

TOWNSHIP COMMITTEE MEETING – DECEMBER 11, 2017

Mayor Brantley 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, Carol Rizzo, Nicholas Williams and Mayor Michael Brantley.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; and Gene Anthony, Township Attorney.

Mayor Brantley 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 on January 5, 2017 and The Coaster on January 12, 2017, 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:

Discussion on a resolution to support an extension of the cap on arbitration contract awards was tabled to a future meeting.

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

Mr. Lane 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 – Position in the Police Department  
Personnel – Recommendation for hiring of Violations Clerk and Jailers  
Personnel – Reorganization and appointments for 2018

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; Rizzo, aye; Williams, aye; and Brantley, aye.

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

The Committee discussed a resolution on the regular agenda to amend the promotional policy in the Police Department to require five years supervisory experience for the Deputy Chief position so that all three current Captains all eligible for the position.

The Committee reviewed the recommendations to hire a Violations Clerk and two Jailers and took action by resolution during the regular meeting.

Mr. Anthony reviewed personnel requirements of the Affordable Housing Plan. The Committee took action by resolution during the regular meeting to appoint the Administrative Agent and introduced an ordinance to create the position of Municipal Housing Liaison which must be a Township employee and must be done by the end of the year.

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

Mayor Brantley called the meeting to order and requested the Clerk to call the roll. The

following members were present: Robert Lane, Jr., Kevin B. McMillan, Carol Rizzo, Nicholas Williams and Mayor Michael Brantley.

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; and Gene Anthony, Township Attorney.

After a moment of Silent Prayer and the Flag Salute, the Mayor asked the Clerk to indicate the fire exits.

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

Mayor Brantley 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 on January 5, 2017 and The Coaster on January 12, 2017, 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. McMillan offered a motion, seconded by Mr. Lane, to approve the minutes of the meeting held on November 27th. All were in favor.

#### PROCLAMATION – NEPTUNE AMERICAN YOUTH FOOTBALL

The Committee presented a proclamation to the Neptune American Youth Football 11 Unlimited Team players, coaches, and cheerleaders in recognition of their 9 win season.

#### COMMENTS FROM THE DAIS

Mr. McMillan extended condolences of the death of Police Officer John Jackson. Mr. McMillan previously worked with Officer Jackson's mother. He attended Donuts with Santa, the Christmas tree lighting in Shark River Hills, and the Bascom fundraiser for scholarships. He will be contacting the school regarding a scholarship program in STEM disciplines.

Mr. Lane stated that it was a sad day losing Officer Jackson. He attended Donuts with Santa, the Christmas tree lighting in Shark River Hills and the West Grove Church Streets of Bethlehem event which he said was really well done.

Ms. Rizzo was saddened by the death of Officer Jackson and her heart goes out to his family. She reminded residents that property assessment appeals are due by January 15<sup>th</sup> and that the Township Committee will hold a special meeting on December 18<sup>th</sup> at the High School on parking permits. Finally, she stated that internal budget meetings for the 2018 municipal budget start in January.

Mr. Williams attended the Christmas tree lighting in Shark River Hills and Donuts with Santa. The marina is now closed for the year and the Public Works Department stands ready for the snow season.

Mayor Brantley stated that the Police Committee met with the Ministerial Alliance. The Committee received a lot of questions, support and suggestions. He added that he is feeling better after a recent health procedure and illness.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, asked if the Joint Insurance Fund is the same as last year and what is the rate increased. Mr. Cuttrell stated that it is the same company and the increased is 1.8%.

Jack Bredin, 94 ½ Heck Avenue, asked why a Special Counsel was being appointed for the Warrington litigation. Mr. Anthony stated that he is transferring the case to the Assistant Attorney because Mr. Anthony handled the initial matter before the Construction Board of Appeals so he is in conflict. Mr. Bredin stated that the lot, use, and building are all non-conforming. The building burned down so the non-conforming use is lost. The resolution refers to the innkeepers apartment and nothing about the non-conformity. He feels the wording the resolution is disappointing. Mr. Anthony stated that the only purpose of the resolution is to appoint the Special Counsel. Mr. Bredin

objected to the wording of the resolution and feels the Township's position in the matter should be clear.

