

TOWNSHIP COMMITTEE MEETING – SEPTEMBER 23, 2019

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

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

Mayor Rizzo 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:

Mr. Lane stated that he attend the first Caregivers support meeting at the Senior Center. There were 12 participants and monthly meeting will be held beginning in 2020. The purpose is to give support to individuals who are providing care to an elderly or ill family member through discussions and group outings.

Mr. Anthony stated that a property has sold for which a License Agreement exists. He recommended approving an assignment of the License to the new owner and considering an ordinance to permit the assignment and establish a fee.

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

Mr. Lane 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:

Personnel – Citizen Board vacancies
Litigation – Thioubou v. Neptune
Personnel – Recommendation for hiring of Jailor

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: Lane, aye; Williams, aye; and Rizzo, aye.

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

The Committee reviewed recommendations for appointments to several citizen boards and took action by resolution during the regular business portion of the meeting.

Mr. Cuttrell stated that Chief Hunt has asked that the resolution on the regular meeting to employ a Jailor be tabled.

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

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

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 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 Rizzo 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. Lane offered a motion, seconded by Mr. Williams, to approve the minutes of the meeting held on September 9th. All were in favor.

COMMENTS FROM THE DAIS

Mr. Williams shared year to date crime statistics from the Police Department. In comparison to the same period last year, decreases were shown in the following areas: aggravated assaults, drug arrests, burglaries, theft, and weapons charges. Increases occurred in motor vehicle violations, speeding tickets, search warrants and indictable charges.

Mr. Lane attended a 9-11 service at American Legion Post #346, Neptune Day, a Shark River Coalition fundraiser, a ribbon cutting for the Village martial arts and boxing, the 6th Pastoral Anniversary of Rev. Lee at Mt. Carmel Church, the first meeting of a Caregivers support group at the Senior Center. He also presented a proclamation to Viola Robinson on the occasion of her 100th birthday. He announced upcoming events including Homecoming on September 28th, the Pound the Pavement 5km run on October 5th, and the Gables Halloween Party.

Mr. McMillan arrived.

Mr. McMillan stated that he had a great time at Neptune Day. He thanked the staff for preparing the proclamation to the family of Rev. Harrington.

Mayor Rizzo attended the Governor's Conference on Affordable Housing and Economic Development. She is looking at getting apprenticeship programs in this area and the idea of innovation economy which puts housing and jobs in the same place. Neptune Day was great and the Township has the best Recreation Department. Hackensack/Meridian is a great partner with the Township. They set up many informational tables at Neptune Day. She also attended the formal opening of the Hackensack/Meridian Urgent Care and Behavioral Health Center.

BUSINESS ADMINISTRATOR'S REPORT

Mr. Gadaleta provided the following report:

There has been no further submissions by BAW, LLC regarding their proposed development at West Lake Avenue. The Township Committee will consider a resolution this evening to terminate the Interim Cost and Conditional Designation Agreement.

4 North Boardwalk Update: As to future development on the east side, there has been no communication from Mr. Dweck or anyone else on that subject. No redeveloper Pre-Submission Form has been submitted.

Microgrid Project Update: BPU is still working on the application guidelines for funding Phase 2 for the eleven approved projects. Neptune will participate in a NJ Microgrid Stakeholder Group put together by NJIT, Center for Building Knowledge and Rutgers Bloustein School for Planning and Public Policy.

The Redevelopment Committee will hold its first meeting on September 24th with a potential redeveloper to complete the Schoolhouse Square project.

Skate Park Update: Construction of the skate park at Sunshine Village Park is complete, with the exception of grading and seeding which will take place this week and the installation of sidewalk and fencing which will begin shortly.

Living Shoreline Update: The design plan is in final draft form. A final review meeting with our project team will be held in the near future. A request for a time extension has been submitted to FEMA due in part to marine fisheries regulations. The project will commence in the spring of 2020, should FEMA grant the time extension. Township would like to announce that US Fish and Wildlife will be partnering with the Township and the American Littoral Society.

Redevelopment of 3501 Route 66 at Green Grove Road: The redeveloper is awaiting a final decision by the prospective tenant. In addition, they have interest from other potential tenants at the site. Once final word comes to the Township from the redeveloper we will make the information public.

