

TOWNSHIP COMMITTEE MEETING – APRIL 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: Robert Lane, Jr., Kevin B. McMillan, Nicholas Williams, and Mayor Carol Rizzo. Absent: Dr. Michael Brantley

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:

Mr. Gadaleta provided the following report:

- Heck Avenue sewer project will be starting shortly. Equipment will be stored on the Township lot off of Divisions Street. After completion of the sewer work, Heck Avenue will be paved from Route 35 to Memorial Drive. Mr. McMillan asked that the residents on Division Street be notified about the storage of equipment.
- The unpaved half of Brighton Avenue will be paved via a Transportation Trust Fun grant. The concrete work at the intersections has already been completed.
- The Committee and Department Heads will be attending the Shark River Hills Property Owners Association meeting on April 23<sup>rd</sup> to give a “State of Neptune” address.
- Mr. Gadaleta will be speaking at the Ocean Grove Homeowners Association meeting on April 27<sup>th</sup>.
- A meeting was held in regards to the North End fire with the NJ Department of Environmental Protection, Camp Meeting Association, the property owner, and Monmouth County representatives. The owner is anxious to move forward on the removal of debris and sifting of the sand. He will also be required to re-profile the beach that was set by the beach replenishment. There is an issue on how to move the material with the options being from the north side of the former structure, through the North End lot, and down Ocean Avenue or across the beach to the paved area of the boardwalk near Seaview Avenue and then down Ocean Avenue. The former option has the concerns of the outfall pipe under the beach and the tunnels under the North End lot.

Mr. Williams asked for an update on the skateboard park. Mr. Gadaleta stated that the project will be moving very shortly.

The Mayor reported that she will be attending the annual Mayor’s Conference the end of this week.

Mr. Gadaleta added that the Asbury Park V.F.W. has negotiated a purchase price for the Corlies Avenue V.F.W. property and is awaiting approval from the State V.F.W. organization.

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

Mr. McMillan offered the following resolution, moved and seconded by Mr. Williams, 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 – Environmental/Shade Tree Commission vacancies

## Personnel – Recommendations for EMT and Violations Clerk

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

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

The Committee reviewed a recommendation from the Environmental/Shade Tree Commission to remove two members for non-attendance at four consecutive meetings. The Commission also provided three recommendations to fill the two vacancies as well as an additional vacancy on the Commission. The Committee asked that the appropriate resolutions be placed on the next meeting agenda.

Mr. Gadaleta gave recommendations for the hiring of a part-time EMT and a full-time Violations Clerk. The Committee took action by resolutions during 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: Robert Lane, Jr., Kevin B. McMillan, Nicholas Williams, and Mayor Carol Rizzo. Absent: Dr. Michael Brantley.

Also present at the dais were Richard J. Cuttrel, 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. McMillan, to approve the minutes of the meeting held on April 8th. All were in favor.

## COMMENTS FROM THE DAIS

Mr. Williams reported that the Municipal Marina opened on April 1<sup>st</sup> and boats are being hauled back into the water from winter storage.

Mr. McMillan thanked the administration and all the first responders for their professional handling of the North End fire. He attended a meeting of the Economic Development Corporation where the North End and West Lake Avenue redevelopment projects were discussed. Also discussed was Makerhoods which partners with real estate developers to create affordable work/live spaces for low and moderate income makers. More information on the concepts is available through their web site. He met with the Library Director on plans to implement a STEM girls weekly workshop at the library for 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> graders. He attended the Mayor's Roundtable on April 13<sup>th</sup> where affordable housing median rents and rates were discussed along with a discussion on cannabis.

Mr. Lane thanked the first responders and Mr. Gadaleta for their efforts at the North End fire. He attended the Coastal Habitat fund raiser, the Recreation Department Easter Egg Hunt, and the Veterans Park Committee event where Fred Freda was honored. The Arc of Monmouth will be

holding its annual walk/fund raiser at the Headliner on April 27<sup>th</sup>.

