

## TOWNSHIP COMMITTEE SPECIAL MEETING – AUGUST 25, 2020

Mayor Lane called the virtual meeting to order at 5:00 p.m. and announced that video and audio access to the meeting is via [townhallstreams.com/towns/neptune\\_nj](https://townhallstreams.com/towns/neptune_nj).

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

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; and Gene Anthony, Township Attorney. Eric M. Bernstein, Labor Attorney also joined the meeting.

Mayor Lane announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on August 20, which included a notice of virtual meeting with web access instructions, 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).

The Committee discussed draft changes to the Police Ordinance (Section 2-10 of the Township Code).

Dr. Brantley stated that sometimes it is necessary to review and make changes to boards and committees and he agrees that it is good to make changes to the Police Committee. He agrees with having two members of the Township Committee on the Police Committee, with one being the Mayor, but prefers to have two Neptune residents, rather than one. He agrees that the Business Administrator should be involved, but in a non-voting consulting manner with perhaps only voting to break a tie vote among the other four members.

Mr. Gadaleta stated that he believes the Business Administrator should not be voting, but offer administrative support.

Mr. Anthony stated that state statute allows for the Appropriate Authority to be the Business Administrator alone or a Committee comprised of multiple people. The Appropriate Authority cannot interfere with the day to day operations of the Police Department. A Police Committee is purely oversight in nature and an attorney should be providing guidance to the Police Committee on their responsibilities.

Mr. Williams stated that he contacted officials in other towns and many believe that Neptune was ahead of its time in starting a Police Committee and are looking to form a Police Committee in their municipalities. He believes the Mayor should be the Chairperson of the Police Committee. In reference to terms, if the Mayor is a member, the term should be one year and not two years. Ms. Rizzo argued for two year terms.

Mr. McMillan stated that the Police Committee should have a clearly defined mission. He asked if the current Police Committee reviewed the annual reports of the Police Department. Mr. Williams responded yes.

The Committee discussed a number of ideas in regards to the membership of the Police Committee including number of residents, if the Mayor should automatically be a member, length of terms for members, ability and criteria to remove members, confidentiality requirement, definition of resident, and minimum numbers of years of residency.

Mr. Bernstein asked if the Police Committee does minutes of their meetings. Mr. Williams responded yes. Mr. Bernstein stated that those minutes need to be filed with the Municipal Clerk. In regards to removal of members, he suggested a combination of cause and other factors and possibility requiring a super majority to remove members.

Dr. Brantley discussed the requirements for appointment of police officers. Specifically, the requirement of no indictable criminal history conviction. He stated infractions such as a minor offense when a person was a juvenile should not eliminate a person from consideration. Mr. Bernstein stated that this language was agreed to during the accreditation process and sealed juvenile records are reviewed as part of the background check. He will explore other options for that language to eliminate some juvenile cases.

Mr. Gadaleta recapped the decisions made by the Committee. Membership will be two Township Committee members (one of the two being the Mayor), two non-employee residents, and the Business Administrator in a non-voting capacity. Two year terms for the resident members and one year terms for the Township Committee members. Mr. Bernstein will provide language for

removal for cause. Ms. Rizzo stated there is a definite need to recognize the injustices of the juvenile justice system.

Mr. Bernstein will provide a new draft ordinance with suggested changes. The ordinance will be introduced at the September 14<sup>th</sup> meeting.

The Mayor stated that in light of correspondence received to today, he is recommending that a resolution to remove current members of the Police Committee and appoint new members be carried to the September 14<sup>th</sup> meeting. Mr. Williams offered a motion, seconded by Ms. Rizzo, to carry the resolution to the September 14<sup>th</sup> meeting. All were in favor.

### PUBLIC COMMENTS

Mayor Lane asked for public comments via text to 908-415-3680.

Gerrold Moore, 625 Marion Road, stated that the Business Administrator commented that the current Police Ordinance contains parts that are not legal. He asked for clarification. Mr. Gadaleta stated that the section that describes the structure of the Department is not consistent with statute. A specific number of superior officers and total officers needs to be included. Mr. Bernstein added that corrections to the current ordinance were made to be consistent with state statute.

Jim Manning, Lakewood Road, asked for language in the current ordinance regarding removal of members. Mr. Gadaleta replied that the current ordinance states that members serve at the pleasure of the Township Committee and may be removed at their discretion.

Rich Williams, 1 Abbott Avenue, asked if the minutes and reports of the Police Committee were subject to the Open Public Records Act. Mr. Bernstein replied that the Police Committee is a sub-committee of the governing body and there is no requirement for minutes to be approved.

Nancy Clarke, Embury Avenue, stated it is not a good idea to designate the Mayor as an automatic member of the Police Committee because that would give too much power to one person.

There were no further comments.

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

Ms. Rizzo offered the following resolution, moved and seconded by Mr. McMillan, 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 – Police Committee Consultant

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

The Committee entered executive session for discussion on a litigation matter.

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

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

The Committee returned to open session.

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

Richard J. Cuttrell,  
Municipal Clerk