

TOWNSHIP COMMITTEE MEETING – NOVEMBER 9, 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:

Mr. Anthony distributed a series of correspondence regarding a proposed ordinance establishing an application, permitted organizations and fees for the use of parks and building facilities. Currently, fees are very limited, most towns charge for the use of facilities. Mr. Anthony recommended that he meet with the Recreation Director and Mr. Gadaleta to review and list all facilities. Ms. Rizzo recommended that there be little or no fee so the cost is not an impediment to use. Mr. Anthony stated that organizations are coming to Neptune to use our park facilities because we do not have a use fee. Mr. Anthony will come up with a sample schedule of charges.

Mr. McMillan stated that he attended a League of Municipalities Legislative Committee meeting. He spoke Mayor Diaz from Perth Amboy about hurricane relief in Puerto Rico. He asked that a canned food drive be initiated at the municipal building and seek involvement from the schools and Meridian Health

Mr. Williams announced Veterans Day events at Frederick Dempsey American Legion and at Veterans Park.

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:  
Contract negotiations – RFPs for 2018 professionals  
Personnel – Recommendation for hiring to positions in the Municipal Court
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 indicated no change in hourly rates for the 2018 request for proposals for various professionals.

Ms. Rizzo will set up a process with Michael Bascom to review legal costs on a quarterly basis as well as expenses on lengthy on-going litigation.

Mr. Anthony stated only one of the homeowners on Fabio Court has responded to his request to set up a meeting for discussion on a municipal services agreement. The road will continue to be treated as a private road.

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. Lane offered a motion, seconded by Mr. McMillan, to approve the minutes of the meeting held on October 23rd. All were in favor, except Ms. Rizzo who abstained due to her absence at that meeting.

#### PRESENTATION

The Township Committee presented the American Planning Association Great Neighborhood Award to various business and civic groups from Ocean Grove. Organizations present were the Ocean Grove Camp Meeting Association, Chamber of Commerce, Beautification Committee, Citizens Patrol, Fire Department, Ladies Auxiliary, Homeowners Association, Ocean Grove United and St. Paul's Church.

#### COMMENTS FROM THE DAIS

Mr. McMillan stated that it is great to be back on the dais, it is a pleasure to serve and he is overjoyed with the election results. He attended the PBA Steak Bake and a Substance Abuse workshop with Dawn Thompson at which Patrick Kennedy was the speaker. He attended the League Legislative Committee at which bills regarding regulation of drones and access to prescription monitoring information were discussed.

Mr. Lane attended the annual Halloween party at the Gables, the PBA Steak Bake and Neptune Homecoming. He went to the Planning Awards dinner where Ocean Grove, Morristown, Hackensack, and Millburn were recognized. He announced a Thanksgiving dinner at the Salvation Army in Asbury Park on November 21<sup>st</sup>.

Ms. Rizzo extended congratulations to Mr. McMillan on his election victory. She has been away for four meetings and expressed thanks to those who sent cards. She attended the Planning Awards dinner and Ocean Grove was highlighted at the end of the event. She announced that the Neptune Library has been recognized as the best library in Monmouth County. She attended the EDC meeting where the sale of the Cityworks building was discussed.

Mr. Williams attended the homecoming parade and game and the Halloween party put on by the Recreation Department. The cameras at the marina are installed and in operation.

The Mayor attended a redevelopment meeting with the new Redevelopment Attorney. The Attorney thinks there are great opportunities in all of the Township's redevelopment zones. He met

with the NJDOT where a presentation on Route 66 upgrades was given. The intersection of Route 66, Asbury Avenue, and Wayside Road will be reconfigured.

#### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, stated that the Committee continues to spend money to defend the Seidle case. The police stood by and let Seidle's wife die. She doesn't know if Adams allowed Seidle to keep his gun but giving her tax dollars is aiding and abetting the situation.

#### ORDINANCE NO. 17-42 - ADOPTED

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

##### ORDINANCE NO. 17-42

AN ORDINANCE TO AMEND CHAPTER II OF THE GENERAL ORDINANCES OF THE TOWNSHIP OF NEPTUNE, ARTICLE II, SECTION 2-10 ENTITLED, "POLICE DEPARTMENT," "DEPARTMENT ESTABLISHED" AND "ESTABLISHING THE RULES AND REGULATIONS OF THE POLICE DEPARTMENT"

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. 17-43 - ADOPTED

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

##### ORDINANCE NO. 17-43

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 LAWRENCE 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.

