

TOWNSHIP COMMITTEE MEETING – NOVEMBER 26, 2018

Mayor Williams called the meeting to order at 6:00 p.m. and requested the Clerk to call the roll. The following members were present: Dr. Michael Brantley, Robert Lane, Jr., Carol Rizzo, and Mayor Nicholas Williams. (Kevin B. McMillan arrived during executive session)

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

Mayor Williams announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 4, 2018, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Lane stated that the MURC tree lighting will be held on November 29th at 5:00 pm. Ms. Rizzo stated that the municipal audit is complete and the final report will be presented to the Township Committee. The audit was good with just a couple of policy and control items to be addressed.

The Committee set December 10th at 2:00 p.m. for the skate park groundbreaking at Sunshine Village Park.

Mr. Gadaleta announced that the tree lighting at Volunteer Park in Shark River Hills will be December 5th at 6:00 p.m.

Mr. Cuttrell stated that the due date for the RFQs for professionals is December 6th with the exception of the RFQ for Risk Manager which is due on December 13th. He reminded the Committee that the meeting dates in December are Monday the 10th and Thursday the 20th.

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

Ms. Rizzo 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:

Contract negotiations – Health Benefits Broker present

Contract negotiations – License Agreement for emergency parking at South End of Ocean Grove

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; Rizzo, aye; and Williams, aye.

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

The Township's Health Benefits Broker, Robert Parisi was present, along with Patrick Cassidy and Peter Sarrero. Mr. Cassidy reviewed the activities on behalf of the Township and its employees. The 2019 rates for the State Health Benefits Program (SHBP) were released and

based which reflect an overall decrease versus 2018. Based on this information, the recommendation is to remain in the SHBP. Mr. McMillan arrived. Mr. Sarrero stated that he is now working for RD Parisi in a Risk Management capacity. Ms. Rizzo stated that the rates for Garden State Insurance Fund are going up in 2019. The Mayor recommended that a representative from the fund be invited to the next workshop for further discussion.

Mr. Anthony stated that there has been no response from the Camp Meeting Association on the proposed License Agreement for the South End lot which is used by residents to park their cars in anticipation of a snowstorm. Mr. Cuttrell and Mr. Gadaleta will discuss the matter with the new Camp Meeting Association Chief Operating Officer.

Mr. Anthony stated that a resolution is on the meeting for consideration to approve a Settlement Agreement with Doss and Kandil in regards to the purchase of property at 1710 West Lake Avenue.

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

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

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

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

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

Mayor Williams announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 4, 2018, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Mr. Lake offered a motion, seconded by Ms. Rizzo, to approve the minutes of the meeting held on November 8th. All were in favor.

PRESENTATION

Mayor Williams, Mr. Lane, Assemblyman Eric Houghtaling, Freeholder Tom Arnone, and The Pound the Pavement for Purple Committee presented a check in the amount of \$50,000, representing the proceeds from the 5km run, to the Lustgarten Foundation. The Lustgarten Foundation exists to advance the research related to the diagnosis, treatment, cure and prevention of pancreatic cancer. In addition, the Mayor Williams proclaimed the month of November as PANCREATIC AWARENESS MONTH in the Township of Neptune.

COMMENTS FROM THE DAIS

Dr. Brantley attended the annual League of Municipalities convention in Atlantic City.

Mr. McMillan also attended the conference where is accepted a Sustainable NJ bronze award for the Township's energy conservation measures. He also attended the Richard S. Bascom Scholarship fund raiser and an event at Mt. Olivet Church.

Mr. Lane attended classes on OPRA, ethics and Code Blue at the annual conference. He attended the annual MURC dinner dance and announced three upcoming holiday events; MURC tree lighting on November 30th, Donuts with Santa at Summerfield School sponsored by the Recreation Department, and a tree lighting at Shark River Hills Volunteer Park on December 5th.

Ms. Rizzo attended two sessions at the annual conference. She also attended the Veterans Day program at Veterans Park on November 11th. The auditors have submitted their draft report and there is nothing substantive in the report. She announced that November 30th is the last date to

submit the Homestead Rebate application.

