

## TOWNSHIP COMMITTEE MEETING – SEPTEMBER 10, 2018

Mayor Williams called the meeting to order at 6:00 p.m. and requested the Deputy 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 Pamela D. Howard, Deputy 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:

Mr. Gadaleta stated he put the discussion of the Monmouth County Open Space grant on the workshop meeting because there will be a presentation and comment portion for the regular meeting and he would address any questions if the Committee had any.

Mr. Lane asked whether they could have gazebos.

Mr. Gadaleta stated it could be done in the final specifications.

Mr. McMillan questioned what type of activities would it have and would it have a passive park.

Mr. Gadaleta stated it would be used as a multipurpose field and could have a passive park, bocce courts, benches, etc.. He went on to state that 2/3 of the park would be developed in the future. He stated the property was green acres and they would have to have an artificial turf.

Mr. McMillan asked if porta potties would be there.

Mr. Gadaleta stated they could be.

Dr. Brantley stated high school kids were asked to help design it with recreational ideas.

Mr. Gadaleta stated some of the student's ideas have been incorporated.

Mr. Lane asked if they could do a buffer for the noise.

Mr. Gadaleta stated they would have a fence and screens could be put on it.

Mayor Williams asked if it would be secure in the evening.

Mr. Gadaleta confirmed that it would.

The Committee also discussed the proposed amendments to the Harbor Utility. Mayor Williams stated he has gotten complaints and has witnessed some of the complaints himself. He stated for the last two years people with trailers have not been paying attention to the signs; therefore boat owners cannot get to their boats. He felt if the Committee created an enforceable ordinance it would stop it.

Dr. Brantley questioned whether this would be for next year.

Mayor Williams stated they would make it enforceable for next year effective April 1<sup>st</sup>.

Mr. Anthony stated he was wondering whether he should modify the violation clause.

Mr. Gadaleta stated some of our ramp users have found a way to beat the system by not paying the ramp fee.

The Committee was okay with the proposed ordinance.

Mayor Williams reminded everyone that Neptune Day was Saturday, September 15<sup>th</sup>, from 12-4pm in the back of the municipal building. He also introduced Ed Johnson the new Executive Director of Governmental Affairs and Community Relations at Brookdale Community College.

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 – Ted Wardell present to discuss insurance coverages

Potential Litigation – Clinton Avenue pumping station

Real Estate negotiations – VFW property on Corlies Avenue

Personnel – Appointment to Wesley Lake Commission

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; and Williams, aye.

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

The Committee discussed the sale of the VFW on Corlies Avenue and decided that it would be in the best interest to let the property remain with the veterans.

The Committee also discussed the appointment of a member to the Wesley Lake Commission and they will be appointed at the regular meeting.

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

Mayor Williams called the meeting to order and requested the Deputy 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 Pamela D. Howard, Deputy 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 Deputy Clerk to indicate the fire exits.

The Deputy 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](http://www.neptunetownship.org).

APPROVAL OF MINUTES – MOTION FAILED

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

held on January 8th. Mr. McMillan and Mayor Williams abstained because they were absent from the meeting. Without three affirmative votes, the motion failed.

#### PROCLAMATIONS – CHILDHOOD CANCER AWARENESS MONTH AND PATRIOTS WEEK

The Mayor presented proclamations designating the month of September as Childhood Cancer Awareness Month and the week of September 10<sup>th</sup> as Patriots Week in the Township of Neptune. Zander Domberg who is a 9 year old cancer survivor accepted the proclamation on behalf of Childhood Cancer Awareness and Alberta Lerner Presented a proclamation on behalf of Patriots Week.

#### COMMENTS FROM THE DAIS

Dr. Michael Brantley stated he attended meetings that he was responsible for.

Kevin McMillan stated he attended the services for Joe Storzieri the Owner of AllStar. He also attended the Youth Awareness Rally and the Zoning Board meeting.

Robert Lane stated he attended the regular meetings for recreation, Pound the Pavement and this past Friday he attended the volunteer's luncheon at the Senior Center. He commended the volunteers and discussed the cause for pancreatic cancer. He reminded everyone that Neptune Day was this Saturday and they would honor Morgan Hulteen who has down syndrome and has participated in the Special Olympics. He stated he father is so proud of her.

Mayor Williams urged everyone to attend and participate in the Pancreatic Walk/Run. He also stated he attended the funeral of Barry Colicelli's mother who recently passed away. He attended the volunteer's luncheon at the Senior Center. He stated Neptune's Senior Center was the best in the United States to him. He attended the session for Guns & Violence which was held by the Municipal Alliance. He also thanked Dianna Harris and the Ministerial Alliance.