Mayor Rizzo reported that fire departments from 40 towns helped at the North End fire. She was how well the emergency teams work together and has a new found appreciation for the efforts of many when a disaster happens. She thanked Mr. Gadaleta for his strength and leadership. Mr. Gadaleta stated that it was not just his efforts, but the coordinated effort of a lot of good people. The Township received support from businesses that provided free food and Senator Vin Gopal arranged for breakfast for those still on the scene on Sunday morning. The Mayor mentioned Dunkin Donuts and Jersey Mike's as examples of local businesses that helped out.

The Mayor met with Senator Gopal regarding school funding. He will be meeting with Assemblypersons Houghtaling and Downey as well as Superintendent Tami Crader for further discussions. Senator Gopal will also be hosting the Mayor's Youth Cabinet in Trenton for an experience in state government. The Mayor will be attending the New Jersey Conference of Mayors later this week and the Shark River Hill Property Owners Association meeting on April 23<sup>th</sup>.

#### PUBLIC HEARING – 2019 MUNICIPAL BUDGET

Mr. Bascom presented the 2019 municipal budget. His slide presentation will be available on the Township web site along with the User Friendly Budget. The budget will reflect a 1.6% decrease in the tax rate versus 2018. Budget appropriations are up 0.9%. The Township receives 35.2% of the local property tax collected. The budget is \$2,367,903 under the appropriations cap and \$274,311 under the tax levy cap. Mr. Bascom reviewed budget projections moving forward as well as the sewer and marina utilities which are both self-liquidating.

Nancy Clarke, 47 Embury Avenue, thanked the Committee for increasing Historic Preservation Commission funds to hire a Consultant to work on the ordinances and HPC guidelines. She noted an increase in legal expenses from \$300,000 to \$1 million in the last five years. This year the budgeted amount is \$850,000. She asked how the Committee is reducing the legal budget. Mr. Gadaleta stated that there is a need to defend claims against the Township and we are working on getting a hold on the expenses.

Dorothy Argyros, 2100 Rutherford Avenue, asked if the budget power point presentation would be made available. Mr. Bascom stated it will be on the Township web site tomorrow. She stated the Township changed its insurance carrier. She was told this was because the original policy ended, so a new one carrier was chosen, but wonders if the Township was dropped by its previous carrier because of the number of lawsuits. Mr. Bascom stated the carrier was changed and there has been no change in the cost of coverage since that time. There initially was a reduction in cost, followed by a small increase. However, the new carrier has lower co-pays. Ms. Argyros asked how she can get figures on sick leave payouts at retirement. Mr. Cuttrell stated that an OPRA request can be submitted. Mr. Bascom stated that the Township has capped employees at \$15,000 as permitted by state law. Some employees cannot be capped at that amount but have been capped at the value of the sick time as of 2013. Other employees cannot be capped at all by law.

Richard Williams, 1 Abbott Avenue asked if the audit comments from the previous year audit have been resolved in this budget. Mr. Bascom stated that all of the comments have been addressed.

Joyce Klein, 105 Mt. Hermon Way, asked if funds are budgeted for a parking expert. Mr. Bascom replied that funds are budgeted for this purpose in the Engineering budget. Ms. Klein asked Mr. Bascom to address his previous comment that money in the 2018 budget was used for transfers at the end of the year which cut into the surplus. Mr. Bascom replied that more money was transferred in 2018 than in previous years, primarily to the legal budget, which resulted in more spending in 2018. Therefore, the amount of unspent money in the budget will be lower in 2018 than in previous years which impacts the regeneration of surplus moving forward.

There being no further comments, the Mayor closed the public hearing on the municipal budget.

