

TOWNSHIP COMMITTEE MEETING – JANUARY 8, 2018

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: Dr. Michael Brantley, Robert Lane, Jr., and Mayor Nicholas Williams. Absent: Carol Rizzo. (Kevin B. McMillan arrived during the open session workshop meeting as indicated)

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

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 Asbury Park Press and The Coaster on January 4, 2018, 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:

Mayor Williams stated that the Ocean Grove Parking Task Force met a total of twelve times. Recommendations were made by the Traffic Consultant which resulted in additional angled parking spots. Dialogue continued and emails were received from residents. On December 21st, the Committee held a meeting at Neptune High School where Ms. Rizzo presented a proposal for permit parking in Ocean Grove. He asked the Committee members for their thoughts on how to proceed.

Dr. Brantley stated that he could support moving forward with the permit parking proposal. Parking is a free commodity and the Committee needs to find a way to better manage this commodity. He suggested working with Asbury Park on this issue. Mr. Lane commended Ms. Rizzo for the proposal. He stated that he could not move forward with permits at this time. He is concerned with all the residents. Permits will not decrease the number of people parking in Ocean Grove and then walking to Asbury Park. The Committee will be talking to Asbury Park on this issue. The Mayor stated that he was a member of the Parking Task Force. There are still unanswered questions about permit parking. There were good comments received on December 21st but there are a lot of questions including eligibility of Neptune Township residents who do not reside in Ocean Grove, how would the permits be handled at Town Hall, and how much staff would be needed. He recommended not to move forward with the permit parking plan.

The Committee reviewed the Police Department budget. Michael Bascom, C.F.O.; Police Chief James Hunt; and Police Committee Chairperson Barry Colicelli were present. The Committee indicated that they want to bring in certain departments to discuss their budget more in depth. Mr. Bascom stated that 78 full-time officers are budgeted and the Township currently has 76 officers. Total police salaries exceeded \$10 million for the first time in 2017. Overtime peaked in 2016 and was down in 2017. Health benefits costs dropped in 2017 which was an unintended benefit of new officers required single coverage rather than family coverage. There will be a \$150,000 increase in pension costs in 2018. He reviewed the number of total number of police vehicles and the number purchased in each of the last five years. Finally, he reviewed the various grants received by the police department.

Dr. Brantley asked about the use and expense of the firing range located in the basement of the Municipal Building. Chief Hunt stated that it is used on occasion, but officers are qualified at the County range because of the volume and type of weapon. The range is used to requalify officers who were out on extended leave. Mr. Bascom stated that the only expense associated with the range are new air filters. Mr. Colicelli asked for information showing the costs associated with the range and latest OSHA inspection report. He asked if the use of the County range was free to the Township. Chief Hunt responded yes, but the Township only receives a block of days twice a year for qualification. Mr. Colicelli asked if the Department could use the County range exclusively. Mr. Bascom replied that the local range has no extraordinary costs to maintain and it also helps officers get through the Police Academy.

Mr. Colicelli asked why the Special Law Enforcement Officers salaries were moved to the EMS budget. Mr. Bascom responded that the SLEO salaries were not moved, but the salaries of the Public Safety Officers were moved to the EMS budget. Mr. Colicelli asked questions on the number and average life span of vehicles and requested information on forfeiture funds received and expended in the last five years. He also requested copies of the Edward Byrne grant reports. Mr. Bascom indicated that the Jailer program has been in existence for about two years. Mr. Colicelli asked about the increase in legal costs in 2017. Mr. Bascom stated that in 2017, legal matters were being looked at by multiple attorneys rather than a single attorney.

Mayor Williams stated that Ms. Rizzo reviewed Mr. Bascom's presentation and questioned

why there was not information on capital expenditures. Mr. Bascom responded that the only capital expenditure were vehicles which he reviewed in the presentation. Dr. Brantley questioned the amount of overtime expense. Mr. Bascom responded that the Department was short-staffed for a period of time and overtime is dependent on the number of major events that occur.

Mr. McMillan arrived.

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

Mr. Lane offered the following resolution, moved and seconded by Dr. Brantley, 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 – Vacant and Abandoned Property Services

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

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

The Committee continued to review the proposal received for Vacant and Abandoned Property Services. Mr. Gadaleta is working on getting information and financials on existing contracts to determine how the revenue and expenditure will be displayed in the municipal budget.