#### PUBLIC HEARING – APPLICATION TO MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

Leanne Hoffman, Township Engineer stated she was hear tonight regarding the proposed application to Monmouth County Municipal Open Space Program. She stated the Township should be proud of their history and completion of projects, their success in grants through this program since she's been here and probably a couple of years prior. The Township has continuously been funded and have continually completed the projects. She stated it is very important that we continue on this track. She read a synopsis of ideas to the Committee. She stated this was a maximum \$250,000 grant and they will have to be cognizant of their finances. She stated her office interacted with forty students from Neptune High School and they told them what they would like to see at the park and one of the recurring themes were intergenerational play. They wanted more than one sport there, and a place where they could play their sport and their parents or grandparents could play their activity of choice. She stated she wanted to slowly develop the site and be financially responsible. She went on to state that they would demolish the house that's there with the funds from a grant from Monmouth County Open Space for \$606,000 and have a synthetic sport court. They could stripe it for many different sports and they could have bocce courts, horse shoe pits, walking paths and benches. She went on to state there would be remediation and would also need additional landscaping.

Mr. McMillan asked if this wasn't funded by the County would it be feasible for the Township to do.

Mrs. Hoffman stated that would totally be up to the Township, similar to Veterans Memorial Park which was done solely by the Township through a bond ordinance.

Mr. McMillan questioned whether they could have porta potties.

Mrs. Hoffman stated they talked of something more like a composting toilet.

Mr. Lane stated he was looking at having gazebos, a place where you can sit down and eat.

Mrs. Hoffman stated we would have to pay a soft cost or Public Works could build something.

Dr. Brantley stated he was very happy that they took into consideration what the children wanted and he would like for the Board of Education to be informed as to what the kids have done and how they have inspired us in this plan.

Mayor Williams questioned how long would it take before the Township were to receive a response.

Mrs. Hoffman stated the time frame changes every year but in September the application is due, in December – funding recommendation goes to the Freeholders, in December/January the selected projects are announced and January-June the grant agreement gets executed.

Dorothy Argyros, 2100 Rutherford, questioned whether the residents were given notice of this.

Mr. Gadaleta stated the advertisement was in the Coaster.

Mrs. Argyros stated she wasn't told about this, therefore, she could not comment.

Michael D. Fornino stated he was not against this but things were not the way they used to be when he was a kid. He stated you could go to the fields these days and no one is there and the Township has to do something about it. He would like open space where kids could just go out and play.

Mayor Williams stated he thinks it's just the generation.

### AUTHORIZE APPLICATION TO THE MONMOUTH COUNTY MUNICIPAL OPEN SPACE PROGRAM

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

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and,

WHEREAS, the Governing Body of the Township of Neptune desires to obtain County Open Space Trust Funds in the amount of \$250,000.00 to fund the project known as "Multi-Purpose Field at Welsh Farms" located at 703 Old Corlies Avenue, also known as Block 3001, Lot 14; and,

WHEREAS, the total cost of the project including all matching funds is \$606,677.50; and,

WHEREAS, the Township of Neptune is the owner of and controls the project site,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune as follows:

1. Michael J. Bascom, Chief Financial Officer, or his successor, is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Township of Neptune is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Michael J. Bascom, Chief Financial Officer, or his successor, is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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

### PUBLIC COMMENTS ON RESOLUTIONS

Dorothy Argyros commented on Resolutions # 18-323 & 18-324 and stated they would be spending more than \$100,000 in appeals between the two resolutions, only to save \$1,000. She stated appeals were very expensive and there are no winners on appeals. She ended by saying there was a lot of secrecy in Neptune Township. She stated if they wanted vindication they should pay for it themselves

Jack Braeden commented on Resolution # 18-313 stated in the first paragraph of the resolution it refers back to 13 years ago. He questioned whether there was a request for proposal at that time.

Mr. Anthony stated that has nothing to do with this resolution.

Mr. Braden stated it was a legitimate question and asked if this was legal mumble jumbo.

Mr. Anthony stated the resolution reflects the history of the case.

Michael D. Fornino, 120 Fulham Place, commented on Resolution #18-304 suggested they paint in the street " No Left Turn". He also questioned who the multi-band radios were for.

Mayor Williams stated they were for OEM and they were encrypted.

Barbara Burns, 4 Ocean Avenue, commented on Resolution's #18-323 and 18-324. She stated it didn't make sense to do two resolutions because the issue in both cases were the same and you only needed one decision. .

Mr. Anthony stated they both had different insurance carriers and they were different cases. The Judge said they were right but different analysis under common law. They are two different cases here but some of the issues are the same.

Mrs. Burns stated she really felt that it should be done once.

Mr. Anthony stated there was separate authorization for each case.

Nancy Clark commented on Resolution's #18-323 and #18-324 and mentioned there was a typographical error in Resolution #18-324 to which the Deputy Clerk stated would be corrected. She questioned whether the Committee had read the resolution beforehand.

Dianna Harris stated she did not understand Resolution #18-13 which would authorize subornation, attornment, and no-disturbance agreement between Neptune Township and the state of New Jersey.

Mr. Anthony explained it in detail to Ms. Harris.

Mayor Williams thanked Diana for the backpacks

#### ORDINANCE NO. 18-28 - ADOPTED

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

#### ORDINANCE NO. 18-28

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON BEACH AVENUE, PILGRIM PATHWAY AND FRANKLIN 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: Brantley, aye; Lane, aye; McMillan, aye; and Williams, aye.