K. Hovnanian, owners of the former Asbury Park Press site are finalizing leasing agreements with prospective tenants for that site. Again, once the final word comes to the Township we will make the information public.

Schoolhouse Road: NJDOT and Wall Township have been contacted concerning discussions on potential commercial vehicle restrictions. A meeting with their administrator and our respective police officials will be scheduled over the next ten days. I have an official response from NJDOT.

Governor's Conference on Housing and Economic Development: In follow up to the Mayor's comments, I also attended the conference. We will be meeting with representatives of Hackensack Meridian Health, NJEDA and NJ Redevelopment Authority.

Parking Study: I am awaiting dates for a follow up meeting with the consulting engineer who has provided the parking study proposal. I want to be assured that in spending \$8,000 for a study, the Township and the residents get information that will be beneficial moving forward.

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF JAILOR IN THE POLICE DEPARTMENT – TABLED

Mr. McMillan offered a motion, seconded by Mr. Lane, to table a resolution to "Extend offer of employment for the position of Jailor in the Police Department". All were in favor.

PUBLIC COMMENTS ON RESOLUTIONS

Jack Bredin, 94 ½ Heck Avenue, asked what the Assistant Zoning does. Mr. Gadaleta replied enforcement of zoning regulations. Mr. Bredin stated that zoning is law and the Board of Adjustment hears appeals of the zoning ordinance or interpretation of zoning. The Planning Board and Board of Adjustment have exclusive authority to act on matters of zoning. Questions on zoning should go to the Board of Adjustment. The Zoning Officer does nothing. Mr. Anthony replied that a zoning permit is needed for all construction and the Zoning Officer reviews every application for a permit.

ORDINANCE NO. 19-25 - ADOPTED

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

ORDINANCE NO. 19-25

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY CLARIFYING THE PARKING RESTRICTIONS FOR COMMERCIAL VEHICLES ON PUBLIC STREETS

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

Joan Venezia, 107 Mt. Hermon Way, asked if a person can park their commercial vehicle at a location that is not in front of the owner's house, such as along side Fireman's Park. Mr. Gadaleta responded no, this ordinance would permit parking only in front of the owner's home

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

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

ORDINANCE NO. 19-26 - ADOPTED

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

ORDINANCE NO. 19-26

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 SPRAY AVENUE REMOVING A HANDICAPPED PARKING ZONE ON FRANKLIN AVENUE

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

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

ORDINANCE NO. 19-27 - ADOPTED

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

ORDINANCE NO. 19-27

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO OXONIA AVENUE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$260,000 THEREFOR (INCLUSIVE OF A \$161,419 COMMUNITY DEVELOPMENT BLOCK GRANT) AND AUTHORIZING THE ISSUANCE OF \$93,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Hank Coakley, Valley Road, asked for the name of the Township's bond agent. Mr. Gadaleta responded Michael Bascom. The Mayor stated that bonds are sold by a qualified financial institution.

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

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

ORDINANCE NO. 19-28 - ADOPTED

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

ORDINANCE NO. 19-28

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE TOWNSHIP MUNICIPAL COMPLEX, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$190,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

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

ORDINANCE NO. 19-29 - ADOPTED

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

ORDINANCE NO. 19-29

BOND ORDINANCE PROVIDING FOR VARIOUS DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$150,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Joan Venezia, 107 Mt. Hermon Way, stated there are two areas that need improvements. First, the northwest corner of Mt. Hermon Way and New Jersey has ponding water and; second, the east side of Delaware Avenue between Main Avenue and Mt. Hermon Way needs curbing.

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

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

ORDINANCE NO. 19-30 - ADOPTED

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

ORDINANCE NO. 19-30

BOND ORDINANCE PROVIDING FOR PHASE II (GENERAL) OF THE PUBLIC WORKS FACILITY IMPROVEMENT PROGRAM, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

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

ORDINANCE NO. 19-31 - ADOPTED

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

ORDINANCE NO. 19-31

BOND ORDINANCE PROVIDING FOR PHASE II (SEWER UTILITY) OF THE PUBLIC WORKS FACILITY IMPROVEMENT PROGRAM, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$475,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

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

ORDINANCE NO. 19-32 - ADOPTED

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

ORDINANCE NO. 19-32

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF VARIOUS SEWER FORCE MAINS AND LINES, PHASE V OF THE GABLES AREA SEWER LINE REPLACEMENT PROJECT AND THE REPLACEMENT OF THE SANITARY SEWER SYSTEM INFRASTRUCTURE, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$760,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