#### AUTHORIZE AN AMENDMENT TO APPROVED 2019 MUNICIPAL BUDGET

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

WHEREAS, the local municipal budget for the year 2019 was approved on the 25<sup>th</sup> day of March, 2019; and,

WHEREAS, the public hearing on said budget has been held as advertised on April 22, 2019, and,

WHEREAS, it is desired to amend said approved budget as described below, and

WHEREAS, this amendment does not require an additional publication nor notice,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, of the County of Monmouth, that the following amendments to the approved budget of 2019 be made:

	<u>Approved Budget</u>	<u>Amended Budget</u>
<b>GENERAL REVENUES</b>		
3. Miscellaneous Revenues – Section A: Local Revenues:		
Fines and Costs: Municipal Court	\$ 645,000.00	\$ 646,263.61
Total Section A: Local Revenues	\$1,627,000.00	\$1,628,263.61
 <b>SUMMARY OF REVENUES</b>		
3. Miscellaneous Revenues:		
Total Section A: Local Revenues	\$1,627,000.00	\$1,628,263.61
Total Miscellaneous Revenues	\$ 9,730,892.51	\$9,732,156.12
5. Sub-Total General Revenues	\$13,488,839.13	\$13,490,102.74
 6 Amount to be Raised by Taxes for Support of Municipal Budget:		
c) Minimum Library Tax	\$ 1,335,681.00	\$1,385,244.25
7 Total General Revenues	\$45,056,166.20	\$45,106,993.06
8. General Appropriations		
(A) Operations – within “CAPS”		
Environmental & Shade Tree Other Expenses	\$ 6,200.00	\$ 12,200.00
Total Operations {Item 8(A)} within “CAPS”	\$31,201,205.00	\$31,207,205.00
Detail:		
Other Expenses	\$13,010,455.00	\$13,016,455.00
(E) Deferred Charges and Statutory Expenditures – Municipal within “CAPS”		
(1) Deferred Charges Overexpenditure of Appropriation	\$ 0.00	\$ 1,263.61
Total Deferred Charges and Statutory Expenditures – Municipal within “CAPS”	\$ 4,227,453.00	\$4,228,716.61
(H-1) Total General Appropriations for Municipal Purposes within “CAPS”	\$35,428,658.00	\$35,435,921.61
(A) Operations – Excluded from “CAPS”		

Aid to Free Public Library	\$ 1,335,681.00	\$1,385,244.25
Shared Service Agreements:		
City of Asbury Park – Wesley Lake Maintenance	\$ 12,000.00	\$ 6,000.00
Total Shared Service Agreements	\$ 937,675.00	\$ 931,675.00
Total Operations Excluded from “CAPS	\$ 2,899,594.20	\$2,943,157.45
Detail:		
Other Expenses	\$2,448,361.67	\$2,491,924.92
(H-2) Total General Appropriations for Municipal Purposes Excluded from “CAPS”	\$ 7,327,508.20	\$7,371,071.45
(O) Total general Appropriations – Excluded From “CAPS”	\$ 7,327,508.20	\$7,371,071.45
(L) Subtotal General Appropriations	\$42,756,166.20	\$42,806,993.06
9. Total General Appropriations	\$45,056,166.20	\$45,106,993.06

#### SUMMARY OF APPROPRIATIONS

(H-1) Total General Appropriations for Municipal Purposes within “CAPS”	\$35,428,658.00	\$35,429,921.61
(A) Operations – Excluded from “CAPS”	\$ 1,400,681.00	\$1,450,244.25
Total Operations – Excluded from “CAPS”	\$ 2,944,950.84	\$2,960,030.84
Total Operations Excluded from “CAPS	\$ 2,899,594.20	\$2,949,157.45
Total General Appropriations	\$45,056,166.20	\$45,106,993.06

#### SEWER UTILITY BUDGET

##### 11. Appropriations for Sewer Utility

###### Debt Service:

Interest on Notes	\$ 1,000.00	\$ 750.00
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###### Deferred Charges and Statutory Expenditures

###### Deferred Charges:

Fund Ordinance 09-37	\$ 0.00	\$ 250.00
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#### MARINA UTILITY BUDGET

##### 11. Appropriations for Marina Utility

###### Debt Service:

Payment of Bond Anticipation Notes and Capital Notes:	\$100,000.00	\$ 92,000.00
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Interest on Notes	\$ 20,000.00	\$ 28,000.00
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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for her certification of the local municipal budget so amended and that a copy be forwarded to the Chief Financial Officer and the Township

Auditor.