Michael Golub, Cliffwood Drive, asked what role the Police Committee will have in the ascension of a Captain to Deputy Chief. Mr. Anthony stated the Police Committee is reviewing all Standard Operating Procedures (SOP). The promotional SOP was changed in 2013, but was not approved by the Township Committee. The Police Committee rewrote this portion of the SOP and the Township Committee approved it on November 27<sup>th</sup>. This is being further amended tonight. Mr. Golub asked what role the Police Committee plays specifically to the promotion of a Captain to Deputy Chief. Mr. Anthony stated that this SOP establishes the eligibility criteria. The November 27<sup>th</sup> wording indicated that ten years of supervisory experience is needed. This amendment makes it five years so all current Captains are eligible. The Police Committee recommends promotions to the Township Committee, but the Township Committee must approve any promotion.

Hank Coakley, Valley Road, asked for further information on the Warrington Hotel litigation. Mr. Anthony replied that the Developer wanted to expand the use on a non-conforming historic hotel to add a basement apartment. The Board allowed this under certain conditions. The building burned so the Construction Department cannot issue permits on the original plans. The owner has filed a suit to rebuild the hotel.

Barbara Burns, 4 Ocean Avenue, asked for the docket number for the Warrington litigation. Ms. Rizzo provided the information.

#### ORDINANCE NO. 17-44 - ADOPTED

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

#### ORDINANCE NO. 17-44

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 OCEAN AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON CLARK AVENUE

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

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

#### ORDINANCE NO. 17-45 - APPROVED

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

#### ORDINANCE NO. 17-45

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE TO ADD A PARKING TIME LIMITATION TO THE ENTIRE LENGTH OF NEWGATE LANE

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

#### ORDINANCE NO. 17-46 - APPROVED

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

#### ORDINANCE NO. 17-46

AN ORDINANCE OF THE TOWNSHIP OF NEPTUNE TO ENACT THE TOWNSHIP'S THIRD ROUND HOUSING PLAN ELEMENT AND FAIR SHARE PLAN CONSISTENT WITH THE TERMS OF

THE SETTLEMENT AGREEMENT REACHED BETWEEN THE TOWNSHIP OF NEPTUNE AND THE FAIR SHARE HOUSING CENTER REGARDING COMPLIANCE WITH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS IN ACCORDANCE WITH STATE STATUTE

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

Mr. Cuttrell stated that the public hearings on Ordinances 17-45 and 17-46 will be held on Thursday, December 21st.

CONSENT AGENDA

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

AUTHORIZE CHANGE ORDER #1 TO THE CONTRACT FOR ARCHITECTURAL SERVICES IN CONNECTION WITH PUBLIC WORKS FACILITY RENOVATIONS

WHEREAS, a contract was awarded to Netta Architects in the amount of \$238,800.00 in connection with architectural services for renovations to the Township's Public Works Facility; and,

WHEREAS, a change to the contract has been experienced as a result of Geotechnical services needed to explore and evaluate the subsurface conditions for the construction of the new proposed structures; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 16-27 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 Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Netta Architects in connection with renovations to the Public Works Facility resulting in a net increase of \$19,400.00 revising the total contract amount to \$258,200.00; and,

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

ACCEPT DIVISION OF ALCOHOLIC BEVERAGE CONTROL COPS IN SHOPS FFY 2018 GRANT FUNDING

WHEREAS, the New Jersey Division of Alcoholic Beverage Control offers Cops in Shops grant funding supported by FFY 2018 National Priority Safety Program funding programs from the Department of Transportation, National Highway Traffic Safety Administration; and,

WHEREAS, the Neptune Township Police Department made application for funding for the assignment of officers to Cops in Shops details during the College Fall Initiative 2017-18 and the Summer Shore Initiative 2018; and,

WHEREAS, the Division of Alcoholic Beverage Control has notified the Township that both Cops in Shops initiatives have been awarded funding,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Township of Neptune hereby accepts Cops in Shops funding from the Division of Alcoholic Beverage Control as follows:

Cops in Shops Fall Initiative 2017-18 in the amount of \$3,080.00  
Summer Shore Initiative 2018 in the amount of \$4,400.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Grants Coordinator, Police Committee and Deputy Attorney General Marita K. Navarro.

