

TOWNSHIP COMMITTEE MEETING – MAY 23, 2019

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

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

Mayor Rizzo announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 3, 2019, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk.

The following items were discussed in open session:

Mr. Gadaleta presented his Business Administrator's report. Topics discussed were as follows:

1. The Township received notification from the MC Freeholders that our application for CDBG funding in the amount of \$161,419 was approved. This project at Oxonia and Anelve Avenues will address ADA, Drainage and Road Improvement concerns.

2. NJDOT has provided notification that the Fiscal Year 2020 Local Aid grant cycle has now been opened and they will receive applications until July 19, 2019.

3. The Redevelopment Committee met with representatives of OGNED to further address issues related to the final redevelopment agreement and the project plans. And, there is a resolution on tonight's agenda for the governing body to consider extending the BAW, LLC conditional designation for WLA.

4. Mayor Rizzo, Leanne Hoffmann and he met with representatives of Boardwalk Wind to further discuss their proposed Wind Project at the Jersey Shore. Boardwalk Wind is one of multiple applicants awaiting approval of a wind procurement contract from the BPU. Boardwalk Wind has been awarded a federal lease for 80,000 acres within the Atlantic Ocean, 20 miles off of Sandy Hook and Long Island where they anticipate constructing a wind farm that would generate up to 800 megawatts of wind energy. The wind energy would be provided via underground cabling to be connected to the Ocean View Electric Substation off of West Bangs Avenue. This project would tie in directly with the Township's Microgrid Project and improve our position within Sustainable Jersey.

5. Mayor Rizzo and he met with the Governor's Office of Recovery and Rebuilding. Also included in that meeting were Robert Dweck, owner of 4 North Boardwalk and William Gannon, one of the owners of the Dunes. Mayor Rizzo reached out to the Governor who provided access to his GORR team to possibly assist the business owners who were displaced by the recent fire.

6. Upcoming Memorial Day events; SRH Parade 8:00am along South Riverside Drive to Memorial Park, Neptune Veterans Organizations' Parade 10am from the municipal complex to Ocean Grove, Thursday, May 30, true Memorial Day event at VMP, Old Corlies Avenue, 7:00pm.

7. 4 North Boardwalk Update: Clean-up to begin soon, possibly within two weeks. Project plan developed for access across north end of boardwalk. Owner awaiting receipt of bids.

8. Veterans Memorial Park: A number of young people have desecrated the park by shooting it up with paint balls. DPW has cleaned up the damage on two occasions. Video has been provided to PD and the investigation continues. Social media will be used to determine if the perpetrators are known to anyone.

Mr. Lane announced a memorial service at Veteran's Park at sunset on May 30th.

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

Mr. Lane 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:

Personnel – HPC member vacancy
Litigation – Update on pending litigation

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; Williams, aye; and Rizzo, aye.

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

The Committee reviewed a recommendation to remove a member of the Historic Preservation Commission for lack of attendance and requested that a resolution be placed on the next regular meeting for action.

The Committee was advised that the position of police officer has been posted with a deadline of May 30th for applications.

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

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

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

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

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

Mayor Rizzo announced that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in the Asbury Park Press and The Coaster on January 3, 2019, posting the notice on the Board in the Municipal Complex, and filing a copy of said notice with the Municipal Clerk. In addition, the meeting agenda, resolutions and ordinances are posted online at www.neptunetownship.org.

APPROVAL OF MINUTES

Mr. Lane offered a motion, seconded by Mr. McMillan, to approve the minutes of the meeting held on May 13th. All were in favor.

PROCLAMATION

The Mayor proclaimed June 7th as Gun Violence Awareness Day in the Township of Neptune. Accepting the proclamation were members of the Monmouth County Chapter of Moms Demand Action for Gun Sense in America. Diane Matson spoke and thanked the Mayor for the proclamation and announced a Community Day of Action on June 8th at Midtown Community Garden.

