

TOWNSHIP COMMITTEE MEETING – JULY 22, 2019

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., Nicholas Williams, and Mayor Carol Rizzo. Absent: Kevin B. McMillan

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

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 3, 2019, 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:

The Committee discussed the process of approving medical marijuana facilities. Mr. Gadaleta stated that he has received multiple requests from people interested in applying to site a medical marijuana facility in the Township. The Committee has indicated their support for grow facilities and we have issued approval letters but none have received state approval. The Committee has not had a discussion on retail/store front approval. Mr. Anthony stated that the first issue and the Zoning Officer has to make a determination if the use is permitted. The governing body then needs to issue a letter of support for a particular company at a specific site. A resolution is needed to approve each vendor. Mr. Gadaleta stated that the Zoning Officer has approved of the use in the light industrial and hospital overlay zones. There are a limited number of licenses for medical marijuana available in three categories: Distribution, grow, or a combination. He also stated that the state is issuing more licenses and the municipality gets a 2% tax on a dispensary. The Committee indicated agreement to allow all three uses but want to obtain more information before giving a final approval.

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

Mr. Williams 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 – Proposal for Parking Consultant
- Personnel – Recommendation for Bookkeeper position
- Personnel – Personnel matter
- Contract negotiations – BAW, LLC Redevelopment Agreement

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; Williams, aye; and Rizzo, aye.

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

The Committee discussed a Parking Consultant to review the Ocean Grove parking situation. The Committee agreed to take the existing report from last year and send it to a Parking Consultant and get feedback/recommendations on the development of alternatives. The Consultant

will also be asked to look at options for some form of permit parking.

The Committee reviewed a recommendation for the position of Bookkeeper and took action by resolution at the business portion of the meeting.

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

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., Nicholas Williams, and Mayor Carol Rizzo. Absent: Kevin B. McMillan

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 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 3, 2019, 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 Mr. Williams, to approve the minutes of the meeting held on June 24th. All were in favor.

#### PROCLAMATION

The Mayor presented a proclamation celebrating the life of Kennedy E. Buckley to his family. A long-time member of the HPC and frequent attendee at Township Committee meetings, Kennedy passed away on June 15<sup>th</sup>. HPC Chairperson Debbie Osepchuk offered comments about Kennedy's contributions to the Township.

#### COMMENTS FROM THE DAIS AND BUSINESS ADMINISTRATOR'S REPORT

The Mayor read a statement indicating that the Committee has decided that the gates at the Wesley Lake footbridges will remain and will continue be closed between Midnight and 5am. She indicated that this decision in final.

The remainder of the Committee comments and Business Administrator's report were held until the next meeting. A storm caused a power failure during the executive session and the microphone and recording systems were not available for the entire meeting

#### PUBLIC COMMENTS ON RESOLUTIONS

There were no public comments on resolutions.

#### ORDINANCE NO. 19-18 - ADOPTED

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

#### ORDINANCE NO. 19-18

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY REMOVING RESIDENT HANDICAPPED PARKING ZONES ON MT. TABOR WAY, SEAVIEW AVENUE, MT. CARMEL WAY AND ATLANTIC AVENUE

The 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; Williams, aye; and Rizzo, aye.

ORDINANCE NO. 19-19 - APPROVED

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

ORDINANCE NO. 19-19

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING FEES FOR THE USE OF RECREATION FIELDS AND FIELD LIGHTING

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

ORDINANCE NO. 19-20 - APPROVED

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

ORDINANCE NO. 19-20

AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DEED OF DEDICATION WITH REGARD TO LANDLOCKED PARCEL BLOCK 2001, LOT 6, NEPTUNE TOWNSHIP, NEW JERSEY TO THE TOWNSHIP OF NEPTUNE

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

ORDINANCE NO. 19-21 - APPROVED

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

ORDINANCE NO. 19-21

AN ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF NEPTUNE, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

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

ORDINANCE NO. 19-22 - APPROVED

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

ORDINANCE NO. 19-22

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

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

ORDINANCE NO. 19-23 - APPROVED

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

ORDINANCE NO. 19-23

AN ORDINANCE TO AMEND VOLUME I, CHAPTER IX OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY FULLY AMENDING THE TOWNSHIP'S PERSONNEL CODE AND ADOPTING A PERSONNEL POLICY GUIDEBOOK

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 19-19 through 19-23 will be held on Monday, August 12, 2019.

