

TOWNSHIP COMMITTEE MEETING – FEBRUARY 13, 2017

Mayor Brantley called the meeting to order at 5:00 p.m. and requested the Clerk to call the roll. The following members were present: Robert Lane, Jr., Carol Rizzo, Nicholas Williams and Mayor Michael Brantley. (Kevin B. McMillan arrived during the workshop session at 5:55 p.m.)

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

Mayor Brantley 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 on January 5, 2017 and The Coaster on January 12, 2017, a revised notice published on January 26, 2017, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Gadaleta stated that the Township's Clean Communities initiative will continue with education in the schools, a summer Workstudy Program, and the purchase of litter and recycle containers. He unveiled a new Neptune logo which will appear on all of the containers. The Workstudy Program will be increased to 24 youth, versus 12 in 2016, with the cost of the additional spots being funded by local businesses. Also, businesses will be contacted and encouraged to sign a commitment to keep the exterior of their properties clean.

The Mayor asked for support of a Mayor's Roundtable initiative. The idea will get groups together to work towards common goals of Neptune. He had a similar program the last time he was Mayor and wants to do it again this year. Participants will include the Board of Education, Housing Authority, Fire Districts and Sewer Authority. The group will raise awareness to Township issues and discuss collaboration and goals. The Mayor asked that a resolution be prepared for the next regular meeting to support the formation of the Roundtable. Mr. Gadaleta will put together invites to stakeholders.

The Committee discussed support for state legislation on pay equity and the elimination of discriminatory wage practices. Ms. Rizzo stated that the State Legislature passed a bill which was vetoed by the Governor. The bill provides for enforcement of the federal Ledbetter Act and provides for a method to lodge a complaint regarding discriminatory wage practices. Ms. Rizzo stated that the resolution supports the Legislature to put forth the bill again. Ms. Rizzo added that women and minorities make less than white men. This legislation could reduce the rate of poverty among women by going after employers who discriminate on the basis of race or gender.

Mr. Bascom reviewed the Township's Annual Financial Statement and a draft of the 2017 municipal budget. He stated that the Township retired almost an equal amount of debt as compared to the amount of debt issued in 2016. The Township's debt level is at 0.7% of total assessed valuation. The target is 1% and municipalities are permitted to go as high as 3.5%. The Township's net assessed valuation is up 2.5% over last year. The current fund balance is \$2,769,628. Mr. Bascom reviewed trust funds and grant programs. Mr. McMillan arrived. Mr. Bascom reviewed the schedule of debt service payment and total outstanding debt. Finally, he reviewed the sewer utility and marina utility portions of the Financial Statement.

Mr. Bascom reviewed the preliminary 2017 budget, particularly the revenue side and how it relates back to the Financial Statement. Each Committee member attended the budget hearings for their departments and reviewed the appropriation side of the departmental budgets at that time. The 2017 budget anticipates no tax increase and will be introduced at the March 13th meeting.

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

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

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

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

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

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

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

Real Estate negotiations – Seaview and Shark River Island deed restriction
Contract negotiations – Special Law Enforcement Officers rate/Agreement with Camp Meeting Association
Personnel – Employee COBRA reimbursement
Personnel – Recommendation to hire three Drivers in the Public Works Department
Personnel – Employee disciplinary matter

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; McMillan, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

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

The Committee reviewed recommendations for hiring three Driver positions and took action by resolution at the regular meeting.

The Committee reviewed a recent Superior Court decision on the suspension of Ptl. Kyheem Davis. One suspension was upheld and a second suspension was not. The Committee decided to appeal the decision and took action by resolution at the regular meeting.

The Committee reviewed the matter of the bid award for the Central Avenue Roadway Project. The Committee took action in January to rescind the bid because the Contractor submitted for additional costs due to the shutdown on Transportation Trust Fund projects by the State last Fall. The Committee took action by resolution at the regular meeting to re-award the bid to the Contractor for the original bid award amount.