PRESENTATION

On behalf of JCP&L, Kathy Moyer and Frank Luna present a donation in the amount of \$1,500 to Mayor Rizzo for the 2019 Mayor's Ball.

COMMENTS FROM THE DAIS

Mr. Williams stated that almost all boats at the Municipal Marina are now in the water and only one slip is available. In the Municipal Court, more vehicles are being stopped and more tickets being written due to the new police schedule. Both redevelopment projects are proceeding and a resolution to extend the Conditional Redevelopment Agreement with BAW is on the agenda for consideration.

Mr. McMillan testified in Trenton in opposition to proposed hospital tax legislation. The legislation bases the property tax on the number of acute beds in a hospital, but hospitals are moving away from the acute care model. The desire is for a hospital to pay its fair share.

Mr. Lane attended the retirement party for Police Officer Frank Doremus. He attended the car show in Ocean Grove and the gardening and weeding event at the Community Gardens. There are two parades in the Township on Memorial Day and a service at Veterans Park on May 30th. The Hooked on Fishing event is on June 8th from 9am to Noon.

Mayor Rizzo met with Monmouth County Social Services to express the need for a social worker assigned to Neptune Township. A follow-up meet has been planned. The Emergency Operations Plan is complete. A fence has been placed around the Aurora on Surf Avenue as construction takes place. She met with Educators for Equality which is a group that is writing new curriculum in high schools. She met with the Governor's Office regarding the fire in Ocean Grove and how we can support with economic assistance. The Mayor attended the Law Enforcement Memorial Service in Ocean Grove and the new Visiting Nurse Association Community Health facility in Asbury Park. Finally, she reminded those present that the Mayor's Ball is on June 21st and tickets are still available.

PUBLIC COMMENTS ON RESOLUTIONS

Nancy Clarke, 47 Embury Avenue, stated that she is in favor of the Historic Preservation Commission Consultant and the choice is very qualified. She asked for an end date on the extension of the Conditional Redevelopment Agreement with BAW. Mr. Gadaleta stated there is no end date, but he anticipates it will be a short period of time. The matter is complex but as long as both sides continue progress, the Township is confident it will get done. Ms. Clarke asked for details on the resolution to authorize consent and settlement in the Seidel case and if this will affect the Township's premium. Mr. Anthony stated that the insurance company wants the flexibility to settle within the policy limits. If the settlement is beyond the limits, the insurance company would have to come back for additional approvals.

Kennedy Buckley, stated that he is happy with the hiring of the Historic Preservation Consultant and believes it will eliminate confusion among the public about preservation.

ORDINANCE NO. 19-13 - ADOPTED

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

ORDINANCE NO. 19-13

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

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

Joan Venezia, 107 Mt. Hermon Way, suggested that the Parking Consultant review the number of handicapped stalls in Ocean Grove.

Hank Coakley, Valley Road, asked what happens in someone has two cars and one handicapped spot. Mr. Cuttrel responded that only one handicapped spot is granted regardless of the number of cars owned by the handicapped resident.

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

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

ORDINANCE NO. 19-14 - ADOPTED

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

ORDINANCE NO. 19-14

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-13 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING LEFT TURN PROHIBITIONS FROM STANLEY AVENUE TO ROUTE 33 AND FROM DAVIS AVENUE TO ROUTE 33

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

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

ORDINANCE NO. 19-15 - APPROVED

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

ORDINANCE NO. 19-15

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON LAWRENCE AVENUE, CONVERTING AN EXISTING HANDICAPPED ZONE TO A RESIDENT ONLY HANDICAPPED ZONE ON EMBURY AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON PENNSYLVANIA AVENUE

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

Mr. Cuttrell stated that the Public Hearing on Ordinance 19-15 will be held on Monday, June 10, 2019.

