

TOWNSHIP COMMITTEE WORKSHOP MEETING – APRIL 23, 2018 – 6:00 P.M.

Mayor Williams calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

ROLL CALL

PRESENT/ABSENT

Dr. Michael Brantley  
Robert Lane, Jr.  
Kevin B. McMillan  
Carol Rizzo  
Nicholas Williams

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Proposed amendment to Tree Removal ordinance.
  
  
  
  
  
  
2. Review Committee calendars/update on outstanding issues and capital items.  
- Various on-going capital improvement projects.

Res. # 18-162 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

**TOWNSHIP COMMITTEE MEETING – APRIL 23, 2018 – 7:00 P.M.**

Mayor Williams calls the meeting to order and asks the Clerk to call the roll:

**ROLL CALL**

**PRESENT/ABSENT**

Dr. Michael Brantley  
Robert Lane, Jr.  
Kevin B. McMillan  
Carol Rizzo  
Nicholas Williams

\_\_\_\_\_  
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Also present at the dais: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrel, Municipal Clerk.

Silent Prayer and Flag Salute

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

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

**APPROVAL OF MINUTES** - Motion offered by \_\_\_\_\_, seconded by \_\_\_\_\_, to approve the minutes of the meeting held on April 9<sup>th</sup>.

**COMMENTS FROM THE DAIS** - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

**PUBLIC COMMENTS ON RESOLUTIONS** - Public comments regarding resolutions presented on this agenda only. The public will be permitted one visit to the microphone with a limit of five minutes.

**ORDINANCES** - For each ordinance with a public hearing, the public is permitted one visit to the microphone with a limit of five minutes.

**ORDINANCE NO. 18-11** – Capital Ordinance providing for roadway improvements to Heck Avenue, by and in the Township of Neptune, in the County of Monmouth, State of New Jersey; appropriating \$386,850 to pay for the cost thereof, which amount is a Transportation Trust Fund Grant received or expected to be received by the Township from the New Jersey Department of Transportation's fiscal year 2018 Municipal Aid Program - Final Reading

*Explanatory Statement: This Capital Ordinance authorizes an appropriation of \$386,850 for roadway improvements to Heck Avenue, said amount being provided through a \$386,850 Transportation Trust Fund Grant from the New Jersey Department of Transportation's FY 2018 Municipal Aid Program.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

**ORDINANCE NO. 18-12** – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Mt. Carmel Way and Broadway - Final Reading

*Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone in front of 100 Mt. Carmel Way and 99 Broadway.*

Public Hearing:

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

**CONSENT AGENDA**

Res. # 18-163 – Designate the Township of Neptune as a Stigma-Free Zone.

Res. # 18-164 – Accept the resignation of Travis Schembri as Assistant Engineer in the Engineering Department.

Res. # 18-165 – Approve the transfer of Tax Medallion License No. 031.

**CONSENT AGENDA** Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

Res. # 18-166 – Authorize the design and construction of a skate park at Sunshine Village Fields utilizing pricing through the National Joint Powers Alliance Purchasing Program.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

Res. # 18-167 – Extend offer of employment for the position of Driver in the Department of Public Works.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

Res. # 18-168 – Authorize the payment of bills.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

Res. # 18-169 – Authorize Agreement between GVF Construction, LLC concerning correction of encroachment of conservation easement.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_  
Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

Res. # 18-170 – Authorize the Township of Neptune to finalize discipline and terminate employment of Brian Butch.

Offered by: \_\_\_\_\_ Seconded by: \_\_\_\_\_

Vote: Brantley, \_\_\_\_\_; Lane, \_\_\_\_\_; McMillan, \_\_\_\_\_; Rizzo, \_\_\_\_\_; Williams, \_\_\_\_\_.

**PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS**

Members of the public may address any concern relating to the Township. The public will be permitted one visit to the microphone with a limit of five minutes.

**ADJOURNMENT**

RESOLUTION #18-162 – 4/23/18

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

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

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

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

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

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

Personnel – Labor Attorney to discuss personnel matter

Personnel – Vacancy on Wesley Lake Commission

Personnel – Recommendation for hiring of Driver

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.

RESOLUTION #18-163 - 4/23/18

DESIGNATE THE TOWNSHIP OF NEPTUNE AS A STIGMA-FREE ZONE

WHEREAS, the Township Committee of the Township of Neptune supports the designation of a Stigma-Free Zone in the Township of Neptune; and,

WHEREAS, at a April 9, 2018 meeting, the members of the Township Committee were informed of the collaborative effort being initiated in the community to establish a Stigma-Free Zone in Neptune Township; and,

WHEREAS, the members of the Township Committee supported the initiative and recognized that the initiative was aligned with the Committee's mission to raise awareness of the disease of mental illness; and;

WHEREAS, the National Institute of Mental Health reports that 1 in 4 adults experiences mental illness in a given year and 1 in 17 adults live with a serious mental illness such as schizophrenia, major depression, or bipolar disorder; approximately 20% of youth ages 13 to 18 and 13% of youth ages 8 to 15 experience severe mental disorders in a given year; and,