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

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

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

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

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

Mayor Williams announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 4, 2018, 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.

APPROVAL OF MINUTES

Dr. Brantley offered a motion, seconded by Mr. Lane, to approve the minutes of the meetings

held on December 18th and December 21st. All were in favor.

COMMENTS FROM THE DAIS

Mr. McMillan thanked all Township employees who dealt the snowstorm.

Dr. Brantley also offered thanks to all who worked during the snowstorm. They did a great job. He congratulated Mr. McMillan on his 6th term as a Township Committee member and to Nick Williams, our new Mayor.

Mr. Lane thanked the Public Works Department and everyone else who helped with the storm. He went to the command center and witnessed how everyone works together. He wished everyone a Happy New Year and looks forward to working with his departments.

Mayor Williams stated that he honored to be Mayor in 2018. He will do the best for all residents. He thanked the Police Department, O.E.M. and Public Works for their effort during the snowstorm. The streets were opened quickly and it was a job well done.

PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros, 2100 Rutherford Avenue, asked if Tamikia Rowe was related to any current Township employees. Mr. Gadaleta responded no.

ORDINANCE NO. 18-01 - APPROVED

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

ORDINANCE NO. 18-01

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-61 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A FEE FOR BID PLANS AND SPECIFICATIONS FROM THE ENGINEERING DEPARTMENT

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

Mr. Cuttrell stated that the Public Hearing on Ordinance No. 18-01 will be held on Monday, January 22, 2018.

CONSENT AGENDA

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

CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964"

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e *et seq.*, (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Township Committee of the Township of Neptune, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183,

by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

RECLASSIFY TAMIKIA ROWE AS A PERMANENT FULL-TIME CUSTOMER SERVICE REPRESENTATIVE IN THE VITAL STATISTICS DEPARTMENT

WHEREAS, Tamikia Rowe was hired as a full-time Customer Service Representative in the Vital Statistics Department on October 1, 2017; and,

WHEREAS, she has performed her duties in a satisfactory manner and the Registrar has recommended that she be reclassified on a permanent full-time basis,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Tamikia Rowe be and he is hereby reclassified as a permanent full-time Customer Service Representative effective immediately; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Registrar, Human Resources Director, and AFSCME Local #1844.

AUTHORIZE THE EXECUTION OF A SUBORDINATION AGREEMENT IN CONNECTION WITH A UDAG MORTGAGE GRANTED TO NEW YORK CONCOURSE, LLC

WHEREAS, the Township of Neptune holds a mortgage dated February 28, 2013 in the amount of \$100,000.00 in connection with an UDAG loan granted to New York Concourse, LLC for the property at 1401 Highway 35, also known as the Headliner; and,

WHEREAS, New York Concourse, LLC has requested that the Township of Neptune subordinate its mortgage in order that New York Concourse, LLC may refinance an existing mortgage that is positioned ahead of the Township's mortgage;

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and they are hereby authorized to execute a Subordination Agreement in connection with the UDAG mortgage issued to New York Concourse, LLC as further described herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Grant Coordinator.

AUTHORIZE TOWNSHIP ENGINEERING CONSULTANT TO PERFORM ENGINEERING SERVICES FOR THE HECK AVENUE SANITARY SEWER REHABILITATION PROJECT

WHEREAS, the Township of Neptune desires to undertake a project to replace sanitary sewer lines under Heck Avenue between Ridge Avenue and Memorial Drive; and,

WHEREAS, it is necessary for a Township Engineer Consultant, from the approved list of 2018 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 Sewer Capital Outlay, 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 \$69,545.00; 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.

APPLY FOR A GREEN ACRES PROGRAM GRANT FOR FLOOD PRONE PROPERTY ACQUISITION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program

("State"), provides loans and/or grants to municipal and county governments and grants to non-profit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and,

WHEREAS, the Township of Neptune desires to further the public interest by obtaining a loan of \$40,000 and/or a grant of \$960,000 from the State to fund the following project: #1335-17-002 Flood Prone Property Acquisition; and,

NOW, THEREFORE, the Township Committee of the Township of Neptune resolves that Nicholas Williams or the successor to the office of Mayor is hereby authorized to,

1. Make application for such a loan and/or such a grant
2. Provide additional application information and furnish such documents as may be required
3. Act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and,

