

TOWNSHIP COMMITTEE MEETING – MAY 8, 2017

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

Also present at the dais were Pamela D. Howard, Deputy 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, 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 handed out a proposed work plan for groundwater management during the sanitary sewer install for Jersey Shore University Medical Center project. He state they were estimating 25 days to finish the project.

Ms. Rizzo questioned where the chemicals were coming from.

Mr. Gadaleta stated there were a lot of gas stations in that area.

Mr. Bascom stated two gas stations across the street were in remediation.

Mayor Brantley questioned when was the sampling was done.

Mr. Gadaleta stated it was done a few weeks ago and that the only thing going into the system was clean treated water.

Ms. Rizzo requested they get the DEP involved.

Mayor Brantley suggested they set this up for a future date to discuss. He stated he felt they should go along with ground water management. He stated he was in agreement to provide and address the other issue as soon as possible.

Ms. Rizzo's calendar item to discuss was fencing around construction sites in Ocean Grove. She felt it should be mandated. She agreed to meet with Mr. Anthony and discuss it further.

Mr. Bascom informed her that she would have to define construction.

Ms. Rizzo stated she was more concerned with properties like 9 Broadway and felt they should not leave this to the good nature of the contractors.

Mr. Gadaleta stated the port a potties were becoming a problem as well.

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

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

Potential Litigation – Memorial Day parade  
Litigation – Labor Attorney matters  
Potential Litigation – Monmouth County Prosecutor’s investigation on Ocean Grove fire  
Personnel – Recommendation for Driver  
Contract negotiations – NJDOT/Shark River

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

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

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

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

Also present at the dais were Pamela D. Howard, Deputy 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](http://www.neptunetownship.org).

#### COMMENTS FROM THE DAIS

Mr. Lane stated he attended the USO Dinner dance and it was a huge success. They raised \$4,237.65 and at the next meeting they will discuss improvements. He stated he also attended the Wesley Lake Clean Up.

Ms. Rizzo stated she attended the craft fair on Saturday and a gentleman who played in the band turned out to be her partner’s cousin. She stated she met with Mr. DiGiamberardino who will help plan something to have the whole town involved.

Mr. Williams stated on April 25th he attended Shark River Hills Homeowner’s meeting and he felt it was very informative. He stated he also attended the school board meeting where he addressed the new members and wished them luck. He attended the ribbon cutting in Belmar for the John Taylor Pavilion. Mr. Taylor’s wife cut the ribbon. On Saturday, he attended the Shark River Hill’s Clean Up Coalition and a lot of children were involved.

Mayor Brantley stated he attended the Shark River Hills Property Owners meeting along with the Department Heads and gave a State of Neptune Address. He attended the Conference of the Mayors in Atlantic City. He stated he was not able to attend the USO Dinner. He went on to state that he would be meeting with Senators and elected official to address Neptune’s concerns. He congratulated President Granelli and the school Board members who won the election. He hoped to have a better relationship for our children. He stated he was not able to attend the Wesley Lake Clean up due to being in Atlantic City. He stated efforts to clean were appreciated. Mayor Brantley read the prepared stated regarding the most recent fire in Ocean Grove:

The investigation remains open, however at this time the investigation report indicates

that through the use of cognitive experiments, fire department and police data on potentially related incendiary incidents in the community, photographs, videos, witness statements, and fire scene examination itself, it is probable that either an arsonist deliberately or a vagrant accidentally set a fire to the Warrington Hotel in a location where fire should not otherwise be present. The investigation remains open. The detective bureau deemed it to be an undetermined incendiary fire. Anyone with information regarding this incident is encouraged to contact the Neptune Township Police Department Detective Bureau.

#### PUBLIC COMMENTS ON RESOLUTIONS

Michael Golub asked the Committee to elaborate on Resolution #17-225 and questioned what precipitated it.

Mr. Bascom stated they had it in every year and the last time they did a resolution was 2013 and 2010. He stated they work with the bond counsel and him for long term debt.

Stephanie Sayre, S. Riverside Drive, commented on Resolution #17-228 and questioned how much was the project costing all together.

Mr. Gadaleta stated he did not have the numbers in front of him. He stated this was just for the engineer.

Ms. Sayre asked what were the comments of the DEP regarding Resolution #17-229.

Mr. Gadaleta stated this was about the location and where it will go.

Ms. Sayre again questioned what were the comments of the DEP to move the bulkhead.