#### ORDINANCE NO. 18-29 – APPROVED

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

ORDINANCE NO. 18-29

AN ORDINANCE VACATING A PORTION OF SOUTH RIVERSIDE DRIVE  
IN THE TOWNSHIP OF NEPTUNE

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

Ms. Howard stated that the public hearing on Ordinance 18-29 will be held on Monday, September 24th.

CONSENT AGENDA

Mr. McMillan offered the following resolutions of the Consent Agenda, moved and seconded by Mr. Lane, 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>
605/15	213 Myrtle Avenue	\$ 270.00
5404/2	10 Fulton Place	270.00
617/20	425 Drummond Avenue	270.00
406/1	1228 9 <sup>th</sup> Avenue	388.10
3903/13	3501 Route 66	1,818.10
4912/4	400 Overlook Drive	7,365.00

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

ACCEPT THE RESIGNATION OF SEAN AREIA AS ASSISTANT ENGINEER IN THE ENGINEERING DEPARTMENT

WHEREAS, the Human Resources Director has received a letter from Sean Areia resigning as an Assistant Engineer in the Engineering Department effective September 7, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Sean Areia as an Assistant Engineer in the Engineering Department is hereby accepted effective September 7, 2018; and,

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

ACCEPT THE RESIGNATION OF JULIE SOLEIL AS A MEMBER OF THE ENVIRONMENTAL/ SHADE TREE COMMISSION

WHEREAS, the Environmental/Shade Tree Commission Secretary has received a letter from Julie Soleil resigning as a member of the Environmental/Shade Tree Commission effective August 14, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Julie Soleil as a member of the Environmental/Shade Tree Commission is hereby accepted effective August 14, 2018; and,

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

AUTHORIZE THE EXECUTION OF A COMMODITY RESALE AGREEMENT WITH THE COUNTY OF MONMOUTH

WHEREAS, N.J.A.C. 5:34-7.15 authorizes local contracting units to enter into Commodity Resale Agreements for the purchase of certain commodities from other contracting units; and,

WHEREAS, the County of Monmouth has authorized the renewal of the Monmouth County Commodity Resale System (SYSTEM IDENTIFIER 99174 – MCCRS), for the period of September 30, 2018 through September 30, 2023; and,

WHEREAS, it would be in the best interest of this Municipality to remain a member of the Monmouth County Commodity Resale System for that period,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Municipal Clerk be and they are hereby authorized to execute the a Commodity Resale Agreement, a copy of which is on file with the Municipal Clerk, with the County of Monmouth; and,

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a certified copy of this resolution, along with the executed Commodity Resale Agreement to the Office of Shared Services, County of Monmouth, Hall of Records Annex, First Floor, 1 East Main Street, Freehold, New Jersey 07728.

AUTHORIZE THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE COUNTY OF MONMOUTH FOR VARIOUS PUBLIC WORKS SERVICES ON AN AS NEEDED BASIS

WHEREAS, the County of Monmouth has offered the Township mutual assistance/shared Public Works services for use on an as-needed basis; and,

WHEREAS, the Township of Neptune and the County of Monmouth desire to enter into a Shared Services Agreement pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. to serve the best interests of residents of the Township of Neptune; and,

WHEREAS, the County will provide such services as requested by the Township and the cost will be determined by the extent to the which the Township avails itself of the services available with the understanding that payment to the County is limited to the extent of the County's cost in providing the service; and,

WHEREAS, this Agreement shall be effective for ten (10) years from October 1, 2018 until September 30, 2028,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Shared Services Agreement with the County of Monmouth, a copy of which is on file in the Office of the Municipal Clerk, for County Public Works services on an as-needed basis as requested by the Township; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Public Works Director and the County of Monmouth.

APPOINT SCHOOL CROSSING GUARDS FOR THE 2018-2019 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2018-2019 school year; and,

WHEREAS, the Chief of Police and Human Resources Director have made their recommendation to rehire certain crossing guards that served during the 2017-2018 school year; and,

WHEREAS, funds for this purpose are available in the 2018 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 the following be and they are hereby reappointed as School Crossing Guards for the 2018-2019 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate established by prior Resolution of the Township Committee:

Thomas Blewitt, Sr.	William Bloxon	Jeffrey Brenan	Derrick Coleman
Carmelo Gonzalez	Gail Hepburn	Josephine Hughes	Juanita Jones
Kathryn Kelly	Fred Kern	Rosalee Lane	Rita Lee
Carol McDonald	Barbara McGuire	Everett Mitchell	Chester Moreski
Pam Moreski	Loren Moses	Amelia Okpanachi	Robert Perkins
Roseann Rode	Caroline Vandervort	Felece Weedon	Avis Williams
Alfreda Wright			

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.