CONSENT AGENDA

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

ADOPT THE EMERGENCY OPERATIONS PLAN OF THE TOWNSHIP OF NEPTUNE AND PROMULGATE SAME AS THE AUTHORITATIVE DOCUMENT FOR EMERGENCY OPERATIONS WITHIN THE TOWNSHIP OF NEPTUNE

WHEREAS, Chapter 222 P.L. - 1989 requires every municipality to design and implement a comprehensive emergency operations plan; and,

WHEREAS, the Office of Emergency Management and the Local Emergency Planning Committee have created an Emergency Operations Plan which sets forth the general policies and procedures to be carried out by municipal and volunteer entities in order to provide the citizens of Neptune Township with an effective integrated emergency response plan designed to minimize the loss of life and property during an emergency; and,

WHEREAS, the Emergency Operations Plan of the Township of Neptune demonstrates our compliance with the National Incident Management System; and,

WHEREAS, the Township Committee has reviewed said plan and has deemed same complete,

NOW, THEREFORE, BE IT RESOLVED, by the Township of Neptune, County of Monmouth, State of New Jersey, that the Emergency Operations Plan of Neptune Township, dated May 23, 2019, be and hereby is approved and promulgated as the authoritative document for emergency operations in this municipality; and,

BE IT FURTHER RESOLVED, that said document be forwarded to the Monmouth County Office of Emergency Management and New Jersey State Police Office of Emergency Management for required approvals.

AUTHORIZE INTRA-COUNTY MUTUAL AID AND ASSISTANCE AGREEMENTS WITH PARTICIPATING UNITS IN THE COUNTY OF MONMOUTH

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et. Seq., (“Act”) provides that any local governmental unit may enter into a contract with any other local governmental unit to provide or receive any service that each local unit is empowered to provide or receive within its own jurisdiction; and

WHEREAS, mutual aid and assistance agreements between municipalities, counties, law enforcement agencies, police, emergency medical service, fire departments, fire companies, or EMS organizations and fire departments situated in fire districts operated by a Board of Fire Commissioners, are permitted pursuant to N.J.S.A. 40A: 14-26 and 40A: 14-156.1; and

WHEREAS, the President in Homeland Security Directive (HSPD-5), directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (“NIMS”), which would provide a consistent nationwide approach to Federal, State, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, “The New Jersey Civilian Defense and Disaster Control Act” App.A9-33 et. seq., provides for the health, safety and welfare of the people of the State of New Jersey during any emergency by centralizing control of all civilian activities having to do with such emergency giving the Governor control over the resources of each and every political subdivision to cope with any condition that shall arise out of such emergency; and

WHEREAS, The Director of the Division of Fire Safety in the Department of Community Affairs promulgated rules in accordance with the “Fire Service Resource Emergency Deployment Act,” N.J.A.C. 52:14E-11 et. seq., commonly referred to as the “Fire Service Resource Emergency Deployment Regulations” N.J.A.C. 5:75A et. seq.; and

WHEREAS, the Township Committee of the Township of Neptune deem it to be in the best interests of the Township to enter into Mutual Aid and Assistance Agreements with governmental entities throughout Monmouth County and all of their departments, authorities, boards, commissions and other functions under the auspices of each participating governmental entity including but not limited to, law enforcement, public works, emergency medical services, emergency management, human services, hazardous materials response units technical or special operations teams, Community Emergency Response Team (“CERT”) members, Medical Reserve Corps (“MRC”) members or other volunteers and other jurisdictions defined “local governments” in the Homeland Security Act of 2002; and

WHEREAS, N.J.S.A. 40A:14-26 et seq. has authorized inter-jurisdictional mutual aid; and

WHEREAS, the Township Committee of the Township of Neptune and the Participating Units recognize the benefit of entering into an Agreement for mutual aid and assistance with each other to protect against loss, damage or destruction by fire, civil unrest, hazardous material, major criminal or emergency events, natural and man-made disaster or catastrophe and to address those situations when additional aid and assistance is needed to protect the best interests of the persons and property of each individual jurisdiction,

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Intra-County Mutual Aid and Assistance Agreements between the Township of Neptune, County of Monmouth and Participating Units be and are hereby accepted; and,

BE IT FURTHER RESOLVED that the Mayor and Clerk of the Township of Neptune are authorized to execute the Intra-County Mutual Aid and Assistance Agreements; and,

BE IT FURTHER RESOLVED that a certified copy of this resolution to the Monmouth County Sheriff; Neptune Township Office of Emergency Management Coordinator; and Township Attorney.