Mr. Gadaleta stated he would get the information for her.

Ms. Sayre questioned the cost of the project.

Mr. Gadaleta stated it was over a million dollars.

Michael D. Fornino, 120 Fulham Place, stated today was the anniversary for D-Day and a lot of Americans lost their lives. He also questioned whether Resolution #17-225 was fee based.

Mr. Bascom explained and provided hour rates.

Mr. Fornino stated he hoped that his street would not be torn up.

Mr. Gadaleta assured him it would not be torn up again.

Janel Jones, Stamford Drive, requested the Committee elaborate on what changes would be made as far as Resolution #17-231.

Mr. Gadaleta stated he did not have the specifics but did provide an explanation.

Dorothy Argyros commented on Resolution #17-227 and questioned where did the Township easement exist on her property so that she could stay within the law.

Mr. Anthony asked if she had a survey of her property.

Mrs. Argyros stated she didn't.

Mr. Anthony stated he would check out the tax map of her property for her.

Jack Braden 94 ½ Heck Avenue commented on Resolution #17-221 and questioned whether the Township received a letter of intent if someone wanted to sue the Town.

#### ORDINANCE NO. 17-12 - ADOPTED

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

ORDINANCE NO. 17-12

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT HANDICAPPED ON-STREET PARKING ZONE ON OCEAN AVENUE AND REMOVING A HANDICAPPED PARKING ZONE ON SURF AVENUE

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

ORDINANCE NO. 17-13 - APPROVED

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

ORDINANCE NO. 17-13

AN ORDINANCE AUTHORIZING DEED OF EASEMENT AND RIGHT-OF-WAY AGREEMENT FOR SEWER LINE PURPOSES WITH NEW YORK CONCOURSE, LLC AND BREW 35, INC., LOTS 2-14, BLOCK 5605 ON THE TAX MAP OF THE TOWNSHIP OF NEPTUNE

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

ORDINANCE NO. 17-14 - APPROVED

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

ORDINANCE NO. 17-14

BOND ORDINANCE PROVIDING FOR SHARK RIVER BULKHEAD IMPROVEMENTS, BY AND IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$1,200,000 THEREFOR (INCLUSIVE OF A \$835,529.25 FEMA GRANT) AND AUTHORIZING THE ISSUANCE OF \$346,245.75 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COST THEREOF

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

Ms. Howard stated that the public hearings on Ordinances 17-13 and 14 will be held on Monday, May 22nd.

ORDINANCE NO. 17-15 - TABLED

Mr. Williams offered a motion, moved and seconded by Mr. Lane, that Ordinance No. 17-15 be tabled. All were in favor.

ORDINANCE NO. 17-15

AN ORDINANCE TO AMEND VOLUME I, CHAPTER XII, OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING SECTION 12-6 ENTITLED "INVASIVE PLANTS"

CONSENT AGENDA

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

AUTHORIZE THE RELEASE OF ESCROW FUNDS IN CONNECTION WITH AN ESCROW AGREEMENT BETWEEN THE TOWNSHIP OF NEPTUNE AND NEPTUNE ESTATES, LLC

WHEREAS, on January 14, 2013, the Township Committee adopted Resolution #13-76 which authorized the execution of an Escrow Agreement with Neptune Estates, LLC, the owner of property located at Block 7018, Lot 9 on the Subdivision Plot of the Township of Neptune, New Jersey, with a Storm Water Management Basin located on Block 7018, Lot 9.12, and Final Site Plan Approval by the Township of Neptune Planning Board for the development of the aforesaid property for residential occupancy; and

WHEREAS, the Escrow Agreement is in connection with the resolution of a storm water issue, which may be affected by the operation of the detention basin on Lot 9.12; and,

WHEREAS, the Escrow Agreement required the posting of escrow in the amount of \$10,000.00 until such time as the basin was determined to be functioning satisfactorily; and

WHEREAS, the functionality of the detention basin was monitored for a six month period which concluded on January 23, 2017; and,

WHEREAS, the monitoring period revealed that the basin met the required performance during precipitation events,

NOW, THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of escrow funds in the amount of \$10,000.00, which was posted as a requirement of the Escrow Agreement between Neptune Township and Neptune Estates, LLC, dated January 14, 2013; and,

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

PLACE LIEN ON 21 ATKINS 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>
503/21	21 Atkins Avenue	500.00

