

TOWNSHIP COMMITTEE MEETING – FEBRUARY 22, 2021

Mayor Brantley called the meeting to order at 6:00 p.m. The meeting was held via Zoom. The Mayor announced the link for access.

The Mayor requested the Clerk to call the roll. The following members were present: Keith Cafferty, Robert Lane, Jr., Nicholas Williams, and Mayor Michael Brantley. Absent: Carol Rizzo

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

The Mayor announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on February 11, 2021, which provided instructions on accessing and participating in the meeting virtually via Zoom. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

The following items were discussed in open session:

Mr. Cafferty discussed a proposed agreement with Asbury Park to hire a company for geese control around Wesley Lake. The company provides dogs that chase the geese and also oil coating of eggs to prevent hatching. The cost is \$4,000 for 12 weeks to each municipality. Mr. Gadaleta stated that payment can be made either directly to the company or as a reimbursement to Asbury Park if they pay the full amount. Mr. Lane stated that there are geese problems elsewhere that could be considered. Mr. Williams suggested trying the service for one year. Mr. Gadaleta will meet with Mr. Cafferty and Michael Bascom, C.F.O. to decide how much to budget for this service.

Mayor Brantley stated that he and Mr. Gadaleta spoke to Senator Gopal regarding closed portal vaccination sites to target specific areas. Several locations in Neptune Township were proposed as possibilities when vaccine doses become available. The Mayor asked the Committee and Mr. Gadaleta to review the list of locations, suggest additions, and get back to him as soon as possible.

The Mayor stated the Black History Month celebration will be held on February 26th.

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

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

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

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

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Personnel – Appointments to the Economic Development Corporation

Personnel – Appointments to the Housing Authority.

Personnel – Employee grievance

Personnel – Recommendation for hiring two DPW Drivers

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

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

The Committee reviewed recommendations for appointments to the Economic Development Corporation. A resolution will be considered at the next Township Committee meeting.

The Committee reviewed two reappointments to the Housing Authority. A resolution will be considered at the next Township Committee meeting.

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

Mayor Brantley called the regular meeting to order at 7:00 p.m. by announcing that this a remote meeting via Zoom. The link for access can be found on the Township web site at www.neptunetownship.org

The Mayor requested the Clerk to call the roll. The following members were present: Keith Cafferty, Robert Lane, Jr., Nicholas Williams, and Mayor Michael Brantley. Absent: Carol Rizzo

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

The Mayor led a moment of Silent Prayer and the Flag Salute.

The Mayor announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on February 11, 2021, which provided instructions on accessing and participating in the meeting virtually via Zoom. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

APPROVAL OF MINUTES

Mr. Lane offered a motion, seconded by Mr. Williams, to approve the minutes of the meeting held on February 8, 2021. All were in favor.

COMMENTS FROM THE DAIS

Mr. Lane met with his Departments. The Senior Center continues to provide meals to homebound seniors in spite of the recent snowstorms. Randy Bishop, Senior Center Director, continues to work on getting the Senior Center designated as a vaccination site.

Mr. Cafferty attended a Wesley Lake Commission meeting. He met with the Finance Department and, as expected, the municipal budget will be tight this year due to the pandemic. He asked the residents for feedback on any projects or ideas they have that need assistance from the Township.

Mr. Williams stated that Mr. Cuttrell provided accurate weather forecasts for the recent multiple snowstorms. Public Works did a great job plowing and sanding after the snow and ice events.

Mayor Brantley stated the Black History Month program will be held on February 26th and urged to visit the Township web site to register and participate in the program. He is working with Senator Vin Gopal on identifying locations in the Township to hold portal vaccine events in anticipation of the release of more vaccine.

PUBLIC COMMENTS ON RESOLUTIONS

Mayor Brantley asked for public comments regarding resolutions presented on this agenda only. The public was permitted to speak one time with a limit of five minutes.

There were no public comments.