AUTHORIZE AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE MONIES FROM A DIVISION OF ALCOHOLIC BEVERAGE CONTROL COPS IN SHOPS GRANT

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 insertion of an item of revenue in the budget for the year 2017 in the sum of \$3,080.00 which is now available from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops – College Fall Initiative 2017-18 in the amount of \$3,080.00; and,

BE IT FURTHER RESOLVED that the like sum of \$3,080.00 is hereby appropriated under the caption of Cops in Shops - College Fall Initiative 2017-18; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from a NJDL&PS Division of Alcoholic Beverage Control Cops in Shops - College Fall Initiative 2017-18 in the amount of \$3,080.00; and,

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

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE NEPTUNE TOWNSHIP MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Neptune Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Neptune Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Monmouth; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Neptune Township Committee does hereby authorize submission of a strategic plan for the Neptune Township Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$ 63,915.00
Cash Match	\$ 15,978.75
In-Kind	\$ 47,936.25

2. The Neptune Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

PLACE LIEN ON 341 SOUTH RIVERSIDE DRIVE

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>
5414/7	341 South Riverside Drive	267.00

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 APPOINTMENT OF SPECIAL COUNSEL TO DEFEND NEPTUNE TOWNSHIP IN LAWSUIT FILED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY, UNDER DOCKET NO. MON-L-003993-07, ENTITLED, "JACK ANCONA, LLC V. WILLIAM DOOLITTLE, CONSTRUCTION OFFICIAL OF THE TOWNSHIP OF NEPTUNE, ET ALS."

WHEREAS, Jack Ancona, LLC, a/k/a the Warrington Hotel, applied for and was granted Preliminary and Final Site Plan Approval with conditional use and bulk variance approvals previously granted seeking to build and locate an innkeeper's suite in the basement of the Warrington Hotel, an historical hotel; and

WHEREAS, after approval, the Warrington Hotel burned down, and it is the position of the Township of Neptune, that the property owner lost its approval with conditions that were based on this historic nature of the original hotel, which is no longer in existence; and

WHEREAS, Jack Ancona, LLC has filed a lawsuit in the Superior Court of New Jersey under Docket No. MON-L-003993-17, seeking the forced issuance of Building Permits based on the original site plan approved by the Zoning Board of Adjustment prior to the Warrington Hotel burning down.

WHEREAS, funds for this purpose are available in the 2017 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 Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby appoints Special Counsel, Michael Celli, Jr., Esq., with offices located at 382 Morris Avenue, Long Branch, New Jersey 07740, to defend Neptune Township, William Doolittle and other Defendants named by the Plaintiff as employees of the Township in this suit; and,

BE IT FURTHER RESOLVED, that this matter shall authorize legal fees up to \$5,000.00 without further approval of any additional fees due and owing; and,

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

AUTHORIZE CONTRACT WITH AFFORDABLE HOUSING ALLIANCE FOR AFFORDABLE HOUSING ADMINISTRATIVE AGENT SERVICES AND TO SERVE AS ADMINISTRATIVE AGENT TO ADMINISTER AFFORDABLE UNITS PURSUANT TO THE COURT ORDER ENTERED INTO IN THE SUPERIOR COURT OF NEW JERSEY

WHEREAS, Neptune Township filed a Verified Complaint on June 16, 2015 seeking a Declaratory Judgment in compliance with the Mount Laurel Doctrine and Fair Housing Act of 1985, N.J.S.A. 53:27D-301, in accordance with the Supreme Court case of In Re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1(2015); and

WHEREAS, Neptune Township entered into a Settlement Agreement with the sole Intervenor, Fair Share Housing Center, located at 510 Park Boulevard, Cherry Hill, New Jersey 08002, on October 31, 2016; and

WHEREAS, the Honorable Jamie S. Perri, J.S.C., of the Superior Court of New Jersey, Law Division, Monmouth County, entered an Order Granting Settlement and Fairness and Preliminary Compliance on Neptune Township's Housing Element and Fair Share Plan on August 21, 2017; and

WHEREAS, the aforesaid Order of Judge Perri required, among other things, that the Township Committee adopt a Resolution appointing an individual or organization responsible for administering the Affordable Housing Program, including affordability controls, the Affordable Marketing Plan and monitoring and reporting, and to administer affordable units in accordance with the Uniform Housing Affordability Controlled; and