The Mayor stated that he attended all of the events already mentioned. In addition, he attended the annual Neptune – Asbury Park Thanksgiving football game which Neptune won 7-6.

PUBLIC COMMENTS ON RESOLUTIONS

Joan Venezia, 107 Mt. Hermon Way, asked several questions regarding the Interim Cost Agreement for the North End Redevelopment. She asked for information on why the entity is now MB2 instead of MB1, the change in block and lot numbers, the change from 5 total acres to 3 total acres, a timeline for construction, testing on feasibility of underground parking and DEP permits. Mr. Gadaleta responded that block and lots numbers were changed for every property in the Township. Mr. Maraziti stated that what is being approved this evening is not a Redevelopment Agreement for an Interim Agreement for the purpose of negotiating a Redevelopment Agreement which will include the items Ms. Venezia mentioned. The target date for a Redevelopment Agreement is six months, finances will be still be examined, there will be involvement by the Historic Preservation Commission and the Planning Board, but no approvals will be granted by the Planning Board until a Redevelopment Agreement is signed. A project schedule will describe deadlines and prevent the project from languishing.

Jack Bredin, 94 ½ Heck Avenue, asked for clarity on what plan is being discussed this evening. Mr. Gadaleta stated the plan as described in the Interim Agreement. Mr. Bredin reviewed the agreement and stated that the Committee should have a meeting in Ocean Grove because there is not enough time to ask questions at this meeting.

Kevin Chambers, 58 Heck Avenue, stated that many hearings were held regarding the 5 acres that are included in the Redevelopment Plan. He took the matter to Court and the Court upheld that the Plan contains five acres. Now the Township is admitting that it should be only three acres. The Township gave fraudulent testimony and is using illegal zoning in accordance with federal and state law.

Gerard Gerosko, 15 Surf Avenue, stated there is a promenade between the development and the lake. He asked if there is a component in the Plan to clean up the lake. He expressed concern about traffic due to the hotel and said the project will make Beach Avenue a dangerous thoroughfare.

Reverend Lee, 12 Patricia Drive, thanked the Committee for the police for addressing the speeding issue in his neighborhood. He asked for more information on the Settlement Agreement resolution and asked if the Township was aware of an oil tank on the property. Mr. Anthony stated that the Township entered an agreement with Mr. Doss for the purchase of property and then Mr. Doss sold the property to someone else. The settlement will allow the Township to purchase the property from the new owner. The Township has an environmental report which indicates an underground storage tank which will be addressed either by the Township or the Redeveloper.

Hank Coakley, Valley Road, asked for an address and amount associated with the property in the Settlement Agreement. Mr. Anthony stated that the property address is 1710 West Lake Avenue and the Township will be purchasing for \$180,000. Mr. Coakley stated that the underground parking element of the North End Plan does not make sense because it is so close to the ocean. Mr. Maraziti stated that this will be part of the negotiations.

Joyce Klein, 105 Mt. Hermon Way, stated that in section of the Interim Agreement that describes the scope, it stated that the proposal may change. She asked if any changes would have to be in accordance with the 2008 Redevelopment Plan. Mr. Maraziti stated that any proposal must be consistent with the Redevelopment Plan. Ms. Klein asked if the recommendations and points put forth by the Ocean Grove Homeowners Association in 2011 will be followed. The Mayor stated that the Committee is already following most of those points and they will all be discussed in negotiations.

Thomas Blewitt, PBA President, stated that the Neptune PBA has 56 members and they all thank the Police Committee for considering the Sidebar Agreement resolution. The schedule is mutually beneficial to the police officers and the Township.

ORDINANCE NO. 18-32 - ADOPTED

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

ORDINANCE NO. 18-32

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

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

Joan Venezia, 107 Mt. Hermon Way, asked the Committee to consider an ordinance amendment to make homeowners ineligible to obtain a handicapped parking permit if they rent the property.

Kevin Chambers, 58 Heck Avenue, stated that he is in court against the Township for allowing an illegal expansion of a property and handicapped parking stalls should not be granted for a resident of a multiple dwelling if the multiple dwelling is illegal.

