

TOWNSHIP COMMITTEE MEETING – OCTOBER 4, 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., Kevin B. McMillan, Carol Rizzo, and Mayor Nicholas Williams.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; 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:

Mr. Lane asked for support in attending the POW-MIA tribute at Veterans Park on October 7th.

Dr. Brantley shared a letter from the NJDOT announcing a new round of the Transportation Alternatives Design Assistance Program.

Mr. McMillan announced the Citizens Police Academy to be held at Brookdale College. The Academy provides training on the policies and procedures of the Police Department and applications are being accepted.

Ms. Rizzo stated that out-of-state cars are being left on the streets in Ocean Grove. She stated that the 30 day parking ordinance needs to be enforced. The Committee discussed the challenges with enforcing the ordinance. Mr. Anthony stated that the ordinance is enforceable, but it is difficult.

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

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Personnel – Recommendation for vacancy on Board of Adjustment
Personnel – Recommendations for Engineering Technician and SLEO II
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; McMillan, aye; Rizzo, aye; and Williams, aye.

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

The Committee reviewed a recommendation for appointment to a vacancy on the Board of Adjustment.

The Committee reviewed recommendations for the hiring of an Engineering Technician and

a Special Law Enforcement Officer. Action was taken by resolution during the regular portion of the meeting.

Mr. Anthony stated that the litigation with Stumpy's has been settled and a resolution to approve the Stipulation of Settlement is on the regular meeting for approval. He stated that Stumpy's has an easement with Simko's to provide better egress from their parking area. The settlement indicates that they can only sell, service, and repair motorcycles, ATVs and personal watercraft. There can be no further expansions and they must go to the Planning Board to present a circulation plan. The insurance carrier is paying Stumpy's \$10,000 as a nuisance amount which will be used to remove the high curb between Mac's and Stumpy's.

The Redevelopment Attorney will be in attendance at the October 22nd 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; 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.

APPROVAL OF MINUTES

Mr. McMillan offered a motion, seconded by Mr. Lane, to approve the minutes of the meeting held on October 4th. All were in favor.

COMMENTS FROM THE DAIS

Dr. Brantley attended the Homecoming Parade, the football team won after being down by 13 points at halftime. He also attended Gospel Program at the Performing Arts Center after the game.

Mr. McMillan attended the Homecoming Parade and it was great to interact with the public.

Mr. Lane also attended the parade. The Pound for Pavement run/walk will be held on October 6th. The POW-MIA event, sponsored by the American Legion Auxiliary will be held at Veterans Park on October 7th.

Ms. Rizzo attended a voter information session in Midtown which was sponsored by MURC and the League of Women Voters. There were 30 attendees and she hopes that additional sessions will be done in the future.

The Mayor attended the Homecoming Parade and the football game. Both events were great with Neptune kicking a field goal to win the game as time expired.

PUBLIC COMMENTS ON RESOLUTIONS

There were no public comments on resolutions.

ORDINANCE NO. 18-30 - APPROVED

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

ORDINANCE NO. 18-30

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XV, OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "UNIFORM FIRE SAFETY ACT ENFORCING AGENCY"

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

ORDINANCE NO. 18-31 - APPROVED

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

ORDINANCE NO. 18-31

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING HANDICAPPED PARKING ZONES ON ANELVE AVENUE AND COOKMAN AVENUE

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

Mr. Cuttrell stated that the public hearings on Ordinances 18-30 and 18-31 will be held on Monday, October 22nd.

CONSENT AGENDA

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

AUTHORIZE AN AMENDMENT TO THE 2018 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE MONMOUTH COUNTY OFFICE ON AGING

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 addition of an item of revenue in the budget for the year 2018 in the sum of \$10,000.00 which is now available from the Monmouth County Office on Aging FY19 Title IIIB Older Americans Act grant in the additional amount of \$10,000.00; and,

BE IT FURTHER RESOLVED that the like additional sum of \$10,000.00 is hereby appropriated under the caption of Senior Citizens Program – Title III; and,

BE IF FURTHER RESOLVED, that the above is the result of additional funds from the Monmouth County Office on Aging FY19 Title IIIB funding Older Americans Act grant in the amount of \$10,000.00; and,

