

TOWNSHIP COMMITTEE MEETING – MAY 13, 2019

Acting Chairperson Kevin McMillan 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, Kevin B. McMillan, and Nicholas Williams. Absent: Mayor Carol Rizzo. (Robert Lane arrived at the start of Executive Session)

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

Mr. McMillan 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 3, 2019, 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:

The Police Department annual report presentation was postponed until June 10th.

Mr. Gadaleta gave his Administrator's Report:

- Construction at the Transit Village project at 7th and Memorial Drive is moving forward. A distillery is planned for the site next to The Grand Tavern on 6th Avenue
- He met with the owner of 4 Boardwalk along with the Engineer for the Camp Meeting Association. The debris from the fire will be removed across the boardwalk and through the north end lot. A portion of the boardwalk will be removed and crushed stone will be placed to permit access of heavy equipment. The process should start within the next two weeks.
- OGNED will be submitting site plans to the Redevelopment Committee. Formal submission to the Planning Board will occur after the Redevelopment Agreement is signed. OGNED is trying to get on the Planning Board agenda in June.
- The road resurfacing program is underway.
- The Township is coordinating with the Ocean Grove Chamber of Commerce to provide shuttle service to off-site parking at the Midtown School and Early Childhood Center on June 1st for the flea market and July 6th for the parade. The Chamber is paying for the cost of the drivers.
- The Committee will be meeting this evening with the West Lake Avenue redeveloper.
- The Hilton Hotel, adjacent to the Hampton Inn is ready to break ground.
- A food store, gas/convenience store, and one other business is ready to move into the Coca-Cola site.
- A groundbreaking for the skate park at Sunshine Village fields is anticipated for the 1st week in June.
- The closing on the Green Acres acquisition of property on South Riverside Drive is anticipated in June.

Mr. Williams stated there are two parades occurring on Memorial Day, May 27th. First in Shark River Hills and then the Township/Joint Veterans Parade that marches from Town Hall to the Ocean Grove Auditorium area.

Mr. Gadaleta stated that the Mary's Place run/walk will take place on May 18th and a Veterans event will occur at Veterans Park on May 30th.

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

Dr. Brantley 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:

Real Estate negotiations – West Lake Avenue Redevelopment Plan
Potential Litigation – Drainage easement encroachment
Real Estate negotiations – Offer to donate landlocked parcel to the Township
Personnel – Part-time seasonal DPW recommendations

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; McMillan, aye; and Williams, aye.

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

The reviewed an offer by the owner of Block 2001, Lot 6 to donate the land to the Township. Mr. Anthony was asked to begin the process of title work and deed preparation.

The Committee reviewed recommendations for the hiring of part-time seasonal staff in Public Works and took action during the regular business portion of the meeting.

Mr. Anthony advised that there are two resolutions on the regular agenda involving litigation. The first is to stipulate liability in a case involving a motor vehicle accident involving a police officer and the second it to authorize mediation, at the recommendation of the Township's insurance carrier, in the litigation involving Elena Gonzalez, Christine Savage, and Kyheem Davis.

Mr. Anthony requested authorization to initiate litigation against a property owner with an overhang and a shed in a Township easement. The owner has not responded to Mr. Anthony's letters. A resolution will be on for consideration at the next regular meeting.

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

Deputy Mayor Lane 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 Nicholas Williams. Absent: Mayor Carol Rizzo.

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

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

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

Deputy Mayor Lane 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 3, 2019, 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

Mr. McMillan offered a motion, seconded by Mr. Williams, to approve the minutes of the meeting held on April 22nd. All were in favor, except Dr. Brantley who abstained due to his absence.

PROCLAMATION

The Mayor will proclaim May 24, 2019 as "Poppy Day" in the Township of Neptune in tribute to those who made the ultimate sacrifice in the name of freedom.

PRESENTATION

Mr. McMillan presented a proclamation in celebration of the life Pastor Jamie L. Gates, III. who passed away earlier in the month. More than a dozen family members were on hand to accept the proclamation.

COMMENTS FROM THE DAIS

Mr. Williams stated that the weather has been poor so the marina is running a bit behind in getting boats in the water. Last year, the Police Committee changed the police department schedule to 12 hour shifts. He met with the Court Administrator and found that more tickets are being issued and with more police on the road, more criminals are being taken off the streets. The Police Committee will continue to monitor the effects of the shift change, but so far it has been a success.