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

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

CONSENT AGENDA

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

PLACE LIEN ON 1602 HECK AVENUE

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> |
|------------------|------------------|---------------|
| 505/6 | 1602 Heck Avenue | \$ 508.80 |

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 THE CANCELLATION OF CREDIT BALANCES FOR TAXES

WHEREAS, the below listed properties reflect credit balances for taxes as indicated; and,

WHEREAS, the Tax Collector has exhausted all means in an effort to identify the owner of said funds; and,

WHEREAS, the Tax Collector has recommended canceling said credit to fund balance,

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

cancel a credit balance as described herein,

| BLOCK/LOT | OWNER | YEAR | AMOUNT |
|------------------|---------------------|-------------|---------------|
| 4051/21 | Conforti/Tanglewood | 2016 | \$2,052.21 |
| 1815/7 | Walker | 2014 | \$1,163.65 |

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

AUTHORIZE THE CANCELLATION OF SEWER RENT (505 WAKEFIELD 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 |
|------------------|----------------------|--------------------|-------------|---------------|
| 1604/7 | Rosetta Peggy Wisdom | 505 Wakefield Road | 2018 | 460.00 |

REASON: Building disconnected 12/2017

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

AWARD CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the Business Administrator has negotiated with the organization supplying animal control services to the Township and accepted proposals from other providers as required by NJSA 40:48-5.1; and,

WHEREAS, Monmouth County SPCA has proposed a rate of \$7,125.00 per month which is the lowest rate among the proposals received; and,

WHEREAS, funds for this purpose will be provided in the 2019 Municipal Budget, when adopted, in the appropriation entitled Dog Account, 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 an agreement with Monmouth County SCPA for animal control services for the year 2019 at a cost of \$7,125.00 per month; and,

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

ACCEPT THE RESIGNATION OF MICHAEL PULLANO AS A ALTERNATE MEMBER OF THE ENVIRONMENTAL/SHADE TREE COMMISSION

WHEREAS, the Environmental/Shade Tree Commission Secretary has received a letter from Michael Pullano resigning as an alternate member of the Environmental/Shade Tree Commission effective November 20, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Michael Pullano as an alternate member of the Environmental/Shade Tree Commission is hereby accepted effective November 20, 2018; and,

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

AUTHORIZE SUBMISSION OF A STRATEGIC PLAN FOR THE NEPTUNE TOWNSHIP MUNICIPAL ALLIANCE GRANT

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents,

local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and,

WHEREAS, the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Neptune Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Neptune Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Monmouth; and,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey hereby recognizes the following:

1. The Neptune Township Committee does hereby authorize submission of a strategic plan for the Neptune Township Municipal Alliance grant for fiscal year 2020 in the amount of:

| | |
|------------|--------------|
| DEDR | \$ 63,915.00 |
| Cash Match | \$ 15,978.75 |
| In-Kind | \$ 47,936.25 |

2. The Neptune Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

AUTHORIZE THE PURCHASE OF A TRAILER MOUNTED PUMP THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

WHEREAS, the Township desires to authorize the purchase of a Goodwin Model CD150M Dri-Prime diesel mounted trailer for the sewer utility through the Houston-Galveston Area Council Purchasing Program; and,

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

WHEREAS, the Township of Neptune, is authorized pursuant to N.J.S.A. 52:34-6.2(b)(3) to use procurement methods by entering into a nationally recognized cooperative agreement; and;

WHEREAS, the Houston-Galveston Area Council has a nationally recognized cooperative agreement and has awarded Contract No. CM02-17 to Xylem Dewatering Systems, Inc. for this equipment; and,

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

WHEREAS, the cost to purchase this equipment shall not exceed \$57,262.04; and,

WHEREAS, funds for this purpose are available in the 2018 municipal budget in the appropriation entitled Sewer Utility and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the purchase of a Goodwin Model CD150M Dri-Prime diesel mounted trailer for the sewer utility be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$57,262.04; and,