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

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

Also present at the dais were Richard J. Cuttrell, Municipal Clerk; Vito D. Gadaleta, Business Administrator; Michael J. Bascom, Chief Financial Officer; 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 Brantley 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 on January 5, 2017 and The Coaster on January 12, 2017, 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. Williams offered a motion, seconded by Mr. McMillan, to approve the minutes of the meetings held on January 1st, January 9th, and January 23rd. Mayor Brantley stated that one of the meeting minutes has an extra word that needs to be removed. He will provide this information to Mr. Cuttrell to make the simple correction. All were in favor.

RECOGNITION OF RETIRING TOWNSHIP EMPLOYEE

The Mayor and Committee recognized Roberta Grace who retired as Special Projects Coordinator after 22 years of service. Roberta began her career at Neptune as the Welfare Director.

LOUIS BAY FUTURE MUNICIPAL LEADERS SCHOLARSHIP COMPETITION

The Mayor announced the Louis Bay 2nd Future Municipal Leaders Scholarship competition. Mr. Gadaleta will be coordinating the initiative with the school system.

COMMENTS FROM THE DAIS

Mr. McMillan attended budget hearings and it was great. He also attended the Black History Program and his Fraternity presented two \$250 book scholarships to two Neptune Township seniors and the topic was Pursuing Secondary Education. He then went to the Neptune vs Long Branch triple overtime game which was a thriller. Yesterday he attended Macedonia Baptist Church and they had a Black History Month Celebration.

Mr. Lane stated that he attended Departmental budget hearings and the Planning Board meeting. The Veterans Memorial Park benefit, A Night at the USO, will be held on April 29th at the American Legion on Gully Road and will honor Scott Nokes. Ajee Wilson of Neptune broke the women's 800m record from 2002. The Elks presented a check to the Senior Center for \$3,000. He attended the Black History Month celebration on February 11th where Teretha Jones, Tyrone Wall, Roberta Grace and Universal Drum & Dance were honored. He attended the Standing on the Shoulders of Giants Black History event where Senator Menendez and Assemblywoman Bonnie Watson-Coleman spoke.

Ms. Rizzo stated on January 26th she attended a tenants meeting at Winding Ridge and there were still a number of residents who are not certified, therefore, not eligible to stay and this is posing a bit of a problem for those folks. They are trying to find different ways in trying to help them. On February 6th she met with Pastor John from the Ocean Grove Camp Meeting Association. She also met with the Hackensack Meridian Advisory Committee and they talked about their plans and the garage is open and their plans going forward seem pretty good. On the 8th of February they held their EDC meeting where they spent a lot of time talking about midtown and how they start the redevelopment process there. On February 11th she attended the Women's Monmouth County Caucus Retreat. She stated she got to hear a lot of incredible speakers. She also stated she attended the budget sessions and everyone participated fully and it was a pleasure working with everyone and they take this very seriously. She went on to state that Mr. Bascom has done an amazing job. She stated March 31st was the deadline for people to put in for the paint program.

Deputy Mayor Williams stated he attended a Board of Education Meeting honoring them. He was also a member of the Black History Committee and a lot was accomplished. He attended the basketball game which was held next door. He attended the Campus at Macedonia.

Mayor Brantley stated he was back to performing weddings. He commended the Township and the School Board for sponsoring the Black History Program. He felt the program was great and let people know what Africans have done. He commended Committeeman McMillan to represent the Democratic Party in the Primary in June. He attended Macedonia Baptist Church and thanked them for their involvement in the community.

PUBLIC COMMENTS ON RESOLUTIONS

Mr. Cuttrell and Mr. Anthony read the last three resolutions as they were added to the agenda as a result of discussions during the workshop meeting.

Michael Fornino, 120 Fulham Place, commented on Resolution #17-103 and stated he felt that some of the things that are done by the town could be done by following strict guidelines of mortgage procedures rather than using the bond counsel. He questioned what was the engineer going to be consulted for as mentioned in Resolution #17-105.

Mayor Brantley stated the Township has an engineering pool and all public projects go through that pool and we have a member of the pool that is not taking projects and we don't have enough engineers for the projects coming forward.

Hank Coakley, Valley Road, asked who is the Bond Counsel and what do they do. Mr. Bascom stated that they are involved in debt issuance for the Township and Tony Pannella from Wilentz, Goldman and Spitzer is Township's Bond Counsel. He added that payment to the Bond

Counsel is based on a per hour rate for work performed.