Dr. Brantley stated the new police schedule has worked out for both the residents and the police officers. Redevelopment is moving along and a final designation of two redevelopers is anticipated soon. Dr. Brantley met Reverend Gats at United Fellowship Church years ago and he was a great guy. He apologized for being unable to attend the services because he was out of town, but he is glad to have known Rev. Gates.

Mr. McMillan attended the League Legislative Committee Meeting in Princeton. Pending legislation applicable to the Township includes S33438/A-4977 which requires a training program to prepare law enforcement to interact with autonomous vehicles. This could be incorporated through the Power DMS (Document Management System) Training which streamlines policy the officers now have. The Commissioner of Transportation in conjunction with the Attorney General will be develop this training which must be completed by police officers prior to becoming a permanent officer.

He attended the funeral of former Neptune HS graduate Pastor Jamie Gates and gave brief reflections on behalf of the township. He attended the EDC meeting and discussed West Lake Avenue and the Ocean Grove North End. Mr. Gadaleta gave us an update on the Coca Cola site and the development of the former Continental Insurance Site. He attended the Opportunity Zone Expo. The prevailing thought during all of the sessions was gaining site control of the projects. Municipalities across the country have worked well to streamline the permitting process. Every attempt is to get all parties in the room at the same time for one meeting if possible to map out the project. Mr. McMillan described the many benefits of the Opportunity Zone. Projects are fast tracked by code and construction departments and video conferencing techniques are utilized to help facilitate the process to bring the developers up to speed on ordinances and codes in an effort to provide technical assistance for them. Congress created these zones under the Tax Cuts and Jobs Act in 2017 to encourage investment in areas in need of development. There is approximately 100 billion dollars of capital designated for this program and the zones provide investment and incentives for on federal capital gains tax, state capital gains tax and a depreciation recapture tax.

Mr. Lane attended the Ocean Grove Homeowners Association meeting where Mr. Gadaleta was the speaker. He presented a proclamation at the Arc of Monmouth event. Upcoming events include the Car Show in Ocean Grove on May 18th, Memorial Day Parade on May 27th and a ceremony at Veterans Park on May 30th at 7:00 p.m. for Township residents killed in action in foreign wars.

PUBLIC COMMENTS ON RESOLUTIONS

Joan Venezia, 107 Mt. Hermon Way, in regards to the Shared Service Agreement with the fire districts asked why only two fire districts are included. Mr. Cuttrell responded that there are a total of two fire districts in the Township.

Dorothy Argyros, 2100 Rutherford Avenue, in regards to the Development Agreement with Saker Shoprites spoke against the redevelopment process. Ms. Argyros was informed that this resolution had nothing to do with a redevelopment project. She continued by saying the Township should stop redevelopment because it is profitable for only the redevelopers and the Committee should make sure that redevelopers keep their promises.

Nancy Clarke, 47 Embury Avenue, asked if the resolution to authorize mediation in the Gonzalez/Savage litigation means that the Township is asking for mediation. Mr. Anthony replied that the Township is offering mediation, but both sides have to agree to it.

Richard Williams, 1 Abbott Avenue, asked if the reappointment of the Redevelopment Attorney was due to the fact that both Redevelopment Agreements remain in conditional status. Mr. Gadaleta stated that this is to renew the contract for the balance of the year and in the future the Redevelopment Attorney will be an annual appointment at the Reorganization Meeting along with the other professionals.

ORDINANCE NO. 19-11 - ADOPTED

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

ORDINANCE NO. 19-11

AN ORDINANCE TO FURTHER AMEND AND SUPPLEMENT THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 416.04 – EXEMPT SIGNS TO DEFINE “PUBLIC ACCESS SIGNS”

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

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

ORDINANCE NO. 19-12 - ADOPTED

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

ORDINANCE NO. 19-12

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 BENSON AVENUE, CONVERTING AN EXISTING HANDICAPPED ZONE TO A RESIDENT ONLY ZONE ON EMBURY AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON LAWRENCE AVENUE

The Deputy Mayor requested comments on the above ordinance, and they were as follows:

Nancy Clarke, 47 Embury Avenue, stated that there are always new handicapped spots being added. She requested that the Parking Consultant address the increasing demand of handicapped spaces and the affect on the number of general parking spaces.

There being no further comments, the Deputy Mayor closed the public hearing.