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

ORDINANCE NO. 19-33 - APPROVED

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

ORDINANCE NO. 19-33

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON MAIN AVENUE AND STOCKTON AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON EMBURY AVENUE

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

ORDINANCE NO. 19-34 - APPROVED

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

ORDINANCE NO. 19-34

AN ORDINANCE AUTHORIZING THE EXECUTION OF A PUBLIC ACCESS EASEMENT AGREEMENT WITH OG NORTH END DEVELOPMENT, LLC, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

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

Mr. Cuttrell stated that the Public Hearings on Ordinances 19-33 and 19-34 will be held on Thursday, October 10, 2019.

CONSENT AGENDA

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

AUTHORIZE RENEWAL OF LIQUOR LICENSE ISSUED TO MOM'S KITCHEN, INC. T/A IL POSTO FOR THE 2019-2020 LICENSING YEAR

WHEREAS, Mom's Kitchen, Inc. t/a Il Posto has completed the on-line Alcoholic Beverage Control renewal application, paid the required state and local fees, been reviewed by the Neptune Township Police Department, and has been issued a New Jersey State Sales Tax Clearance

Certificate by the State Division of Taxation,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Plenary Retail Consumption License No. 1334-33-013-004 issued to Mom's Kitchen, Inc. t/a Il Posto be and is hereby renewed for the period July 1, 2019 to June 30, 2020; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be filed electronically with the Division of Alcoholic Beverage Control and in the file of the Licensee in the Office of the Municipal Clerk.

APPOINT MEMBER TO THE BOARD OF ADJUSTMENT

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following persons be and are hereby appointed to the Neptune Township Board of Adjustment:

Bryan Acciani as the Alternate #4 member to an unexpired two year term expiring December 31, 2019

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Board of Adjustment Administrative Officer.

ACCEPT THE RESIGNATION OF MAUREEN PAMPALONI AS A MEMBER OF THE BOARD OF LIBRARY TRUSTEES

WHEREAS, the Township Committee has received a notification that Maureen Pampaloni has resigned as a member of the Board of Library Trustees effective September 16, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Maureen Pampaloni as a member of the Board of Library Trustees is hereby accepted effective September 16, 2019; and,

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

APPOINT ASSISTANT ZONING OFFICER

WHEREAS, there is a vacancy in the position of Assistant Zoning Officer; and,

WHEREAS, the Land Use Administrator and Business Administrator have made their recommendation to appoint the Assistant Township Engineer to the position,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Kinga Stopka be and is hereby appointed to the position of Assistant Zoning Officer at an annual salary of \$3,411.69 effective September 24, 2019; and,

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

APPOINT MEMBER TO THE OCEAN GROVE SEWERAGE AUTHORITY

WHEREAS, due to the passing of Edward Wyzykowski, there is a vacancy on the Ocean Grove Sewerage Authority,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Wendel Thomas be and is hereby appointed to the Ocean Grove Sewerage Authority for an unexpired five year term expiring January 31, 2020; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Ocean Grove Sewerage Authority.

ACCEPT THE RESIGNATION OF TERRELL BROWN AS A SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from Terrell Brown resigning as a Special Law Enforcement Officer - Class II in the Police Department effective September 13, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Terrell Brown as a Special Law Enforcement Officer – Class II in the Police

Department is hereby accepted effective September 13, 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 SETTLEMENT IN THE MATTER OF TRAVIS CAVANAUGH V. ERIC CHUNN AND NEPTUNE TOWNSHIP, CIVIL ACTION NO. 3:14-CV-03447

WHEREAS, Plaintiff, Travis Cavanaugh, filed a lawsuit against Police Officer, Eric Chunn, and Neptune Township as a result of an arrest under allegations of excessive use of force; and

WHEREAS, it is the recommendation of the Neptune Township Insurance Carrier that this matter be settled for One Thousand Dollars (\$1,000.00); subject to the consent of Neptune Township,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes a settlement of the case of Travis Cavanaugh v. Eric Chunn and Neptune Township, under Civil Action No. 3:14-cv-03447 in the Federal Court of New Jersey for payment in the amount of One Thousand Dollars (\$1,000.00); and,