Joyce Klein, 105 Mt. Hermon Way, asked for information on the Central Avenue project. Mr. Gadaleta stated that it is road resurfacing and handicapped ramps at each corner. Ms. Klein asked if the angled parking spaces will be included pursuant to the Task Force recommendations. Mr. Gadaleta stated yes and the project will hopefully be completed by Memorial Day.

Dorothy Argyros, 2100 Rutherford Avenue, asked if the pesticides used in the mosquito spraying are not harmful. The Mayor stated yes. She stated that T&M Associates is the king of pay-to-play and asked the Committee to look them up before adopting the resolution to appoint them. The Mayor stated that T&M Associates has been in the Township's engineering pool in many prior years.

Jack Bredin, 94 ½ Heck Avenue, commented on Resolution #17-119 stated when he worked for a union they negotiated for a person and not based on race or gender. He stated he was in favor of pay equity as long as someone is not manipulating the numbers to make it look like women are making less.

ORDINANCE NO. 17-04 - ADOPTED

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

ORDINANCE NO. 17-04

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VI, SECTION 6-8 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "EMPLOYEE REGULATIONS IN FACILITIES HOLDING A PLENARY RETAIL CONSUMPTION LICENSE, PLENARY RETAIL DISTRIBUTION LICENSE, AND/OR CLUB LICENSE FOR ALCOHOLIC BEVERAGES"

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

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

ORDINANCE NO. 17-05 - ADOPTED

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

ORDINANCE NO. 17-05

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND ESTABLISH A CAP BANK FOR PURPOSES OF INTRODUCING THE 2017 MUNICIPAL BUDGET

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

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

ORDINANCE NO. 17-06 - ADOPTED

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

ORDINANCE NO. 17-06

AN ORDINANCE AMENDING ORDINANCE NO. 16-46 ENTITLED "AN ORDINANCE CREATING AND SETTING THE SALARY RANGE FOR NEW JOB TITLES AND AMENDING THE SALARY

RANGES FOR ALL OTHER EXISTING JOB TITLES OF THE TOWNSHIP OF NEPTUNE AND REPEALING ALL PARTS OF PREVIOUS ORDINANCES INCONSISTENT HEREWITH”

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

Michael D. Fornino, 120 Fulham Place, asked what type of guide is being used to establish salary ranges in the Township. Mr. Bascom responded that this particular ordinance amends certain part-time positions to raise them to \$15.00 an hour which the Committee has established as the minimum wage for municipal employees.

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

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

ORDINANCE NO. 17-07 - APPROVED

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

ORDINANCE NO. 17-07

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT HANDICAPPED ON-STREET PARKING ZONES ON INSKIP AVENUE AND BROADWAY AND REMOVING HANDICAPPED PARKING ZONES ON ABBOTT AVENUE

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

ORDINANCE NO. 17-08 - APPROVED

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

ORDINANCE NO. 17-08

AN ORDINANCE AUTHORIZING THE CONTINUATION OF A LEASE AGREEMENT BETWEEN THE COUNTY OF MONMOUTH AND THE MONMOUTH COUNTY SHERIFF'S OFFICE AND THE TOWNSHIP OF NEPTUNE FOR PROPERTY LOCATED AT 1825 CORLIES AVENUE

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

Mr. Cuttrell stated that the public hearings on Ordinances 17-07 and 17-08 will be held on Monday, February 27th.

CONSENT AGENDA

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

APPOINT PLUMBING SUB-CODE OFFICIAL

WHEREAS, on October 6, 2016, the Township Committee adopted Resolution #16-430 which authorized the employment of Warren Winch for the position of on-call part-time Plumbing Sub-Code Official, for as-needed work in the absence of the appointed Township Plumbing Sub-Code Official; and,

WHEREAS, Rusty Kleiberg, the Township's appointed Plumbing Sub-Code Official, has retired; and,

WHEREAS, in accordance with state statute, the Township is required to appoint a Plumbing

Sub-Code Official for a term of four years; and,

WHEREAS, the Construction Official recommends the appointment of Warren Winch as the Township's Plumbing Sub-Code Official; and,

WHEREAS, funds will be provided for the first three months of 2017 in the 2017 Temporary Budget and funds for the balance of 2017 will be provided in the Budget for the year 2017, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints Warren Winch as the Township Plumbing Sub-Code Official, effective immediately, for a four year term expiring February 13, 2021, in a part-time capacity at an hourly rate as established by previous Resolution of the Township Committee, and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Construction Official, Chief Financial Officer, and Human Resources Director.

