

TOWNSHIP COMMITTEE MEETING – OCTOBER 7, 2021

Deputy 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: Robert Lane, Jr., Nicholas Williams, and Tassie D. York. Absent: Mayor Michael Brantley. (Keith Cafferty arrived shortly after the start of the workshop meeting as indicated)

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

Deputy 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 Coaster and the Asbury Park Press on May 27, 2021, 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 is posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

The following items were discussed in open session:

Mr. Lane announced a Grand Opening ceremony for VFW Post 1333 on October 14th.

Mr. Anthony referenced a matter involving the transfer of a taxi medallion. He stated that Township ordinance requires a potential owner of a medallion to go through a review process.

Mr. Cafferty arrived.

Mr. Anthony discussed revisions to the dumpster/portable storage container ordinance that is on this agenda for introduction. He stated that the idea of a short term grace period cannot be done differently between residential and commercial permit applications. He will continue to look into the issue but does not see a legal means to do it. Mr. Cafferty suggested that the fee for a residential use remain at \$30 rather than raising the fee to \$50. Mr. Anthony stated this can be done when the ordinance is introduced during the regular business portion of the meeting.

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

Mr. Lane offered the following resolution, moved and seconded by Mr. Cafferty, 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 – Employee covid policies

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: Cafferty, aye; Lane, aye; Williams, aye; York, aye; and Brantley, aye.

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

Greg Pasquale, Labor Attorney, was present for discussion on a proposed covid vaccination policy for Township employees. The Committee discussed changes to the proposed policy including handling employees who have had an exposure in the same manner regardless of vaccination status. CDC guidelines will be followed in that an employee will stay home if symptomatic. The Committee agreed to pay for weekly testing of unvaccinated employees until December 1st which gives them time to get vaccinated. The Committee also discussed the definition of “employee” and

determined the policy applies to contractors and professionals who are in municipal buildings and also to School Crossing Guards. The policy will not apply to volunteer members of citizen boards.

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

Deputy Mayor Williams called the regular meeting to order and requested the Clerk to call the roll. The following members were present: Keith Cafferty, Robert Lane, Jr., Nicholas Williams, and Tassie D. York. Absent: Mayor Michael Brantley.

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 Deputy Mayor asked the Clerk to indicate the fire exits.

The Clerk stated, "Fire exits are located in the rear of the room and to my right. In case of fire you will be notified by bell and or public address system, then proceed to the nearest smoke-free exit"

Deputy Mayor Williams 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 May 27, 2021, 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, ordinances, and resolutions are posted on the Township web site (www.neptunetownship.org) and the meeting is being streamed live via townhallstreams.com.

APPROVAL OF MINUTES

Mr. Lane offered a motion, seconded by Mr. Cafferty, to approve the minutes of the meeting held on September 27, 2021. All were in favor.

COMMENTS FROM THE DAIS

Mr. Lane attended the Fight to Unite event on October 2nd and it was a great community event. He also attended the Chamber of Commerce Craft Show in Ocean Grove. Classes at the Senior Center are filling up. There were over 1,000 interactions last month with some first time visitors and additional referrals. There is a special lunch planned on October 14th and a lunch to honor the Senior volunteers on October 22nd. A Mocktail and Craft Show event is also scheduled along with a medicare seminar. The Recreation Department is doing a movie night on October 20th. Early voting will take place from October 23rd to October 31st at the Senior Center. The McDonalds on Route 33 is holding a Trunk or Treat on October 30th.

Ms. York attended the Fight to Unite event and it was a wonderful experience. A renowned gospel singer and two of her cousins performed. It was a beautiful rally.

Mr. Cafferty stated the Recreation Department is holding a Halloween Festival which requires registration to attend. A holiday extravaganza is planned for Christmas time.

Mr. Williams stated that the Fight to Unite event was an incredible event with 150 marchers. This type of event shows what Neptune can do when we put our minds together and work together.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Gadaleta provided an update on Township projects as follows:

The Bikeway/Vista Project in Shark River Hills was cancelled by the Township Committee at the last meeting. NJDOT has been notified of this action and all grant funds will be returned to the State.

The final draft of the Route 66/Green Grove Road Redevelopment Plan has been completed by the Township Planner. The draft plan will be advertised on the Township web site under Economic Development. The Township Committee may consider an enabling ordinance in November.

As a follow-up to last meeting, he met with David Kennington at Boswell Park to review his concerns. They talked about future meetings with Township officials and local residents to try to address the maintenance issues at Boswell and other parks in Ocean Grove.

Mr. Gadaleta has five more Committee meetings after this evening.

PUBLIC COMMENTS ON RESOLUTIONS

Deputy Mayor Williams asked for public comments regarding resolutions presented on this agenda only. The public was permitted to speak one time with a limit of five minutes.

There were no public comments.