WHEREAS, the stigma associated with the disease of mental illness is identified as the primary reason individuals fail to seek the help they need to recover from the disease; and,

WHEREAS, Stigma-Free Zones aim to inspire public interest and open dialogues about stigma, raise awareness of the disease of mental illness and create a culture wherein residents who have the disease of mental illness feel supported by their community and neighbors and feel free to seek treatment for the disease without fear of stigma; and,

WHEREAS, promoting awareness that there can be no "health" without mental health will break down barriers and encourage residents of all ages to be mindful of their mental health and ask for help when needed; and,

WHEREAS, local resources are available to treat the disease of mental illness so no one resident needs to suffer alone or feel helpless; and;

WHEREAS, establishing Stigma-Free Zones will raise awareness of resources and encourage residents to engage in care as soon as the need is identified so recovery can begin, hope is inspired and tragedies are avoided,

THEREFORE, BE IT RESOLVED, by the Township of Neptune Committee of the Township of Neptune that the Township of Neptune is hereby designated as a Stigma-Free Zone and the Committee does hereby support the collaborative community effort to provide discussion and resource opportunities to those who are battling mental illness; and,

BE IT FURTHER RESOLVED, that the Committee will seek to appoint a Stigma-Free Task Force to achieve the goals of a Stigma-Free Zone as described herein.

RESOLUTION #18-164 - 4/23/18

ACCEPT THE RESIGNATION OF TRAVIS SCHEMBRI AS  
ASSISTANT ENGINEER IN THE ENGINEERING DEPARTMENT

WHEREAS, the Human Resources Director has received a letter from Travis Schembri resigning as an Assistant Engineer in the Engineering Department effective April 24, 2018,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Travis Schembri as an Assistant Engineer in the Engineering Department is hereby accepted effective April 24, 2018; and,

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

RESOLUTION #18-165 - 4/23/18

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 031

WHEREAS, Joseph Raines is the owner of Neptune Township Taxi Medallion No. 031; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Hamilton Grant of King Verc, LLC; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 031 to Hamilton Grant of King Verc, LLC ; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.



RESOLUTION #18-166 - 4/23/18

AUTHORIZE THE DESIGN AND CONSTRUCTION OF A SKATE PARK  
AT SUNSHINE VILLAGE FIELDS UTILIZING PRICING THROUGH THE  
NATIONAL JOINT POWERS ALLIANCE PURCHASING PROGRAM

WHEREAS, the Township wishes to authorize the design and construction of a skate park at Sunshine Village Fields 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. 030117-SRI to Spohn Ranch, Inc. for skate park design, equipment and construction; and,

WHEREAS, the Township Engineer and Purchasing Agent 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 \$310,000.00; and,

WHEREAS, funds for this purpose are available in Ordinance 18-05 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 design, equipment and construction of a skate park at Sunshine Village Fields is hereby authorized through National Joint Powers Alliance Purchasing Program Contract No. 030117-SRI awarded to Spohn Ranch, Inc. at an amount not to exceed \$310,000.00; and,

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

RESOLUTION #18-167 - 4/23/18

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

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 Public Works Director have made their recommendation; and,

WHEREAS, funds for this purpose will be provided in the 2018 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 Anthony Crenshaw 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 April 30, 2018, 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.

RESOLUTION #18-168 – 4/23/18

AUTHORIZE THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	4,274,454.77
GRANT FUND	7,739.32
TRUST FUND	7,367.75
GENERAL CAPITAL FUND	25,260.00
SEWER OPERATING FUND	14,092.05
SEWER CAPITAL FUND	1,405.00
MARINA OPERATING FUND	129.84
LIBRARY TRUST	2,340.86
BILL LIST TOTAL	\$4,332,789.59

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

RESOLUTION #18-169 – 4/23/18

AUTHORIZE AGREEMENT BETWEEN GVF CONSTRUCTION, LLC CONCERNING  
CORRECTION OF ENCROACHMENT ON CONSERVATION EASEMENT

WHEREAS, a minor subdivision was obtained by GVF Construction, LLC for two lots, now known as Block 4916, Lots 1.01 and 1.02 on the Tax Map of the Township of Neptune; and

WHEREAS, a condition of the subdivision of the aforesaid lots was that "The subdivision Deed shall include a monumented conservation easement around the rear yard steep and critical slope areas to insure they are not utilized for development after sale of residential lots;" and

WHEREAS, the contractor constructed retaining walls on both lots located in the conservation easement, which were deeded to Neptune Township, and Neptune Township prohibits any structure, such as retaining walls, from being built in conservation easements; and