ORDINANCE NO. 21-08 - ADOPTED

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

ORDINANCE NO. 21-08

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.3 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY CLARIFYING THE TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL

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

ORDINANCE NO. 21-09 - APPROVED

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

ORDINANCE NO. 21-09

AN ORDINANCE AUTHORIZING ACCEPTANCE OF DEED OF DEDICATION WITH REGARD TO BLOCK 1703, LOT 8, POPLAR PLACE, NEPTUNE TOWNSHIP, NEW JERSEY TO THE TOWNSHIP OF NEPTUNE

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

ORDINANCE NO. 21-10 - APPROVED

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

ORDINANCE NO. 21-10

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "POLICE DEPARTMENT"

The ordinance was approved on the following vote: Cafferty, aye; Lane, no; Williams, aye; and Brantley, aye.

Mr. Cuttrell stated that the Public Hearings on Ordinance No. 21-07 (introduced on February 8, 2021, Ordinance No. 21-09 and Ordinance No. 21-10 will be held on Monday, March 8, 2021.

CONSENT AGENDA

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

ACCEPT THE RESIGNATION OF YASIN PARRISH AS A DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Public Works Director has received a letter from Yasin Parrish resigning as a Driver in the Public Works Department effective February 19, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Yasin Parrish as a Driver in the Public Works Department is hereby accepted effective February 19, 2021; 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.

AUTHORIZE THE MONMOUTH COUNTY MOSQUITO CONTROL DIVISION TO CONDUCT AERIAL MOSQUITO CONTROL OPERATIONS WITHIN THE TOWNSHIP OF NEPTUNE AS NECESSARY

WHEREAS, the Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the county; and,

WHEREAS, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and,

WHEREAS, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51) to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and,

WHEREAS, the Township of Neptune is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:

1. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and,
2. such operations will be performed in compliance with applicable Federal and State regulations; and,
3. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Monmouth County Mosquito Control Division.

ACCEPT THE RESIGNATION OF JOHN FLANAGAN, JR. AS A SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from John Flanagan, Jr. resigning as a Special Law Enforcement Officer - Class II in the Police Department effective February 25, 2021,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of John Flanagan, Jr. as a Special Law Enforcement Officer – Class II in the Police Department is hereby accepted effective February 25, 2021; 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.

ACCEPT A MAINTENANCE GUARANTEE AND RELEASE A PERFORMANCE BOND FILED BY DYKEMAN ASSOCIATES, INC. FOR SITE IMPROVEMENTS AT THE MINOR SUBDIVISION AT 702 MAPLE AVENUE

WHEREAS, on October 12, 2017, Dykeman Associates, Inc. filed Performance Bond #41895, written by The Service Insurance Company in the amount of \$57,672.00, guaranteeing site improvements at the minor subdivision located at 702 Maple Avenue (Blocks 2908, Lot 11); and,

WHEREAS, the Township Engineer has certified that all site improvements have been completed in a satisfactory manner as of January 27, 2021 and said performance bond can be released contingent upon posting a two year maintenance bond in the amount of \$9,612.00; and,

WHEREAS, Dykeman Associates, Inc has filed Maintenance Bond #50314 in the amount of \$9,612.00 written by The Service Insurance Company 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 \$6,422.62 and inspection fee escrow in the amount of \$2,670.00 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.

AUTHORIZE THE REFUND OF TAXES AS A RESULT OF AN OVERPAYMENT (135 LOUISVILLE AVENUE)

WHEREAS, the property listed below reflect an overpayment; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund; and,

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 is hereby authorized to refund the taxes as stated herein; and,

BLOCK	LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
1902	1 Q:C135	PAIGE	135 Louisville Ave	2020	1,369.37

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

AUTHORIZE SWAP OF SURPLUS VEHICLES WITH THE COUNTY OF MONMOUTH

WHEREAS, the County of Monmouth has a 2013 Chevy Tahoe that has been deemed as surplus equipment; and,

WHEREAS, the Township of Neptune has a 1995 International truck that has been deemed surplus equipment and no longer needed for public use; and,

WHEREAS, the Township has a need for the County's surplus vehicle and the County has a need for the Township's surplus vehicle; and,

WHEREAS, the Township wishes to authorize a swap of equipment pursuant to N.J.S.A. 40A:12-13 which regulates the disposition of surplus equipment,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a swap of surplus equipment whereby the Township will accept a surplus 2013 Chevy Tahoe, VIN 1GNSK2E01DR209828 from the County of Monmouth in exchange for providing a 1995 International truck, VIN #1HTSLAAM8SH203393; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the County of Monmouth, OEM Director, Municipal Clerk and Director of Public Works.