#### CONSENT AGENDA

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

#### PLACE LIEN ON VARIOUS PROPERTIES

WHEREAS, Ordinance #843 of the Township of Neptune states that where a violation or condition exists on any property in the Township of Neptune that is of such a nature as to constitute an immediate threat to life, health, safety and the well-being of residents in this township unless abated without delay, the Code Enforcement Supervisor may abate the violation or condition immediately or order the owner, operator or occupant to correct the violation or condition within a three-day period; and

WHEREAS, the Code Enforcement Supervisor determined that the condition of the properties listed below constituted such a threat; and,

WHEREAS, the Code Enforcement Supervisor has notified the Township Committee of the Township of Neptune that the owners of said property have failed to correct the condition/violation as ordered; and

WHEREAS, the Code Enforcement Supervisor has had the condition corrected in accordance with Article IV, Section 6.2 (a) of Ordinance #843 at a total cost as indicated below,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Tax Collector be and is hereby authorized to place the following costs as a lien against the following properties; and,

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
713/17	505 Fisher Place	585.97

BE IT FURTHER RESOLVED, that a copy of this resolution along with the Code Enforcement Supervisor's report be forwarded to the Tax Collector.

ACCEPT THE RESIGNATION OF FRANKLIN CARSON AS A SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Franklin Carson resigning as a School Crossing Guard effective October 12, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Franklin Carson as a School Crossing Guard is hereby accepted effective October 12, 2017; and,

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

ACCEPT DONATION OF A CARGO TRAILER FROM NEPTUNE TOWNSHIP FIRE DISTRICT #1

WHEREAS, the Neptune Township Fire District #1 has declared that a 2002 Homesteader cargo trailer owned by the District is no longer needed by the District and is therefore surplus equipment; and,

WHEREAS, the Township Public Works Department is in need of a trailer; and,

WHEREAS, the Fire District has offered the cargo trailer to the Township of Neptune at no cost,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby accepts a donation of a 2002 Homesteader cargo trailer bearing vehicle identification number 5HABA12132N018505 from the Neptune Township Fire District #1 at no cost to the Township for use by the Neptune Township Public Works Department; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Public Works Director, Assistant C.F.O and Neptune Fire District #1.

ACCEPT THE RESIGNATION OF LINDA MAXWELL AS A MEMBER OF THE FLETCHER LAKE COMMISSION

WHEREAS, the Township Clerk has received a letter from Linda Maxwell resigning as a member of the Fletcher Lake Commission effective October 25, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Linda Maxwell as a member of the Fletcher Lake Commission is hereby accepted effective October 25, 2017; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Fletcher Lake Commission.

ACCEPT THE RESIGNATION OF HECTOR BUESO AS A JAILOR IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Hector Bueso resigning as a Jailor in the Police Department effective November 10, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Hector Bueso as a Jailor is hereby accepted effective November 10, 2017; and,

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

AUTHORIZE A REDUCTION IN THE PERFORMANCE GUARANTEE FILED BY HERITAGE AT NEPTUNE, LLC FOR SITE IMPROVEMENTS AT WALNUT GROVE SUBDIVISION (INGLES COURT)

WHEREAS, on August 22, 2016, the Township Committee adopted a resolution which accepted performance bond 38533 in the amount of \$177,067.73 filed by Heritage at Neptune, LLC written by The Service Insurance Company guaranteeing site improvements at the Walnut Grove subdivision, Ingles Court (former Block 3032, Lots 66, 74 & 75); and,

WHEREAS, at the request of the Developer, the Township Engineer has inspected the site improvements and has recommended a 70% reduction in the performance guarantee which is the maximum amount of reduction permitted under the Municipal Land Use Law; and,

WHEREAS, the Developer will be notified to post a Change Rider reducing the amount of the performance bond from \$177,067.73 to \$53,120.32 and the Municipal Clerk will accept said Rider when posted; and,