CONSENT AGENDA

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

APPOINT ASSISTANT MERCANTILE LICENSE OFFICER

WHEREAS, Alexis Perez, Assistant Mercantile License Officer, was reclassified to a job title outside of the Tax Collection Office on June 24, 2019; and,

WHEREAS, the Tax Collector has made his recommendation to appoint a current employee in the Tax Office to the position; and,

WHEREAS, funds in the 2019 Municipal Budget in the appropriation entitled Mercantile Licensing 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 Melanie Manning be and is hereby appointed to the position of Assistant Mercantile License Officer, effective July 23, 2019, at an annual salary of \$1,810.47; and,

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

AUTHORIZE THE CANCELLATION OF GRANT RECEIVABLE AND GRANT RESERVE

WHEREAS, a Grant Receivable and Grant Reserve balance remains open for a project that was completed for less than the anticipated grant amount and/or for which the funding will not be received; and,

WHEREAS, it is necessary to formally cancel said balances,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, that the following grant receivable and grant reserve be and are hereby authorized to be cancelled:

<b>GRANT NAME</b>	<b>APPROPRIATION CANCELLED</b>	<b>RECEIVABLE CANCELLED</b>
FY19 Pedestrian Safety Grant	\$ 5,630.00	\$ 5,630.00

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

RENEW LIQUOR LICENSE HELD BY ATLANTIC COAST FOOD SYSTEMS, LLC

WHEREAS, Atlantic Coast Food Systems, LLC is the holder of a retail consumption liquor license that is inactive; and,

WHEREAS, in accordance with State law, Atlantic Coast Food Systems, 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 June 24, 2019, to authorize the Township of Neptune to consider the application for liquor license renewal filed by Atlantic Coast Food Systems, LLC, the holder of an inactive license #1334-32-025-010; and,

WHEREAS, Atlantic Coast Food Systems, LLC has applied for renewal of said license for the 2019-2020 license year to continue in in-pocket status,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-32-025-010 issued to Atlantic Coast Food Systems, LLC be and is hereby renewed for the 2019-2020 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.

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY HIGH POINTE AT NEPTUNE, LLC FOR SITE IMPROVEMENTS AT 774 & 778 WAYSIDE ROAD

WHEREAS, Irrevocable Letter of Credit 2874-1, in the amount of \$919,620.00 has been filed by High Pointe at Neptune, LLC guaranteeing site improvements at the High Pointe at Neptune subdivision, 774 & 778 Wayside Road (Block 2201, Lot 27); and,

WHEREAS, on February 11, 2019, the Township Committee adopted Resolution #19-101 which authorizes a reduction in the performance guarantee to the amount of \$410,755.32; and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a further reduction in the performance guarantee; and,

WHEREAS, the Developer will be notified to post an amended Letter of Credit reducing the amount from \$410,755.32 to \$275,886.00 and the Municipal Clerk will accept said amended Letter of Credit; and,

WHEREAS, the cash portion of the performance guarantee will also be reduced by a proportionate amount,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for High Pointe at Neptune subdivision, 774 & 778 Wayside Road (Block 2201, Lot 27), be and is hereby approved to the amount of \$275,886.00 and the amended Letter of Credit submitted to affect said reduction shall be accepted; and,

BE IT FURTHER RESOLVED, that the proportionate amount of cash portion of the performance guarantee in the amount of \$14,985.48 shall be refunded to the Developer; and,