#### REAPPOINT SPECIAL LAW ENFORCEMENT OFFICERS IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

WHEREAS, in accordance with state regulations, it is required that existing Special Law Enforcement officers be reappointed on an annual basis; and,

WHEREAS, the Chief of Police has made his recommendation on the reappointment of existing Special Law Enforcement Officers; and,

WHEREAS, funds will be provided in the 2018 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 the following individuals be and are hereby reappointed as part-time Special Law Enforcement Officers (SLEO) and to perform such other duties as prescribed by the Chief of Police, for the period September 1, 2018 through August 31, 2019, at an hourly rate as established by prior resolution of the Township Committee:

SLEO Class I – Kristen Narciso, Jacob Hartranft, Syessence Davis, Jaheem Woods, Bryan Jones, and Aidan Supp

SLEO Class II – John Mattia, William Fabian, Darrell Furman, George Corbin, Joseph Siciliano, Richard Cuttrell, Louis Esposito, Morgan Holland, Charles Theodora, Marcus Neal, Michael Jones, Kyle Pelech, Daniel Wendel, Terrell Brown, Brad Dougherty, and Andrew Todd

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.

#### RENEW LIQUOR LICENSE HELD BY VPK, INC. T/A ALPHA LIQUORS FOR THE 2018-2019 LICENSING YEAR

WHEREAS, VPK, Inc. is the holder of a retail consumption liquor license 1334-44-022-002; and filed the required application for license renewal for the 2018-2019 licensing term; however, a tax clearance certificate was not provided; and,

WHEREAS, in accordance with state statute, a municipality cannot renew a liquor license without a tax clearance certificate for the corporation holding the license; and,

WHEREAS, the Division of Taxation issued a Tax Clearance Certificate for VPK, Inc. dated August 17, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Plenary Retail Distribution Liquor License known as 1334-44-022-002 be renewed to VPK, Inc. t/a Alpha Liquors, located at 1515 West Lake Avenue for the 2018-2019 licensing year under the following condition (continued from the prior licensing period):

Hours of operation will be limited to no later than 10:00 p.m. every day of the week



BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Division of Alcoholic Beverage Control and the License Holder.

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 033

WHEREAS, Khaled Elsayed is the owner of Neptune Township Taxi Medallion No. 033; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Sheldon Edwards of 5 Stars Transportation,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 033 to Sheldon Edwards of 5 Stars Transportation; and,

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

AUTHORIZE CHANGE ORDER #2 (FINAL) IN CONNECTION WITH MUNICIPAL COMPLEX ROOF PROJECT

WHEREAS, on October 18, 2017, a contract was awarded to MAK Group, Inc. in the amount of \$882,800.00 in connection with the Municipal Complex roof project; and,

WHEREAS, on January 22, 2018, the Township Committee adopted Resolution #18-73, to authorize Change Order #1 which increased the contract amount by \$39,020.00; and,

WHEREAS, a change to the contract has been experienced as a result of final as-built quantities; and,

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

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 #2 (final) in the contract with MAK Group, Inc. in connection with the Municipal Complex roof project resulting in a net decrease of \$15,834.02 revising the total contract amount to \$905,985.98; 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.

SUPPORT LEFT TURN PROHIBITIONS AT INTERSECTIONS OF ROUTE 33 AND STANLEY AVENUE AND ROUTE 33 AND DAVIS AVENUE AS APPROVED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION STREET INTERSECTION PERMIT S-33-C-9716-2016 AND S-33-C-9715-2016

WHEREAS, the New Jersey Department of Transportation (NJDOT) recently approved street intersection permits in connection with the Jersey Shore University Medical Center's (Developer's) HOPE Tower project and the Developer is constructing roadway improvements along Route NJ 33 (Corlies Avenue) in accordance with NJDOT approved plans the vicinity of Jersey Shore University Medical Center; and,

WHEREAS, traffic islands and signage have recently been constructed at Stanley Avenue and Davis Avenue at their intersection with Route NJ 33 which prohibit the following movements; 1) left turns from westbound Route NJ 33 to Stanley Avenue; 2) left turns from northbound Stanley Avenue to Route NJ 33; 3) left turns from southbound Davis Avenue to Route NJ 33; and,

WHEREAS, the NJDOT determined that these Left Turn prohibitions are warranted and can be recommended for approval,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey, that it supports the establishment of said Left Turn Prohibitions along Route NJ 33 in Neptune Township as recommended by NJDOT as follows:

Route NJ 33  
Turn

Prohibitions:

No person shall turn at the below described location as indicated:

<u>Intersection</u>	<u>Turn Prohibited</u>	<u>Movement Prohibited</u>
Route NJ 33 (Corlies Avenue) and Stanley Avenue	Left Turns	Westbound Route NJ 33 to Stanley Avenue
Route NJ 33 (Corlies Avenue) and Stanley Avenue	Left Turns	Northbound Stanley Avenue to Route NJ 33
Route NJ 33 (Corlies Avenue) and Davis Avenue	Left Turns	Southbound Davis Avenue to Route NJ 33

Repealer Clause: The Township of Neptune concurs that any approved regulation(s) in conflict with or are inconsistent with the provision of the Resolution be rescinded upon approval of the Traffic Regulation Order.