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor of the above named body or board is hereby authorized to execute an agreement and any amendment thereto with the State known as Flood Prone Property Acquisition; and,

- A. The applicant has its matching share of the project, if a match is required in the amount of \$280,000; and,
- B. In the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project; and,
- C. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.
- D. This resolution shall take effect immediately.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Joan Venezia, 107 Mt. Hermon Way, asked for a status on code violations at 68 Clark Avenue. Mr. Gadaleta stated that the Code Department inspected and indicated there are no violations. Ms. Venezia stated a 3rd floor window is out with a tarp covering it. Mr. Gadaleta stated that does not constitute a violation. Ms. Venezia stated that the parking decision should have been postponed until Ms. Rizzo is present. She asked the Committee how the Township will manage parking and what are the reasons why permit parking will not move forward. The Committee indicated that they would discuss the matter with Asbury Park. Mr. Lane stated that permits would be a hardship to tourism and most do not want permits. Mayor Williams mentioned legal liability and the outstanding issue whether everyone in Neptune Township would be eligible for a permit. Ms. Venezia asked for the name of the second redeveloper of the North End and who was now on the Redevelopment Committee. The Mayor stated that he, Dr. Brantley, the Redevelopment Attorney, Mr. Gadaleta, Ms. Hoffmann, Mr. Haney, and the Township Planner are part of the Committee. Ms. Venezia asked about the availability of updates on the North End redevelopment since Mr. Anthony will no longer be representing the Township in redevelopment matters. Mr. Anthony stated that Ms. Venezia cannot contact the Redevelopment Attorney and updates will be provided as they develop.

Dorothy Argyros, 2100 Rutherford Avenue, questioned the commitment of the Committee to police reform. It has been over a year since Katie Lee Thomas died in a jail cell and there are still no answers to what happened. This issue, in addition to not releasing the Turner Report, makes the Committee look suspicious. The Committee is not interested in what happened and they should get the file from the County Prosecutor.

Barbara Burns, 4 Ocean Avenue, stated that in regards to permit parking, the Committee

provided statements without evidence and no discussion. The Committee needs to get answers to any questions they have and it is not acceptable to give up. Parking is not free, there is a cost in lost time and opportunity. Unanswered questions are not a reason to not go forward. The Mayor stated that the proposal on December 18th was totally different from the proposal that they had for months. Dr. Brantley stated that the Committee will not abandon the idea of looking for solutions. We will talk to Asbury Park and use their expertise.

Ray DeFaria, 12 New York Avenue, stated the Parking Task Force did a very extensive review. Homes in Ocean Grove are selling for \$1 million and the buyers know about the parking problem which is an Ocean Grove problem. Ocean Grove is no longer "Ocean Grave", it's no longer a lot of elderly and people living here have more cars. Ocean Grove was founded on inviting people to come, not to keep people out. The Ocean Grove Homeowners Association, who is supporting permits, has about 200 members but 3100 people live year round in Ocean Grove. The Committee made a hard decision, but a good decision.

Kennedy Buckley, Broadway, bought his home on Broadway in 1985. Parking will always be a problem, but near Asbury Park, it is increasingly worse. He recommended that the Committee get recommendations from a traffic expert. In regards to the recent snowstorm, the Township was more efficient, lessons from previous storms have been learned. The streets look good and most sidewalks have been cleared.

Annabelle Bissett, 77 Heck Avenue, asked about the possibility of televising Township meetings. The Mayor stated that the High School may be able assist in this idea. He is giving some thought to filming the meetings and then making it available after rather than live streaming. There are some pros and cons with filming meetings. Other towns have found that some people will come out just to see themselves on television. Ms. Bissett attended the parking meeting and feels that the intent of Ms. Rizzo's proposal was to start a conversation about parking solutions. She feels bad for the people who live in the north side of Ocean Grove and permits work well in Hoboken. Dr. Brantley stated that he is not ready to move forward with permits, but wants to continue looking into it. The Township needs to manage parking which is a free commodity.

Rhonda LeDee, 2115 West Lake Avenue, questioned whether anything was being done about the people living in the woods in the back of Shop-Rite. She felt the Committee should be taking the lead on this because they did not want another tent city here because anything could happen. They have propane in the woods and she was fearful that homes would be burned.