BE IT FURTHER RESOLVED, that this settlement authorization is made without prejudice with regard to any changes arising from actions taken by the Plaintiff or Co-defendants in this matter; and,

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

RECLASSIFY EMPLOYEE TO THE POSITION OF SENIOR EMERGENCY MEDICAL TECHNICIAN

WHEREAS, the EMS Manager has recommended the reclassification of a part-time Emergency Medical Technician to the position of part-time Senior Emergency Medical Technician; and,

WHEREAS, the EMS Manager and Human Resources Director have made a recommendation to reclassify an existing Emergency Medical Technician; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Emergency Medical Services 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 J. Dan Doggett be and is hereby reclassified to the position of part-time Senior Emergency Medical Technician in the EMS Department at an hourly rate of \$23.00 effective September 24, 2019; and,

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

APPOINT SCHOOL CROSSING GUARDS FOR THE 2019-2020 SCHOOL YEAR

WHEREAS, there is a need for School Crossing Guards for the 2019-2020 school year; and,

WHEREAS, the position was posted, applicants were interviewed, and the Chief of Police and Human Resources Director have made their recommendations; and,

WHEREAS, funds for this purpose are available in the 2019 municipal budget in the appropriation entitled Police S&W, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following individuals be and they are hereby employed as School Crossing Guards for the 2019-2020 school year and to perform such other duties as prescribed by the Chief of Police, at an hourly rate established by prior Resolution of the Township Committee:

Tonya Hill

Joseph Sanfelice II

John Crook

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

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 end of summer projects and the leaf collection season; and,

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

WHEREAS, funds for this purpose are available in the 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 September 24, 2019 to December 15, 2019, not to exceed forty (40) hours per week, at a salary of \$15.00 per hour with no health benefits:

Glenn Ramsey, II

Jonathan Cesareo

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.

AUTHORIZE PURCHASE AND INSTALLATION OF A WASHER AND DRYER FOR OFFICE OF EMERGENCY MANAGEMENT PERSONAL PROTECTIVE EQUIPMENT

WHEREAS, the Business Administrator solicited quotes for the purchase and installation of a washer and dryer for personal protective equipment at the Office of Emergency Management facility; and,

WHEREAS, the cost of said item is less than the bid threshold but exceeds \$17,500.00 and therefore must be awarded by Resolution of the governing body; and,

WHEREAS, said quotes were reviewed by the Business Administrator and O.E.M. Director who have recommended that the quote submitted by CSC Service Works for a Unimac washer and dryer be accepted in accordance with the Open Public Contracts Law; and,

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

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the purchase and installation of a Unimac washer and dryer for personal protective equipment at the Office of Emergency Management facility be and is hereby authorized through CSC Service Works pursuant to their quote of \$22,814.00; and,

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

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

AUTHORIZE THE TERMINATION OF THE INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT BY AND BETWEEN THE TOWNSHIP OF NEPTUNE AND BAW DEVELOPMENT, LLC

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

WHEREAS, by Resolution #18-369 of the Township of Neptune (the "Township") on October 22, 2018, the Township and BAW Development, LLC ("BAW") entered into an Interim Cost and Conditional Designation Agreement (the "Conditional Agreement") which, inter alia, designated BAW as the conditional redeveloper of the real property located upon Block 611, Lots 38, 39, 40 and 41, more commonly known collectively as 1718 West Lake Avenue; Block 605, Lots 1, 2, 43, 44, 45, 46 and 47, more commonly known collectively as 1620 West Lake Avenue; Block 602, Lots 13, 14 and 15, more commonly known collectively as 1509 West Lake Avenue; and Block 610, Lot 14, more commonly known collectively as 1715 West Lake Avenue; all as described on the Tax Map of the Township of Neptune (collectively, the "Property"); and

WHEREAS, Resolution #18-379, adopted by the Township Committee on November 8, 2018 amended the Conditional Agreement to include Block 611, Lot 1 within the Property; and

WHEREAS, Resolution #19-227 adopted by the Township Committee on May 23, 2019, further amended the Conditional Agreement extending the "Interim Period", as that term is defined in the Conditional Agreement, until such time as a Redevelopment Agreement between the parties is executed; and

WHEREAS, the Conditional Agreement further provides that if at any time during the Interim Period it is determined that a Redevelopment Agreement cannot be successfully negotiated and executed for any reason, then the Agreement may be terminated in writing by either party; and

WHEREAS, the Township and BAW have been unable to arrive at mutually agreeable terms for the implementation of a redevelopment project upon the Property and as such, the Township desires to terminate the Conditional Agreement at this time, and thus, the designation of BAW Development, LLC as the conditional redeveloper of the Property.