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

AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE IMPROVEMENTS TO NORTH RIVERSIDE DRIVE PROJECT

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune formally approves the grant application for the above stated project; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019-Improvements to North Riverside Drive-00503 to the New Jersey Department of Transportation on behalf of the Township of Neptune; and,

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Neptune and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement; and,

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

AUTHORIZE THE CANCELLATION OF TAXES AS A RESULT OF THE GRANTING OF A TOTALLY DISABLED VETERANS EXEMPTION (116 ROBIN ROAD)

WHEREAS, the property known as Block 802, Lot 29, with an address of 116 Robin Road, assessed to Melvin A. & Jean V. Hood is eligible for a Totally Disabled Veteran Exemption effective September 26, 2018; and,

WHEREAS, the Township Committee of the Township of Neptune desires to cancel taxes assessed against this property effective September 26, 2018 and refund same to the owner of record in accordance with N.J.S.A. 54:4-3.32; and,

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

YEAR	AMOUNT TO CANCEL	AMOUNT TO REFUND
2018	\$ 2,342.40	\$ 98.87

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 CHANGE ORDER #2 (FINAL) IN CONNECTION WITH IMPROVEMENTS TO LOFFREDO FIELD

WHEREAS, on April 9, 2018, a contract was awarded to Precise Construction in the amount of \$442,835.00 in connection with Improvements to Loffredo Field; and,

WHEREAS, on September 10, 2018, the Township Committee adopted Resolution #18-306, to authorize Change Order #1 which increased the contract amount by \$6,127.00; and,

WHEREAS, a change to the contract has been experienced as a result of final as-built 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 #2 (final) in the contract with Precise Construction in connection with Improvements to Loffredo Field resulting in a net decrease of \$20,821.50 revising the total contract amount to \$428,140.50; 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 DEPOSIT

WHEREAS, Karol Kulik made payment to the Municipal Marina for a 2018 summer dockage deposit in the amount of \$833.50; and,

WHEREAS, due to unforeseen personal circumstances, Ms. Kulik was not able to pay the summer dockage fee and utilize the boat slip; and,

WHEREAS, the slip was been leased to another tenant for the remainder of the season and the Harbor Master recommends that the deposit be refunded to Ms. Kulik,

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 deposit in the amount of \$833.50 to Karol Kulik 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.

EMPLOY SPECIAL LAW ENFORCEMENT OFFICER – CLASS II IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for Special Law Enforcement Officers – Class II in the Police Department on a part-time hourly basis; and,

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

WHEREAS, the Chief of Police and Police Committee have made their recommendations; and,

WHEREAS, funds for this purpose are available in the 2018 municipal budget in the appropriation entitled Police S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Vincent Zenna be and is hereby employed as a part-time Special Law Enforcement Officer - Class II, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate of \$20.50, effective immediately; and,

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

AUTHORIZE THE PURCHASE OF OFFICE FURNITURE THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department is in need of workstations and furniture for office renovations 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, Trendway c/o Arenson Office Furniture has been awarded New Jersey State Contract No. A81642 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 this equipment shall not exceed \$38,505.15; and,

WHEREAS, funds for this purpose are available in Ordinance No. 18-18 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 workstations and furniture for office renovations in the Police Department through New Jersey Cooperative Purchasing Program Contract No. A81642 be and is hereby authorized at an amount not to exceed \$38,505.15; and,

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

AUTHORIZE THE PURCHASE OF TOUGHBOOK TABLETS AND VEHICLE DOCKS THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Office of Emergency Management is in need of four Toughbook tablets and

vehicle docks 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, Telrepcos has been awarded New Jersey State Contract No. A89980 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 this equipment shall not exceed \$23,960.00; and,

WHEREAS, funds for this purpose are available in Ordinance No. 17-31 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 four Toughbook tablets and vehicle docks for the Office of Emergency Management through New Jersey Cooperative Purchasing Program Contract No. A89980 be and is hereby authorized at an amount not to exceed \$23,960.00; and,

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

AUTHORIZE SETTLEMENT IN THE MATTER OF TOWNSHIP OF NEPTUNE V. EVELYN STUMPF, JOHN WHERLE AND STUMPY'S SALES AND SERVICE, INC., ET ALS.