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

AUTHORIZE DEVELOPER'S AGREEMENT WITH BSD HOMES, LLC (7-ELEVEN), BLOCK 907, LOT 13, 311 NJ STATE HIGHWAY 35

WHEREAS, BSD Homes, LLC is the Developer of property subject to a Final Major Site Plan Approval by the Neptune Township Planning Board seeking to make certain improvements at 311 NJ State Highway 35 a/k/a Block 907, Lot 13 on the Tax Map of the Township of Neptune; and

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

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute the aforesaid Developer's Agreement with BSD Homes, LLC, a true copy of which is on file

in the Office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township Resolution #18-12, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and

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

AUTHORIZE LITIGATION AGAINST COLLEGE ACHIEVE PUBLIC CHARTER SCHOOL, INC., WHO IS ACTING IN VIOLATION OF THE DETERMINATION OF THE ZONING OFFICER OF NEPTUNE TOWNSHIP, WHOSE DENIAL OF A ZONING PERMIT TO, AMONG OTHER THINGS, CONVERT AN ACCESSORY USE IN AN R-1 ZONING DISTRICT INTO A PRIMARY USE CONSTITUTING TWO PRINCIPAL USES ON A PROPERTY, WAS UPHELD BY THE ZONING BOARD OF ADJUSTMENT AND HAS NOW FILED AN ACTION IN LIEU OF PREROGATIVE WRITS

WHEREAS, College Achieve Public Charter School, Inc. submitted a Zoning Permit Application to operate a public charter school on the Holy Innocents Roman Catholic Church property located at 3455 W. Bangs Avenue, Block 3101, Lot 2, Zone R-1 and said permit was denied by the Administrative Zoning Officer of the Township of Neptune, for among other things, replacing an Accessory Use with a Principal Use, which would create two principal uses on the subject property in derogation of the Zoning Ordinances of the Township of Neptune; and

WHEREAS, the Applicant College Achieve Public Charter School, Inc., filed an Appeal of a Zoning Officer's determination purportedly within the twenty-day appeal period; and

WHEREAS, The Board of Adjustment of the Township of Neptune, after two hearings, testimony and review of underlying Ordinances for consideration, upheld the determination of denial by the Zoning Officer of the Township of Neptune; and

WHEREAS, the Applicant has not requested a Use Variance for the subject property but, upon information and belief has held "open houses" on the subject premises and has actively sought to enroll children into a property that has not received zoning approval or a Certificate of Occupancy in derogation of the Zoning Ordinances of the Township of Neptune; and

WHEREAS, the Applicant has now filed a Complaint in Lieu of Prerogative Writs for immediate conformance; and

WHEREAS, the Township intends to Answer and file for Injunctive Relief in response to same and College Achieve Public Charter School, Inc., has failed and refused to submit the appropriate application to the Zoning Board of Adjustment in order to receive a Use Variance to operate a public school at the site; and,

WHEREAS, funds for this purpose are available in the 2019 municipal budget in the appropriation entitled Legal, O.E. and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Zoning Board of Adjustment Attorney, Monica C. Kowalski, Esq., to commence legal action in the Superior Court of New Jersey, seeking to file an Answer along with appropriate immediate injunctive relief and any other remedies available to sustain the decision of the Administrative Zoning Officer and the decision of the Zoning Board of Adjustment whose determination upon evidence, upheld the denial of the Zoning Permit to the aforesaid Charter School; and,

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) 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, Zoning Board of Adjustment Attorney, Land Use Administrator, Administrative Assistant to the Zoning Board, Chief Financial Officer, and Assistant C.F.O.

ACCEPT THE RESIGNATION OF AVIS WILLIAMS AS A SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Avis Williams resigning as a School Crossing Guard effective June 28, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Avis Williams as a School Crossing Guard is hereby accepted effective June 28, 2019; 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 Human Resources Director.