Mayor Williams stated he was notified about them and he had a conversation with a gentleman who takes care of them. He stated most tent people do not want help. They are very possessive and is afraid that someone will take their items when they are gone. A pastor agreed to put up \$300 to put them in the Crystal in and then another woman gave money to allow them stay in the motel. The law states that we physically cannot remove them. They were in the motel for four days.

Mr. Gadaleta stated the Township were concerned about the tent city and its people. He stated recent legislation was passed called the Code Blue Law and whenever we get to a certain temperature there is a requirement by all municipalities to make contact with those individuals who we know are homeless. Our police department goes out to the site and interview them and then provide information as to what service is available to them. Our library & senior center are warming centers and we've used our court room at one time. We provide them information about the County Board of Social Services and they also have a facility in Freehold. They have a desire to live the way they want to live and we cannot move them to a shelter if they do not want to. This is private property and if a complaint is made by the property owner they are brought in and receive a summons and is brought in but once they leave they return. He stated he's met with the property owner and they are trying to effectuate a plan to remove them in a humane manner. The owner has been working with the Jersey Shore Rescue Mission in Asbury Park. The only thing they can address is the trespass issue but they are concerned and are working to manage the situation.

Ms. LeDee questioned whether they could sell some of the vacant and boarded up houses to them.

Mr. Gadaleta stated the problem is that they do not own them.

Dianna Harris, 17 Willow Drive, stated there is a group of churches that are housing a group of homeless women every day of the week and one of the churches is Macedonia on Heck Avenue. She stated there were a number of them hers included which is located in Asbury Park. She questioned how the Police Department handles the homeless as far as the ones that do want to be moved.

Mr. Gadaleta stated they get information and they knew last year that there were people living in the rear of Johnson's Equipment last winter which are no longer there. We they are made aware of situations we are going to address it. He stated one young lady had a car and a job. He stated they were here to assist them as much as possible. They've opened the courts and the senior center if we can not get placement from social services.

Ms. Harris questioned whether there was every an arrest regarding the murder on Sayre Street.

Mayor Williams stated there wasn't an arrest.

Ms. Harris requested an update on the redevelopment on West Lake Avenue.

Mayor Williams stated they met with the redeveloper and went over the plan.

Pat Suplee, 11 Heck Avenue, stated that she appreciates what the Township is doing with the homeless and understands the challenges that the Township faces with addressing some who don't want to leave. She hopes the Committee will get answers to their questions about parking and asked about time restricted parking on Main Avenue. Dr. Brantley stated that the Committee is working on implementing limited parking in the Main Avenue business district. Also, the Committee will be getting some specifics ready before meeting with Asbury Park. He mentioned the possibility of setting aside a percentage of permits for other Neptune residents. The business owners have legitimate concerns about parking at the Committee will take each question one at a time.

Rich Williams, 1 Abbott Avenue, stated that he was shocked that 16 months has gone by without any information on the Katie Lee Thomas death. The Mayor indicated that nothing has been released by the County Prosecutor. Mr. Anthony stated there is litigation against the Township, but we cannot respond because the investigation is not complete. Mr. Williams stated he is impressed with how the question on the homeless was answered and asked for the same passion with the parking issue. He asked what Mr. McMillan's position is on the parking proposal. Mr. McMillan stated that he does not have a position until he hears more from Ms. Rizzo.

James McNamara, Asbury Avenue, thanked the Committee for the appointment to the Historic Preservation Commission. Snow is being piled in the fire access lanes along Asbury Avenue. Mr. Gadaleta will look into this. He asked if Mr. Anthony can give an opinion on non-Ocean Grove residents obtaining parking permits. The Mayor stated that this will be discussed. Mr. McNamara asked if a professional traffic consultant would be considered. The Mayor stated that Asbury Park has a complete Parking Authority and he wants to meet with them for advice.

Daniel Beeman, 129 Clark Avenue, asked the Committee to look at other alternatives for parking other than permits such as changing the hours that the Wesley Lake footbridges are locked. He suggested making it an Asbury Park problem by closing the gates at all times and block Lawrence Avenue. Ocean Grovers could also stop patronizing Asbury Park businesses so they get the message to not tell their employees and visitors to park in Ocean Grove.

Mark Ciliano, 14 Colleen Way, asked for information on the new housing project on West Bangs Avenue. Mr. Gadaleta reviewed the multiple projects in the West Bangs Avenue vicinity that are at various points of approval/construction.

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

Richard J. Cuttrell,
Municipal Clerk