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 AN AMENDMENT TO THE 2017 MUNICIPAL BUDGET TO REALIZE MONIES FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY DIVISION OF HIGHWAY TRAFFIC SAFETY

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and,

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and,

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget for the year 2017 in the sum of \$5,500.00 which is now available from the NJ Department of Law & Public Safety – Division of Highway Traffic Safety in the amount of \$5,500.00; and,

BE IT FURTHER RESOLVED that the like sum of \$5,500.00 is hereby appropriated under the caption of Click It or Ticket 2017 Seat Belt Mobilization; and,

BE IT FURTHER RESOLVED, that the above is the result of funds from the New Jersey Department of Law & Public Safety – Division of Highway Traffic Safety 2017 Click It or Ticket Seat Belt Mobilization grant in the amount of \$5,500.00; and,

BE IT FURTHER RESOLVED, that the Clerk forward three certified copies of this resolution to the Chief Financial Officer and one copy to the Assistant C.F.O., and Auditor.

#### APPOINT FINANCIAL ADVISOR

WHEREAS, the Township of Neptune desires to appoint a Financial Advisor to provide management advise on fiscal matters and to assist in the issuance of municipal debt through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq.; and,

WHEREAS, the Township accepted Requests for Proposals for said position on May 2, 2017 and desires to make an appointment from the proposals received; and,

WHEREAS, funds will be provided in the appropriate ordinances for which municipal debt will be issued 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 NW Financial Group, LLC as Financial Advisor for the year 2017 at the terms as indicated in the response to the Request for Proposals on file in the Office of the Municipal Clerk; and,

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

#### AUTHORIZE TAX APPEAL COUNTERCLAIM AGAINST MERIDIAN HEALTH REALTY CORPORATION'S EXEMPTION

WHEREAS, the case of AHS Hospital Corp, d/b/a Morristown Memorial Hospital v. Town of Morristown, held many not-for-profit hospitals are operating for profit and are losing their exemption status; and

WHEREAS, Meridian Health Realty Corp., with property located at 1944 Corlies Avenue, Neptune Township, New Jersey, a/k/a Block 1204, Lot 1 has filed a tax appeal seeking tax exemption status, and it is the belief of the Township of Neptune that the aforesaid property may be a not-for-profit corporation acting for- profit, and should be subject to taxation,

WHEREAS, funds will be provided in the 2017 Municipal Budget in the appropriation entitled Legal O.E. and the Chief Financial Officer has so certified in writing,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the governing body hereby authorizes the Municipal Attorney, Gene J. Anthony, Esq., 48 South Street, Eatontown, New Jersey to file an Answer and Counterclaim to the Tax Court of New Jersey, opposing Plaintiff's position of not-for-profit exemption status, and seeking the decision of the Court concerning said exemption in favor of Neptune Township.

BE IT FURTHER RESOLVED, that the Township Committee authorizes legal fees not to exceed Five Thousand Dollars (\$5,000.00) without additional approval for the purposes of this litigation; and,

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

AUTHORIZE REVOCABLE LICENSE AGREEMENT WITH NO SURRENDER, LLC, BLOCK 5608, LOT 19 (FORMERLY BLOCK 558, LOT 16.13), 16 SOUTH CONCOURSE

WHEREAS, No Surrender, LLC, (a/k/a Gallagher) with property located at 16 South Concourse, Neptune Township, New Jersey, and more specifically identified as Block 5608, Lot 19 (formerly Block 558, Lot 16.13) on the tax map of the Township of Neptune has requested a Revocable License Agreement be entered into between Neptune Township, and No Surrender, LLC concerning certain encroachments upon a municipal right-of way at Block 5608, Lot 19; and

WHEREAS, No Surrender, LLC, is seeking a license to provide and to maintain a block-type wall and building, along with fencing and outdoor furniture presently encroaching on the municipal right-of-way, which the property owner intends to continue use of, subject to removal should the controlling authority have reasonable cause to believe that such encroachments need to be removed from the aforesaid municipal right-of-way, and subject to a Revocable License Agreement; and

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes a Revocable License Agreement with No Surrender, LLC, with property located at 16 South Concourse, Neptune Township, New Jersey, and more specifically identified as Block 5607, Lot 19, Neptune Township, New Jersey, a true copy of such proposed Agreement on file in the Office of the Municipal Clerk, subject to the conditions of the Agreement and prior review of the Township Engineer and approval of this Agreement as a major encroachment, with an annual payment to the Township of Neptune of \$300.00 per year, due upon execution and thereafter every January 1st of each year, along with yearly proof of insurance, plus costs of recording of said Revocable License Agreement in the Clerk's Office of Monmouth County, paid to the Law Office of Gene J. Anthony, Esq., and subject to all other requirements in the aforesaid Revocable License Agreement.