WHEREAS, Neptune Township has sought out individuals and organizations to perform the aforesaid functions, and considers the proposal from the Affordable Housing Alliance to undertake these services as being the most reasonable and appropriate in light of the reputation of the Affordable Housing Alliance, located at 3535, Route 66, Parkway 100, Building 4, Neptune Township, New Jersey, and the fact that they have provided COAH Administrative Certification Services for more than 20 communities within Monmouth and Ocean County for the past 20 years, and is an approved Administrative Agent by the State of New Jersey; and,

WHEREAS, funds for this purpose are available in the COAH Trust Fund and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby appoints the Affordable Housing Alliance, with offices located at 3535, Route 66, Parkway 100, Building 4, Neptune Township, New Jersey, to provide COAH Administrative Certification Services, and to serve as the Administrative Agent responsible for administering the Affordable Housing Program in Neptune Township, including affordability controls, the Affirmative Marketing Plan and monitoring and reporting to the Township Committee concerning such activities, and to administer affordable units in accordance with the Uniform Housing Affordability Controlled (UHAC, N.J.A.C. 5:80-26.1 et seq., pursuant to the Honorable Jamie S. Perri's Order of August 21, 2017 in the case of "In the Matter of the Application of the Township of Neptune, County of Monmouth" in the Superior Court of New Jersey, Monmouth County, Law Division, Docket No. MON-L-2236-15; said Order of which grants a settlement and Fairness and Preliminary Compliance of Neptune Townships Housing Element and Fair Share Plan; and,

BE IT FURTHER RESOLVED, by the Mayor and Township Committee authorizes the Mayor and Clerk to execute an agreement with the Affordable Housing Alliance for the aforesaid services, for an Administrative Agent Fee of \$25,000.00 per year, and additional fees for marketing and certification of buyers or tenants for specific units, and for owner-occupied rehabilitation, as set forth more fully in the proposal attached hereto and made a part hereof as Exhibit A; and,

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

AUTHORIZE JOINING OF GARDEN STATE MUNICIPAL JOINT INSURANCE FUND AND EXECUTION OF INDEMNITY AND TRUST AGREEMENT

WHEREAS, a number of local governmental units in the State of New Jersey have joined together to form a Joint Insurance Fund, as permitted by Chapter 372 Laws of 1983 (N.J.S.A. 40A:10-36); and,

WHEREAS, the statutes and regulations governing the creation and operation of a Joint Insurance Fund contain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a Fund; and,

WHEREAS, the Township Committee of the Township of Neptune (hereinafter referred to as the "Municipality") has determined that membership in the Garden State Municipal Joint Insurance Fund (hereinafter referred to as the "Fund") is in the best interests of itself and its citizens,

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Neptune, in the County of Monmouth, and State of New Jersey, does hereby resolve and agree to become a member of the Fund for a period not to exceed three (3) years beginning January 1, 2018 for the purpose of establishing the following types of coverage:

Workers' Compensation and Employers' Liability  
Equipment Breakdown Coverage

Inland Marine Coverage  
General Liability including law enforcement and public officials liability  
Motor vehicle liability  
Property damage (building, contents)  
Cyber liability  
Non-owned aircraft liability  
Crime and Public Official Position Bonds

BE IT FURTHER RESOLVED, that the Municipality has never defaulted on claims and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the adoption of this Resolution; and,

BE IT FURTHER RESOLVED, that the Municipality's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the Fund and to deliver same to the Executive Director of the Fund with the express reservation that said document shall become effective only upon approval by the New Jersey Department of Banking and Insurance.

AUTHORIZE THE TEMPORARY CLOSING OF A PORTION OF ABBOTT AVENUE IN CONNECTION WITH AN OCEAN GROVE CHAMBER OF COMMERCE HOLIDAY EVENT

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a "Meet Santa" refreshment and meeting location as part of its Lights of Ocean Grove Holiday Walking Tour; and,

WHEREAS, it is necessary to temporarily close one block of Abbott Avenue during this event; and,

WHEREAS, the Police Department has reviewed and approved this closure,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby designates the temporary closure of Embury Avenue between New York Avenue and Pilgrim Pathway on December 16, 2017 from 5:00 P.M. to 7:00 P.M. for the Ocean Grove Chamber of Commerce Lights of Ocean Grove Holiday Walking Tour; and,