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

ADOPT 2019 TOWNSHIP OF NEPTUNE MUNICIPAL BUDGET

Mr. McMillan 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, County of Monmouth, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$30,231,646.07 for municipal purposes; and, \$1,385,244.25 for the minimum library levy:

General Revenues

Surplus Anticipated	2,595,891.29
Miscellaneous Revenues Anticipated	9,732,156.12
Receipts from Delinquent Taxes	1,162,055.33
Local Tax for Municipal Purposes	30,231,646.07
Local Tax for Minimum Library Levy	1,385,244.25
Total Revenues	45,106,993.06

General Appropriations

Within "CAPS"	
Operations including contingent	31,207,205.00
Deferred Charges and Statutory Expenditures	4,228,716.61
Excluded from "CAPS"	
Operations	2,943,157.45
Capital Improvements	125,000.00
Municipal Debt Service	4,302,664.00
Deferred Charges	250.00
Reserve for Uncollected Taxes	2,300,000.00
Total General Appropriations	45,106,993.06

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

PUBLIC COMMENTS ON RESOLUTIONS

Jack Bredin, 94 ½ Heck Avenue, stated that the Conditional Redeveloper's Agreement approved for OGNED gave a deadline of 120 days to sign a Redeveloper's Agreement. The resolution being considered tonight eliminates the time deadline for the Redeveloper's Agreement. The Township could be waiting another ten years for the project so the Committee should not adopt this resolution. Mr. Gadaleta stated that the Redevelopment Committee is working on finalizing the wording of the Redeveloper's Agreement and the Redeveloper cannot get before the Planning Board before the original deadline.

Joyce Klein, 105 Mt. Carmel Way, speaking on the same resolution, asked why a deadline was not included. Mr. Gadaleta stated that the amendment to the conditional agreement being considered tonight states that the agreement can be terminated by either party at any time. Ms. Klein asked how this will affect the payment of expenses by the Redeveloper. Mr. Gadaleta stated the Redeveloper has already placed funds in escrow and will add money as necessary. Mr. Gadaleta also stated that the fire will not cause a delay in the process.

ORDINANCE NO. 19-09 - ADOPTED

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

ORDINANCE NO. 19-09

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XVIII, SECTION 18-2.8 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO PROHIBIT PARKING OF TRAILERS DURING WEEKENDS AND HOLIDAYS ON THE RIVERSIDE PARKING AREAS OF THE MUNICIPAL MARINA

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

Kennedy Buckley, 65 Broadway, stated that he hopes the parking of trailers in Ocean Grove will receive as much attention as this area.

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

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

ORDINANCE NO. 19-10 - ADOPTED

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

ORDINANCE NO. 19-10

BOND ORDINANCE AMENDING AND RESTATING BOND ORDINANCE NUMBER 18-19 FINALLY ADOPTED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON JUNE 11, 2018 IN ITS ENTIRETY TO DECREASE THE TOTAL DEBT AUTHORIZATION THEREIN FROM \$1,704,126 TO \$1,580,187, AND TO AMEND AND RESTATE OTHER PROVISIONS THEREIN

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

ORDINANCE NO. 19-11 - APPROVED

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

ORDINANCE NO. 19-11

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 416.04 – EXEMPT SIGNS TO DEFINE “PUBLIC ACCESS SIGNS”

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

ORDINANCE NO. 19-12 - APPROVED

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

ORDINANCE NO. 19-12

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 BENSON AVENUE, CONVERTING AN EXISTING HANDICAPPED ZONE TO A RESIDENT ONLY ZONE ON EMBURY AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON LAWRENCE

## AVENUE

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 19-11 and 19-12 will be held on Monday, May 13, 2019.