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute the Revocable License Agreement, and return to the Township Attorney for recording.

AUTHORIZE ADDITIONAL APPROPRIATION FOR ENGINEERING SERVICES IN CONNECTION WITH LAKE ALBERTA BASIN DRAINAGE PROJECT

WHEREAS, on October 8, 2015, the Township Committee adopted Resolution #15-410 which authorized Leon S. Avakian, Inc. to perform various engineering services in connection with the Lake Alberta Basin Drainage Project for an amount not to exceed \$97,500.00 for this project; and,

WHEREAS, as a result of discussions in progress meetings design modifications were authorized which resulted in additions to the original scope of work; and,

WHEREAS, these design modifications include relocation of weir gates to the roadway structure, landscaping in the prior gazebo area, and NJDEP Flood Hazard Area permit review issues; and,

WHEREAS, the Township Engineer recommends an additional authorization of \$9,750.00 in engineering fees to Leon S. Avakian, Inc. to cover this additional work; and,

WHEREAS, funds will be provided in Ordinance No. 15-07 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 #15-410 to increase the appropriation authorization by \$9,750.00 for a total authorized appropriation of \$107,250.00 for engineering services in connection with the Lake Alberta Basin Drainage Project ; and,

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

AUTHORIZE ADDITIONAL APPROPRIATION FOR ENGINEERING SERVICES IN CONNECTION WITH THE SOUTH CONCOURSE AND SHARK RIVER ISLAND FLOOD MITIGATION PROJECT

WHEREAS, on September 8, 2014, the Township Committee adopted Resolution #14-447 which authorized T&M Associates to perform various engineering services in connection with the South Concourse and Shark River Island Flood Mitigation Project; and,

WHEREAS, as a result of permitting issues and initial bids coming in over budget, design modifications were authorized which resulted in additions to the original scope of work; and,

WHEREAS, these design modifications include relocation of bulkhead due to NJDEP comments, additional plans and profiles for tide value installation and multiple rebids of the project; and,

WHEREAS, the Township Engineer recommends an additional authorization of \$10,500.00 in engineering fees to T&M Associates to cover this additional work; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 16-27, as amended by Ordinance No. 14-30, 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 #14-447 to increase the appropriation authorization by \$10,500.00 for a total authorized appropriation of \$142,600.00 for engineering services in connection with the South Concourse and Shark River Island Flood Mitigation Project; and,

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

CORRECT SALARY OF FOREMAN IN THE BUILDING MAINTENANCE DEPARTMENT AS STATED IN RESOLUTION #17-210

WHEREAS, on April 24, 2017, the Township Committee adopted Resolution #17-210 which reclassified Bruce Latshaw to the position of Foreman in the Building Maintenance Department effective May 1, 2017; and,

WHEREAS, the annual salary as stated in said resolution is incorrect; and,

WHEREAS, funds will be provided in the 2017 Municipal Budget in the appropriation entitled Building Maintenance 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 Resolution #17-210 be and is hereby corrected to reflect an annual salary of \$77,748.71 for Bruce Latshaw, Foreman in the Building Maintenance Department effective May 1, 2017; 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., Human Resources Director, and AFSCME Local #2792.

AUTHORIZE CHANGE ORDER #2 (FINAL) 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, on February 13, 2017, the Township Committee adopted Resolution #17-111 which authorized Change Order #1 for an increase of \$37,260.16 in the contract amount resulting in a total contract amount of \$966,747.96; and,

WHEREAS, the Township Engineer has recommended Change Order #2 for final as-built quantities to close out the project,

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 #2 in the contract with P&A Construction in connection with the Gables Sanitary Sewer Replacement Project – Phase IV resulting in a net decrease of \$16,001.31 revising the contract to a final total amount of \$950,746.65; 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 PURCHASE AND INSTALLATION OF ODOR CONTROL SYSTEM AT THE PENNSYLVANIA AVENUE PUMPING STATION