ORDINANCE NO. 21-43 - ADOPTED

Mr. Cafferty offered the following ordinance, moved and seconded by Ms. York, that it be adopted:

ORDINANCE NO. 21-43

AN ORDINANCE TO AMEND CHAPTER 9 OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO DELETE SECTION 9-29.1 CONTAINING THE TABLE OF CONTENTS OF THE TOWNSHIP'S PERSONNEL POLICY GUIDEBOOK

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

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

ORDINANCE NO. 21-44 - APPROVED

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

ORDINANCE NO. 21-44

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY ALLOWING FOR A CLUSTERING OPTION IN THE R-1 VERY LOW DENSITY RESIDENTIAL ZONE DISTRICT

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

ORDINANCE NO. 21-45 - APPROVED

Mr. Anthony stated that residential permit fee in the ordinance has been changed from \$50.00 to \$30.00

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

ORDINANCE NO. 21-45

AN ORDINANCE TO AMEND AND SUPPLEMENT §412 OF THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING §412.21F, RESCINDING §412.21G THROUGH M AND ESTABLISHING AN ORDINANCE UNDER §4-34 OF THE CODE OF THE TOWNSHIP OF NEPTUNE, ENTITLED, "TEMPORARY TRAILERS, DUMPSTERS, PORTABLE STORAGE UNITS AND LIKE PORTABLE ON-DEMAND STORAGE CONTAINERS

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

Mr. Cuttrell announced that Ordinances 21-44 and 21-45 will be referred to the Planning Board for a determination on consistency with the Master Plan. Public Hearings on Ordinances 21-44 and 21-45 will then be held at the regularly scheduled Township Committee meeting on Monday, November 8, 2021.

CONSENT AGENDA

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

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 020

WHEREAS, Ibrahem Abdo-Abdelwahed is the owner of Neptune Township Taxi Medallion No. 020; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Mohamed Elgamal of Elgamal Transportation; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 020 to Mohamed Elgamal of Elgamal Transportation; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

AMEND HOURLY RATES FOR SPECIAL DUTY ASSIGNMENTS FOR SPECIAL LAW ENFORCEMENT OFFICERS – CLASS II

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following shall represent hourly rates for Special Duty Assignments for Special Law Enforcement Officers – Class II effective immediately:

Traffic Control/Security Assignment	\$40.00 per hour
Regularly Scheduled (repetitive) Security Assignment:	\$50.00 per hour
Board of Education Assignment	\$40.00 per hour
Off-Duty Assignment – Governmental agency	\$30.00 per hour
(Includes non-profit organizations supported by the municipal budget)	

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

AUTHORIZE SETTLEMENT IN THE MATTER OF DEPARTMENT OF ENVIRONMENTAL PROTECTION V. TOWNSHIP OF NEPTUNE

WHEREAS, the Department of Environmental Protection issued a NOCAPA PEA 210003-009404 on August 11, 2021 against Neptune Township for violation of underground storage of hazardous substances and/or air pollution control with an initial fine of \$15,000.00; and

WHEREAS, Neptune Township addressed the aforesaid issues arising from said violation at the Department of Public Works Municipal Fueling Station, which had an underground storage tank system issue, and reached a settlement of the aforesaid matter with the Department of Environmental Protection of the State of New Jersey in the amount of \$11,250.00; and,

WHEREAS, funds for this purpose are available in the 2021 municipal budget in the appropriation entitled Gasoline O.E., and the Chief Financial Officer has so certified in writing,

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 a Settlement Agreement, a true copy of which is attached hereto as Exhibit A, for payment in the amount of \$11,250.00 towards the Department of Environmental Protection violation concerning an underground storage tank system issue at the Department of Public Works Municipal Fueling Station located at 2201 Heck Avenue, Neptune Township, New Jersey; and,

BE IT FURTHER RESOLVED, that this settlement authorization is made without any admission of guilt, and authorizes the Mayor and Clerk to execute the attached Settlement Agreement and forward the same to the State of New Jersey, Department of Environmental Protection; and,

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

AUTHORIZE AN AMENDMENT TO THE 2021 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 2021 in the sum of \$1,000.00 which is now available from the Monmouth County Office on Aging FY21 Title IIIB Older Americans Act grant in the additional amount of \$1,000.00; and,

BE IT FURTHER RESOLVED that the like additional sum of \$1,000.00 is hereby appropriated under the caption of Senior Citizens Program – Title IIIB; and,

BE IF FURTHER RESOLVED, that the above is the result of additional funds from the Monmouth County Office on Aging FY21 Title IIIB funding Older Americans Act grant in the amount of \$1,000.00; 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 THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect an overpayment; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
5414	2	FROMHOLD	106 MILFORD RD	2021	\$1,736.37
3705	45	MARTIN	7 DOUGLAS DRIVE	2021	\$1,017.28

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

DESIGNATE SECONDARY SEWER OPERATOR

WHEREAS, a vacancy exists in the stipend position of Secondary Sewer Operator; and,

WHEREAS, Matthew Parker, Driver in the Department of Public Works, has been earned the C2 Collection license from the State of New Jersey; and,