### CONSENT AGENDA

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

#### EXTEND CONTRACT FOR EMERGENCY RESPONDER REPLY SYSTEM

WHEREAS, on January 26, 2009, the Township Committee adopted Resolution #09-83 which awarded a contract for an emergency responder reply system through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, this contract was extended for an additional five years by adoption of Resolution #15-195 on April 27, 2015; and,

WHEREAS, the Purchasing Agent and Chief Financial Officer have recommended that the contract be extended for three years through May 13, 2022; and,

WHEREAS, funds will be provided in the 2019 municipal budget in the appropriation entitled Telecommunications O.E., as well as subsequent annual budgets, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the extension of the contract with Emergency Services Marketing Corp, Inc. to provide a Emergency Responder Reply System which will serve as an automated emergency response system for the Township's emergency response agencies at a total amount of \$26,766.00 for a term of three years from May 14, 2019 through May 13, 2022; and,

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

#### ACCEPT THE RESIGNATION OF MICHAEL JONES, JR. AS A SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Michael Jones, Jr. resigning as a Special Law Enforcement Officer in the Police Department effective April 19, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Jones, Jr. as a Special Law Enforcement Officer in the Police Department is hereby accepted effective April 19, 2019; and,

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

#### APPOINT ALTERNATE PROSECUTOR

WHEREAS, on December 6, 2018 and February 19, 2019, the Township of Neptune requested proposals for Alternate Prosecutor for the year 2019 to which no responses were received; and,

WHEREAS, the Municipal Court Judge has requested that the Township Committee formally make an appointment for the year 2019 to comply with the rules of the State Judiciary; and,

WHEREAS, Patrick Healy, who served as Alternate Prosecutor for a period of time in 2018, has submitted a resume and qualifications; and,

WHEREAS, based on the amount of funds expended in the prior year for these services, it is estimated that the total 2019 appropriation for this contract will be \$5,000.00. Funds will be provided

in the 2019 municipal budget in the appropriation entitled Municipal Court S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Patrick Healy to serve as Alternate Prosecutor in the absence of the Prosecutor for the balance of the year 2019, at a rate of \$410.00 per session; and,

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

AUTHORIZE THE EXECUTION OF A FIRST AMENDMENT TO CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT WITH OG NORTH END DEVELOPMENT, LLC, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, Resolution #18-395, adopted by the Township Committee on November 26, 2018, authorized execution of a Conditional Designation and Interim Cost Agreement (the "Agreement") with OG North End Development, LLC (OGNED) which Agreement named OGNED as the Conditional Redeveloper of the North End Project Site as defined therein; and

WHEREAS, the Interim Period of the Agreement is 180 days from the date of full execution of the Agreement; and

WHEREAS, the Township Committee desires to amend the Agreement to extend the Interim Period; and

WHEREAS, the other provisions of the Agreement shall remain unchanged.

NOW, THEREFORE, it is hereby resolved by the Township Committee of Neptune as follows:

1. The Mayor is hereby authorized and directed to execute a First Amendment to the Conditional Designation and Interim Cost Agreement between the Township of Neptune and OG North End Development, LLC in substantially the form attached hereto as Attachment A.
2. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

PLACE LIEN ON 4 BOARDWALK DUE TO COSTS ASSOCIATED WITH DEMOLITION OF THE STRUCTURE

WHEREAS, as part of the fire investigation and to ensure that any remaining fire was fully extinguished, it was necessary to demolish the remaining portions of the North End Pavilion, 4 Boardwalk; and,

WHEREAS, the Business Administrator obtained a quote for demolition and the structure was demolished at a total cost as indicated below; and,

WHEREAS, it is necessary to place a lien on the property for the cost of the demolition,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place a lien of \$9,690.00 against 4 Boardwalk for costs associated with the demolition of the remaining fire damaged structure; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Deputy Tax Collector.

AUTHORIZE HAZARDOUS MATERIAL TRAINING

WHEREAS, the Purchasing Agent requested and received proposals from qualified vendors to provide hazardous material training for Township emergency responders; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said proposals were reviewed by the Purchasing Agent who has recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in the 2019 Municipal Budget through a 2019 HMEP Training Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Federal Resources Supply be and is hereby authorized to provide two day hazardous material training program to Township emergency responders at an amount not to exceed \$19,900.00; and,

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

AUTHORIZE MODIFICATION AND CONVERSION OF AN EXISTING VEHICLE TO A LIBRARY BOOKMOBILE

WHEREAS, the Purchasing Agent solicited quotes for the modification and conversion of an existing Township vehicle to a bookmobile for the Municipal Library; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Library Director and Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in 2019 municipal budget in the appropriation entitled Aid to Free Public Library 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 modification and conversion of an existing Township vehicle to a bookmobile for the Municipal Library be and is hereby authorized through Eastern Surplus & Equipment Company pursuant to their quote of \$16,475.00; and,