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

ORDINANCE NO. 19-13 - APPROVED

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

ORDINANCE NO. 19-13

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON SEAVIEW AVENUE AND OCEAN AVENUE

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

ORDINANCE NO. 19-14 - APPROVED

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

ORDINANCE NO. 19-14

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-13 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING LEFT TURN PROHIBITIONS FROM STANLEY AVENUE

TO ROUTE 33 AND FROM DAVIS AVENUE TO ROUTE 33

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 19-13 and 19-14 will be held on Thursday, May 23, 2019.

CONSENT AGENDA

Mr. McMillan offered the following resolutions of the Consent Agenda, moved and seconded by Dr. Brantley, that they be adopted:

APPROVE REMOVAL OF ENVIRONMENTAL/SHADE TREE COMMISSION MEMBERS DUE TO ABSENTEEISM PURSUANT TO N.J.S.A. 40A:9-12.1

WHEREAS, N.J.S.A. 40A:9-12.1 establishes the basis for an office of any person appointed as being deemed vacant; and

WHEREAS, N.J.S.A. 40A:9-12.1(g) establishes that in any case where a member of a board fails to attend and participate at meetings of a public body for a period of eight consecutive weeks, or for four consecutive regular meetings, whichever shall be of a longer duration, the appointing authority may officially remove said member, construe the position as vacant, and fill the position or office for the unexpired term of said member, pursuant to N.J.S.A. 40A:9-12.1(h); and

WHEREAS, Jessica Ford and Virginia Lally have missed four consecutive Environmental/Shade Tree Commission meetings between January, 2019 and April, 2019,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the governing body hereby finds the positions held by Jessica Ford and Virginia Lally on the Neptune Township Environmental/Shade Tree Commission to be vacant pursuant to N.J.S.A. 40A:9-12.1, as a result of the Township Committee's official action in removing Jessica Ford and Virginia Lally from the Environmental/Shade Tree Commission for failure to attend four or more consecutive meetings in the year 2019 in accordance with N.J.S.A. 40A:9-12.1(g), effective with the adoption of this resolution, and shall separately, after the adoption of this resolution, fill the aforesaid positions for the unexpired terms in the manner prescribed by law; and,

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

EXTEND A SHARED SERVICE AGREEMENT FOR THE PURCHASE OF LIABILITY, PROPERTY, AND WORKERS COMPENSATION INSURANCE BY NEPTUNE TOWNSHIP FIRE DISTRICTS #1 AND #2

WHEREAS, the Township of Neptune and the two Neptune Township Fire Districts coordinate the purchase of liability, property and workers compensation insurance to achieve economies of scale for the taxpayers of the Township; and,

WHEREAS, the Township of Neptune, Neptune Township Fire District #1 and Neptune Township Fire District #2 have entered into a Shared Service Agreement pursuant to N.J.S.A. 40A:65-1 et seq. for the purchase of liability, property and workers compensation insurance; and,

WHEREAS, the respective governing bodies desire to extend this Agreement for an additional five (5) year term,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Shared Service Agreement with Neptune Township Fire District #1 and Neptune Township Fire District #2, a copy of which is on file in the Office of the Municipal Clerk, for a period of five (5) years effective January 1, 2020, which provides for the purchase liability, property and workers compensation insurance for the Township and fire districts; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Chief Financial Officer, Grant Coordinator, Neptune Township Fire District #1 and Neptune Township Fire District #2.

AUTHORIZE EXECUTION OF SECOND AMENDMENT TO ORIGINAL CONTRACT OF SALE OF MARCH 13, 2017 AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 101 SOUTH RIVERSIDE DRIVE, KNOWN AS BLOCK 5305, LOT 1, FROM SHARK RIVER HILLS ESTATES

WHEREAS, Shark River Hills Estates is currently the owner of 2.86 acres of vacant land located at 101 South Riverside Drive, also known as Block 5305, Lot 1; and

WHEREAS, the Township of Neptune has determined that it is in the public's best interest to seek acquisition of said property for the preservation of open space; and

WHEREAS, the Township Committee of the Township of Neptune adopted Resolution #17-158 authorizing the execution of the Contract of Sale for the aforesaid property; and