WHEREAS, the cash portion of the performance guarantee will also be reduced by 70%,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a reduction in the Performance Guarantee for Walnut Grove Subdivision, Ingles Court (formerly Block 3032, Lots 66, 74 & 75) be and is hereby approved to the amount of \$53,120.32 and the Change Rider submitted to affect said reduction is hereby accepted; and,

BE IT FURTHER RESOLVED, that the proportionate 70% amount of cash portion of the performance guarantee in the amount of \$13,771.93 shall be refunded to the Developer; and,

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

ACCEPT THE RESIGNATION OF SANDRA HANLEY AS A SCHOOL CROSSING GUARD

WHEREAS, the Chief of Police has received a letter from Sandra Hanley resigning as a School Crossing Guard effective October 27, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Sandra Hanley as a School Crossing Guard is hereby accepted effective October 27, 2017; and,

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

AUTHORIZE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT DEPLOYMENT OF SERGEANT JOSE ARCE OF THE NEPTUNE TOWNSHIP POLICE DEPARTMENT TO PUERTO RICO TO ASSIST IN THE EMERGENCY/RECOVERY EFFORT

WHEREAS, the New Jersey Office of Emergency Management, through Monmouth County, has sought the deployment of bilingual-speaking Police Officers from Long Branch, Howell Township, Freehold Borough, Neptune Township, Red Bank and Middletown to Puerto Rico to address the emergency conditions there as a result of Hurricanes Irma and Maria for a period of two weeks to four weeks; and

WHEREAS, the Chief of Police has indicated that the temporary deployment of Sergeant Jose Arce of the Neptune Township Police Department will not adversely affect law enforcement in Neptune Township, since the deployment is temporary and part of a mutual aid arrangement.

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 authorizes and encourages the deployment of Sergeant Jose Arce and commends him on his volunteer acceptance of deployment to Puerto Rico on a temporary basis as set forth more fully above; and

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

AUTHORIZE SUBORDINATION, ATTORNMENT AND NON-DISTURBANCE AGREEMENT AND TENANT ESTOPPEL CERTIFICATE BETWEEN NEPTUNE TOWNSHIP AND NATIXIS REAL ESTATE CAPITAL, LLC

WHEREAS, on June 13, 2005, Cityworks West Lake, LLC, as a Redeveloper, entered into a Redevelopment Agreement with Neptune Township with regard to the West Lake Avenue Redevelopment Area, and then entered into a Lease Agreement with Neptune Township as a Tenant on property located at 1800-1836 West Lake Avenue, Neptune Township, New Jersey, subject to the terms of the Lease Agreement dated September 22, 2008; and

WHEREAS, West Lake Neptune, LLC and West Lake Neptune II, LLC, located at 250 Moonachie Road, Suite 302, Moonachie, New Jersey, has purchased the subject property and is exceeded to the interest of Cityworks Neptune Office, LLC as Landlord of the subject property; and

WHEREAS, West Lake Neptune, LLC and West Lake Neptune II, LLC has received financing for the purchase of the subject property from Natixis Real Estate Capital, LLC, which requires that Neptune Township, as the Tenant to the subject property must execute a Subordination, Attornment and Non-Disturbance Agreement for financing to take place, requiring the Lease Agreement between Neptune Township and now West Lake Neptune, LLC and West Lake Neptune II, LLC be subject and subordinate to the terms of the Mortgage and Mortgage Lien obtained by Natixis Real Estate Capital, LLC, and that as long as the Tenant is not in default when the successor Landlord takes title, the successor Landlord, namely West Lake Neptune, LLC and West Lake Neptune II, LLC will not terminate or disturb the Tenant's possession of the leased premises; and

WHEREAS, the Tenant, Neptune Township, shall also execute a Tenant Estoppel Certificate to Natixis Real Estate Capital, LLC indicating that the Tenant, Neptune Township, is still under the Lease Agreement of September 22, 2008, which shall remain in full force and effect, and represents a sole agreement between the Tenant and the Landlord, and that there are no existing or future payments of any kind owed to the Tenant in connection with the Lease and verifying the terms of the Lease Agreement, including two five-year options of renewal.

