, the Township of Neptune has entered into a Contract of Sale to purchase property at 1710 West Lake Avenue, owned by Sammie L. Doss, Jr., which requires an environmental investigation concerning an area that may have contained or may now contain an underground storage tank, which requires access by Neptune Township onto both property located at 1710 West Lake Avenue and 296 Drummond Avenue, Neptune Township, New Jersey, in order to perform the environmental investigation; and

WHEREAS, in order to obtain access to the aforesaid properties, a Right of Entry/Use/Access Easement Agreement must be entered into with the property owner, who is now in possession of 1710 West Lake Avenue (Block 611, Lot 40) namely Larbi Kandil and the Rev. Edmond Lee, Sr., of Mt. Carmel Baptist Church located at 296 Drummond Avenue (Block 611, Lot 37).

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby authorizes the Right of Entry/Use/Access Easement Agreement, a true copy of which is on file in the Office of the Municipal Clerk, subject to all conditions in the aforesaid Agreement; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Agreement and forward the same to the appropriate property owners in the aforesaid Agreement; and,

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

AUTHORIZE APPEAL OF SUPERIOR COURT OF NEW JERSEY DECISION ON LEGAL FEES CONCERNING THE SEIDLE OPRA CASE

WHEREAS, the Asbury Park Press made an OPRA Request for records involving Philip Seidle in October of 2017; and

WHEREAS, the Clerk of the Township of Neptune provided voluminous volumes of documents, but based on advise of Labor Counsel, did not release Internal Affairs Reports, which were identified as excluded under OPRA as confidential and private; and

WHEREAS, the Asbury Park Press brought a lawsuit under OPRA seeking release of said documents both under OPRA and the Common Law; and

WHEREAS, the Hon. Lisa P. Thornton, P.J.S.C. rendered a decision in July, 2018, which found that the documents sought and not released by Neptune Township were indeed exempt from disclosure under OPRA, and should not have been released under OPRA, but based on the Common Law Claim, which requires a balancing of hardships and public interests and a fact sensitive request, certain Internal Affairs Reports should be released if properly redacted, and that partial legal fees should be granted to the Plaintiff under the Common Law; and

WHEREAS, Labor Counsel has advised the governing body that although there is a legal fee shifting requirement in the case of OPRA, that there is no such fee shifting requirement under the Common Law, and that the Plaintiff is not entitled to legal fees in the instant matter; and

WHEREAS, Neptune Township is in the process of filing a Motion for Reconsideration with regard to the assessment of legal fees, but needs authorization if unsuccessful, and chooses to file a Notice of Appeal, if appropriate to the Appellate Division to address this case of first impression in involving legal fees under the Common Law.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes Jonathan Cohen, Esq., who has been assigned to this matter since its inception shall file a Motion for Reconsideration on the question of legal fees with regard to the aforesaid case, and if unsuccessful, in his discretion and with authorization by the Township Committee, may file a Notice of Appeal before the Superior Court of New Jersey, Appellate Division to address the legal fees where decision for release of documents is based on the "Common Law" alone, and the decision to release said documents required balancing

of the interest of the public and the privacy of an individual, which may be assessed differently from case to case and Court to Court; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney and Jonathan Cohen, Esq.

**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>
5108	4	Dent	512 Glenmere Ave	2018	1,693.12
5310	6	HSBC	300 Lakewood Rd	2018	1,730.96
5104	5	Timbru	518 Woodmere Ave	2018	1,820.19
3201	53	Lakhani	40 Country Club Dr	2018	2,000.34
3205	17	Gonzalez	22 Eldorado Wy	2018	723.30
902	4.01	Amaro	2230 W Bangs Ave	2018	2,307.57

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

**AUTHORIZE THE CANCELLATION OF SEWER RENT (108 IVINS ROAD)**

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

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 cancel Sewer Rent as stated herein; and,

<b>BLOCK/LOT</b>	<b>ASSESSED TO</b>	<b>ADDRESS</b>	<b>YEAR</b>	<b>AMOUNT</b>
4804/7	11 Jackson Terrace, LLC	108 Ivins Road	2018	230.00

**REASON:** Building disconnected

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 (1813 SUMMERFIELD AVENUE)**

WHEREAS, the property known as Block 713, Lot 25, with an address of 1813 Summerfield Avenue was granted a Totally Disabled Veteran Exemption as of March 15, 2018 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property for 2018 as of March 15, 2018; 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>
2018	\$ 3,410.52	\$ 1,235.25

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 (608 MAYFAIR LANE)