WHEREAS, the Purchasing Agent solicited quotes for the purchase and installation of an odor control system at the Pennsylvania Avenue Pumping Station (corner of Fletcher Lake Drive and Pennsylvania Avenue); 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 Sewer Utility Supervisor and the Purchasing Agent who have recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in Ordinance No. 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 purchase and installation of an odor control system at the Pennsylvania Avenue Pumping Station be and is hereby authorized through Pumping Services, Inc. pursuant to their quote of \$22,531.00; and,

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

AUTHORIZE THE PURCHASE OF EXTRICATION EQUIPMENT THROUGH THE HOUSTON-GALVESTON AREA COUNCIL PURCHASING PROGRAM

WHEREAS, the Township desires to purchase Genesis 17C cutter/spreader extrication equipment for emergency services vehicles utilizing pricing 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. EE08-15 to Equipment Management Company 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 unit cost of this equipment is \$5,461.00 and up to five units are authorized for purchase at an amount not exceed \$27,305.00; and,

WHEREAS, funds for this purpose are available from Ordinance No. 15-33 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 five (5) Genesis 17C Cutter/Spreader extrication equipment for the Township's emergency services be and is hereby authorized through the Houston-Galveston Area Council Purchasing Program at an amount not to exceed \$27,305.00; and,

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

AUTHORIZE THE PURCHASE OF LITTER CONTAINERS THROUGH THE NATIONAL JOINT POWERS ALLIANCE PURCHASING PROGRAM

WHEREAS, the Department of Public Works wishes to authorize the purchase of public litter containers 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. 060612-WQI for Toter 860-A litter containers; 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 \$45,000.00; and,

WHEREAS, funds for this purpose are available in the 2017 municipal budget through Clean Communities grant funding 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 of one hundred (100) Toter 860-A litter containers be and is hereby authorized through National Joint Powers Alliance Purchasing Program Contract No. 060612-WQI at an amount not to exceed \$45,000.00; 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 HAZARDOUS MATERIAL TRAINING

WHEREAS, the Purchasing Agent requested and received proposals from qualified vendors to provide hazardous material training for Township emergency responders; 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 proposals were reviewed by the Purchasing Agent who has recommended that the low quote be accepted in accordance with the Open Public Contracts Law; and,

WHEREAS, funds for this purpose will be provided in the 2017 Municipal Budget through a 2017 HMEP Training Grant and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Federal Resources Supply be and is hereby authorized to provide four hazardous material training sessions at \$6,850.00 per session (total of \$27,400.00) to Township emergency responders; 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. Coordinator.

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

#### EXTEND OFFER 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 is a vacancy 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 recommendation; and,

WHEREAS, funds will be provided for the 2017 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 an offer of employment be and is hereby extended to Kevin King 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 May 15, 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; Rizzo, aye; Williams, aye; and Brantley, aye.

AUTHORIZE THE PAYMENT OF BILLS

Ms. Rizzo 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	\$845,131.38
GRANT FUND	19,441.41
TRUST FUND	51,210.59
GENERAL CAPITAL FUND	252,000.43
SEWER OPERATING FUND	19,721.17
SEWER CAPITAL FUND	130,625.75
MARINA OPERATING FUND	5,965.31
DOG TRUST	696.00
LIBRARY TRUST	4,811.90
BILL LIST TOTAL	\$1,329,603.94

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

EMPLOY SPECIAL LAW ENFORCEMENT OFFICER- CLASS II IN THE POLICE DEPARTMENT ON A PART-TIME BASIS

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

WHEREAS, there is a need for a Special Law Enforcement Officer – Class II in the Police Department on a part-time hourly basis; and,

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

WHEREAS, the Chief of Police and Police Director have made their recommendations; and,

WHEREAS, funds will be provided in the 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 Morgan Holland be and is hereby employed as a part-time Special Law Enforcement Officer - Class II, and to perform such other duties as prescribed by the Chief of Police, contingent upon successful completion of a background investigation and medical evaluation, and effective upon successful completion of the Special Law Enforcement Officer – Class II training at the Monmouth County Police Academy 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 Resources.

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

#### PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Joan Venezia, 107 Mt. Herman Way, thanked Mr. Anthony and Mr. Cuttrell for responding to her over the winter when she had questions. She also stated she did not believe that anything will take place this summer at the North End and questioned whether they agreed with that.

Mr. Anthony stated he did not expect anything to take place construction wise.

Ms. Venezia stated she's been trying to get the camp meeting to clean up the area and would like to know the results as far as code violations.

Mr. Gadaleta stated they could entertain a meeting with the Camp Meeting Association and have a discussion with them. He stated he has not been provided with violation notices.