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 021

WHEREAS, Ibrahem Abdo-Abdelwahed is the owner of Neptune Township Taxi Medallion No. 021; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Sheldon Edwards of 5 Stars Transportation; 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. 021 to Sheldon Edwards of 5 Stars Transportation ; and,

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

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

WHEREAS, there is a need for Special Law Enforcement Officers – 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 Committee have made their recommendation to employ a current Special Law Enforcement Officer – Class I in this position; 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 Ryan Santos 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 of \$21.01; and,

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

ACCEPT THE RESIGNATION OF WILLIAM FABIAN AS A JAILOR/SPECIAL LAW ENFORCEMENT OFFICER IN THE POLICE DEPARTMENT

WHEREAS, the Chief of Police has received a letter from William Fabian resigning as a Jailor/Special Law Enforcement Officer – Class II in the Police Department effective May 27, 2019,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of William Fabian as a Jailor/Special Law Enforcement Officer – Class II in the Police Department is hereby accepted effective May 27, 2019; and,

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

EMPLOY TEMPORARY SEASONAL PERSONNEL FOR THE NEPTUNE SUMMER RECREATION PROGRAM

WHEREAS, the Township of Neptune Recreation Department will be sponsoring a Summer Recreation Program; and,

WHEREAS, applications were received and the following qualified applicants have been

recommended for hire by the Recreation Director; and,

WHEREAS, funds will be provided in the 2019 Municipal Budget in the appropriation entitled Recreation S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following persons be and are hereby employed in the Neptune Summer Recreation Program from June 27, 2019 through August 12, 2019, for the number of hours and days as specified herein, pending favorable results of the required background check and with the understanding that staffing levels will be based on final enrollment and this resolution does not guarantee either employment or number of hours; and,

<u>Camp Director</u>	<u>\$15.00/hour</u>	<u>6.5 hours/day</u>	<u>40 days</u>
Kaitlyn Oates			

<u>Assistant Director</u>	<u>\$11.50/hour</u>	<u>6.5 hours/day</u>	<u>30 days</u>
D’Naja Jeffries			

<u>Bus Driver</u>	<u>\$12.00/hour</u>	<u>6.5 hours/day</u>	<u>30 days</u>
Janiesue Masco			

<u>Role Models</u>	<u>\$10.50/hour</u>	<u>6.5 hours/day</u>	<u>30 days</u>
Barry Brown	Hailee Carpenter	Mickenna Church	
Arien Harris	Stephanie Hogarth	Shanya Hunt	
Jaidin Jones	Tom Shields		

<u>Role Models</u>	<u>\$10.00/hour</u>	<u>6.5 hours/day</u>	<u>30 days</u>
Beverly Cadet	Shyanne Conklin	Nahshon Harbour	
Ashley Hoffman	Fallon Oates	Maria Seidle	
Sanai Taylor	Soleil Walker	Amir Wells-Crudup	

<u>Substitute Role Models</u>	<u>\$10.50/hour</u>	<u>6.5 hours/day</u>	<u>30 days</u>
Lydia Clancy	Sierra Hollins		

<u>CITs (Counselors/Role Models in Training)</u>	<u>no pay / experience only</u>		
Liana Alston	Hannah Carpenter	Dylan Perry	
David Ramirez	Caiden Rosario	Alexa Parchment	