WHEREAS, the Mayor and Clerk executed a Contract of Sale of the aforesaid property on March 13, 2017, and adopted Ordinance No. 18-08 authorizing the transfer and acceptance of title to said property, but said property has required remediation, which is being undertaken by the Seller and is not yet complete, which required a First Amendment to the original Contract of Sale extending the original date of closing from May 8, 2017 to March 1, 2019, and now requires a Second Amendment to the original Contract of Sale extending the closing date to June 28, 2019.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes execution of a Second Amendment to the Contract of Sale of March 13, 2017 with Shark River Hills Estates to purchase the real property located at 101 South Riverside Drive, also known as Block 5305, Lot 1, and to extend on the original Contract of Sale for an anticipatory date of closing of June 28, 2019; and,

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

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY JERSEY SHORE UNIVERSITY MEDICAL CENTER FOR WASHINGTON AVENUE SANITARY SEWER IMPROVEMENTS

WHEREAS, on April 24, 2017, Jersey Shore University Medical Center filed performance bond 106711925, written by Travelers Casualty and Surety Company of America in the amount of \$432,000.00, guaranteeing sanitary sewer improvements on Washington Avenue in connection with off-site improvements for the HOPE Tower; and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of February 27, 2019 and said performance bond can be released contingent upon posting a two year maintenance bond in the amount of \$60,000.00; and,

WHEREAS, Jersey Shore University Medical Center has filed Maintenance Bond #107069011 in the amount of \$60,000.00 written by Travelers Casualty and Surety Company of America guaranteeing said site improvements for a period of two years,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Maintenance Guarantee as stated above be and is hereby accepted and the performance bond is authorized to be released; and,

BE IT FURTHER RESOLVED, that the cash portion of the performance guarantee in the amount of \$48,047.45 deposited with the Township be and is hereby authorized to be refunded; and,

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

ACCEPT THE RESIGNATION OF ANDREW TODD AS A SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Andrew Todd resigning as a Special Law Enforcement Officer in the Police Department effective April 30, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Andrew Todd as a Special Law Enforcement Officer in the Police Department is hereby accepted effective April 30, 2019; and,

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

Director.

PLACE LIEN ON 400 OVERLOOK DRIVE

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

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

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

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

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

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
4912/4	400 Overlook Drive	1,523.20

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

AUTHORIZE PAYMENT TO ROBERT O'HAGAN FOR SERVING AS HEARING OFFICER IN THE MATTER INVOLVING FORMER POLICE OFFICER SHAUN HUBBARD

WHEREAS, Retired Judge Robert W. O'Hagan served as the Hearing Officer in a Fit for Duty Hearing involving former Police Officer Shaun Hubbard; and,

WHEREAS, the cost of Retired Judge O'Hagan's services exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, funds for this purpose will be provided in the 2019 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 payment be and is hereby approved and authorized in the amount of \$18,892.50 to Retired Judge Robert W. O'Hagan for his service as Hearing Officer in a Fit for Duty Hearing involving former Police Officer Shaun Hubbard; and,

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

AUTHORIZE THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH THE NEPTUNE TOWNSHIP BOARD OF EDUCATION FOR SCHOOL RESOURCE OFFICERS

WHEREAS, the Township of Neptune and the Neptune Township Board of Education, mindful of their duties and responsibilities to protect and maintain the public health, safety and welfare of its inhabitants, find it necessary to arrange for the placement and reimbursement of two School Resource Officers at Neptune Township Public Schools; and,

WHEREAS, the Township and Board have determined that their best interests would be served by enjoying the benefits and sharing the costs of two sworn police officers contributing to the daily activities of students; and,

WHEREAS, the Township of Neptune and the Neptune Township Board of Education desire to enter into an Shared Service agreement pursuant to N.J.S.A. 40A:65-1 et seq. for the Township and Board to cooperatively participate in this project; and,

WHEREAS, the Township will be responsible for assigning two police officers as School Resource Officers and the Board will pay the Township the sum of \$25,000.00 annually to partially

defray the salary, benefits and insurance of said officers,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a Shared Service Agreement with the Neptune Township Board of Education, a copy of which is on file in the Office of the Municipal Clerk, providing for the assignment of two School Resource Officers and a contribution by the Board to the Township in the amount of \$25,000.00 annually for the 2019-2020 and 2020-2021 school years; and,

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

REAPPOINT REDEVELOPMENT ATTORNEY

WHEREAS, the Township of Neptune desires to appoint a Redevelopment Attorney through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on May 7, 2019 and desires to make an appointment from the proposals received; and,