WHEREAS, the governing body of the Township of Neptune previously authorized legal action by Neptune Township through its Municipal Attorney, Gene J. Anthony, Esq., against Evelyn Stumpf, John Wherle and Stumpy's Sales and Service, Inc., with regard to zoning violations, and as a result a lawsuit was filed by Neptune Township in the Superior Court of New Jersey, Chancery Division, Monmouth County on July 22, 2016, under Docket No. C-125-16, addressing issues of Nonconforming Structures and Nonconforming Uses; and

WHEREAS, Defendants filed Third Party Complaints against Neptune Township employee, George Waterman and Monroe and Susan Boyce, Mac's Bait and Tackle and Mac's Shark River Tackle, and filed a Counterclaim against Neptune Township; and

WHEREAS, all parties have reached an amicable settlement by Release and Stipulation of Settlement and Dismissal with Prejudice addressing all claims by all parties without further litigation.

THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, that the governing body hereby authorizes a Stipulation of Settlement and Dismissal with Prejudice filed with the Court on October 3, 2018, a true copy of which is on file in the Office of the Municipal Clerk, which includes limitations on Nonconforming Uses and Nonconforming Structures and requirement for an application before the Planning Board to address traffic circulation and ingress and egress on the subject site and in consideration for \$10,000.00; and,

BE IT FURTHER RESOLVED, that the attached Stipulation of Settlement and Dismissal with Prejudice includes future obligations and duties to be undertaken by the Defendants and may be enforceable by any compliant party, and all monetary consideration is based on the consideration of the appropriate insurance carrier involved in this matter; and,

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

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF ENGINEERING TECHNICIAN

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

WHEREAS, there is a vacancy in the position of Engineering Technician in the Engineering Department; and,

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

WHEREAS, the Human Resources Director and Township Engineer have made a recommendation; and,

WHEREAS, funds will be provided in the 2018 municipal budget in the appropriation entitled Engineering Services S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to David S. Stempien for the position of Engineering Technician in the Engineering 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 October 15, 2018, at an annual salary of \$42,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer, 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; McMillan, aye; Rizzo, aye; and Williams, aye.

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	288,183.04
GRANT FUND	64,124.94
TRUST FUND	35,640.26
GENERAL CAPITAL FUND	68,558.36
SEWER OPERATING FUND	956,539.43
MARINA OPERATING FUND	10,521.02
DOG TRUST	112.20
LIBRARY TRUST	2,064.56
 BILL LIST TOTAL	 \$1,425,743.81

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

Kennedy Buckley, Broadway, asked if the Committee has made progress regarding the AirBNB ordinance. The Mayor stated there has been no further discussions and the Township is looking at ordinances in other municipalities. Dr. Brantley stated that the issue is on the Committee's list and Mr. Gadaleta is doing research. Ms. Rizzo stated that the Ocean Grove Chamber of Commerce had a meeting and are figuring what they are going to do.

Richard Williams, 1 Abbott Avenue, stated that he had a discussion with a friend regarding the merger of Princeton Borough and Princeton Township. He believes Neptune Township and

Neptune City are prime contenders for a merger because a lot of governmental functions are duplicated. Some of the barriers of a municipal merger were discussed. Mr. Anthony that both towns have to be willing and there are issues to consider such as infrastructure issues and employee contracts.

Joan Venezia, 107 Mt. Hermon Way, asked if the Committee has a copy of the options agreement between OGNED and the Camp Meeting Association. The Mayor stated that the Committee does not have a copy but the Redevelopment Attorney may have it. Mr. Anthony stated that if the Township has the agreement, it will be produced through the OPRA request filed by Joyce Klein. Ms. Venezia asked if the Committee feels that the Pre-Submission application is complete. Dr. Brantley stated that the Redevelopment Committee has questions about the application but that progress is being made. Ms. Venezia asked if the Redevelopment Attorney will be present at the next meeting and will he answer questions. The Mayor responded yes. Ms. Venezia asked what is required for a residential handicapped parking permit, can a boat and a trailer be parked on the street and will the Township be hiring a parking consultant. Ms. Venezia was informed that a person must show a handicapped plaque and a Disabled Person ID for proof of residency, neither boats nor trailers can be parked on the streets and the Committee is looking into putting money in the 2019 budget for a Traffic Consultant.

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

Richard J. Cuttrel,
Municipal Clerk