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

EMPLOY EMERGENCY MEDICAL TECHNICIAN IN THE EMERGENCY MEDICAL SERVICES DEPARTMENT ON A PART-TIME BASIS

WHEREAS, there is a need for an additional Emergency Medical Technician on a part-time hourly basis; and,

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

WHEREAS, the EMS Manager and Human Resources Director have made their recommendations; and,

WHEREAS, funds will be provided for in the 2019 municipal budget, in the appropriation entitled Emergency Medical 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 Scott Shanker be and is hereby employed as a part-time Emergency Medical Technician, effective April 29, 2019, contingent upon successful completion of a background investigation and medical evaluation, at an hourly rate of \$17.87; and,

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

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF VIOLATIONS CLERK IN THE MUNICIPAL COURT

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

WHEREAS, there is a vacancy in the position of Violations Clerk in the Municipal Court; and,

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

WHEREAS, the Human Resources Director and Court Administrator have made their recommendation; and,

WHEREAS, funds will be provided in 2019 Municipal Budget in the appropriation entitled Municipal Court 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 Victoria Caufield for the position of Violations Clerk in the Municipal Court, 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 April 29, 2019, at an annual salary of \$27,300.00; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan offered the following resolution, moved and seconded by Mr. Williams, 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	4,369,631.28
TRUST FUND	41,796.73
GENERAL CAPITAL FUND	10,075.98
SEWER OPERATING FUND	29,507.11
SEWER CAPITAL FUND	10,186.25
MARINA OPERATING FUND	3,046.00
DOG TRUST	539.20
LIBRARY TRUST	882.49
BILL LIST TOTAL	\$4,465,665.04

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: Lane, aye; McMillan, aye, except abstain on the check payable to himself for travel reimbursement; Williams, aye; and Rizzo, aye.

AUTHORIZE RETAINER FOR PAYMENT OF FEES TOWARDS EXPERT WILLIAM MICHELSON, ESQ., IN PREPARATION OF AN AFFIDAVIT OF MERIT AND RETENTION OF SERVICES FOR THE TOWNSHIP'S LEGAL MALPRACTICE SUIT

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

WHEREAS, by Resolution 19-146, approved by the Township Committee on March 11, 2019, the governing body authorized a legal malpractice lawsuit and legal representation by the Law Firm of Grace, Marmero and Associates, LLP against former Labor Counsel, Nita Raval, Esq., and the pursuit of an Affidavit of Merit in support of said claims; and

WHEREAS, Special Counsel recommends retaining the expert, William Michelson, Esq., with a legal fee rate of \$400.00 per hour, and with an up-front retainer of \$800.00 towards the preparation of an Affidavit of Merit and retention as an expert in any lawsuit that may follow; and,

WHEREAS, funds will be provided in 2019 Municipal Budget in the appropriation entitled Legal Services 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, that the governing body hereby authorizes the retention of William Michelson, Esq. with offices located at 556 Belvidere Avenue, Plainfield, New Jersey 07062-5005, as an expert in preparing an Affidavit of Merit and any other services necessary in pursuit of claims against Nita Raval, Esq. of the Law Firm of Florio, Kenny and Raval, LLP at a legal fee rate of \$400.00 per hour and a retainer of \$800.00, at an amount not to exceed \$5,000.00; and,

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

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

AUTHORIZE SETTLEMENT IN THE MATTER OF SHAWN G. HOPKINS V. TOWNSHIP OF NEPTUNE - GRC COMPLAINT NO. 2014-45

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

WHEREAS, the Complainant submitted an Open Public Records Act (OPRA) Request to the Custodian of Records of Neptune Township seeking electronic copies via email of the Computer Assisted Mass Appraisal ("CAMA) Data for the Township of Neptune, including property photographs on January 7, 2014, and on January 8, 2014, the Custodian of Records responded in writing denying the Complainant his OPRA Request because it would require the Township to create a record not already in existence and not in custody of Neptune Township, but rather located with the Monmouth County Tax Board; and