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

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

AUTHORIZE THE EXECUTION OF A CONDITIONAL DESIGNATION AND INTERIM COST AGREEMENT WITH OG NORTH END DEVELOPMENT, LLC, INCLUDING PROVISIONS FOR A DEPOSIT OF PROJECT FUNDS TO DEFRAY COSTS INCURRED BY THE TOWNSHIP OF NEPTUNE IN CONNECTION WITH THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT,

PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

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

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the "Act"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as areas in need of redevelopment or as areas in need of rehabilitation; and

WHEREAS, the Township desires that the land located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated on the Tax Map of the Township of Neptune as Block 101, Lots 3 and 4 and a portion of Lot 2 that is more commonly known as 2 Boardwalk, more commonly known collectively as the "North End" (referred to herein as the "Project Site"), be redeveloped in accordance with the Ocean Grove North End Redevelopment Plan, as same may have been amended from time to time (the "Redevelopment Plan"); and

WHEREAS, the Project Site, which comprises approximately three (3) acres, is owned by the Ocean Grove Camp Meeting Association ("CMA"); and

WHEREAS, on or about May 17, 2018, OGNED submitted to the Township a Pre-Submission Form seeking to be designated as the Redeveloper of the Project Site; and

WHEREAS, in November 2018, OGNED submitted an updated Pre-Submission Form, a copy of which is attached hereto, outlining its intention to redevelop the Project Site, together with a set of preliminary plans which were also submitted to the Township's Historic Preservation Commission for review in accordance with the Redevelopment Plan; and

WHEREAS, OGNED is a joint venture entity which is comprised of MB2 Ocean Grove, LLC ("MB2"), a wholly owned affiliate of MB1 Capital Partners, and Wesley Atlantic Village Enterprises, LLC ("WAVE"); and

WHEREAS, OGNED is the Optionee pursuant to an Option Agreement for the Long Term Lease of the Project Site with CMA, dated May 2, 2018 (the "Option Agreement"); and

WHEREAS, the Option Agreement provides OGNED with the option to enter into a long term lease for the Project Site in order for OGNED to redevelop the Project Site, subject to the Township's approval, which option is currently to be exercised by May 1, 2019; and

WHEREAS, upon the exercise of said option, OGNED and CMA will enter into a separate Ground Lease Agreement containing all of the terms and provisions for OGNED's long term lease of the Project Site; and

WHEREAS, the Proposal, as that term is defined below, calls for the implementation of a mixed use redevelopment project including a hotel, thirty-six (36) 2-bedroom and three (3) 3-bedroom condominiums at market rate, ten (10) 3-bedroom single family residences at market rate, 9,000 sq. ft. of retail, twenty (20) surface parking spaces, and a one hundred and forty -four (144) parking space subterranean parking structure, and the creation of certain public open space such as a promenade along Wesley Lake as well as view corridors along Spray Avenue through to Wesley Lake, all in accordance with, inter alia, the Redevelopment Plan and as further depicted in the draft concept plan dated as of November 8, 2018 (the "Concept Plan"), all attached hereto; and

WHEREAS, the Pre-Submission Forms and the Concept Plan collectively comprise the "Proposal"; and

WHEREAS, it is anticipated that the implementation of the Proposed Project would generate at least forty (40) jobs as well as one hundred (100) construction jobs for the construction of the structures; and

WHEREAS, the Township's Redevelopment Committee has vetted the details comprising the Proposal and has met with OGNED on several occasions to further discuss the Proposal and the implementation of the Redevelopment Plan, generally; and

WHEREAS, the Township has determined that OGNED possesses the necessary experience and qualifications to take the steps necessary in order to implement the Proposal and further, that the Proposal is in the best interest of the community; and

WHEREAS, the Township and OGNED desire to negotiate a Redevelopment Agreement in order for OGNED to implement the Proposal, subject to the provisions herein and further negotiations with the Township; and

WHEREAS, the Township requires that OGNED pay the reasonable costs and fees incurred by the Township associated with the review of the Proposal, the drafting and negotiation of a Redevelopment Agreement (a "Redevelopment Agreement"), and all other costs and fees related to this matter prior to the execution of any such Redevelopment Agreement, should a Redevelopment Agreement ultimately be executed, or the determination by the Township that such a Redevelopment Agreement cannot be executed, should that result occur; and

WHEREAS, the Township, by Resolution #08-292 adopted on June 9, 2008, designated WAVE and CMA as co-redevelopers of the Project Site; however, CMA no longer desires to be designated as a co-redeveloper of the Project Site and therefore, the Township wishes to vacate the designation set forth in Resolution #08-292.