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH THE TREMONT DRIVE FORCE MAIN REPLACEMENT PROJECT

WHEREAS, on May 24, 2018, a contract was awarded to Jo-Med Contracting in the amount of \$392,590.10 in connection with the Tremont Drive Force Main Replacement Project; and,

WHEREAS, a change to the contract has been experienced as a result of removing and replacing a seventeen (17) foot manhole as opposed to a standard eight (8) foot manhole; and,

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

WHEREAS, funds for this purpose are available in Ordinance No. 18-07 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 Jo-Med Contracting in connection with the Tremont Drive Force Main Replacement Project resulting in a net increase of \$31,868.52 revising the total contract amount to \$424,458.62; 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 CHANGE ORDER #1 IN CONNECTION WITH IMPROVEMENTS TO LOFFREDO FIELD

WHEREAS, on April 9, 2018, a contract was awarded to Precise Construction in the amount of \$442,835.10 in connection with Improvements to Loffredo Field; and,

WHEREAS, a change to the contract has been experienced as result of replacing a broken pump in the existing irrigation well; and,

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

WHEREAS, funds for this purpose are available in Ordinance No. 16-08 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 in connection with Improvements to Loffredo Field resulting in a net increase of \$6,127.00 revising the total contract amount to \$448,962.00; 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 THE RESIGNATION OF BLAKE AHERN AS A DRIVER IN THE PUBLIC WORKS DEPARTMENT

WHEREAS, the Human Resources Director has received a letter from Blake Ahern resigning as a Driver in the Public Works Department effective Spetember 7, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Blake Ahern as a Driver in the Public Works Department is hereby accepted effective September 7, 2018; and,

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

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 007

WHEREAS, Bashir Malik is the owner of Neptune Township Taxi Medallion No. 007; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Sheldon Edwards of 5 Stars Transportation,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 007 to Sheldon Edwards of 5 Stars Transportation; and,

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

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 011

WHEREAS, Afir Ali is the owner of Neptune Township Taxi Medallion No. 011; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Ibrahim Abdo-Abdelwahed of Royal Transit, LLC,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 011 to Ibrahim Abdo-Abdelwahed of Royal Transit, LLC; and,

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

EMPLOY TEMPORARY SEASONAL PERSONNEL IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township has a need to employ seasonal workers in the Department of Public Works for the leaf collection season; and,

WHEREAS, the Director of Public Works and Human Resources Director have forwarded their recommendations; and,

WHEREAS, funds for this purpose are available in the 2018 Municipal Budget in the appropriation entitled Solid Waste Collection 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 the following individuals be and are hereby employed in the Department of Public Works as temporary seasonal employees to perform various tasks within the Department, from September 4, 2018 to December 15, 2018, not to exceed forty (40) hours per week, at a salary of \$15.00 per hour with no health benefits:

Brandon Cottman  
Ryan Balzarano

John Fritz, Jr.  
Thomas Jones

Sy'Kear Westbrook  
Javon Hinds

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 the Director of Public Works.

APPOINT ALTERNATE MEMBER TO THE WESLEY LAKE COMMISSION

WHEREAS, there is a vacancy in Neptune Township's alternate member position to the Wesley Lake Commission,

BE IT RESOLVED, that the Township Committee hereby appoints Rev. Beth Whalley Mitchell to the Wesley Lake Commission for an unexpired three year term expiring December 31, 2018; and,

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

EMPLOY ON-CALL PART-TIME YARD ATTENDANTS IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, there is a need for two additional on-call, part-time Yard Attendants in the Public Works Department; and,

WHEREAS, the position was posted and the Public Works Director and Human Resources Director have made their recommendations; and,

WHEREAS, funds will be provided in the 2018 Municipal Budget in the appropriation entitled Solid Waste Collection S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby extends an offer of employment to Lionel Hernandez and Jeffrey Brenan as on-call part-time Yard Attendants in the Department of Public Works effective immediately, contingent upon favorable results of the required pre-employment screening and background check as applicable, at an hourly salary of \$15.38; and,

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

AUTHORIZE SUBORDINATION, ATTORNMENT AND NON-DISTURBANCE AGREEMENT BETWEEN NEPTUNE TOWNSHIP AND THE STATE OF NEW JERSEY

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, purchased the subject property and succeeded 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 had received financing for the purchase of the subject property from Natixis Real Estate Capital, LLC, which required that Neptune Township, as the Tenant to the subject property execute a Subordination, Attornment and Non-Disturbance Agreement for financing to take place, requiring the Lease Agreement between Neptune Township and West Lake Neptune, LLC and West Lake Neptune II, LLC to be subject and subordinate to the terms of the Mortgage and Mortgage Lien obtained by Natixis Real Estate Capital, LLC, which said Subordination Agreement was approved by the Mayor and Township Committee of Neptune Township on November 9, 2017 and duly executed; and

WHEREAS, the owner has requested that the State of New Jersey agree to subordinate their lease to the mortgage aforesaid under the provisions, covenants, terms and conditions hereinafter set forth, and that therefore, the Township of Neptune should also sign said Subordination Agreement as the Prime Tenant under the Prime Lease between West Lake Neptune, LLC and West Lake Neptune II, LLC.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Mayor and Clerk to execute and acknowledge execution of a Subordination, Attornment and Non-disturbance Agreement with the State of New Jersey, Division of Property Management and Construction.; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the Township Attorney and to the NJ Division of Property Management and Construction.