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

APPOINT HISTORIC PRESERVATION COMMISSION CONSULTANT

WHEREAS, the Township of Neptune desires to appoint a Consultant to the Historic Preservation Commission, through the fair and open bidding process pursuant to the provisions of N.J.S.A. 19:44A-1, et seq., to assist with writing new Design Standards, assist with the rewrite of the Township’s Historic District Land Use Ordinance and provide guidance to achieve Certified Local Government status; and,

WHEREAS, the Township accepted Requests for Proposals for said position and a Sub-Committee consisting of Township Land Use professionals and a representative from the Historic Preservation Commission have made a recommendation of appointment from the proposals received; and,

WHEREAS, funds for this purpose are provided in the 2019 municipal budget in the appropriation entitled Historic Preservation Commission O.E., 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 Barton Ross of Barton Ross & Partners, LCC, 184 Livingston Avenue, Livingston, NJ as Historic Preservation Consultant to advise and provide consultative services for the historic preservation initiatives as described herein, at an amount not to exceed \$30,000.00, at the terms as indicated in the Request for Proposal 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 Township Attorney, Chief Financial Officer, and Assistant C.F.O.

RECOGNIZE THE MONTH OF JUNE AS LESBIAN, GAY, BISEXUAL AND TRANSGENDER PRIDE MONTH

WHEREAS, the Township of Neptune is home to people of all backgrounds, including those who are lesbian, gay, bisexual, transgender, queer, intersex, and asexual; and,

WHEREAS, while our township, state and nation have come a long way in our journey toward dignity, understanding, and mutual respect for all, we still have a long way to go in eradicating the prejudice and discrimination that lesbian, gay, bisexual and transgender people, and others face; and,

WHEREAS, hate speech continues to denounce lesbian, gay, bisexual, and transgender people and other members of the queer community; and,

WHEREAS, during the month of June, throughout the nation, numerous organizations, governments, and others recognize the rights of lesbian, gay, bisexual, and transgender persons during Pride celebrations; and,

WHEREAS, each year, the month of June marks the anniversary of the Stonewall Rebellion that gave birth to the modern movement to advance the rights of LGBTQIA persons, and those committed to justice and equality celebrate during the month of June the notable achievements and outstanding service that lesbian, gay, bisexual and transgender Americans make to our township, state and nation,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby recognizes June, 2019 as Lesbian, Gay, Bisexual and Transgender Pride Month, and encourages all citizens of the Township of Neptune to advance the cause of equality for all lesbian, gay, bisexual, transgender, queer, intersex, and asexual persons; and,

BE IT FURTHER RESOLVED, that each of us work towards achieving a safe community that appreciates its diversity in all its forms for generations to come.

RELEASE ROAD OPENING BOND POSTED FOR 103 WILSON ROAD

WHEREAS, Robbin Gilbert posted a Road Opening Bond written by Western Surety Company in the amount of \$4,000.00 guaranteeing roadway restoration at 103 Wilson Road; and,

WHEREAS, on May 22, 2019, the Township Engineer certified that the road opening has been restored and maintained,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the Road Opening Bond for 103 Wilson Road as stated herein; and,

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

AUTHORIZE THE EXECUTION OF A SECOND AMENDMENT TO THE INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT WITH BAW DEVELOPMENT, LLC, PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1, ET SEQ.

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

WHEREAS, Resolution #18-369, adopted by the Township Committee on October 22, 2018, authorized the execution of an Interim Cost and Conditional Designation Agreement (the "Agreement") with BAW Development, LLC, ("BAW"), which Agreement designated BAW as the Conditional Redeveloper of certain properties that are located in an area which has been determined to be an area in need of redevelopment in accordance with the Act (the "Redevelopment Area"), currently designated as Block 611, Lots 38, 39, 40 and 41, more commonly known collectively as 1718 West Lake Avenue; Block 605, Lots 1, 2, 43, 44, 45, 46 and 47, more commonly known collectively as 1620 West Lake Avenue; Block 602, Lots 13, 14 and 15, more commonly known collectively as 1509 West Lake Avenue; and Block 610, Lot 14, more commonly known collectively as 1715 West Lake Avenue; on the Tax Map of the Township of Neptune (collectively referred to herein as the "Project Site"), and provided for the deposit of project funds to defray the