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 authorizes the Mayor and Clerk to execute and acknowledge execution of a Tenant Estoppel Certificate between Natixis Real Estate Capital, LLC and Neptune Township and a Subordination, Attornment and Non-disturbance Agreement between Natixis Real Estate Capital, LLC; Neptune Township and West Lake Neptune, LLC and West Lake Neptune II, LLC, the purchaser of the aforesaid property, so as to allow financing and purchase of the aforesaid property at 1800-1836 West Lake Avenue, Neptune Township, New Jersey, by West Lake Neptune, LLC and West Lake Neptune II, LLC, with financing through Natixis Real Estate Capital, LLC.; and,

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

AUTHORIZE CHANGE ORDER #1 (FINAL) IN CONNECTION WITH THE 2016 ROAD IMPROVEMENT PROGRAM

WHEREAS, ON February 13, 2017, a contract was awarded to P&A Construction in the amount of \$896,660.50 in connection with the 2016 Road Improvement Program; and,

WHEREAS, a change to the contract has been experienced as a result of final as-built quantities and an escalation in the fuel and asphalt price adjustment based on the NJDOT standard allowable deviation; and,

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

WHEREAS, funds for this purpose are available in Ordinances No. 07-40 and 13-14 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 P&A Construction in connection with the 2016 Road Improvement Program resulting in a net increase of \$37,990.09 revising the total contract amount to \$934,650.59; 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 REPLACEMENT OF STORM WATER PIPE LOCATED UNDER POPPY DRIVE AT GULLY ROAD

WHEREAS, the Township Engineer solicited quotes for the replacement of 120 linear feet of storm water pipe under Poppy Drive near the intersection with Gully Road where a sinkhole has formed; 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 Township Engineer and the 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 Ordinances No. 07-40 and 17-21, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Mark Woszczak Mechanical Services be and is hereby authorized to replace 120 linear feet of storm water pipe under Poppy Drive near the intersection with Gully Road pursuant to their quote of \$24,000.00; and,

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

APPROVE SELECTION OF LEGAL COUNSEL TO REPRESENT FORMER POLICE CHIEF ROBERT H. ADAMS, SR. IN LAWSUIT FOR PUNITIVE DAMAGES

WHEREAS, Robert H. Adams, Sr., former Chief of Police, has been named as a Defendant in the matter of Kirsten Seidel, et al. v. Robert H. Adams, Sr. and has requested legal counsel in regards to the claims for punitive damages; and,

WHEREAS, in accordance with the individual employment contract of former Chief Adams, the Township Committee must approve the selection of counsel; and,

WHEREAS, the Township will reimburse said official for legal fees incurred for personal counsel for lawsuits for punitive damages pursuant to N.J.S.A. 40A:14-155; and,

WHEREAS, the Township's reimbursement will be limited to a rate per hour not to exceed the current hourly rate of the Township Attorney, the Township reserves the right to limit the total expenditure to a reasonable cost and the Township reserves the right to not reimburse for legal fees and costs should an officer be held liable for punitive damages; and,

WHEREAS, funds will be provided in the 2017 municipal budget in the appropriation entitled Legal Services 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 that approval is hereby granted to former Police Chief Robert H. Adams, Sr. to retain Fox Rothschild, LLP as legal counsel for the claim of punitive damages in the matter of Kirsten Seidel, et al. v. Robert H. Adams, Sr. at an amount not to exceed \$2,500.00; and,

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

AUTHORIZE THE TRANSFER OF 2017 BUDGET APPROPRIATIONS

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of current year appropriations during the last two months of the fiscal year; and,

WHEREAS, the Chief Financial Officer has recommended that the following appropriation transfers be authorized:

<u>GENERAL BUDGET LINE ITEM</u>	<u>TO</u>	<u>FROM</u>
Administration O.E.	2,500.00	
Legal O.E.	300,000.00	
Land Use S&W	17,000.00	
Code Enforcement S&W	2,000.00	
E.M.S. O.E.	25,000.00	
E.M.S. S&W	75,000.00	
Building Maintenance S&W	35,000.00	
Publicity O.E.	8,500.00	
Interest on Bonds	98,770.00	
Community Programs S&W		17,000.00
Construction S&W		2,000.00
Group Insurance		65,000.00
Police S&W		75,000.00
Roads S&W		135,000.00
Solid Waste S&W		100,000.00
Vehicle Maintenance O.E.		15,000.00
Natural Gas		12,000.00
Gasoline		44,000.00
Bond Principal		98,770.00