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH THE PASSAIC VALLEY SEWERAGE COMMISSION TO PARTICIPATE IN THE NORTH JERSEY WASTEWATER COOPERATIVE PRICING SYSTEM

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and,

WHEREAS, the Passaic Valley Sewerage Commission has offered voluntary participation in the North Jersey Wastewater Cooperative Pricing System for the purchase of goods and services; and,

WHEREAS, this Cooperative Pricing System is to effect substantial economies in the provision and performance of goods and services; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, duly considered participation in this Cooperative Pricing System for the provision and performance of goods and services,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth as follows:

1) Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor is hereby authorized to enter into and execute a Cooperative Pricing Agreement with the Passaic Valley Sewerage Commission for participation in the North Jersey Wastewater Cooperative Pricing System.

2) The Passaic Valley Sewerage Commission shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

3) This resolution shall take effect immediately upon passage.

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

AUTHORIZE THE PURCHASE OF A FORD POLICE INTERCEPTOR SUV THROUGH THE CRANFORD COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department has recommended the purchase of a 2019 Ford Police Interceptor SUV through an authorized vendor under the Cranford Township Cooperative, #47-CPCPS State of New Jersey approved cooperative; 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, Beyer Ford has been awarded Cranford Township Cooperative #47-CPCPS, for this vehicle; and,

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

WHEREAS, the cost of the vehicle shall not exceed \$30,000.00; and,

WHEREAS, funds for this purpose are available through the 2018 municipal budget in the appropriation entitled Police 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 the purchase of a 2018 Ford Police Interceptor SUV for the Police Department through the Cranford Cooperative, #47-CPCPS, State of New Jersey approved cooperative, be and is hereby authorized at an amount not to exceed \$30,000.00; 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. and Auditor.

AUTHORIZE THE UPFIT OF THREE FORD POLICE INTERCEPTORS THROUGH THE STATE

COOPERATIVE PURCHASING PROGRAM

WHEREAS, it is necessary to upfit three Ford Police Interceptor SUVs, previously authorized for purchase by resolution, utilizing pricing through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, General Sales Administration t/a Major Police Supply has been awarded New Jersey State Contract No. 81330 for this equipment; and,

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

WHEREAS, the cost to upfit all three vehicles shall not exceed \$35,586.98; and,

WHEREAS, funds for this purpose are available from Ordinance No. 17-32 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 upfit of three Ford Police Interceptor SUVs through New Jersey Cooperative Purchasing Program Contract No. 81330 be and is hereby authorized at an amount not to exceed \$35,586.98; 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.

AUTHORIZE THE PURCHASE OF AMMUNITION SUPPLIES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Police Department has recommended the purchase of ammunition supplies through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Eagle Point/TJ Morris & Son has been awarded New Jersey State Contract No. 81296 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$18,753.48; and,

WHEREAS, funds for this purpose are available in the 2018 municipal budget in the appropriation entitled Police 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 the purchase of ammunition supplies for the Police Department through New Jersey Cooperative Purchasing Program Contract No. 81296 be and is hereby authorized at an amount not to exceed \$18,753.48; 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.

AUTHORIZE THE PURCHASE AND INSTALLATION OF FENCING AT THE LOFFREDO FIELD COMPLEX THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Engineering Department has recommended the purchase and installation of five foot ornamental fencing at the Loffredo Field Complex through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, E.B. Fence, LLC has been awarded New Jersey State Contract No. 88679 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$59,854.23; and,

WHEREAS, funds for this purpose are available in Ordinance No. 16-08 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase and installation of five foot ornamental fencing at the Loffredo Field Complex through New Jersey Cooperative Purchasing Program Contract No. 88679 be and is hereby authorized at an amount not to exceed \$59,854.23; and,

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

AUTHORIZE THE PURCHASE OF APX MOBILE RADIOS THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Office of Emergency Management has recommended the purchase of three (3) APX mobile radios through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Allcomm Technologies has been awarded New Jersey State Contract No. 83909 for this equipment; and,

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

WHEREAS, the cost of the equipment shall not exceed \$26,132.25; 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 purchase of three (3) APX mobile radios for the Office of Emergency Management through New Jersey Cooperative Purchasing Program Contract No. 83909 be and is hereby authorized at an amount not to exceed \$26,132.25; and,

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

AUTHORIZE THE PURCHASE OF HARRIS MULTI-BAND PORTABLE RADIOS AND PORTABLE RADIO PACKAGES THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Office of Emergency Management has recommended the purchase of five (5) Harris Multi-Band portable radios and six (6) portable radio packages through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, PMC Associates, Inc. has been awarded New Jersey State Contract No. 83900 for this equipment; and,

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

WHEREAS, the cost of the radios shall not exceed \$26,798.00 and the cost of the portable radio packages shall not exceed \$18,036.00; and,

WHEREAS, funds for this purpose are available in Ordinance No. 17-31 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase of (5) Harris Multi-Band portable radios and six (6) portable radio packages for the Office of Emergency Management through New Jersey Cooperative Purchasing Program Contract No. 83900 be and is hereby authorized at an amount not to exceed \$26,798.00 for the radios and \$18,036.00 for the portable radio packages; and,