WHEREAS, based on the amount of funds expended in the prior year for these services, it is estimated that the total 2019 appropriation for this contract will be \$70,000.00. Funds will be provided in the 2019 municipal budget in the appropriation entitled Legal Services O.E. and through developers escrow funds posted by designated Redevelopers, 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 the execution of a contract to engage the services of Maraziti Falcon, LLP, 150 John F. Kennedy Blvd., Short Hills, NJ, as Township Redevelopment Attorney, for the balance of the year 2019, at the terms as indicated in the Request for Proposals on file in the Office of the Municipal Clerk; and,

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

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 summer 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 2019 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 May 15, 2019 to September 30, 2019, not to exceed forty (40) hours per week, at a salary of \$15.00 per hour with no health benefits:

Zyaire McKenzie
Thomas Jones

Micah Kerr
Tyler Scorben

Elijah Dennis
Keven Jean

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.

ACCEPT THE RESIGNATION OF DARRELL FURMAN AS A SUPERVISING SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Darrell Furman resigning as a Supervising Special Law Enforcement Officer in the Police Department effective May 15, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Darrell Furman as a Supervising Special Law Enforcement Officer in the Police Department is hereby accepted effective May 15, 2019; and,

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

AUTHORIZE THE CANCELLATION OF SEWER RENT (108 IVINS ROAD)

WHEREAS, the Tax Collector has requested the cancellation of sewer rent to the property listed below,

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

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
4804/7	11 Jackson Terrace, LLC	108 Ivins Road	2019	460.00

REASON: Building disconnected

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

APPOINT TOWNSHIP LGBTQ LIAISONS

BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the following individuals be and are hereby appointed as Neptune Township Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Liaisons:

Police Department – Deputy Chief Larry Fisher
Executive Office – Mayor Carol Rizzo

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Human Resources Director.

AUTHORIZE EXECUTION OF A TREATMENT WORKS APPLICATION FOR PROPOSED HILTON HOTEL AT ROUTE 66 AND MCNAMARA WAY

WHEREAS, Hilton Home2Suites Hotel has submitted a Treatment Works Application to connect into an existing sanitary sewer line and construct an onsite pump station to service a 87 room hotel at Route 66 and McNamara Way with a proposed flow of 6,525 gallons per day; and,

WHEREAS, the Township Engineer has reviewed said application and has certified that available capacity exists,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Clerk to execute the Treatment Works Application Statement of Consent for the sanitary sewer capacity to service the Hilton Home2Suites Hotel at Route 66 and McNamara Way; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to TNSA along with the executed Treatment Works Application.

AUTHORIZE THE PURCHASE AND INSTALLATION OF SEWER PUMP AND ACCESSORIES THROUGH THE NORTH JERSEY WASTEWATER COOPERATIVE PURCHASING SYSTEM

WHEREAS, the Sewer Department Supervisor has recommended the purchase and installation of a sewer pump and accessories an authorized vendor under the North Jersey Wastewater Cooperative Purchasing System; 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, Pumping Services, Inc. has been awarded Contract No. B150-2 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 \$48,077.60 and the labor cost for installation shall not exceed \$15,100.00; and,

WHEREAS, funds for this purpose are available in the 2019 Sewer Utility Budget in the appropriation entitled Sewer Budget Capital Outlay 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 a sewer pump and accessories through the North Jersey Wastewater Cooperative Purchasing Program Contract No. B150-2 be and is hereby authorized at an amount not to exceed \$48,077.60 for the equipment and \$15,100.00 for the labor; and,

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

AUTHORIZE STIPULATION IN THE MATTER OF RESHAT O. SUBOYU V. CARRIE C. BARTLETT, TOWNSHIP OF NEPTUNE, TOWNSHIP OF NEPTUNE POLICE DEPARTMENT, DOCKET NO MON-L-4545-18, SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, MONMOUTH COUNTY

WHEREAS, this matter was brought by the Plaintiff as a result of a motor vehicle accident between the Plaintiff and Defendant, Carrie C. Bartlett, of the Neptune Township Police Department; and

WHEREAS, the parties hereby agree by Stipulation that as a result of the subject motor vehicle accident, the Plaintiff was injured and the Defendants were responsible for damages caused to the Plaintiff in the accident; and

WHEREAS, the parties would like to enter into a Stipulation with regard to the question of liability in order to avoid additional discovery, and to allow the question of actual damages to be addressed by a mediator, or if the parties are unsuccessful in mediating this matter; by a jury.