APPOINT BOND COUNSEL

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

WHEREAS, the Township accepted Requests for Proposals for said position on December 8, 2016 and will make a selection from the proposals received; and,

WHEREAS, funds will be provided for the first three months of 2017 in the 2017 Temporary Budget and funds for the balance of 2017 will be provided in the Budget for the year 2017, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a contract to engage the services of Wilentz, Goldman & Spitzer, as Township Bond Counsel for the year 2017, effective January 1, 2017 at the terms as indicated in said contract on file in the Office of the Municipal Clerk; and,

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

ACCEPT THE RESIGNATION OF JEFFREY MOORE AS A POLICE OFFICER

WHEREAS, the Township Committee has received a letter from Jeffrey Moore resigning as a Police Officer from the Police Department effective January 25, 2017,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Jeffrey Moore as a Police Officer in the Police Department is hereby accepted effective January 25, 2017; and,

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

APPOINT CONSULTING ENGINEER

WHEREAS, the Township of Neptune has appointed its in-house Director of Engineering and Planning as Township Engineer; and,

WHEREAS, from time to time there are larger and more specialized engineering and infrastructure projects that require the services of a Consulting Engineer as determined by the Township Engineer; and,

WHEREAS, on January 1, 2017, the Township Committee adopted Resolution #17-14 which appointed a pool of Consulting Engineers who can provide proposals for engineering services on specific Township projects; and,

WHEREAS, the Township Committee desires to appoint an additional firm to the pool of Consulting Engineers through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on December

8, 2016 and will make an additional selection from the proposals received; and,

WHEREAS, funds will be provided for this purpose by Resolution at the time engineering services are awarded for a specific project,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes to appoint and engage the services of the T&M Associates who will be solicited for proposals on larger and/or specialized engineering projects beyond the scope of the Township Engineer and in-house staff for the year 2017; and,

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF SCHOOL CROSSING GUARD

WHEREAS, there is a need for additional School Crossing Guards for the 2016-2017 school year; and,

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

THEREFORE, BE IT FURTHER RESOLVED, that the Township Committee of the Township of Neptune hereby extends a conditional offer of employment to William Small to serve as a School Crossing Guard for the 2016-2017 school year contingent upon favorable results of required pre-employment screening and background check, at an hourly rate as established by prior Resolution of the Township Committee; and,

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

AUTHORIZE THE EXECUTION OF AN AGREEMENT WITH JSAS HEALTH CARE, INC. FOR ADULT SUBSTANCE ABUSE SERVICES TO TOWNSHIP RESIDENTS

WHEREAS, JSAS Health Care, Inc. is a non-profit corporation, licensed and approved by the New Jersey Department of Health to provide ambulatory care services to substance abusers of all ages, on-site at its principal offices at 685 Neptune Blvd., Suite 101, Neptune, New Jersey or off-site in an approved and confidential setting, and,

WHEREAS, the Township desires to make available to its residents, a full range of substance abuse services, at no "out of pocket" cost to any individual resident and the Township will make available up to fourteen thousand dollars (\$14,000) in 2017 budgeted funds to pay for these services; and,

WHEREAS, JSAS Health Care, Inc. agrees to continue providing its services if the amount of the Township appropriation is exhausted; and,

WHEREAS, funds for this purpose will be provided for the first three months of 2017 in the 2017 Temporary Budget and funds for the balance of 2017 will be provided in the budget for the year 2017, 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 the Mayor and Clerk be and are hereby authorized to execute an agreement with JSAS Health Care, Inc., to provide substance abuse services to Township residents for the year of 2017 at an amount not to exceed \$14,000.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution and the agreement be forwarded to the Drug Alliance Coordinator, JSAS Health Care, Chief Financial Officer, and Assistant C.F.O.