NOW, THEREFORE, it is hereby resolved by the Township Committee of Neptune as follows:

1. The Mayor is hereby authorized and directed to execute a Conditional Designation and Interim Cost Agreement between the Township of Neptune and OG North End Development, LLC in substantially the form attached hereto as **Attachment A**.
2. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. The designation of WAVE and CMA as co-redevelopers of the Project Site, as set forth in Resolution #08-292, is hereby vacated without the necessity of any further action.
4. This Resolution shall be effective immediately.

The resolution was adopted on the following vote: Brantley, aye, adding that the Committee will be aggressive with redevelopment and extending thanks to the Redevelopment Team; Lane, aye; McMillan, aye; Rizzo, aye; and Williams, aye.

ADOPT SIDE BAR AGREEMENT BETWEEN NEPTUNE TOWNSHIP AND NEW JERSEY STATE PBA LOCAL 74 NEPTUNE TOWNSHIP UNIT

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

WHEREAS, the Township of Neptune ("TOWNSHIP") wishes to enter into a Side Bar Agreement with New Jersey State PBA Local 74 Neptune Township Unit ("PBA") to the collective negotiations agreement ("CNA") with a term of January 1, 2017 to December 31, 2020, establishing a twelve (12) hour schedule and parameters for the distribution of overtime; and

WHEREAS, Township and PBA has executed a Side Bar Agreement regarding schedule change and overtime distribution as evidenced by the attached Exhibit "A," which is attached hereto and incorporated herein by reference; and

WHEREAS, the Township possesses the authority to enter into an Agreement with PBA; and

WHEREAS, the Township finds that it is in its best interest to enter into an Agreement with PBA,

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

1. The Township accepts the Side Bar Agreement regarding the PBA, which is attached hereto as Exhibit "A."
2. Accordingly, the Township shall execute same.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Police Committee, Chief of Police, PBA Local #74, Business Administrator, Chief Financial Officer, and Human Resources Director.

The resolution was adopted on the following vote: Brantley, aye, adding that he is excited about this and the Police Committee is always open to making things better; Lane, aye, adding that he is happy to do this for our police officers; McMillan, aye, adding his thanks to the PBA and the Police Committee; Rizzo, aye, adding her thanks to the officers and the Police Committee; and Williams, aye, adding that the Township has 79 officers who responded to 37,248 calls last year. This schedule gives them more time to be with their families and he is excited to vote yes.

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan offered the following resolution, moved and seconded by Ms. Rizzo, 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 | 9,508,111.11 |
| GRANT FUND | 11,969.66 |
| TRUST FUND | 6,835.12 |
| GENERAL CAPITAL FUND | 207,149.00 |
| SEWER OPERATING FUND | 283,173.03 |
| MARINA OPERATING FUND | 101,665.22 |
| LIBRARY TRUST | 376.97 |
| BILL LIST TOTAL | \$10,119,280.11 |

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; Rizzo, aye; and Williams, aye.

AUTHORIZE SETTLEMENT IN THE MATTER OF TOWNSHIP OF NEPTUNE V. SAMMIE L. DOSS, JR. AND LARBI KANDIL, DOCKET NO. C-114-18.

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

WHEREAS, the governing body of the Township of Neptune previously authorized legal action by Neptune Township through its Municipal Attorney, Gene J. Anthony, Esq., against Sammie L. Doss, Jr. and Larbi Kandil for Injunctive Relief, and Enforcement of a Contract of Sale of Real Estate, which was authorized by the Township Committee between the Township of Neptune and Sammie L. Doss, Jr., by Ordinance No. 18-09 on March 12, 2018, for the purchase of property at 1710 West Lake Avenue in the Township of Neptune, County of Monmouth and State of New Jersey, also known on the Municipal Tax Map of Neptune Township as Block 611, Lot 40, and as a result a lawsuit was filed by Neptune Township in the Superior Court of New Jersey, Chancery Division, Monmouth County by Verified Complaint and Amended Verified Complaint of September 10, 2018, under Docket No. C-114-18; and