<u>MARINA UTILITY LINE ITEM</u>	<u>TO</u>	<u>FROM</u>
Interest on Bonds	8,075.00	
Note Principal	869.00	
Bond Principal		8,944.00

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that 2017 Budget Appropriations be transferred as stated herein; and,

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

AUTHORIZE THE PURCHASE OF REPLACEMENT SERVERS FOR THE VIDEO SURVEILLANCE SYSTEM IN THE POLICE DEPARTMENT THROUGH THE MIDDLESEX REGIONAL EDUCATION SERVICES COMMISSION PURCHASING PROGRAM

WHEREAS, the Police Department wishes to replace eight year old servers for the existing video surveillance system in the Police Department utilizing pricing through the Middlesex Regional Education Services Commission Cooperative 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 or state recognized cooperative agreement; and;

WHEREAS, the Middlesex Regional Education Services Commission Cooperative Purchasing Program is recognized purchasing cooperative (#65MCESCCPS) and has awarded Contract No. ESCNJ 17/18-19 to Open System Integrators; and,

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

WHEREAS, the amount of the purchase of this item shall not exceed \$20,018.00; 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 of Neptune Committee of the Township



of Neptune that the purchase of new servers for the video surveillance system in the Police Department be and is hereby authorized through Open Systems Integrators, an approved vendor through the Middlesex Regional Education Services Commission Cooperative Purchasing Program – Contract No. ESCNJ 17/18-19, at an amount not to exceed \$20,018.00; and,

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

AMEND SCHEDULE OF RATES FOR SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS TO ADD AN ADMINISTRATIVE FEE

WHEREAS, the Township Committee established a schedule of rates for Special Duty Assignments for Police Officers on January 1, 2017; and,

WHEREAS, the Township desires to add an administrative fee equal to the fee charged in the event the Township assigns the administration of Special Duty Assignments to a third party vendor; and,

THEREFORD, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following shall represent hourly rates for Special Duty Assignments for Sworn Police Officers and Special Law Enforcement Officers – Class II effective January 1, 2017:

Overall rates:

Traffic Control/Security Assignment	\$85.00 per hour
Regularly Scheduled (repetitive) Security Assignment:	\$75.00 per hour
Board of Education Assignment	\$45.00 per hour
Board of Education Assignment – SLEO II	\$40.00 per hour
Off-Duty Assignment – Governmental agency	\$50.00 per hour
(Includes non-profit organizations supported by the municipal budget)	

Sworn Police Officers (PBA and FOP) assigned to these duties will be paid as follows:

Traffic Control/Security Assignment	\$60.00 per hour
Regularly Scheduled (repetitive) Security Assignment:	\$50.00 per hour
Board of Education Assignment	\$45.00 per hour
Off-Duty Assignment – Governmental agency	\$45.00 per hour
(Includes non-profit organizations supported by the municipal budget)	

Special Law Enforcement Class II Officers assigned to these duties will be paid as follows:

Traffic Control/Security Assignment	\$30.00 per hour
Regularly Scheduled (repetitive) Security Assignment:	\$30.00 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 the Township may assign the administration of Special Duty Assignments to a vendor who will charge a 6% administrative fee to the contractor for all assignments managed through their program. This administrative charge will not be assessed to the Neptune Township Board of Education.

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.

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

AWARD BID FOR MUNICIPAL COMPLEX ROOF PROJECT

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

WHEREAS, on October 18, 2017, the Township Engineer received bids for the award of a contract for the Municipal Complex Roof Project; and,

WHEREAS, said bids were reviewed by the Township Engineer and Township Attorney who

have recommended that the bid be awarded to the lowest bid submitted by MAK Group, Inc.; 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 Ordinances No. 15-38 and No. 17-23 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 MAK Group, Inc. on their lowest responsible bid of \$882,800.00 (which includes the base bid of \$821,600.00 and Alternate #1 bid of \$61,200.00) for the Municipal Complex Roof Project; 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 Township Engineer.