REAPPOINT PUBLIC RELATIONS AND MARKETING CONSULTANT

WHEREAS, on March 14, 2016, the Township Committee adopted Resolution #16-143 which appointed Millennium Strategies as Public Relations Consultant through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township desires to reappoint Millennium Strategies for 2017; and,

WHEREAS, funds will be provided for the first three months of 2017 in the 2017 Temporary Budget and funds for the balance of 2017 will be provided in the Budget for the year 2017, when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the execution of a contract to engage the services of Millennium Strategies as Public Relations Consultant for the year 2017, at the terms as indicated in said contract on file in the Office of the Municipal Clerk; and,

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

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.

AUTHORIZE RENEWAL OF OPTIONAL DENTAL INSURANCE PLAN

WHEREAS, Dental Services Organization, Inc. provides dental care at a fixed monthly cost to individuals who elect to enter the program; and,

WHEREAS, the Township authorized the offering of this optional Plan to its employees for a three year term effective February 1, 2014; and,

WHEREAS, participation in this Dental Plan is at the option of the employee and the employee is responsible for the cost of monthly payments in excess of the cost of the dental insurance currently provided by the Township; and,

WHEREAS, the Township desires to renew this optional benefit plan,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the Mayor and Clerk to execute an Agreement with Dental Services Organization, LLC. to provide dental coverage to Township employees electing to participate in the program for a

three year period from February 1, 2017 to January 31, 2020; and,

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

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH GABLES SANITARY SEWER REPLACEMENT PROJECT – PHASE IV

WHEREAS, on September 12, 2016, a contract was awarded to P&A Construction in the amount of \$929,487.80 in connection with the Gables Sanitary Sewer Replacement Project – Phase IV; and,

WHEREAS, changes to the contract have been experienced as a result of multiple unforeseen subsurface conditions including a large number of unused and unmarked laterals, removal of wood sheathing in deep excavations, and the need to reset multiple manhole castings; and,

WHEREAS, these changes have been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances 15-36 & 12-14 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with P&A Construction in connection with the Gables Sanitary Sewer Replacement Project – Phase IV resulting in a net increase of \$37,260.16 revising the total contract amount to \$966,747.96; and,

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

AUTHORIZE THE PURCHASE OF A PORTABLE AIR COMPRESSOR THROUGH THE NATIONAL JOINT POWERS ALLIANCE PURCHASING PROGRAM

WHEREAS, the Township Committee wishes to authorize the purchase of a portable air compressor for the Department of Public Works utilizing pricing through the National Joint Powers Alliance Cooperative 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 National Joint Powers Alliance has a nationally recognized cooperative agreement and has awarded Contract No. 052015-CEC to Penn Jersey Machinery for Construction and Agricultural Equipment which includes a Doosan P250/HP185 portable air compressor; and,

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

WHEREAS, the cost of this equipment shall not exceed \$27,046.00; and,

WHEREAS, funds for this purpose are available in Ordinance 16-27 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 Doosan P250/HP185 portable air compressor be and is hereby authorized through the National Joint Powers Alliance Purchasing Program at an amount not to exceed \$27,046.00; 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 Auditor.

AUTHORIZE ADDITIONAL APPROPRIATION FOR ENGINEERING SERVICES IN CONNECTION WITH GABLES SANITARY SEWER REPLACEMENT PROJECT – PHASE IV

WHEREAS, on February 22, 2016, the Township Committee adopted Resolution #16-127 which authorized PS&S to perform various engineering services in connection with Phase IV of Gables Sanitary Sewer System Improvements; and,

WHEREAS, said Resolution also authorized construction management services in an amount not to exceed \$25,000.00 for this project; and,

WHEREAS, PS&S quoted for part-time construction management services; however, additional services were required and the authorized appropriation has been exhausted; and,

WHEREAS, the Township Engineer recommends an additional authorization of \$10,000.00 for engineering fees in this matter; and,

WHEREAS, funds will be provided in Ordinance No. 15-36 and the Chief Financial Officer has so certified in writing,

THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby amends Resolution #16-127 to increase the appropriation authorization by \$10,000.00 for a total authorized appropriation of \$35,000.00 for engineering inspections in connection with Gables Sanitary Sewer System Improvements – Phase IV; and,

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

AUTHORIZE CHANGE ORDER #1 IN CONNECTION WITH SOUTH CONCOURSE FLOOD MITIGATION PROJECT

WHEREAS, on August 29, 2016, a contract was awarded to Bird Construction in the amount of \$737,331.00 in connection with the South Concourse Flood Mitigation Project; and,

WHEREAS, changes to the contract have been experienced as a result of the discovery that the sewer force main was at a higher elevation than indicated on mapping. This requires that the Contractor temporarily divert the flow from the sewer main and cut the pipe, burn a hole in the bulkhead sheet pile and then fuse the force main together and sleeve through the bulkhead; and,

WHEREAS, these changes have been approved by the Township Engineer; and,

WHEREAS, funds for this purpose are available in Ordinances 11-05 & 14-30 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute Change Order #1 in the contract with Bird Construction in connection with the South Concourse Flood Mitigation Project resulting in a net increase of \$15,000.00 revising the total contract amount to \$752,331.00; and,

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

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

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

Mr. Williams offered the following resolution, moved and seconded by Mr. Lane, 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 Business Administrator have made their recommendations; and,

WHEREAS, funds will be provided for the first three months of 2017 in the 2017 Temporary Budget and funds for the balance of 2017 will be provided in the Budget for the year 2017, 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 Blake Ahern, Malcolm Robinson, and Brian Holland for the position of Driver in the Department of Public Works, 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 February 21, 2017, at an annual salary of \$31,200.00; 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: Lane, aye; McMillan, aye; Rizzo, aye; Williams, aye; and Brantley, aye.

APPOINT ARCHITECT FOR PUBLIC WORKS FACILITY RENOVATIONS AND AWARD CONTRACT FOR ARCHITECTURAL SERVICES

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

WHEREAS, the Township desires to undertake a project to perform major renovations to the Public Works facility on Heck Avenue; and,

WHEREAS, the Township accepted Requests for Proposals for Public Works Facility Architect of Record on December 8, 2016; and,

WHEREAS, the Business Administrator reviewed the submitted proposals and solicited bids from three firms for architectural services specifically for the renovation project; and,

WHEREAS, the Township Committee desires to appoint an Architect of Record and award a contract for architectural services through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 16-27 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby appoints and engages the services of Netta Architects to serve as Architect of Record for renovations to the Public Works facility; and,

BE IT FURTHER RESOLVED, that a contract is hereby awarded to Netta Architects for architectural services, including concept design and coordination, design development, preparation of contract documents, public bidding, and construction administration and inspection, in connection with renovations to the Public Works facility at a total amount not to exceed \$238,800.00; and,

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

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

AWARD BID FOR 2016 ROAD IMPROVEMENT PROGRAM

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

WHEREAS, on January 31, 2017, the Township Engineer received bids for the award of a contract for the 2016 Road Improvement Program; and,

WHEREAS, said bids were reviewed by the Township Engineer who has recommended that the bid be awarded to the lowest bid submitted by P&A Construction; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 13-14 and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to P&A Construction on their lowest responsible bid of \$896,660.50 for the Base Bid, Addition Item A, and Addition Item B in connection with the 2016 Road Improvement Program; and,

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

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

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	\$751,758.60
GRANT FUND	22,860.78
TRUST FUND	39,339.52
GENERAL CAPITAL FUND	663,417.97
SEWER OPERATING FUND	32,958.77
SEWER CAPITAL FUND	17,775.00
MARINA OPERATING FUND	10,511.86
MARINA CAPITAL FUND	600,000.00
DOG TRUST	387.40
LIBRARY TRUST	1,125.70
BILL LIST TOTAL	\$2,140,135.60

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; Rizzo, aye; Williams, aye; and Brantley, aye.