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

AUTHORIZE THE PURCHASE OF A FIRST DEFENDER CHEMICAL IDENTIFICATION SYSTEM THROUGH THE STATE COOPERATIVE PURCHASING PROGRAM

WHEREAS, the Office of Emergency Management has recommended the purchase of a First Defender RM/RMX S1 Chemical Identification System with accompanying warranty, support, and training through an authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Laws, N.J.S. 40A:11-12; and,

WHEREAS, Pine Environmental Solutions, LLC has been awarded New Jersey State Contract No. 85082 for this equipment; and,

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

WHEREAS, the cost this equipment shall not exceed \$43,050.00; 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 Committee of the Township of Neptune that the purchase of a First Defender RM/RMX S1 Chemical Identification System with accompanying warranty, support, and training for the Office of Emergency Management through New Jersey Cooperative Purchasing Program Contract No. 85082 be and is hereby authorized at an amount not to exceed \$43,050.00; and,

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

AUTHORIZE AN AMENDMENT TO THE 2018 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION – CLEAN COMMUNITIES PROGRAM

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 2018 in the sum of \$63,505.49 which is now available from the NJDEP Clean Communities Program in the amount of \$63,505.49; and,

BE IT FURTHER RESOLVED that the like sum of \$63,505.49 is hereby appropriated under the caption of NJDEP – Clean Communities Program 2018; and,

BE IF FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Environmental Protection Clean Communities Program in the amount of \$63,505.49; 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 APPEAL OF SUPERIOR COURT OF NEW JERSEY DECISION ON LEGAL FEES CONCERNING ELENA GONZALEZ

WHEREAS, the attorney for Elena Gonzalez made an OPRA request for records/Turner Report, which had already been released to the public; and,

WHEREAS, Elena Gonzalez brought a lawsuit under OPRA in the Superior Court of New Jersey, Law Division, under Docket No. L-461-18 alleging that the Turner Report should have been released sooner under OPRA and the Common Law; and

WHEREAS, the Hon. Lisa P. Thornton, P.J.S.C. rendered a decision on August 1, 2018, which found that the documents sought were indeed exempt from disclosure under OPRA, and it should not have been released under OPRA, but based on the Common Law Claim, which requires a balancing of hardships and public interest and a fact sensitive request, the Turner Report should have been released sooner, that partial legal fees should be granted to the Plaintiff under the Common Law; and,

WHEREAS, counsel for the Township has advised the governing body that although there is a legal fee shifting requirement in the case of OPRA, that there is no such fee shifting requirement under the Common Law, and that the Plaintiff is not entitled to legal fees in the instant matter; and,

WHEREAS, Neptune Township is in the process of filing a Motion for Reconsideration with regard to the assessment of legal fees, but needs authorization if unsuccessful, and chooses to file a Notice of Appeal, if appropriate, to the Appellate Division to address this case of first impression in involving legal fees under the Common Law; and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, that the governing body hereby authorizes Michael R. Burns, Esq. of Grace, Marmero and Associates, LLP, who has been assigned to this matter since its inception, to file a Motion for Reconsideration on the question of legal fees with regard to the aforesaid case, and if unsuccessful, in his discretion and with authorization by the Township Committee, may file a Notice of Appeal before the Superior Court of New Jersey, Appellate Division to address the legal fee decision for release of the turner Report sooner, and the assessment of legal fees based on the "Common Law" alone, and the decision to release said Turner Report sooner requiring balancing of the interest of the public and the privacy of an individual, which may be assessed differently from cases to case and Court to Court.

AUTHORIZE APPEAL OF SUPERIOR COURT OF NEW JERSEY DECISION ON LEGAL FEES CONCERNING BRIAN BUTCH

WHEREAS, the attorney for Brian Butch made an OPRA request with regard to an investigative Report undertaken by Labor Counsel with regard to the Senior Center and Brian Butch's performance; and,

WHEREAS, Brian Butch's attorney brought a lawsuit in the Superior Court of New Jersey, Law Division, under Docket No. L-1109-18 seeking release of the Investigative Report both under OPRA and the Common Law; and

WHEREAS, the Hon. Lisa P. Thornton, P.J.S.C. rendered a decision on August 16, 2018, which found that the investigative report sought and not released by Neptune Township was indeed exempt from disclosure under OPRA, and it should not have been released under OPRA, but based on the Common Law Claim, which requires a balancing of hardships and public interest and a fact sensitive request, the Investigative Report should have released if properly redacted, and that partial legal fees should be granted to the Plaintiff under the common Law; and,

WHEREAS, legal counsel assigned to this matter for the Township has advised the governing body that although there is a legal fee shifting requirement in the case of OPRA, that there is no such fee requirement under the Common Law, and that the Plaintiff is not entitled to legal fees in the instant matter; and,