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

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

Mr. Williams 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 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 Kadon Vick 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 November 13, 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 OFFER OF EMPLOYMENT FOR THE POSITION OF DEPUTY MUNICIPAL COURT ADMINISTRATOR

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

WHEREAS, there is a vacancy in the position of Deputy Municipal Court Administrator 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 to rehire an individual that previously held the position and desires to return to employment with the Township; 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 Subsola Young for the position of Deputy Municipal Court Administrator, on a probationary basis for a period of not less than 90 days and not exceeding one year, effective December 4, 2017, at an annual salary of \$38,835.68; 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.

The Mayor announces the following appointments to the Environmental/Shade Tree Commission:

William Heyniger (currently the Alternate #1 member) to an unexpired three year term.  
Nadia Holzer as the Alternate #1 member to an unexpired two year term

CONFIRM MAYOR'S APPOINTMENTS TO THE ENVIRONMENTAL/SHADE TREE COMMISSION

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

BE IT RESOLVED, that the Township Committee confirms the Mayor's appointment of the following individuals to the Environmental/Shade Tree Commission:

William Heyniger (currently the Alternate #1 member) for an unexpired three year term expiring December 31, 2018.

Nadia Holzer as the Alternate #1 member for an unexpired two year term expiring December 31, 2018.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Environmental/Shade Tree Commission.

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	\$1,729,241.49
GRANT FUND	3,646.56
TRUST FUND	52,045.07
GENERAL CAPITAL FUND	72,203.27
SEWER OPERATING FUND	116,650.86
SEWER CAPITAL FUND	6,890.38
MARINA OPERATING FUND	152,956.97
MARINA CAPITAL FUND	1,725.00
DOG TRUST	54.60
LIBRARY TRUST	1,273.56

BILL LIST TOTAL

\$2,136,687.76

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.

AUTHORIZE DEVELOPER'S AGREEMENT WITH VASM, LLC, FOR SITE IMPROVEMENTS AT BLOCK 209, LOT 5 (44 MAIN AVENUE)

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

WHEREAS, VASM, LLC sought development of property subject to a Major Site Plan Approval by the Neptune Township Planning Board for construction and reconstruction of an existing one-story commercial building along Main Avenue in Ocean Grove, and an accessory "lean-to" structure to the rear of the commercial building, with the intent to remove the rear portion of the existing one-story commercial building and the accessory "lean-to" and pergola structures and to construct a one-story building addition along the rear of the existing building to remain on site. The existing stone driveway/parking area at the rear of the site along Heck Avenue is to be paved with one Handicapped Parking Space within said area; and

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

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

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 Mayor and Clerk are hereby authorized to execute the aforesaid Developer' Agreement with VASM, LLC, a true copy of which is on file in the Office of the Municipal Clerk, for compliance with the Planning Board of Neptune Township's Resolution No. 17-14, and representations upon submission and approval of all conditions arising from the aforesaid Resolution, and return the same to the Township Attorney for recording in the Clerk's office of Monmouth County; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney with an executed copy of the Developer's Agreement.

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

AUTHORIZE DEFENSE OF A LAWSUIT ENTITLED, "MLF LEXSERV, L.P., V. THE NEPTUNE TOWNSHIP DEPARTMENT OF VITAL STATISTICS"

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

WHEREAS, Plaintiff, MLF LexServ, L.P., has filed a lawsuit in the Superior Court of New Jersey, Chancery Division in Monmouth County under Docket No. C-176-17 against the Neptune Township Department of Vital Statistics, due to the fact that the Local Registrar refused to release a Certified Copy of a Death Certificate of a prior resident of Neptune Township; and

WHEREAS, the Registrar is acting on the advice of the State Registrar and N.J.S.A. 26:8-59.1, which limits the release of Certified Copies of Death Certificates to relatives of the decedent or funeral directors; and

WHEREAS, the Plaintiff does not qualify strictly under the State Statute as a party entitled to a Certified Copy of a Death Certificate, but may be able to obtain authorization through Court Order based on another theory of law; and

WHEREAS, it is important to maintain the integrity of the Registrar's Office, where acting in accordance with State Statute; and,

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 Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Township Committee hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., with offices at 48 South Street, Eatontown, New Jersey, to file an Answer and opposition papers to the aforesaid lawsuit brought against the Neptune Township Department of Vital Statistics for the release of a Certified Copy of a Death Certificate under Docket No. C-176-17 filed in the Superior Court of New Jersey, Chancery Division; and,

BE IT FURTHER RESOLVED, that the Township Committee also authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purpose of this lawsuit; 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 Registrar.