URGE THE STATE LEGISLATURE TO OVERRIDE GOVERNOR'S VETO OF SENATE BILL S-992 WHICH SEEKS TO ELIMINATE DISCRIMINATORY WAGE PRACTICES

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

WHEREAS, the existence of wage discrimination is an incontrovertible fact; and,

WHEREAS, it is a worthy goal of public policy to eliminate discriminatory wage practices; and,

WHEREAS, it is the stated goal of Senate Bill S-992 to address the deficiencies of the original Law Against Discrimination in order to provide more tools to workers seeking to rectify discrimination; and,

WHEREAS, as originally written, S-992 provided appropriate worker protections from employer retaliation; and,

WHEREAS, as originally written, S-992 provided appropriate disincentives to employers who would otherwise practice wage discrimination; and,

WHEREAS, the Governor's conditional veto did not address substantive issues with the bill as written and did not make any tangible improvements to the bill,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby urges the New Jersey Senate and New Jersey Assembly to pass the override of the Governor's veto of S-992; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Senate President Steven Sweeney, Assembly Speaker Vincent Prieto, Senator Jennifer Beck, Assemblyman Eric Houghtaling and Assemblywoman Joann Downey.

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

RESCIND RESOLUTION #17-93 APPROVED ON JANUARY 23, 2017 RESCINDING BID AWARD FOR CENTRAL AVENUE ROAD IMPROVEMENT PROJECT

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

WHEREAS, on June 16, 2016, the Township Engineering Consultant received bids for the award of a contract for the Central Avenue Road Improvement Project; and

WHEREAS, on June 27, 2016, the Township Committee adopted Resolution #16-304, as amended by Resolution #16-328 on July 25, 2016, which awarded the bid for the Central Avenue Road Improvement Project to Lucas Construction; and

WHEREAS, a contract was entered into between the parties on August 8, 2016, but no Notice to Proceed was issued by the Township; and

WHEREAS, the Governor of the State of New Jersey thereafter issued a Stay on all funding with regard to street and highway projects, which would not be lifted until a substantial time thereafter; and

WHEREAS, on November 15, 2016, Lucas Construction sent out a letter written by Steven Amos, Project Manager, indicating projected additional costs as a result of the NJDOT TTF Shutdown, and arguing additional potential damages of approximately \$72,181.37 based on anticipated labor cost increases, projected overhead costs, speculated general and administrative overhead costs and impaired bonding capacity; and

WHEREAS, as a result of the aforesaid demand for additional projected and potential costs, Lucas Construction was no longer the lowest bidder, and the amount projected was beyond the funding capacity of the Township as the aforesaid project was budgeted for with all necessary funding; and

WHEREAS, as a result of the aforesaid circumstances, the Township Committee passed Resolution #17-93 on January 23, 2017 rescinding the bid award for the Central Avenue Road Improvement Project to Lucas Construction; and

WHEREAS, on February 8, 2017, a letter was submitted by counsel for Lucas Construction, indicating that the aforesaid potential costs were merely potential Change Order costs, and that the contractor was still subject to the original contract; and

WHEREAS, it is in the best interest of the Township to proceed with the contract with Lucas Construction as it was agreed upon in the amount of \$448,448.00.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby rescinds its Resolution #17-93 of January 23, 2017, and the Township Committee authorizes the Township Engineer to issue a Notice to Proceed as soon as construction can proceed pursuant to the agreement reached between the parties on August 8, 2016 at a base bid price of \$448,448.00; subject only to legitimate and approved Change Orders, if

any, and where Change Orders are based on costs arising from the delay of construction prompted by the NJDOT TTF Shutdown, and only where such costs have been approved by the State of New Jersey and are subject to state reimbursement; and

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

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

AUTHORIZE APPEAL OF SUPERIOR COURT OF NEW JERSEY DECISION ON KYHEEM DAVIS

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

WHEREAS, certain disciplinary actions undertaken by the Neptune Township Police Department were appealed by Officer Kyheem Davis to the Superior Court of New Jersey, and went before the Honorable Paul X. Escandon, J.S.C.; and

WHEREAS, Judge Escandon upheld a three-day suspension based upon Officer Davis losing a prisoner's \$700.00 I-phone, but held in favor of Officer Davis with regard to the ninety-day suspension based on reckless driving; and

WHEREAS, the Township feels it is necessary to resolve all issues and exhaust all remedies available, since the allegations of violations of Township Department Rules and Regulations are severe,

THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Neptune, that the governing body hereby authorizes the Municipal Labor Attorney to file an appeal with regard to that portion of Judge Escandon's opinion, which reverses the disciplinary action taken by Neptune Township against Officer Kyheem Davis, and that such an appeal shall be taken to the Superior Court of New Jersey, Appellate Division or other appropriate review forum; and,

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

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dorothy Argyros, 2100 Rutherford Avenue, stated that the Police Department has a history of violence against women as evidenced by the murder of Tamara Seidle and the death of Katie Lee Thomas while in police custody. In addition, Officers Savage and Gonzalez faced discrimination in the Police Department and were awarded \$660,000. Katie Lee Thomas was a 21 year old woman found dead in a jail cell. Huge sums of money will be given to the Seidle and Thomas estates. The State Liability Insurance Fund will pay this money, but Neptune is a moral risk and may be dropped by the insurance carrier. She stated that the Township should fire those responsible and require police officers to carry their own liability insurance.

Dianna Harris, MURC, asked for information on the Davis resolution. Mr. Anthony stated that the Committee authorized an appeal of the disciplinary matter that the Superior Court threw out.

Kennedy Buckley, Ocean Grove, stated that he appreciates Roberta Grace and that she exemplifies Township employees who serve to help the residents. He stated that the shoveling of sidewalks in the recent snowstorm was good and issuing summonses really works.

Rev. Edmond Lee, Mt. Carmel Baptist Church, Ministerial Alliance, stated the snow plowing was done a lot better than the last time that they had it. It allowed people to travel safely. He requested information on the Clean Communities Initiative.

Mr. Gadaleta stated they actually were continuing to move forward on some of the items they had discussed last year when he met with the members of the ministerial alliance. They will continue with some of the same programs as well as creating new ones. He stated litter would even be addressed. He displayed the new logo that would go on the recycling cans.

Hillary Kavtaradze, 114 Highland Avenue, expressed her thanks to Mr. Gadaleta and Mr.

Anthony for resolving encroachment issues on her property. There are problems with her house but two major issues were resolved. The Construction Department helped her resolve an issue where a Contractor falsified an elevation certificate.

Jack Bredin, 94 ½ Heck Avenue, stated the name of Wesley Lake on the tax map was changed from Wesley Lake to Wesley/Retention Basin. He went to a Wesley Lake Commission meeting and they stated they really had no input into that name change. Asbury Park assured him that they had no part in the name change. He asked at a Township meeting how did it get changed and Mr. Bishop stated they were told to change it but he did not mention by whom. He stated he believed that Mr. Bishop thought to himself that somethings were left better off not said.

Joyce Klein, 105 Mt. Hermon Way, stated that the Police Department did an excellent job enforcing the snow emergency and the snow removal from sidewalks was better. She asked when angle parking will be authorized. The Mayor stated that he asked Mr. Cuttrel to put the matter on the next regular meeting.

Barbara Burns, 4 Ocean Avenue, questioned what portion of the Davis matter that went before Superior Court were they appealing.

Mr. Anthony stated the court upheld one suspension and through a second suspension out and the Committee is appealing the suspension the court dismissed.

Ms. Burns questioned whether there was a timeline as to when the CLG would be filed.

Mayor Brantley stated they would respond on that very shortly and perhaps within the next two meetings.

Hank Coakley, Valley Road, stated through the years he's questioned whether the Township could control the Canadian geese. He also questioned who issued the id's that would allow you to vote. He felt that you should provide identification to vote. He requested they call Wall Township to get lines painted on Gully Road and questioned whether there was a time frame to have political signs removed.

Ernestine Horsley, 510 Myrtle Avenue, stated that Heck and Atkins Avenues need paving. Mr. Gadaleta stated that the Committee just awarded a contract for road resurfacing which will start in late March.

Michael Fornino, 120 Fulham Place, stated people were thanking the Committee for such a great job with the snow plowing when they should be thanking him because it took six months to get the Township to draft a formal snow removal plan and Mike Bascom will bare that fact out because prior to that people would be trapped in their homes for up to four days.

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

Richard J. Cuttrel,
Municipal Clerk