RENEW LIQUOR LICENSE HELD BY ROS ASSOCIATES, LLC

WHEREAS, ROS Associates, LLC is the holder of a retail consumption liquor license that is inactive; and,

WHEREAS, in accordance with State law, ROS Associates, 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 June 27, 2019, to authorize the Township of Neptune to consider the application for liquor license renewal filed by ROS Associates, LLC, the holder of an inactive license #1334-32-002-005; and,

WHEREAS, ROS Associates, LLC has applied for renewal of said license for the 2019-2020 license year to continue in in-pocket status,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Liquor License #1334-32-002-005 issued to ROS Associates, LLC be and is hereby renewed for the 2019-2020 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.

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>
518/19	13 Ridge Avenue	265.00
1819/12	106 Belmar Avenue	744.40
605/15	213 Myrtle Avenue	536.90

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 TEMPORARY STREET CLOSURES IN CONNECTION WITH THE JERSEY SHORE ARTS CENTER 5KM RUN

WHEREAS, the Jersey Shore Arts Center is holding its annual Run for the Arts 5km run on Saturday, September 14, 2019; and,

WHEREAS, it is necessary to temporarily close portions of Main Avenue, Ocean Avenue and Broadway for the safety of the runners; and,

WHEREAS, the Police Department has reviewed and approved these street closures,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates temporary street closures on the following streets between 9:00 A.M. and 10:00 A.M. (or until such time as the last runner passes) on Saturday, September 14, 2019:

- 1) Eastbound Main Avenue – entire length
- 2) Northbound Ocean Avenue between Main Avenue and Ocean Pathway
- 3) Pilgrim Pathway between Surf Avenue and McClintock Street
- 4) Eastbound Broadway between Central Avenue and Ocean Avenue
- 5) Central Avenue between Broadway and Pilgrim Pathway
- 6) Fletcher Lake Drive – entire length

(Entry points into Ocean Grove at Stockton Avenue, Pennsylvania Avenue and Broadway will be subject to temporary closure as runners pass)

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

**AUTHORIZE A FIREWORKS DISPLAY BY THE OCEAN GROVE CAMP MEETING ASSOCIATION ON THE OCEAN GROVE BEACH ON JULY 27, 2019**

WHEREAS, on March 11, 2019, the Township Committee adopted Resolution #19-137 which authorized the Ocean Grove Camp Meeting Association, through its pyrotechnic vendor, to conduct a fireworks display on July 6, 2019 on the Ocean Grove beach in celebration of the 150<sup>th</sup> anniversary of the founding of Ocean Grove; and,

WHEREAS, a municipality is required to authorize, by resolution, any fireworks display that is to take place within its municipal boundaries; and,

WHEREAS, due to severe weather the fireworks display has been rescheduled to July 27 2019 at 9:00 p.m.,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Ocean Grove Camp Meeting Association, through its pyrotechnic vendor Garden State Fireworks, to conduct a fireworks display on Saturday, July 27, 2019 commencing at 9:00 P.M. on the Ocean Grove beach at the foot of Ocean Pathway/McClintock Street; and,

BE IT FURTHER RESOLVED, that this authorization is contingent upon the Ocean Grove Camp Meeting Association obtaining the required approvals and permits from the Ocean Grove Fire Bureau; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Ocean Grove Fire Official and Ocean Grove Camp Meeting Association.

**AUTHORIZE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO PORTIONS OF EMBURY AND RIDGE AVENUES**

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-2020-Improvements to Portions of Embury and Ridge Avenues-00043 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 PURCHASE OF RADIO EQUIPMENT AND ACCESSORIES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Director of the Office of Emergency Management has recommended the purchase of radio equipment and accessories 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, PMC Associates has been awarded New Jersey State Contract No. A83932 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$54,789.60; and,

WHEREAS, funds for this purpose are available from 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 radio equipment and accessories for the Office of Emergency Management through New Jersey Cooperative Purchasing Program Contract No. A83932 be and is hereby authorized at an amount not to exceed \$54,789.60; and,

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

DESIGNATE 2020 FLOATING HOLIDAY

WHEREAS, Article XII, Section J, of the current contract between AFSCME and the Township provides for a floating holiday that is set upon mutual agreement of AFSCME and the Township Administrator by July 1<sup>st</sup> of the previous year; and,

WHEREAS, the Township Administrator and AFSCME have discussed that the 2020 floating holiday benefit be used on Monday, July 6, 2020,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the 2020 floating holiday benefit will be utilized by Township employees on Monday, July 6, 2020, all employees will be off-duty for that day, with the exception of Police Officers, EMTs, custodial staff and library staff; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to all Department Heads and both AFSCME bargaining units.