BE IT FURTHER RESOLVED, that the Director of Public Works is hereby directed to provide the necessary barricades to effectuate these street closures; and,

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

AUTHORIZE THE EXECUTION OF AN INTERLOCAL SERVICE AGREEMENT WITH THE TOWNSHIP OF WALL FOR THE TEMPORARY ASSIGNMENT OF A NEPTUNE TOWNSHIP REFUSE TRUCK AND ASSOCIATED MANPOWER

WHEREAS, the Township of Wall owns a single front loader garbage truck which is disabled and being repaired; and,

WHEREAS, the Township of Wall has requested that the Neptune Township Public Works Department provide a front loader garbage truck and a Driver to pick-up of about 100 garbage and recycling canisters in the Township of Wall; and,

WHEREAS, the Township of Neptune and the Township of Wall desire to enter into an Interlocal Service Agreement pursuant to N.J.S.A. 40:8A-1 et seq. to outline the terms of this temporary arrangement; and,

WHEREAS, Wall Township will pay Neptune Township for the cost associated with the use of Neptune Township equipment and manpower,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of an Interlocal Services Agreement with the Township of Wall, a copy of which is on file in the Office of the Municipal Clerk, providing for the collection of garbage and recycling canisters in the Township of Wall utilizing Township of Neptune equipment and manpower; and,

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



AUTHORIZE EXECUTION OF A SETTLEMENT AGREEMENT AND CANCELLATION OF A MORTGAGE WITH CITYWORKS NEPTUNE OFFICE, LLC IN CONNECTION WITH A UDAG LOAN

WHEREAS, the Township of Neptune authorized a UDAG reciprocal loan to Cityworks Neptune Office, LLC for construction of an office building at the intersection of West Lake Avenue and State Highway 35; and,

WHEREAS, in connection with said loan, the Township holds a mortgage, dated June 18, 2013, in the amount of \$34,785.50, which currently has a balance owed of \$19,481.45; and,

WHEREAS, the property is in foreclosure and the Township's mortgage is in position behind multiple larger mortgages; and,

WHEREAS, the market value of the property is less than the value of the three mortgages ahead of the Township's mortgage; therefore, it is in the best interest of the Township, and the building tenants, to accept a settlement on the balance due and cancel the UDAG mortgage,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Settlement Agreement in connection with the UDAG mortgage dated June 18, 2013 issued to Cityworks Neptune Office, LLC for the office building located at the intersection of West Lake Avenue and State Highway 35 which provides payment to the Township in the amount of \$3,000.00 and the cancellation of said mortgage; and,

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

EXTEND OFFERS OF EMPLOYMENT FOR THE POSITION OF SCHOOL CROSSING GUARD

WHEREAS, there is a need for additional School Crossing Guards; and,

WHEREAS, the position was posted and applicants interviewed, and the Human Resources Director has made her recommendations; and,

WHEREAS, funds for this purpose are available in the 2017 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune hereby extends conditional offers of employment to Gail Hepburn-Bey, William Bloxom, and Gail Scott to serve as School Crossing Guards contingent upon favorable results of required pre-employment screening and background check, at an hourly rate of \$15.00 per hour; and,

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 Resource Director.

REJECT ALL BIDS FOR LOFFREDO FIELD IMPROVEMENTS

WHEREAS, on November 1, 2017, the Township Engineer received bids for the award of a contract for Loffredo Field Improvements; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that all bids be rejected because they all exceed the Engineer's estimate and funding allotment; and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that all bids received for Loffredo Field Improvements be and are hereby rejected because all bids exceed the Engineer's estimate and funding allotment; and,

BE IT FURTHER RESOLVED, that the Township Engineer is hereby authorized to refine the project scope, revise the specifications, and advertise for the receipt of bids for the project; and,

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

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH LAKE ALBERTA DREDGING AND DRAINAGE IMPROVEMENTS

WHEREAS, on August 14, 2017, a contract was awarded to Precise Construction, Inc. in the amount of \$735,625.00 in connection with Lake Alberta dredging and drainage improvements; and,

WHEREAS, a change to the contract has been experienced as a result of the recommendation to install a perimeter walkway and add new aerator fountains; and,