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

Barbara Burns, Ocean Avenue, thanked the Committee for the presentation to various Ocean Grove organizations. She confirmed that Ms. Rizzo will be making a presentation at the November 27<sup>th</sup> workshop meeting on permit parking and asked for the next steps after the presentation. The Mayor responded that the Committee will discuss the presentation and make a decision on the next steps at that time.

Joel Popkin, Inskip Avenue, stated that he serves with Mr. McMillan on the Legislative Committee. He congratulated Mr. Millan on his service to Neptune on the important issues that are discussed by the Legislative Committee. The Mayor stated that he is not surprised given Mr. McMillan's background and congratulated Mr. McMillan on his election victory.

Reverend Edmund Lee, 12 Patricia Drive, asked about the installation of the cameras in midtown and if he could be told of the locations. Mr. Cuttrell stated that the cameras are up. Mr. Williams stated that he does not know the specific locations but the cameras are specialized to track vehicles. The Mayor stated that the Township cannot divulge the locations of the cameras. Mr. McMillan stated that the Police Department reviews geostats on areas to identify high crime areas. Reverend Lee asked about the purchase of three properties on West Lake Avenue and if these purchases could be done together. The Mayor stated that the cost of the three parcels will exceed the amount appropriated, so they will be purchased one at a time.

Hank Coakley, Valley Road, stated that the County has a lack of signs on West Sylvania Avenue eastbound that would indicate the East End Avenue bridge is closed. If the County will not install the signs, he suggested that the Township install the signs. Mr. Cuttrell will bring the matter to the Township Engineer.

Dorothy Argyros, 2100 Rutherford Avenue, stated that she has been asking how much police misbehavior is costing the taxpayers. She read the Township's insurance policy and if the Township is determined to be a moral risk, the carrier can cancel the insurance. The Committee does not punish its police and there is no deterrent for bad behavior. She stated that Republican campaign literature says the Township pays a \$100,000 deductible for insurance. The Mayor stated that the deductible is \$5,000 or \$10,000 per case. Ms. Argyros asked that information on the current deductible and the deductible amount prior to the police litigation be provided.

Jack Bredin, 94 ½ Heck Avenue, stated he felt the Township had a fine police department. He congratulated Mr. McMillian. He discussed having the Wesley Lake dredged and whose responsibility it would be to have it cleaned. He also discussed changing the use of Wesley Lake.

Richard Williams, 1 Abbott Avenue, thanked the Committee for presenting the award this evening and he thanked Mr. McMillan on his election victory. Mr. Williams stated that the comments from the dais should be about projects and things going on behind the scenes, not about social events. He stated that the emphasis is now on the Democrats to get things done in Trenton. Senator-elect Gopal spoke on shared services and merging municipalities which can save big money. Mr. Lane stated that there are things going on behind the scenes to help residents, but they

may not want to be recognized for the problems they are fixing. Ms. Rizzo stated that some towns want control of their dollars and not be consumed by a large town. There are politics at work with these types of discussions.

A resident of 122 Durand Road stated it is a giant pain to get into Shark River Hills from the intersection of Brighton and West Sylvania. She questioned whether anything could be done because no one will give you an opportunity to make a left. She suggesting having a delayed light.

Mayor Brantley stated Mr. Cuttrell has made a note of that and they will look into it more and have a report available for her. She requested she leave her name and number with Mr. Cuttrell.

Mr. Williams stated he spoke to Tommy Arnone about staggering those lights and he's been told that it is a D.O.T. problem. He stated we lose a lot of say because it goes into Neptune City but assured her that they would keep pushing for it.

The Mayor stated that because of the upcoming Route 66 improvements, Neptune will be considering a joint resolution with Ocean Township to request that the NJDOT make improvements to the Asbury Circle.

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

Richard J. Cuttrell,  
Municipal Clerk