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF BOOKKEEPER IN THE TAX COLLECTION DEPARTMENT

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

WHEREAS, due to a reclassification of an employee, there is a vacancy in the position of Bookkeeper in the Tax Collection Department; and,

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

WHEREAS, the Human Resources Director and Tax Collector have made their recommendation; and,

WHEREAS, funds will be provided in the in the 2019 Municipal Budget in the appropriation entitled Revenue Administration 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 Chanel Ellison for the position of Bookkeeper in the Tax Collection 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 July 29, 2019, at an annual salary of \$30,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Deputy Tax Collector, 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; Williams, aye; and Rizzo, aye.

AUTHORIZE STIPULATION OF DISMISSAL AGAINST EVANSTON INSURANCE COMPANY ONLY IN THE UNITED STATES DISTRICT COURT CASE OF TOWNSHIP OF NEPTUNE V. GARDEN STATE MUNICIPAL JOINT INSURANCE FUND, ET ALS., UNDER DISCTRICT COURT OF NEW JERSEY DOCKET NO. 3:18-cv-16448

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

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 the Garden State Municipal Joint Insurance Fund; Lloyd's of London; Statewide Insurance Fund; National Casualty Company; Nationwide Insurance Company and Evanston Insurance Company; ABC Company; Insurance Company Authorized to Business in the State of New Jersey and Krista Horan in the Superior Court of New Jersey, Law Division, State of New Jersey under Docket No. MON-L-3398-18; and

WHEREAS, the aforesaid matter was transferred to the United States District Court for the District of New Jersey under Docket No. 3:18-cv-16448 and in the meantime, the underlying case prompting the filing of the aforesaid lawsuit for Declaratory Judgment was settled; and

WHEREAS, although settlement of the underlying action took place, claims still exist against most of the Defendants in the Declaratory Judgment Action based on claims of reimbursement to the Plaintiff, Neptune Township; and

WHEREAS, such claims, however, do not apply any longer with regard to Defendant, Evanston Insurance Company, who was an excess insurance carrier for the Township, and the underlying lawsuit settlement was for less than those policy amounts that would hold Evanston Insurance Company responsible under any circumstances; and

WHEREAS, in light of the aforesaid fact, there is no need to continue Defendant, Evanston Insurance Company as a Defendant in the United States District Court Case, and the attorney for Neptune Township seeks authorization to enter into a Stipulation of Dismissal with Evanston Insurance Company dismissing all claims against them, with prejudice, with regard to both Declaratory Judgement and the underlying action concerning Krista Horan.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby authorizes a Stipulation of Dismissal with Prejudice to be filed with the United States District Court with regard to Evanston Insurance Company. A true copy of said proposed Stipulation of Dismissal is attached hereto as Exhibit A, which shall dismiss the Complaint brought by Neptune Township against Evanston Insurance Company only, with prejudice; and,

BE IT FURTHER RESOLVED, that the attached Stipulation of Dismissal with Prejudice is hereby authorized to be finalized by the Municipal Attorney, Gene J. Anthony, Esq., and executed by him on behalf of the Township of Neptune; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	3,177,388.07
GRANT FUND	34,409.31
TRUST FUND	19,046.93
GENERAL CAPITAL FUND	64,308.48
SEWER OPERATING FUND	640,853.63
SEWER CAPITAL FUND	354,042.77
MARINA OPERATING FUND	9,014.28
MARINA CAPITAL FUND	7,075.00
DOG TRUST	931.20
LIBRARY TRUST	4,724.67
BILL LIST TOTAL	\$4,311,794.34

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; Williams, aye; and Rizzo, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dan Koval, Schoolhouse Road, submitted a petition from residents of Schoolhouse Road and neighboring roads seeking a weight restricts on Schoolhouse Road. Mr. Koval stated there is a gas line on the bridge that could be ruptured if it is hit by a truck. Mr. Gadaleta stated that he spoke to NJDOT about the information provided at the last meeting and he will continue the discussion with Wall Township. Mr. Koval also stated that the existing speed bumps cause loud bangs when a truck drives over them.