WHEREAS, this change has been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinance No. 15-07 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 Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Precise Construction, Inc. in connection with Lake Alberta dredging and drainage improvements resulting in a net increase of \$40,470.00 revising the total contract amount to \$776,095.00; and,

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

AUTHORIZE THE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENGINEERING SERVICES FOR THE 11<sup>TH</sup> AVENUE SANITARY SEWER REHABILITATION PROJECT

WHEREAS, the Township of Neptune desires to undertake a project to replace approximately 1800 linear feet of sanitary sewer lines under 11<sup>th</sup> Avenue; and,

WHEREAS, it is necessary for a Township Engineer Consultant, from the approved list of 2017 Engineering Consultants appointed via Request for Proposals, to perform professional engineering services including preparation of design, plans, specifications, permitting, and construction administration in connection with this project; and,

WHEREAS, CME Associates has submitted a proposal for this work to the Township Engineer; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 17-19, 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 CME Associates to perform the services as stated herein as Township Engineering Consultant at an amount not to exceed \$68,170.00; and,

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

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

AUTHORIZE THE PURCHASE OF A FORD AMBULANCE THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

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

WHEREAS, the Township Committee wishes to authorize the purchase of a Ford E-450 Type III Medallion 170 Ambulance utilizing pricing through the Houston-Galveston Area Council Purchasing Program; 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, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. AM10-16 to PL Custom Body & Equipment Co., Inc.; and,

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

WHEREAS, the cost to purchase this equipment shall not exceed \$160,841.00; 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 of Neptune Committee of the Township of Neptune that the purchase of a 2016 Ford E-450 Type III Medallion 170 Ambulance for use by the Township's Emergency Medical Services be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$160,841.00; and,

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

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

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

Mr. McMillan offered the following resolution, moved and seconded by Mr. Lane, 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 Municipal Court Administrator have made a recommendation; and,

WHEREAS, funds will be provided in the 2017 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 Nikki Rogers 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 December 18, 2017, at an annual salary of \$27,300.00; and,

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

EXTEND OFFERS OF EMPLOYMENT FOR THE POSITION OF JAILER IN THE POLICE DEPARTMENT

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

WHEREAS, there are vacancies in the position of Jailer in the Police Department; and,

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

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

WHEREAS, funds will be provided in the 2017 municipal budget, in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Kristen Narciso and Syessence Davis for the position of Jailer in the Police Department, on a probationary basis for a period of not less than

90 days and not exceeding one year, contingent upon successful completion of the required background investigation and medical evaluation, effective December 18, 2017, at an annual salary of \$36,500.00; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

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

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

CURRENT FUND	\$2,357,295.64
GRANT FUND	41,232.49
TRUST FUND	121,839.93
GENERAL CAPITAL FUND	296,616.70
SEWER OPERATING FUND	96,330.26
MARINA OPERATING FUND	44,276.80
MARINA CAPITAL FUND	28,478.00
LIBRARY TRUST	5,599.71
BILL LIST TOTAL	\$2,991,669.53

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; Rizzo, aye; Williams, aye; and Brantley, aye.

AMEND STANDARD OPERATING PROCEDURE FOR PROMOTION – NEPTUNE TOWNSHIP POLICE DEPARTMENT ADOPTED BY THE TOWNSHIP COMMITTEE ON NOVEMBER 27, 2017

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

WHEREAS, the Chief of Police issued a Standard Operating Procedure (SOP) for promotion within the Neptune Township Police Department on September 13, 2017 involving the ranks of Deputy Chief through Sergeant; and

WHEREAS, neither the Neptune Township Police Committee, as the appropriate authority, nor the Governing Body of the Township of Neptune ever had an opportunity to review and approve said Order (SOP) prior to its issuance by the Chief of Police; and

WHEREAS, the Police Committee, as the appropriate authority, believes that the aforesaid Order (SOP) should be amended; subject to a complete review of procedures for promotion and recommendations made to the Township Committee for future adoption by Resolution; and

WHEREAS, the Township Committee adopted a recommended Standard Operating Procedure for promotion of the Neptune Township Police Department by Resolution #17-462 on November 27, 2017; and