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 Stipulation concerning the subject matter with regard to the issue of liability, a true copy of said Stipulation is attached hereto and made a part hereof as Exhibit A; and,

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

AUTHORIZE DEVELOPER'S AGREEMENT WITH SAKER SHOPRITES, INC., BLOCK 802, LOT 1 (2200-2250 ROUTE 66)

WHEREAS, Saker Shoprites, Inc. is the Developer of property subject to an Amended Final Major Site Plan Approval by the Neptune Township Planning Board seeking to make certain improvements at 2200-2250 Route 66 a/k/a Block 802, Lot 1 on the Tax Map of the Township of Neptune; and

WHEREAS, Saker Shoprites, Inc., 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 Saker Shoprites, Inc., to ensure the proper compliance and guaranteed performance of items and improvements made on said parcel,

NOW, THEREFORE, BE IT RESOLVED, by the 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's Agreement with Saker Shoprites, Inc., 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 Resolutions #19-06, 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 Planning Board Administrative Officer and Township Engineer.

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

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

Jon Stocum to an unexpired three year term
Gregory Sharin to an unexpired three year term
Diane Allen as the Alternate #1 member to an unexpired two year term

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

Mr. Williams offered the following resolution, moved and seconded by Mr. McMillan, 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:

Jon Stocum to an unexpired three year term expiring December 31, 2019.

Gregory Sharin to an unexpired three year term expiring December 31, 2021.

Diane Allen as the Alternate #1 member to an unexpired two year term expiring December 31, 2020.

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

AWARD BID FOR IMPROVEMENTS TO NEPTUNE BOULEVARD

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

WHEREAS, on May 10, 2019, the Township Engineer received bids for the award of a contract for the Improvements to Neptune Boulevard; and,

WHEREAS, said bids were reviewed by the Township Engineer and Engineering Consultant who have recommended that the bid be awarded to the lowest bid submitted by Earle Asphalt Company; 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, a Transportation Trust Fund grant has been awarded to the Township for this project and the award of this contract is contingent upon approval by the New Jersey Department of Transportation; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 18-19 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 Earle Asphalt Company on their lowest responsible bid of \$449,413.13 for Improvements to Neptune Boulevard, contingent upon approval by the New Jersey Department of Transportation; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Williams 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	1,136,748.71
GRANT FUND	38,855.21
TRUST FUND	28,499.66
GENERAL CAPITAL FUND	329,963.77
SEWER OPERATING FUND	34,499.20
SEWER CAPITAL FUND	7,304.42
MARINA OPERATING FUND	6,971.60
DOG TRUST	400.80
BILL LIST TOTAL	\$1,583,243.37

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, except abstain on his reimbursement check; and Williams, aye.

AUTHORIZE MEDIATION IN THE MATTER OF ELENA GONZALEZ V. TOWNSHIP OF NEPTUNE, ET ALS., IN THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY, DOCKET NO. MON-L-367-16 AND IN THE MATTER OF CHRISTINE SAVAGE V. TOWNSHIP OF NEPTUNE, ET ALS., IN THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY, DOCKET NO. MON-L-1528-16

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

WHEREAS, Elena Gonzalez filed a lawsuit against Neptune Township; Neptune Township Police Department; Michael Brantley, Nicholas Williams, Carol Rizzo, Robert Lane, Jr., Kevin McMillan, Michael J. Bascom and James M. Hunt, Robert Mangold and Michael McGhee, Anthony Gualario, Kevin O'Donnell and Scott Cox in the Superior Court of New Jersey, Law Division, Monmouth County under Docket No. MON-L-367-16 claiming, among other actions, "retaliation, harassment and discrimination;" and

WHEREAS, Christine Savage has filed a lawsuit against Neptune Township, Neptune Township Police Department, Michael Bascom, James Hunt, Robert Mangold, Michael McGhee, Anthony Gualario, Vito Gadaleta, Scott Cox and Kevin O'Donnell in the Superior Court of New Jersey, Law Division, Monmouth County, under Docket No. MON-L-1528-16, making similar claims to that of Plaintiff Gonzalez; and

WHEREAS, it is the recommendation of the attorney for the Township and the insurance carrier representing the Township, Matthew P. Lyons, that this matter might be best addressed in a consolidated fashion through mediation, along with a companion case involving Kyheem Davis before a retired Superior Court Judge.