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

EXTEND OFFERS OF EMPLOYMENT FOR THE POSITION OF DRIVER IN THE DEPARTMENT OF PUBLIC WORKS

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

WHEREAS, there are vacancies in the position of Driver in the Public Works Department; and,

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

WHEREAS, the Human Resources Director and Public Works Director have made their recommendation; and,

WHEREAS, funds will be provided for the first three months of 2021 in the 2021 Temporary Budget and funds for the balance of 2021 will be provided in the 2021 Municipal Budget in the appropriation entitled Solid Waste S&W, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that offers of employment be and are hereby extended to Aaron Washington and Michael Dunaj for the position of Class A Driver in the Department of Public Works at an annual salary of \$32,200.00, on a probationary basis for a period of not less than 90 days and not exceeding one year, contingent upon favorable results of the required pre-employment testing, effective March 1, 2021; 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., AFSCME Local #2792, and Human Resources Director.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Lane offered the following resolution, moved and seconded by Mr. Cafferty, 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	7,619,064.82
GRANT FUND	735.00
TRUST FUND	2,983.27
GENERAL CAPITAL FUND	26,239.08
SEWER OPERATING FUND	6,022.63
SEWER CAPITAL FUND	32,767.00
MARINA OPERATING FUND	879.41
LIBRARY TRUST	32.23
BILL LIST TOTAL	\$7,688,723.44

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

DENY EMPLOYEE GRIEVANCE FILED BY F.O.P. LODGE #19

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

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the employee grievance filed by F.O.P. Lodge #19 dated January 15, 2021 be and is hereby denied; and,

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Mayor Brantley asked for public comments regarding resolutions presented on this agenda only. The public was permitted to speak one time with a limit of five minutes. Comments were as follows:

Barbara Burns, Ocean Avenue, asked for the number of members on the Police Committee as indicated in Ordinance No. 21-10. The ordinance says up to six members, but it should simply say six members. Mr. Anthony responded that citizen members may not be appointed at the same time as Township Committee members. This gives the Committee the option to fill the slots as soon as possible, but not necessarily on January 1st every year. Ms. Burns stated her concern is that, the way the ordinance is written, the membership could be permanently less than six members.

Joyce Klein, Mt. Hermon Way, sent an email to the Committee as Chairperson of the Ocean Grove Homeowners Parking Committee. She believes advances in the vaccine distribution will lead

to more gatherings in 2021, so there is a need to focus on the Ocean Grove parking issues moving into 2021.

Jaime VanSciver, Paulsboro, NJ, stated there was a home invasion in Neptune and the police did not investigate the robbery or the invasion, but charged the caller for cannabis possession. The police should no longer charge people with cannabis possession. Mr. Anthony stated the Chief of Police or the Police Committee can look into the matter.

Phyllis Cowans, West Neptune Homeowners Association, stated that the Association has not been meeting and has \$1,900 in the bank. She wants her name off of the account and asked how she would disband the association and disburse the funds. Mr. Anthony stated the Township does not have jurisdiction over a homeowners association and they would have to get an attorney to dissolve the organization.

Gail & Dennis Alba, stated they are both opposed to the installation of green fabric on the fence surrounding the North End Redevelopment area. They want the fence removed. Mr. Alba stated that the fence detracts from the neighborhood and the lot needs to be beautified. Ms. Alba stated the fence can be returned once construction starts. Mr. Gadaleta replied that the Redevelopment Committee discussed the fence and recommended that a fabric be placed on the fence which shows the project. The Redevelopment Committee asked him to notify the Developer to add the fabric.

Richard Williams, 1 Abbott Avenue, supports Barbara Burns' comments regarding the Police Committee ordinance and the language should be clarified. This could be a political football. He asked the Committee to start to think of ways to get charging stations in Ocean Grove for the purpose of charging electric vehicles.

Scott Helsel, 1 Ocean Avenue, President of the Condominium Association, stated that the North End lot is being used as a transfer station for construction material and the fence is an eyesore. He asked if the fence was approved by the Historic Preservation Commission. Mr. Gadaleta stated that the Commission did not approve the fence. It was installed in anticipation of construction and for security reasons.

Lefty Grimes, stated that a person in the Township called the police for assistance and was arrested for cannabis possession. His non-profit group is an advocate for cannabis use. A police officer is not allowed to use cannabis for the own use, but they should be allowed to use it. He added that 2/3 of police officers want it legalized but are not allowed to speak about it.