WHEREAS, on January 23, 2014, the Complainant forwarded a Denial of Access Complaint with the Government Records Council ("GRC"); and

WHEREAS, on February 26, 2014, the Custodian of Records of Neptune Township filed a Statement of Information certifying that he received the Complainants OPRA Request on January 7, 2014 and certifying further that his search included consulting with the Neptune Township Tax Assessor, and that no records existed in Neptune Township, and that the records existed on the Monmouth County Public Records Website; and

WHEREAS, on February 28, 2019 the GRC distributed its Interim Order to all parties indicating that it had concluded that the Custodian could not deny access to the Complainants OPRA Request seeking CAMA Data, even though it was available on the Monmouth County Website, and that the Custodian had to comply with the request within five days of receipt of the Interim Order, of which the Custodian did comply on March 7, 2019; and

WHEREAS, by Final Order of the GRC on March 26, 2019, the GRC held that there was a violation of OPRA by the Custodian of Records of Neptune Township, but that such violation did not rise to the level of a knowing and willful violation of OPRA, but that nevertheless, the prevailing party was entitled to reasonable attorney's fees and that the parties had twenty business days from the Final Order to work out and negotiate payment of legal fees, which the parties did, and reached the

conclusion that a reasonable attorney's fee for the attorney for the OPRA Complainant was One Thousand Dollars (\$1,000.00).

WHEREAS, funds will be provided in 2019 Municipal Budget in the appropriation entitled Legal Services 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, that the governing body hereby authorizes a settlement of the case of Shawn G. Hopkins v. Township of Neptune – GRC Complaint No. 2014-45 by payment of One Thousand Dollars (\$1,000.00) to the attorney for the Complainant, namely Richard Gutman, Esq., with offices located at 9 Prescott Avenue, Montclair, New Jersey 07042-5029, as settlement in full of all legal fees, and in compliance with the Final Order of the GRC issued March 26, 2019; and,

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

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Velda Harris, 1119 9<sup>th</sup> Avenue, discussed large trucks and trailers on 9<sup>th</sup> Avenue between Memorial Drive and Atkins Avenue and along Atkins Avenue. Trucks are entering 9<sup>th</sup> Avenue from Memorial Drive and speeding. There have been accidents at the intersection of 9<sup>th</sup> Avenue and Atkins Avenue. She requested speed humps on 9<sup>th</sup> Avenue, a blinking light at 9<sup>th</sup> and Atkins Avenues, and yellow boxes to prevent parking near the intersection. Mr. Gadaleta stated that Atkins Avenue is a County road. He can talk to the County about some of her ideas and look into the possibility of speed humps on 9<sup>th</sup> Avenue.

Richard Williams, 1 Abbott Avenue, thanked the Committee members for talking about their departments and thanked Mr. Gadaleta for his report. He stated that the MURC meeting is April 23<sup>rd</sup> and asked if West Lake Avenue Redeveloper would be attending that meeting. Mr. Williams stated that he is not sure if Dianna Harris from MURC reached out for the Redeveloper to request that he attend the meeting.

Kennedy Buckley, 65 Broadway, commented on the tremendous effort at the North End fire. He complimented the Library on offering complimentary access to ancestry.com. He asked for an update on the 9 Broadway settlement agreement. Mr. Gadaleta stated there is nothing pending in court. The Land Use Administrator is awaiting a transcript and provide more information once the transcript is received.

Jack Bredin, 94 ½ Heck Avenue, asked if the Mayor attends Redevelopment Committee meetings. The Mayor stated she does not because two Township Committee members already serve on that Committee. Mr. Bredin referenced the North End Redevelopment Plan which mentions an easement to allow deliveries to the east side of the boardwalk which means the east side of the boardwalk where the fire occurred is connected to development on the west side of the boardwalk. He stated that the plan is contradictory in regards to parking requirement because it states that the pavilion does not require off-street parking, but the development on the west side of the boardwalk must conform to the Residential Site Improvement Standards.

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

Richard J. Cuttrel,  
Municipal Clerk