WHEREAS, Neptune Township is in the process of filing a Motion for Reconsideration with regard to the assessment of legal fees, but needs authorization if unsuccessful, and chooses to file a Notice of Appeal, if appropriate, to the Appellate Division to address this case of first impression in involving legal fees under the Common Law; and,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, that the governing body hereby authorizes Michael R. Burns, Esq. of Grace, Marmero and Associates, LLP, who has been assigned to this matter since its inception, to file a Motion for Reconsideration on the question of legal fees with regard to the aforesaid case, and if unsuccessful, in his discretion and with authorization by the Township Committee, may file a Notice of Appeal before the Superior Court of New Jersey, Appellate Division to address the legal fee decision for release of the Butch Report sooner, and the assessment of legal fees based on the "Common Law" alone, and the decision to release said document requiring balancing of the interest of the public and the privacy of an individual, which may be assessed differently from cases to case and Court to Court.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Lane offered the following resolution, moved and seconded by Dr. Brantley, 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	8,522,230.35
GRANT FUND	18,302.25
TRUST FUND	198,873.20
GENERAL CAPITAL FUND	3,098,262.44
SEWER OPERATING FUND	159,981.21
SEWER CAPITAL FUND	610,616.53
MARINA OPERATING FUND	100,515.26
MARINA CAPITAL FUND	532,151.25
LIBRARY TRUST	433.38
 BILL LIST TOTAL	 \$13,241,365.87

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Vincent McGuire, 11Willow Drive, stated the last meeting in April the residents were told that they would see the Butch Report and he' hasn't seen anything.

Mr. Anthony stated as soon as the labor attorney releases it he will see it but until then it has to be worked out in court.

Mr. McGuire stated he thought he was getting snowed on this because he's heard Mr. Butch's side but he hasn't heard the Committee's said.

Mr. Anthony stated the Township provided a basis in the resolution. He stated it would be released After litigation.

Mrs. Argyros stated there were certain acts that she did not feel like defending. She mentioned the case of Katie Lee Thomas and stated she has been trying to get papers on that. She stated she did receive a copy of the notice of claim which she read. She stated the Township was going to pay for this tragedy.

Pat Hills, 17 Surf Avenue, presented and read a booklet to the Committee from the Ocean Grove Alliance for Neighborhood Prosperity. She stated she could not pay her taxes for the home she's inherited through her family without renting it out. She stated she was concerned with the potential ordinance for short term rentals.

Jack Brubaker read from the same booklet as Pat Hills.

Jack Braeden 94 ½ Heck Avenue, stated homes have been rented out in Ocean Grove and gone quite nicely since 1879 with no problems but stated there's been nothing but problems with the short term rentals in Ocean Grove and related a story about a rental across the street from his home. He stated he did not want air bnb's in his town. He also stated in the north area redevelopment there still is no redevelopment for that property and there hasn't been in ten years. He questioned what plan were they negotiating.

Mayor Williams stated there was no plan until an agreement is signed.

Hank Coakley thanked the Mayor for the check to the American Legion. He condemned the Governor for banning deer and bear hunting. He stated just today he saw three dead deer. He felt it was very educational to hunt. He stated the Township needed a cone on Neptune Boulevard to indicate the bump out. He questioned where was the snow going during a storm. He also stated he could not drive a sedan on route 33 west bound. He stated he would be writing Trenton regarding this. He also stated he wanted to find out why Katie Lee Thomas was in jail.

Mayor Williams stated tomorrow they would meet with the director of the DOT and they would bring Route 33 up to them.

Mr. Fornino stated he hoped they would address the Asbury Park Circle with the DOT. He also spoke in support of the Township selling the VFW property to the Asbury Park Post. He stated he hoped the Township would honor the veterans and let it stay with the veterans and not with a private entity.

Mr. Anthony stated 1511 Corlies Avenue has a number of lots and the VFW wanted to sell it to 3 Enterprise LLC but the Township will not allow them to sale the property to a private entity. It will remain for the purposes of the veterans.

Mr. Fornino stated it was the right thing to do.

Nancy Clark 47 Embury Avenue, questioned whether Debbie would be seeing the RFP for the HPC Commission.

Mr. Gadaleta stated Debbie was involved in the original process and she will look at it.

Ms. stated CLG has received a response from Jonathan Kenney and staff is reviewing comments.

Mr. Gadaleta confirmed that was correct.

Ms. Clark asked if there were plans to have a woman on the Police Committee.

Dr. Brantley stated that's a possibility. The one person they were looking at has been out of town but they will discuss it with her when she returns.

Ms. Clark stated it was important to have a woman on the Committee.

Diana Harris 17 Willow Drive thanked the Committee for coming out for her event. She Thanked Ashleigh Curtis and Vito Gadaleta for collecting the school supplies. It really was a wonderful event. She questioned the redevelopment and requested the redevelopment attorney come out and speak to them. She asked if they were looking for additional attorneys or have they settled. She also questioned whether there was a decision as far as the tan house. She stated there has always been tanks in the ground.

Dr. Brantley stated they wanted to designated someone but another developer can present a plan. He stated they should have a meeting with the developer cause we want them to do certain things.

Another developer said he could do more than the developer we are currently lookingat.

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

Richard J. Cuttrel,  
Municipal Clerk