Mr. Anthony stated they could talk to Code.

Ms. Rizzo stated she took a look at the area.

Mr. Gadaleta stated he would take her statement as notification.

Ms. Venezia questioned how many people were on the Redevelopment Committee and who they were.

Mayor Brantley stated he was on it, Deputy Mayor Williams, Vito Gadaleta, the Engineer, the CFO, the Planner and Bernie Haney.

Ms. Venezia questioned whether the Committee has met or done anything as of yet.

Mayor Brantley stated they have not done anything as far as the North End but have met a couple of times. He stated they've kind of held off until they hired a redevelopment attorney.

Ms. Venezia asked what were their top redevelopment projects.

Mayor Brantley stated Transit Village, North End, North Channel, West Lake Avenue, Former Hi-Tech Park, RT 35 & Bangs Avenue and School House Square.

Kiera Lang, 135 Clinton Place, stated she was present because of the bulkhead. She stated the area where the bulkhead is going is important to her because there's a lot of wild life there. She questioned why was that area selected. She stated she was also concerned with the sewer.

Mr. Gadaleta stated this was a mitigation project and there was considerable flooding along South Riverside Drive and that area. This project will not only protect public property but private property as well. He stated this was the initiation of the capital funding tonight. They would have to have a public hearing on the funding to assist our in-house engineer and hire a consultant. Public input will be needed as they go forward.

Ms. Lang stated she was happy they would have the opportunity to discuss and learn more.

Arlene Strappa, Neptune City, questioned whether there were specific details they could look at and what stage were they in.

Mr. Gadaleta stated she could contact Leanne Hoffman, the Township Engineer to see what was submitted to FEMA for funding.

Ms. Strapps stated she was concerned with Beach access and destruction of the environment and wildlife.

Mr. Gadaleta stated all of that would be considered as they go through the process.

Ms. Strappa questioned whether there would be a reduction in flood insurance.

Mr. Gadaleta they should receive a 25% reduction and recommended she call her insurance company.

Ms. Straffa questioned whether they had a cost broken down and could they have access to it.

Mr. Gadaleta stated yes and suggested she contact Mrs. Hoffman because she could give it to her.

Carol Imbriaco, 102 Sheldon, stated as far as the wall, will it be a Trump thing. She questioned how high it would be.

Mr. Gadaleta stated he did not have the exact height.

Mrs. Imbriaco questioned whether it would ruin their view.

Mr. Gadaleta stated it would change it.

Mrs. Imbriaco questioned why was it that it was their area.

Mr. Gadaleta stated it was an area that has lost bulkhead.

Dianna Harris, 17 Willow Drive questioned whether there were going to be summer jobs for the kids this year.

Mr. Gadaleta stated something would be coming out shortly and we will be working closely with the school district.

Ms. Harris questioned whether any of the jobs were for at risk youth.

Mr. Gadaleta stated they would be relying on the school, the Police Department and the counselors in the school to provide them information on potential employees.

Ms. Harris stated they started the paving on West Lake Avenue and she cannot figure out what they are doing other than the fact that they are putting in new curb cuts. She questioned whether there was any planning as to where those curb cuts go because one of them is near a vacant home near the cab stand.

Mr. Gadaleta stated the curb cuts are going where curbs currently exist.

Ms. Harris stated while they were laying concrete she asked could they give them a 9x9 ft slab for the shed at their community garden.

Mr. Gadaleta stated he would take with the Public Works Director.

Ms. Harris also stated that she saw the cops handing out cards and talking to people. She questioned how did they track that.

Mr. Bascom stated the program she was at Alpha Liquors was actually in addition to the card program that they were talking about. It is a regular assignment from now through the summer at Alpha Liquors and the parks. The cards themselves are tracked through reports and all that information will be analyzed by Captain Fisher on a regular basis.

Ms. Harris stated at the last meeting she heard Elena Gonzales comments and discrimination goes back further than that. She asked what evidence could they give her to show them that something was being done to correct the problem.

Mayor Brantley stated there was a reporting process.

Courtney Atkins, 55 Tremont Avenue, stated she hoped they carefully considered their property and make it a viable river.

Mayor Brantley stated he would make sure they were involved in the process.

Mike Golub questioned why they did not take the coalition with them when they went to the DEP. He stated they could have made a better argument and he was embarrassed that they were not included. He also stated that he resented the implication that the accreditation changed things. He stated they could have reached out to other official and objective eyes could have looked at it. He stated there was still people suffering silence and they should be doing a lit bit more active and summon up the courage and ask for resignations.