WHEREAS, the parties have reached an Agreement with regard to addressing the aforesaid issue and eliminating the encroachments while still retaining the conservation easement and retaining walls.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth and State of New Jersey, that the Mayor and Clerk are hereby authorized to execute an Agreement between GVF Construction, LLC and Neptune Township, a true copy of which is attached hereto as Exhibit A, which requires GVF Construction, LLC to secure new descriptions for said conservation easement, along with corrective Deeds of Easements, which show and eliminate any encroachment into the conservation area or easement by retaining walls, while allowing issuance of temporary Certificates of Occupancy for the aforesaid Block and Lots, and other conditions and procedures as set forth more fully in the attached Agreement as Exhibit A; and,

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

AGREEMENT BETWEEN GVF CONSTRUCTION, LLC by its managing member, GARY FLEISCHHAUER and THE TOWNSHIP OF NEPTUNE, MONMOUTH COUNTY, NEW JERSEY, A New Jersey Municipality.

WHEREAS, a Minor Subdivision was obtained by GVF Construction, LLC for two (2) lots now known as Block 4916, Lots 1.01 and 1.02 on the Tax Map of Neptune Township; and

WHEREAS, a condition of the subdivision of these lots was that "(t)he subdivision deed shall include a monumented conservation easement around the rear yard steep and critical slope areas to insure they are not utilized for development after sale of residential lots;" and

WHEREAS, required retaining walls on both lots are located in the conservation easements which have been deeded to Neptune Township as is shown on the attached as built surveys prepared by John Ploskonka, L.S. dated March 19, 2108 as to Lot 1.02 and April 5, 2018 for Lot 1.01 attached hereto as Schedule "A"; and

WHEREAS, no structure such as a retaining wall was to be built in these conservation easements and therefore, as presently constituted, these retaining walls are encroaching on the conservation easements; and

WHEREAS, the parties hereto acknowledge that it is impractical for a variety of reasons to change the location of the retaining walls.

IT IS ON THIS \_\_\_\_\_ day of April, 2018 AGREED that in consideration of One Dollar hand paid and for other good and valuable consideration as herein set forth that:

1. GVF Construction, LLC shall secure new descriptions for the said conservation easements and that using said new descriptions, corrective deeds of easement for Lots 1.01 and 1.02 which shows the easements beginning where the retaining walls end as shown on new as built surveys shall be prepared and executed by GVF Construction, LLC in favor of the Township of Neptune.

2. GVF Construction, LLC shall also see to the recording of a corrective deed for Lot 1.02 as soon as reasonably possible.

3. If the Township of Neptune is not presented with signed conservation easement deeds as noted in recordable form by April 23, 2018, GVF Construction, LLC will be in default of this agreement and subject to fines and other penalties as determined by the Neptune Township Municipal Court.

4. Upon presentation of signed conservation easement deeds in recordable form in the time prescribed to the Neptune Township Attorney, Gene Anthony, Esq., GVF Construction, LLC will be granted a temporary Certificate of Occupancy by the Township of Neptune for Block 4916, Lot 1.01. If technical corrections need to be made as per the direction of appropriate Neptune Township officials, said corrections will be attended to by GVF Construction, LLC in a timely manner. This will not hold up the issuance of a temporary Certificate of Occupancy. A permanent Certificate of Occupancy will issue in the normal course upon GVF Construction, LLC meeting the requirements of the pertinent Township officials.

Township of Neptune

BY: \_\_\_\_\_

GVF Construction, LLC

By: \_\_\_\_\_  
Gary Fleischhauer, Managing Member

RESOLUTION #18-170 – 4/23/18

AUTHORIZE THE TOWNSHIP OF NEPTUNE TO FINALIZE DISCIPLINE AND TERMINATE  
EMPLOYMENT OF BRIAN BUTCH

WHEREAS, the Township of Neptune (the "Township") maintains an Employee Handbook inclusive of a Disciplinary Actions Policy that prohibits neglect of duty; lack of productivity, insubordination; and disorderly and/or immoral conduct; and

WHEREAS, furthermore, the *Agreement between the Township of Neptune and Neptune Township Department / Division Head Association, January 1, 2017 to December 31, 2020* (the "CBA") also includes language that prohibits neglect of duty; lack of productivity, insubordination; and disorderly and/or immoral conduct; and

WHEREAS, on February 6, 2018, the Township's Labor Counsel conducted an Administrative Review of the internal operations of the Township's Senior Center as it pertains to general compliance with labor and employment laws; and

WHEREAS, based upon said findings by Labor Counsel, Butch was found to be in violation of the Township's Employee Handbook as well as the CBA; and

WHEREAS, Labor Counsel discussed its findings at the Township Committee's meeting held on March 12, 2018 and approved a paid administrative leave for Butch; and

WHEREAS, on March 13, 2018, Butch was placed on paid administrative leave subsequent to a meeting with the Township Administrator regarding the Administrative Review findings; and

WHEREAS, the Township seeks to terminate Butch as a result of the violations noted above effective today, April 23, 2018; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the discipline noted above against Butch is approved at the Township Committee meeting held on April 23, 2018.