WHEREAS, the property known as Block 1512, Lot 10, with an address of 608 Mayfair Lane was granted a Totally Disabled Veteran Exemption as of June 6, 2018 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property for 2018 as of June 6, 2018; 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>
2018	\$ 3,155.36	\$ 294.13

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 (214 PROSPECT AVENUE)

WHEREAS, the property known as Block 5402, Lot 4, with an address of 214 Prospect Avenue was granted a Totally Disabled Veteran Exemption as of May 9, 2018 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property for 2018 as of May 9, 2018; 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>
2018	\$ 3,634.40	\$ 852.32

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 CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A RELIGIOUS ORGANIZATION EXEMPTION (603 MAYFAIR LANE)

WHEREAS, the property known as Block 1511, Lot 10, with an address of 603 Mayfair Lane was granted a Tax Exemption for a Religious Organization (Parsonage) as of February 6, 2018 and should be tax exempt; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property for 2018 as of February 6, 2018; 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>
2018	\$ 5,491.34	\$ 2,332.01

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.

AWARD BID FOR EMERGENCY MEDICAL BILLING SERVICES PROVIDED BY THE TOWNSHIP'S PAID EMS PROVIDERS

WHEREAS, on July 31, 2018, the Business Administrator received bids for the award of a contract for Emergency Medical Billing Services in connection with EMS services provided by the Township's paid EMS providers; and,

WHEREAS, said bids were reviewed by the Business Administrator and EMS Manager who have recommended that the bid be awarded to the lowest bid submitted by DM Medical Billings; and,

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

WHEREAS, funds for this purpose will be provided as a percentage of revenues collected through EMS billing in accordance with Ordinance No. 16-07 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to DM Medical Billings for Emergency Medical Billing Services provided by the Township's paid EMS providers for the period from August 1, 2018 to July 31, 2020 on their lowest responsible bid of a percentage of revenue as follows:

- 5.5% from the first \$100,000 of annual revenue
- 6.0% from \$100,001 to \$200,000 of annual revenue
- 6.5% from \$200,001 and up of annual revenue

BE IT FURTHER RESOLVED, that this bid award is contingent upon execution of a contract detailing the services to be provided and protections from potential HIPAA liability claims; and,

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

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

AUTHORIZE THE PURCHASE OF TWO TRUCKS FOR THE PUBLIC WORKS DEPARTMENT THROUGH THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION PURCHASING PROGRAM

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

WHEREAS, the Department of Public Works has recommended the purchase of a Loadmaster Excel 25 Yard Rear Loader and a Mack LR 64R Cab & Chassis utilizing pricing through the Middlesex Regional Education Services Commission Cooperative 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 or state recognized cooperative agreement; and;

WHEREAS, the Middlesex Regional Education Services Commission Cooperative Purchasing Program is recognized purchasing cooperative (#65MCESCCPS) and has awarded Contract No. ESCNJ 17/18-30 to Detachable Container & Compactor Corp. and Gabrielli Truck Sales; and,

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

WHEREAS, the cost of these items shall not exceed the following amounts:

Loadmaster Excel 25 Yard Rear Loader - \$90,790.50  
Mack LR 64R Cab & Chassis - \$145,305.20

WHEREAS, funds for this purpose are available in 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 the following vehicles for the Public Works Department be and are hereby authorized via the following approved vendors through the Middlesex Regional Education Services Commission Cooperative Purchasing Program – Contract No. ESCNJ 17/18-30:

Detachable Container & Compactor Corp. - Loadmaster Excel 25 Yard Rear Loader – amount not to exceed \$90,790.50

Gabrielli Truck Sales - Mack LR 64R Cab & Chassis – amount not to exceed \$145,305.20

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

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

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

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

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 for this purpose will be provided in the 2018 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 Nancy Cole for the position of 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, contingent upon favorable results of the required pre-employment testing, effective August 14, 2018, at an annual salary of \$27,300.00; and,

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

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF RECREATION COORDINATOR IN THE SENIOR CENTER

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

WHEREAS, there is a vacancy in the position of Recreation Coordinator in the Senior Center; and,

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

WHEREAS, the Human Resources Director and Senior Center Director have made their recommendation; and,

WHEREAS, funds for this purpose will be provided in the 2018 Municipal Budget in the appropriation entitled Senior Citizens Programs 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 Lindsay Okuszki for the position of Recreation Coordinator in the Senior Center, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon favorable results of the required pre-employment testing, effective August 20, 2018, at an annual salary of \$39,392.81; and,

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

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

#### AUTHORIZE THE PAYMENT OF BILLS

Dr. Brantley 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	10,643,710.66
GRANT FUND	121,527.48
TRUST FUND	53,693.89
GENERAL CAPITAL FUND	261,712.29
SEWER OPERATING FUND	173,783.96
SEWER CAPITAL FUND	16,166.50
MARINA OPERATING FUND	12,092.98
DOG TRUST	805.80
UDAG TRUST	27,453.98
LIBRARY TRUST	1,016.82
BILL LIST TOTAL	\$11,311,964.36

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; and Rizzo, aye.