James O'Connor, 2 Spray Avenue, agrees that the fence at North End should be removed. He is concerned about fire and access for apparatus when the project is completed. Carolyn O'Connor stated that the people climb the fence, there is dumping at the site, and a port-a-john was place there. She is ashamed to invite anyone to her home. She asked if they have a permit for the fence. Mr. Anthony responded that he will check into the matter.

Jeff King, Eatontown, agrees with the prior comments that the Police Ordinance needs to be unambiguous and membership on the Police Committee. He stated there is disproportionate enforcement of the law in regards to cannabis so it is important to have the best functioning Police Department as possible.

Eileen Michaels, 15 Seaview Avenue, supports clarifying the language regarding membership of the Police Committee. She is against the fence around the North End because you cannot see what is happening on the property with a fence. There is an issue with vagrants. She send photos to Mr. Gadaleta showing that ice and snow is not being cleared along the property. She asked the Committee to represent the residents in this matter. Mr. Gadaleta stated that the property owner has been issued summonses to clean the property.

Nancy Clarke, 47 Embury Avenue, stated the Committee discussed vaccination sites at the workshop meeting. She is concerned about Ocean Grove residents without a car or access to the internet and need transportation. The Mayor asked Mr. Gadaleta to identify sites in Ocean Grove. Ms. Clarke stated that the Police Ordinance states the Mayor's representative can be removed at any time which means the Mayor's single vote can override the will of the remainder of the Township Committee. Mr. Anthony replied the Mayor determines who serves in their place. The Township Committee can remove the Mayor if there is a problem.

Marina Rodman, stated medical cannabis has helped her with anxiety since she was a small child who spent a lot of time in hospitals. She hopes that a medical dispensary will be considered in Neptune. She is missing one of her legs and asked who would be willing to spend eight hours in a wheelchair to see what it is like. Mr. Gadaleta replied that a medical cannabis site is under construction and will be open shortly.

Joan Venezia, 107 Mt. Hermon Way, is concerned about the security and the North End and the fence should not be removed until the site is secure and safe and the old pool is filled in. She added that OGNED does not care about anyone.

Dani Fiore, 120 Lake Avenue, asked for an update on what is happening to address the parking situation in Ocean Grove. The Mayor stated that he will be meeting with all interested parties, including the Camp Meeting Association, to discuss parking. Ms. Fiore stated that she cannot park near her house. She owns a business in Asbury Park and knows that other businesses tell their employees to park in Ocean Grove. The situation is desperate and residents need parking stickers.

Frank Gaciofano, Spray Avenue, asked that the fence surrounding the North End not be removed until the site is clean and safe. There already is a separate fence around the pool so that is not an issue. Gannon Construction placed a dumpster on the site and should be fined. People are sleeping in their cars in the area. Mr. Anthony responded that violations have been issued. OGNED was given two weeks to clean the site or the Township will clean the site and place a lien on the property for the cost. Mr. Gaciofano added that plywood was placed over holes at the former Dunes site. The construction fence should be taken down and put back up just prior to the start of construction. Mr. Gadaleta stated that there is separate ownership of the North End site and the former Dunes location east of the boardwalk.

Michael Badger, OGCMA President, 129 Broadway, stated that the parking study commissioned by the Camp Meeting Association is coming to a close and a presentation on the findings is planned. He will speak to the Chamber of Commerce, OG Homeowners Association, Better Parking Alliance and Township Committee in regards to setting up the presentation. He is hoping to make incremental progress on the parking issue for this season and looks forward to the involvement and participation of all of the groups.

Michael Fornino, 120 Fulham Place, stated he prepared a plan to add 500 parking spaces in Ocean Grove and nothing was done. He obtained a copy of the minutes of all 2020 meetings of the Township of Neptune Sewerage Authority. TNSA Commissioners make over \$400 per hour based on the length of each meeting. The Mayor stated the Township does not pay the members of the authority. Mr. Anthony read the statute governing authorities which indicates that authority members can be reimbursed for expenses as Mr. Fornino stated previously. But, the statute also allows for compensation of members and states that the salary of authority members cannot be reduced without their consent.

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

Richard J. Cuttrell,
Municipal Clerk