Stephanie Sayre stated she had a problem with the DEP funding this plan because it is not an improvement. The wall would be industrial and not for a residential neighborhood. She stated she was also concerned with funding.

Bill Stappa, Neptune City, stated the living shore line is a better way to go. He did not feel this idea was a good one. He stated he hoped they kept their alternatives open. He suggested they invited other opinions and questioned how they spoke to.

Mr. Gadaleta stated he could get that information to him.

Mr. Strappa gave the Committee his card and a sheet on living shore lines.

Mayor Brantley stated he was in favor of living shore lines.

Barbara Burns, 4 Ocean Avenue, thanked the Committee for proclamation that recognized Kathy Arlt. She clarified points in statement of the HPC guidelines and asked whether the professionals have been hired.

Mayor Brantley stated the professionals have not been hired.

Mr. Gadaleta stated the RFP probably would be done next week.

Teretha Jones, 20 Hill Drive stated she was concerned with the culture of racism, discrimination and harassment. She stated the Police Department has had a long history of it, including other departments and places. She stated integration has been slow and we have segregated neighborhoods. She stated she would like to have Sgt. Gonzales to rescind her resignation and the Township to look at the racism, discrimination and harassment that has been normalized. She stated heads needed to roll. She stated the Police Department needed sensitivity training and she was willing to do it herself.

Jack Braden stated he agreed with Barbara Burns and felt the Township was trying to destroy the HPC.

Dorothy Argyros, 2100 Rutherford stated redevelopment law sounds good and questioned whether they were going to continue the ban to stop eminent domain abuse and she requested a commitment on that.

Mayor Brantley stated there's been no discuss to change the ordinance.

Jen Coombs questioned why there was a negative perception of the Police Department.

Mayor Brantley stated its all across the nation and they were working to solve their problems

Ms. Coombs questioned who were they going to solve the problem.

Mr. Bascom stated they were making improvements

Roger Wenzick, 507 S. Riverside Drive, stated the Township did not have the ability for a living shore line but offered suggestions.

Linda Slovic stated she was not opposed to bulkhead but was open to options and would be willing to work with the Township

Bill Turbich 457 S. Riverside Drive, stated S. Riverside floods all of the time. He feared the bulkhead would affect the cost of his home. He stated he was against a high wall being built. He did not want a 6ft or 10ft wall.

Hank Coakley stated, Valley Road, stated he looked at the west concourse today and if that is a sample of what they are building they are in for a hell of a surprise and if you're going to build it at least paint it because what is there is a travesty. He also suggested writing a letter to the State because very few people are turning their headlights on when it's raining out.

Mayor Brantley stated he was not happy with the way the wall looks.

Mr. Gadaleta stated it was not finished and it would have grass installed and a white picket fence that would match other fences in that area. They have been communicating with the residents at the Concourse. It will be an Eagle Scout problem as far as the landscape.

Barbara Tebicus, 700 S. Riverside Drive, stated that area has the last bit of sandy beach in the area and horse shoe crabs need sandy beaches.

Michael Fornino stated everyone in this room is concerned about their taxes and funding from property tax to go to the school is not fair. He stated the answer was broad based tax was the answer and the residents should write to the Governor and Legislators.

Ms. Rizzo stated she agreed with Mr. Fornino .

Mayor Brantley stated he also agreed but stated the problem was the politicians.

Janel Jones, 807 Stamford Drive, stated yesterday marked a year of her father passing and her mom and dad fought discrimination and in light of Elena Gonzales the word that comes to mind is action and action needs to be taken. She stated she would like to hear someone from the Committee to say something about what has transpired because they accepted her resignation without hesitation.

Mayor Brantley stated they were frustrated that they could not say more under advisement of the attorney.

Ms. Jones stated this was a horrific case and this is 2017 and this community is facing a horrible perception of the police department. Again she stated they should start doing some action and eliminate the particular problem

Peter Boynton, 14 Manor Drive discussed a meeting at the school regarding an incident regarding two Neptune High School students who put racial graffiti on a wall away. He stated it was a systemic problem that needs to be resolved. They can't teach it away but it was imperative that it be removed. He reported an incident that transpired between him and an officer.

Mayor Brantley stated if he had a problem he should report it to the Committee and the Police Director.

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

Pamela D. Howard  
Deputy Municipal Clerk