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, hereby authorize Matthew P. Lyons, Esq. on behalf of Neptune Township through the insurance carrier with regard to the Gonzalez and Savage case, and Thomas Kelly, Esq. on behalf of Neptune Township through the insurance carrier with regard to the Davis case, to proceed to mediation on behalf of Neptune Township in order to address all of the issues in the aforesaid cases involving Elena Gonzalez, Christine Savage and Kyheem Davis, subject to approval by the Township Committee by separate resolution of any agreed upon outcome with regard to the aforesaid mediation, if any; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Police Committee, Chief of Police, Chief Financial Officer, Matthew P. Lyons, and Thomas Kelly.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dorothy Argyros, 2100 Rutherford Avenue, stated Katie Lee Thomas was found dead in the Neptune jail three years ago and the County Prosecutor has not produced a report. The State Attorney General has decided that he will now investigate any death in relation to a police department. She asked if the Attorney General has contacted the Township about this case. Mr. Lane responded no. Ms. Argyros stated she will call the Attorney General herself. She asked if the Township is being sued in this matter. Mr. Anthony replied that a Notice of Claim has been filed.

Jack Bredin, 94 ½ Heck Avenue, stated that Neptune Township has one of the finest Police Departments in the state under the leadership of the Chief. He asked Mr. Gadaleta about the plan for the removal of debris from the North End pavilion fire because all agencies that have jurisdiction must approve the plan. Mr. Gadaleta replied that jurisdiction is limited to the Camp Meeting Association, who owns the boardwalk, and the owner of the building. The building owner will hire a contractor to construct an access point across the boardwalk. The rebuild will require various approvals but the removal of debris is not a construction project. The only permit needed from the Township is a demolition permit.

Kennedy Buckley, 65 Broadway, asked for an update on the 9 Broadway settlement agreement. Mr. Gadaleta stated he will provide the transcript as soon as Bernie Haney, Land Use Administrator, receives it.

Joan Venezia, 107 Mt. Hermon Way, asked if OGNED will be required to get a Certificate of Appropriateness from the HPC for the North End redevelopment project. Mr. Gadaleta replied that the HPC has decided that they will give a Certificate of Appropriateness after the Planning Board reviews the project. Ms. Venezia stated it is a bad idea to street sweep on the Thursday and Friday before Memorial Day weekend because there will be more cars parked. She asked if there was any news on the state's proposal to consolidate school districts. Mr. Williams stated there is nothing new to report.

Ms. Fiori, 120 Lake Avenue, asked that the gates on the Wesley Lake footbridges be removed. Dr. Brantley stated that the Committee has not agreed on what to do about the bridges and receives push back on both options from various groups. He said the Committee will have to further discuss.

Nancy Clarke, 47 Embury, asked Mr. Gadaleta to provide more information on items discussed at the last EDC meeting. Mr. Gadaleta stated that the EDC reviewed the desire for more site control on West Lake Avenue and its importance for the project to proceed, there are three potential leases for the Coca-Cola site and this is a very good project, the former Continental Insurance building was just purchased by a development firm, a 4th hotel on Route 66 will be built shortly, and the former Rug-a-Rama site was renovated by Fitness Lifestyles who is moving their business there from Asbury Park. Ms. Clarke stated she is impressed by the increase in business development in the Township.

Richard Williams, 1 Abbott Avenue, appreciates the information on the Committee member's departments and Mr. Gadaleta's reports. He agrees with the prior speaker that the gates on the footbridges need to come down. In reference to 4 Boardwalk, he asked if the owner can build something totally different than what is proposed for the redevelopment area. Mr. Gadaleta replied that the building can be rebuilt as it was...a commercial use and no higher or bigger than the existing footprint. The owner would have to come to the Redevelopment Committee with this plan and something less than what was there before can be done.

Sandra Stevens, 1513 6th Avenue, asked for electronic speed signs on 6th Avenue. She recommended something similar to the speed sign on 5th Avenue in Neptune City. She stated that in 2014, a car was parked on in her driveway that was not registered. She had to pay a fine in court. The process was frustrating and now the Township allows one unregistered vehicle on a property which she feels is not right. Mr. Gadaleta stated that he has been working on getting speed signs on 6th Avenue.

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

Richard J. Cuttrell,
Municipal Clerk