WHEREAS, the Police Committee, by recommendation, has requested that the Township Committee adopt an amendment to the aforesaid SOP with regard to "Deputy Chief" to change Paragraph 4 of the SOP from a minimum of ten (10) years' experience in a police supervisory capacity, to that of a minimum of five (5) years' experience in a police supervisory capacity.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that based on the recommendation of the Police Committee of the Township of Neptune, the Governing Body hereby adopts an amended Standard Operating Procedure from that previously adopted by the Township Committee on November 27, 2017, which amends, under the title of "Deputy Chief" Paragraph 4 to now read, "Applicants for the position of Deputy Chief must have held the rank of Captain, and shall have a minimum of five (5) years' experience in a police supervisory capacity, supplemented by the completion of approved course work in police administration, police science or related fields." A true copy of the entire Standard Operating Procedure as amended on December 11, 2017 is attached hereto and made a part hereof as Exhibit A; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Police Committee and Chief of Police.

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Michael Golub, Cliffwood Drive, stated he hoped the heating and hot water issues were resolved at Sebastian Villa. He asked if it was correct that anyone sitting on the Committee or previously sitting on the Committee has actually read the Turner Report including Randy Bishop, Eric Houghtaling and MaryBeth Jahn. He questioned to the best of their knowledge did they have any memory of any kind of non-disclosure agreement provided to each of them and whether they were asked to sign the document to protect the confidentiality of the document that is currently unavailable to the public. He questioned to the best of their knowledge were they aware of any instances of excessive force being extracted on persons of interest or suspects while being contained during motor vehicle stops by sworn officers working for the Neptune Township Police Department. He defined what was considered as excessive force or command staff being in the company of prostitutes and various other undesirables. He stated videos and audio access may exist of the police brutality. He questioned to their knowledge were they aware of any Chief or Chief of Police shaking down local business owners to establish a quid pro co that involved receiving products and services in return for gaining or expediting approval of building permits, construction inspections and or variance and waivers and occurred with the last eight years. He presented the Committee with other questions.

Mr. Anthony stated he's received information about the Sebastian Villa situation and he's notified the Rent Leveling Board about it. We are going to invite anyone from Sebastian Villa to come to the meeting because they may have options for various remedies and receive various credits. They will come to the first board meeting in January.

Mr. Lane stated he has sent various emails out and we will be following up with them. He also had Code Enforcement over there.

Mr. Anthony stated the Township never reviewed the Turner report which was a result of litigation and the settlement has a non-disclosure which was signed by all the parties including Savage and Gonzales. He stated a number of employees in the police department were also interviewed and they want their privacy protected as well. The whole issue about releasing the Turner report may be a subject of the Police Committee's review but it hasn't been an issue yet and they denied the release of the Turner report as well. He stated he was sure it was the position of the Township Committee that they do not know of any examples of excessive or abusive force as he as he described it or Command staff being involved with prostitutes.

Dorothy Argyros, 2100 Rutherford Avenue, asked if the Township has received information on what killed Katie Lee Thomas. The Mayor stated that the Township has not. Ms. Argyros asked when the Police Committee will hold its next public meeting because she was not aware of the recent meeting. The Mayor stated the Police Committee was invited to speak by the Ministerial Alliance. The Police Committee is planning to do things in the Police Department as evidence by a change in the SOPs that was adopted this evening. If invited by a community organization, the Police Committee will speak at a meeting.

Jack Bredin, 94 ½ Heck Avenue, cited an example of a land use decision in another town that was turned down in court because the land use board did not lay out all of the problems with the application. He stated that Mr. Anthony's comments on the matter satisfied his concerns.

James McNamara, Asbury Avenue, stated that he saw the Request for Proposals for vacant and abandoned property services. He asked what the situation is that necessitates these services. The Mayor stated that the Township wants to find the owners of abandoned properties. Mr. Anthony stated that the Township needs someone to concentrate on the entire vacant and abandoned property procedures and process.

Hank Coakley, Valley Road, stated that he is looking for detour signs at Brighton and West Sylvania Avenues so motorists do not drive all the way to East End Avenue to discover that the bridge is closed. The Mayor stated that the County has not responded to the Township's request for signs. Mr. Coakley asked the Township to install the signs. The Mayor stated the Township could not because that location is in the Borough of Neptune City.

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

Richard J. Cuttrel,  
Municipal Clerk