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

1. The designation of BAW Development, LLC as the conditional redeveloper of the Property is hereby automatically terminated.
2. The Mayor is hereby authorized to direct that a formal notice of the termination of the Interim Cost and Conditional Designation Agreement by and between the Township of Neptune and BAW Development, LLC in substantially the form attached hereto as **Exhibit A** be issued.
3. Staff of the Township of Neptune shall take any action that is necessary and appropriate to effectuate this Resolution.
4. The Mayor is hereby authorized to direct legal counsel to the Township of Neptune to initiate any communication and/or formal proceeding(s) as may be necessary and appropriate to recover all costs and fees incurred by the Township pursuant to the Conditional Agreement, including but not limited to, legal fees and other such professional fees so incurred by the Township.
5. This Resolution shall be effective immediately.

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

AUTHORIZE THE EXECUTION OF AN EXTENSION OF THE EMPLOYMENT AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND THE BUSINESS ADMINISTRATOR

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

WHEREAS, the Employment Agreement of Vito Gadaleta, Business Administrator, expires on December 31, 2019 and the Township desires to extend said Agreement for a period of one (1) year; and,

WHEREAS, the extension maintains the terms and conditions of the expiring agreement and contains a salary increase equivalent to that of other non-bargaining unit administrative staff whose contracts expire on December 31, 2020;

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 extension of the Employment Agreement of Vito Gadaleta, Business Administrator, said agreement on file in the Office of the Municipal Clerk; defining terms and conditions of employment for the term January 1, 2020 through December 31, 2020; and,

BE IT FURTHER RESOLVED, that this resolution shall serve as formal notification to Vito Gadaleta that his appointment as Township Administrator shall terminate on December 31, 2020; and,

BE IT FURTHER RESOLVED, that a copy of this resolution along with an executed copy of this agreement be forwarded the Business Administrator, Chief Financial Officer, Assistant C.F.O. and Human Resources Director.

The resolution was adopted on the following vote: Lane, aye, adding he clarified his position with Cindy Nelson and that we look for the best and we have that in Mr. Gadaleta; McMillan, aye, adding that Mr. Gadaleta continues to do a great job; Williams, aye; and Rizzo, aye, adding that she can think of no one else who could give her a better understanding of what it takes to run a Township.

The Mayor announces the following appointments to the Board of Library Trustees:

Dyese Davis to an unexpired five-year term.

CONFIRM MAYOR'S APPOINTMENT TO THE BOARD OF LIBRARY TRUSTEES

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

WHEREAS, due to the resignation of Maureen Pampaloni, there is a vacancy on the Board of Library Trustees,

THEREFORE, BE IT RESOLVED, that the Township Committee hereby confirms the Mayor's appointment of Dyese Davis to the Board of Library Trustees for an unexpired five-year term expiring December 31, 2022; and,

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

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. McMillan 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 following bills be paid if properly certified:

CURRENT FUND	5,864,927.32
GRANT FUND	22,295.95
TRUST FUND	34,987.38
GENERAL CAPITAL FUND	46,240.81
SEWER OPERATING FUND	1,126,597.23
MARINA OPERATING FUND	30,497.27
LIBRARY TRUST	806.75
BILL LIST TOTAL	\$7,126,352.71

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Angela Kulesz, 8 Ingles Court, discussed the need to extend the sidewalk on Walnut Street in the Gables. Mr. Gadaleta stated that the Township has looked into the issue. The sidewalks on both sides of Walnut Street to not extend to the corner. In most cases, the Township does not install sidewalks. The state's Safe Routes to Schools grant program is not funding sidewalks this year so the Township will continue to look for other opportunities. Ms. Kulesz asked if the ordinance on commercial vehicles includes parking in yards. Mayor Rizzo stated that parking on lawns is prohibited. Ms. Kulesz stated that there are cars for sale and cars being repaired near 109 Walnut

Street. Mr. Gadaleta will look into the matter.