Ed Johnson, Brookdale College Executive Director of Government Affairs, thanked the Township for supporting Brookdale College. He asked for a meeting with Mayor Rizzo to discuss new initiatives to provide more opportunities to Neptune residents.

James McMichael, 111 Asbury Avenue, stated that parking in Ocean Grove gets worse every summer. He witnesses people parking and then walking to Asbury Park. He then hears them coming back at night to drive home. He supports the decision to keep the gates up because parking would be impossible if the gates were removed. He suggested a referendum of Ocean Grove residents on the issue, but not to yield to Asbury Park residents. The Mayor reiterated that the decision to keep the gates will stand. She noted that a referendum would have to be town-wide. It cannot be done in just one section of the Township.

Jack Bredin, 94 ½ Heck Avenue, stated that all levels of government exist to provide security to its citizens. The gates provide security to the residents of Ocean Grove. He thanked Chief Hunt and the Township Committee for protecting the residents.

Gabrielle lentile, 14 Home Street, Neptune City, stated that both Belmar and Bradley Beach have adopted ordinances to reduce single use pollution. This pollution from plastics presents dangers to wildlife in our ocean and rivers. These items cannot be recycled or reused. 300 towns in the United States have prohibitions or fees regulating use. She stated that Neptune should take the

lead in this. Mayor Rizzo indicated that there is an enforcement issue with this topic and Township has been looking to the state to enact legislation.

Sara Bowman, 134 Mt. Hermon Way, stated that Asbury Park is not acting in good faith regarding the gates. She spoke to a person who parked near her and was told that they park in Ocean Grove because it is free and then walk to Asbury Park. She has been in Ocean Grove since the 1980s and the gates are a deterrent to crime.

Maureen Keane, 99 Main Avenue, stated that she has lived in Ocean Grove for three years and the only drawback are the evenings when people are walking back from Asbury Park. She has witnessed urination, beer bottles and debris in Firemen's Park. The bridges remain accessible all day and evening. She supports Asbury Park for the night life, but Ocean Grove is a quiet community.

Vincent McGuire, Willow Drive, stated that the Township should look at closing the gates at 10:00 p.m. He asked for a streetlight on Willow Drive between Gully Road and Cedar Terrace. Mr. Gadaleta replied that he will have a study done by the Police Department. Mr. McGuire asked that the availability of minutes on-line be kept up to date and that a hole in the road on West Bangs Avenue is being repaired by the County.

Frances Devlin, 39 Olin Street, thanked the Committee for painting the yellow no parking lines on Olin Street. He is in favor of removing the gates. The Mayor stated that she visited residents in Ocean Grove and asked if they wanted the gates to remain, be removed, or did not care. If a resident indicated that they wanted to keep the gates, she had them sign. Mr. Devlin stated that he does not think it is appropriate for the Mayor to conduct a survey and only record the signatures of people in favor of the gates remaining. Mr. Anthony stated that the Mayor performed the survey as a private citizen.

Richard Williams, 1 Abbott Avenue, stated that he respects the decision of the Committee and the real issue is parking. He asked for a status on the Parking Consultant. The Mayor stated that the Township will be asking the Consultant to look at the information that was done for the Parking Committee and come back with options.

Robert Podlaski, 124 Prospect Avenue, stated that he is looking to improve the field conditions at Sunshine Fields. Mr. Lane stated that he, Dr. Brantley, and Dawn Thompson are setting up a meeting with the various sports organizations to discuss this issue.