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Tujain Berry, 1312 Monroe Avenue, stated that she received parking tickets for parking on Monroe Avenue. She has no driveway to park her car and wants to park in front of her house. She asked for the reason for this area being a no parking zone. Mr. Gadaleta will follow-up.

Rev. Edmund Lee, Patricia Drive, thanked the Mayor, Deputy Chief Fisher, Officer Brian Taylor and Mr. Lane for attending the Youth Violence Awareness event and for funding the cost of the food. He stated that a speed table is needed on Sunnyfield Terrace. He surveyed the neighbors and they are in favor of installing a speed table. Lt. Michael Zarro will follow-up.

Deborah Gray, 1102 Green Grove Road, stated that the vacant former Continental Insurance building is becoming a dumping ground and a safety hazard. People are going inside and there is drag racing in the parking lot. She asked that the lot be secured. Dr. Brantley stated that he is aware of the situation and that there is interest in purchasing the property. Mr. Gadaleta stated various departments are there regularly to assess the situation. He will see what can be done to limit vehicular access.

Pam Reinhardt, 107 Franklin Avenue, spoke in support of the upcoming HPAE union picketing that will take place in front of the hospital on August 15<sup>th</sup>. Their contract expired on July 31<sup>st</sup> and the union is seeking safe staffing levels. She explained that some departments in the hospital do not have state mandated staffing regulations. The union is also in support of increasing levels of support staff such as housekeeping.

Hank Coakley, Valley Road, stated that he wanted to thank the Mayor for the check from the Mayor's Ball to the American Legion. The funds helped to rebuild after recent flooding. He said the detour signs for the upcoming one day bridge closure are insufficient. He added that Route 33 was flooded due to mesh put over the storm drains because of on-going work. The mesh should be removed when there is heavy rain.

Jack Bredin, 94 ½ Heck Avenue, stated there was a recent Coaster article about the Homeowners Association meeting. Michael Badger, OGCMA President, says parking is available for the homes and the hotel at the North End. The Planning Board determined the boardwalk and Lake Avenue are streets. The pavilion is not on a street and should not be permitted to exist. He added that any parking violations given to delivery trucks at the North End should be given to the Township Committee because they have allowed the pavilion to exist when they should not have.

Ann Horan, 69 Clark Avenue, stated that she received her tax bill and it is up \$4,000. She read an article from 2014 regarding the Assessment Demonstration Program and that many towns were opting out. Ms. Rizzo stated that the towns have opted back in because all towns are now mandated that assessed value to be within 95% of real value.

Dorothy Argyros, 2100 Rutherford Avenue, stated that this is the two year anniversary of the death of Katie Lee Thomas and no report from the County has been received. She urged the Committee to file a complaint with the Attorney General regarding the County Prosecutor.

Dianna Harris, 17 Willow Drive, thanked the Mayor's Youth Council for coming out to the community garden to weed and mulch. She thanked the police officers at the Music in the Park events and suggested that SLEO II officers also have cards to hand out. She asked for a garbage can at the corner where the convenience store is located. She asked for an update on redevelopment. Dr. Brantley stated that the Committee is in negotiations and are asking any potential redevelopers to do the initiatives that the community has set forth. Ms. Harris stated that she wants hiring of local laborers.

James Brubaker, 91 Mt. Hermon Way, received a handout distributed to the Committee regarding the benefit of short term rentals. He recommended a \$1 per night fee for short term rentals to be placed in a Housing Improvement Fund.

Nancy Clarke, 47 Embury Avenue, stated that the RFP for Historic Architect will be going out shortly. She asked the HPC Chairperson be involved in the process. Mr. Gadaleta confirmed that she will be. Ms. Clarke asked Dr. Brantley if he is speaking to redevelopers for the all the redevelopment areas. Dr. Brantley stated that the Redevelopment Committee is speaking with developers regarding all of the zones. Ms. Clarke asked that during the Comments from the Dais portion of the meeting that the Committee members give reports on their respective departments that they oversee.

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

Richard J. Cuttrel,  
Municipal Clerk