Mike Todd, Rutherford Avenue, stated there is a new rule at the Public Works Yard that does not allow 8 foot trailers to drop off brush, but a pick-up of the same size is allowed. He only brings items from his property. Mr. Gadaleta will follow-up with the Public Works Department

Hank Coakley, Valley Road, asked if the busing of girls and boys in separate buses in Lakewood is legal. Mr. Anthony responded yes. Mr. Coakley voiced his opposition to the law to take away a weapon from someone deemed to have a mental illness. The weapon is taking away for a year, and if you go to court, it takes 15 months to be heard. He asked what time of the year the traffic study was done in Ocean Grove. Mr. Gadaleta stated the study has not been received by the Township. Mr. Coakley stated that the detour route at West Bangs Avenue is bad.

Allyson Clark, 214 Wayside Road, stated that 5G technology is dangerous to the public because of an increased risk of cancer and other illnesses and disorders. 5G has a much higher frequency and high levels of microwaves and RF radiation. The World Health Organization classified 5G as a Class 2 carcinogen. She reviewed studies showing that living near cell towers can cause illness and impairment. Mayor Rizzo stated that the FCC has ruled on 5G and the only thing the Township can do is look at the state's right to health. Studies are not definitive, but there are no long term studies, and the conversation needs to occur at the state level. The Township has no right to deny 5G. Mr. Anthony added that the Board of Public Utilities has taken the matter to court and the Township cannot challenge Verizon's easement to the telephone poles. Ms. Clark stated that this is very important and worth the time to look into further.

Joan Venezia, 107 Mt. Hermon Way, stated that the Township needs to get the word out regarding street sweeping so residents can move their cars, otherwise don't bother because can only go down the center of the road. She stated the boardwalk needs repair at the North End and the 4 Boardwalk site does not look good. The fencing looks bad and needs to come down. Mr. Gadaleta stated that OGNED now has control of the North End site west of the boardwalk and they will be moving on cleaning it up. He will work with the OGCMA on the 4 Boardwalk issue. Ms. Venezia asked what will happen with the Midtown Redevelopment Project. Mr. Gadaleta stated that the Township will be marketing the project and looking to gain further site control of the properties. Ms. Venezia asked if the OGNED traffic study will be public. Mr. Gadaleta replied yes.

Joel Popkin, 88 Inskip Avenue, stated the Ocean Grove Camp Meeting Association has reached out to the company that construction the boardwalk to get estimates for repairs at the North End in the area of the fire.

Jack Bredin, 94 ½ Heck Avenue, stated that the last Ocean Grove parking study was done by the OG Homeowners Association, then the Parking Task Force was appointed by the Township Committee. But, the parking study was not really a study at all. The streets in Ocean Grove are very narrow and there are site triangle issues. Mr. Bredin estimated that only 25% of the parking spaces in Ocean Grove are legitimate parking spaces because of these issues. Also, fire trucks now use Heck Avenue because of the increase in diagonal parking on Main Avenue.

Joyce Klein, 105 Mt. Hermon Way, stated that the OG Homeowners did not do a traffic study. They used the Township's parking data contained in the application of a waiver of the Residential Site Improvement Standards to come up with recommendations. The traffic expert was hired to review the recommendations of the Parking Task Force, not the recommendations of the OG Homeowners Association and not to come up with his own recommendations. Mayor Rizzo stated that she wants the \$8,000 budgeted for the traffic expert used to have the traffic expert come up with recommendations to improve parking.

Barbara Burns, 1 Ocean Avenue, stated there are about 1,800 parking places in Ocean Grove and there is much more demand than available spaces. The Committee should hire an economist to solve the parking issue because people drive to Ocean Grove so they can park for free.

Dan Kovall, 15 Schoolhouse Road, asked for a status on designating a weight limit on Schoolhouse Road. Mr. Gadaleta replied that the NJDOT must approve of the weight limit. He is meeting with Wall Township to develop a plan to submit to the NJDOT. Mr. Kovall stated that his neighbor allows their dog to urinate on his grass strip between the curb and sidewalk. Mr. Anthony replied that the Township has a "pooper scooper" ordinance that would apply.

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

Richard J. Cuttrell,
Municipal Clerk