WHEREAS, the Sewer Department Supervisor and Business Administrator have recommended that the Secondary Sewer Operator stipend be awarded to Matthew Parker; and,

WHEREAS, funds will be provided in the 2021 Sewer Utility Budget in the appropriation entitled Salary & Wages and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Matthew Parker, Driver in the Public Works Department, be and is hereby designated as the Secondary Sewer Operator in the Sewer Department of Public Works at an annual stipend of \$4,000.00, as established by prior resolution of the Township Committee, effective October 8, 2021; and,

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

ADOPT COVID-19 VACCINATION POLICY FOR TOWNSHIP EMPLOYEES

WHEREAS, in light of the danger posed by the COVID-19 virus, particularly the DELTA variant currently sweeping the nation, and the widespread availability of safe and effective COVID-19 vaccines; and

WHEREAS, as the governing body of the Township of Neptune, we are charged with protecting the health and safety of the employees of Neptune Township and the public at large through all reasonable means;

THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Neptune hereby adopts the attached COVID-19 Vaccination Policy for Township employees; and,

BE IT FURTHER RESOLVED, that a certified of this resolution and policy be forwarded to the Human Resources Director for dissemination to Township employees.

AUTHORIZE THE PURCHASE OF COMPUTERS IN CONNECTION WITH THE SENIOR CENTER TECHNOLOGY UPGRADE THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Senior Center Director has recommended the purchase of computers in connection with the Senior Center technology upgrade 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, Dell has been awarded New Jersey State Contract No. 19-TELE-00656 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 \$25,000.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 21-35 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 computers in connection with the Senior Center technology upgrade through New Jersey Cooperative Purchasing Program Contract No. 19-TELE-00656 be and is hereby authorized at an amount not to exceed \$25,000.00; and,

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

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

AWARD BID FOR REPAIRS TO THE PUBLIC WORKS GARAGE BUILDING

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

WHEREAS, on September 28, 2021, the Township Engineering Consultant received bids for the award of a contract for repairs to the Public Works garage building; and,

WHEREAS, said bids were reviewed by the Township Engineering Consultant who has recommended that a bid be awarded to Cypreco Industries, Inc. as the lowest bidder; and,

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

WHEREAS, funds for this purpose will be provided in Ordinance No. 21-31 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Cypreco Industries, Inc. on their lowest responsible of \$187,025.00 for repairs to the Public Works garage building; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Ms. York 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	308,324.76
GRANT FUND	521.04
TRUST FUND	71,363.39
GENERAL CAPITAL FUND	505.20
SEWER OPERATING FUND	38,051.13
MARINA OPERATING FUND	4,181.00
DOG TRUST	151.20
LIBRARY TRUST	532.36
BILL LIST TOTAL	\$423,630.08

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: Cafferty, aye; Lane, aye; Williams, aye; and York, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Deputy Mayor Williams asked for public comments. The public was permitted to speak one time with a limit of five minutes. Comments were as follows:

Joel Popkin, 88 Inskip Avenue, stated that there has been no action yet on the replacement of the Business Administrator or the Municipal Clerk. Mr. Williams stated a large number of resumes have been received for both positions. Four interviews have been conducted for Business Administrator with the possibility of one or two more interviews next week. Mr. Popkin stated that the Committee should have started a while ago. For a town the size of Neptune, the new person should sit with the current official for two or three months.

David Chernin, 136 Lawrence Avenue, in reference to a dumpster located next to his home, stated that Mr. Cafferty and Ms. York were very responsive to his text messages and Mr. Gadaleta is on top of the matter. He asked the Committee to adopt the new dumpster ordinance. The business next to his property has a dumpster right next to his house. He asked if the current permit could be rescinded once the ordinance is adopted. Mr. Anthony responded no, but the dumpster would be subject to other rules in the new ordinance such as the language prohibiting materials being brought in from other sites and deposited in the dumpster. Mr. Chernin asked if the Township can enforce the new ordinance. Mr. Anthony responded that enforcement is always difficult, but the law provides for enforcement.

Domingo Encarnacion, 136 Lawrence Avenue, distributed pictures of the dumpster and stated that the nightmare continues next to his home. Over the last four months, the dumpster is filled, is removed and emptied, then comes back and is filled again. The current permit was extended until December 24, 2021. He stated that the new ordinance has a maximum fine of \$2,000 which is nothing to the owner of the property with the dumpster. Mr. Anthony stated that the

maximum fine amount is statutory. Mr. Encarnacion asked if the Township can remove the dumpster for violations. Mr. Anthony replied that the Township cannot do anything until the ordinance is adopted. The maximum fine is set at \$2,000 but the Code Official can issue a fine every day at his discretion. There are provisions in the new ordinance to allow this to happen. Mr. Encarnacion asked if his pictures are sufficient to stop this. Mr. Anthony replied that Code Enforcement is responsible to enforce the ordinance, the Township Committee passes the law.

Mr. Lane offered a motion, seconded by Ms. York, to adjourn. All were in favor.

Richard J. Cuttrel,
Municipal Clerk