WHEREAS, all parties have reached an amicable settlement by Release and Stipulation of Settlement and Dismissal with Prejudice addressing all claims by all parties without further litigation as a result of mediation held on November 9, 2018.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes a Stipulation of Settlement and Dismissal with Prejudice to be filed with the Court upon full execution, a true copy of said proposed Stipulation is filed in the Office of the Municipal Clerk, which includes the requirement of a separate Contract of Sale between Neptune Township and Defendant, Larbi Kandil for the transfer of title to Neptune Township of the aforesaid property located at 1710 West Lake Avenue (Block 611, Lot 40) Neptune Township, New Jersey, for \$180,000.00; but does not provide for any other consideration by Neptune Township to the Defendants; and,

BE IT FURTHER RESOLVED, that the attached Stipulation of Settlement and Dismissal with Prejudice is hereby authorized to be finalized by the Municipal Attorney, Gene J. Anthony, Esq., and executed by him on behalf of the Township of Neptune; and,

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

The resolution was adopted on the following vote: Brantley, aye, adding that this is another step in the redevelopment. He thanked the Redevelopment Team for their efforts; Lane, aye; McMillan, aye; Rizzo, aye; and Williams, aye.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Mozelle Philpart, 1802 Bradford Avenue, stated that her neighbors installed a commercial fence and store construction equipment and supplies on the property. The Mayor stated that he will have the Code Enforcement Department investigate the matter tomorrow.

Tom Blewitt, PBA President, thanked everyone for adopting the resolution for the Sidebar Agreement, especially the Mayor and Dr. Brantley. He stated that the agreement was passed unanimously by vote of the PBA members.

Kevin Chambers, 58 Heck Avenue, asked for a copy of the litigation involving the Warrington Hotel. Mr. Anthony advised Mr. Chambers to contact Monica Kowalski, Board of Adjustment Attorney. Mr. Chambers relayed a story about police officers going above and beyond to assist a mentally ill person in Ocean Grove.

Hank Coakley, Valley Road, stated that the state's contractor did a poor job paving Route 33. He remarked on the tidal flooding on South Riverside Drive and indicated that the tideflex valves are not working. Mr. Gadaleta stated that they are working by the rain could get into the river because of the high tide.

Jack Bredin, 94 ½ Heck Avenue, discussed the definition of Contract Purchaser and stated that the Committee is doing questionable things to get the North End project approved. He doesn't agree with the language of the agreement and believes that the Committee does not rely on the advice of Mr. Anthony.

Carol Woidt, 2 Abbott Avenue, stated that she is concerned about the impact of the North End project on the citizens of Ocean Grove.

Joan Venezia, 107 Mt. Hermon Way, asked why the Redeveloper in the Interim Cost Agreement changed from MB1 to MB2. Mr. Maraziti stated that MB2 is financing the project. She asked if the lease between the OGCMA and OGNED has been signed. Mr. Maraziti stated that OGNED has an option to sign at any time. The Township will ensure that OGNED has the legal right to develop the property before a Redevelopment Agreement is signed. Ms. Venezia asked for a meeting with the Ocean Grove Homeowners Association Redevelopment Committee. There needs to be better communications and transparency. In addition, the Developer of the site needs to make it look better right now. A chain link fence surrounds the property and it is a mess. The Township also needs to address issues such as delivery times, garbage disposal, and a shuttle for employees within the development.

Kennedy Buckley, Broadway, stated that in the Taylor/9 Broadway litigation, the Township paid its attorney \$7,000 to negotiate a settlement agreement. The work on the property has not been done in accordance with the agreement. He asked if the Township can get those legal fees back. Mr. Gadaleta will contact Michael Celli, Assistant Township Attorney. Mr. Buckley stated that Asbury Park has implemented alternate side of the street parking to address cars being left of the streets for the winter.

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

Richard J. Cuttrell,
Municipal Clerk