Joyce Klein, 105 Mt. Hermon Way, stated that she is discouraged that the Committee does not want to consider banning of plastics because of enforcement difficulties. Enforcement should not be a reason to be dismissive of the idea. In regards to parking, she appreciates the steps being taken, but the prior information compiled by the Consultant was not a study. The Consultant simply responded to the ideas presented by the Parking Committee. Mr. Williams stated that part of the study was to find more parking spots. Ms. Klein stated that the Consultant's work was reactive to the Parking Committee and she is hoping that a parking expert would come up with solutions. The Mayor stated that the Committee will look at the prior study and see how it can be managed.

Joan Venezia, 107 Mt. Hermon Way, stated that she supports a ban on plastics and styrofoam. She asked for an update on the North End Redevelopment Agreement. Mr. Gadaleta stated he believes that the last four outstanding items have been resolved and a draft agreement will be provided to the Township Committee and Redevelopment Agreement at the end of the week. If everyone is in agreement with the draft, a resolution will be on the August 12<sup>th</sup> meeting. She asked how the decision was made on the gates. Mr. Gadaleta stated that the Police Department recommended that the gates remain so the Committee is following that recommendation.

Jeff Rudell, 112 Main Avenue, stated that there are more cars than parking spots in Ocean Grove and there is an incentive for people going to Asbury Park to park in Ocean Grove. He is willing to pay for parking in Ocean Grove and get some type of tax deduction as a resident. He asked if a Special District can be created to allow for something to be done in Ocean Grove only. Mr. Anthony stated that he is not sure if state statute allows it.

Barbara Burns, Ocean Avenue, stated that parking is a scarce resource and the Township needs to disincentivize parking by charging a fee. Gates are not the solution, it is the free parking that is causing the problem. Likewise, Ms. Burns stated a fee for plastic bags would be a disincentive to the use of plastic bags.

Diane Zader, 101 Mt. Tabor Way, stated that she has witnessed liquor bottles on the ground, basement windows kicked in, and a fight at Mt. Tabor Way and New Jersey Avenue, all as the result

of people returning to their cars from Asbury Park.

Dani Fiori, 120 Lake Avenue, stated that the Mayor conducted a survey as a citizen and then made a decision as a government official. The Mayor stated that the decision was based on a police report. Ms. Fiore asked if the Police Department believes that gates are needed to protect citizens. The Mayor stated that the report indicates that the gates improve safety. Ms. Fiori stated that the social message that is sent by the gates is bad. She is glad that a parking study is being done and will follow up at future meetings.

Christine Kacandes, 14 Home St., Neptune City, stated that she lived on Broadway in the 1980s and there has always been a parking issue in Ocean Grove. What has happened in Asbury Park has helped property values in Ocean Grove. Everyone needs to work together on this issue and she does not understand how gates deter crime.

Andy Levine, 98 Mt. Tabor Way, asked for the budget for the parking study. Mr. Gadaleta responded that the budget is \$8,000. The Mayor added that the Committee does not want to duplicate the information that was already done in the original study. Mr. Levine added that he is looking for action to address the parking problem.

Eileen Chapman, Councilwoman, Asbury Park, asked if the petition compiled by the Mayor is a public document. The Mayor stated that asked people if they heard about the controversy regarding the gates and then logged in names based on the answer. Mr. Anthony replied that it is not a public document.

John Moor, Mayor, Asbury Park, thanked all of the first responders who are out assisting residents as a result of the storm that hit just before the start of this meeting. He stated that he and Councilwoman Chapman met with the Mayor and Dr. Brantley and was told that a decision on the gates would not be made until September. He stated that he is disappointed about the process and that a decision was made now, but is still looking to work together.

Yvonne Yetman, 106 Mt. Carmel Way, stated that she witnessed about 15 people come through the gate on night because there was a 14 inch opening that allowed people to squeeze through. Mr. Gadaleta will follow-up,

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

Richard J. Cuttrell,  
Municipal Clerk