Township's costs incurred in connection with the negotiation of R redevelopment Agreement with BAW for the Project Site; and

WHEREAS, Resolution #18-379, adopted by the Township Committee on November 8, 2018 amended the Agreement to include Block 611, Lot 1 within the definition of "Project Site"; and

WHEREAS, the Agreement presently provides that the "Interim Period" is 180 days commencing on the date of full execution of the Agreement; and

WHEREAS, the Township Committee desires to extend the Agreement; and

WHEREAS, the other provisions of the Agreement, as previously amended, shall remain unchanged.

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

1. The Mayor is hereby authorized and directed to execute a Second Amendment to the Interim Cost and Conditional Designation Agreement between the Township of Neptune and BAW Development, LLC in substantially the form attached hereto as **Attachment A**.
2. The Business Administrator and Staff of the Township of Neptune are hereby authorized and directed to take all actions as shall be deemed necessary or desirable to implement this Resolution.
3. This Resolution shall be effective immediately.

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

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF ASSISTANT ENGINEER

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

WHEREAS, due to the resignation of Travis Schembri, there is a vacancy in the position of Assistant Engineer in the Engineering Department; and,

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

WHEREAS, the Human Resources Director and Township Engineer have made a recommendation; and,

WHEREAS, funds will be provided in the 2019 municipal budget in the appropriation entitled Engineering Services S&W and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that an offer of employment be and is hereby extended to Kinga Stopka for the position of Assistant Engineer in the Engineering Department, 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 June 3, 2019, at an annual salary of \$55,500.00; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer, Chief Financial Officer, Assistant C.F.O., AFSCME Local #1844, and Human Resources Director.

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

AUTHORIZE THE PAYMENT OF BILLS

Mr. Williams offered the following resolution, moved and seconded by Mr. McMillan, 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

7,306,410.66

GRANT FUND	20,831.95
TRUST FUND	1,431.00
GENERAL CAPITAL FUND	21,346.36
SEWER OPERATING FUND	47,475.69
MARINA OPERATING FUND	22,300.53
LIBRARY TRUST	418.56
BILL LIST TOTAL	\$7,419,980.75

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

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

AUTHORIZE AND CONSENT TO SETTLEMENT OVER CLAIM OF KIRSTEN SEIDLE, ET AL.

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

WHEREAS, Nationwide, on behalf of National Casualty Company, received a lawsuit filed by Kirsten Seidle, as Administratrix of the Estate of Tamara Wilson-Seidle, Teresa Seidle, minor by her guardian Kirsten Seidle and Kirsten Seidel, Philip Seidle, Jr., John Seidle, Christopher Seidle, Monica Seidle, Dorothy Seidle, Maria Seidle, minor and Stephen Seidle minor by their guardian, Kirsten Seidle, individually, and collectively as Claimants against Neptune Township, who is insured by National Casualty Company; and

WHEREAS, the Complaint filed in this matter does not request a specific amount of damages as against Neptune Township, Defendant, though National Casualty is not responsible for an amount in excess of the policy's limitations; and

WHEREAS, National Casualty Company is requesting that the Township consent to settlement allowed under its policy up to the applicable limit of coverage, with the understanding that the exact amount of settlement, if any, has not been determined, may require subsequent Township approval if not covered by the insurance policy limit on coverage.

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, that the governing body hereby authorizes execution of a Consent to Settle with Nationwide Insurance, on behalf of National Casualty Company up to the available limits of liability under Policy No. PKONJA0025 per the request of Nationwide by letter of May 15, 2019, setting forth the conditions of settlement under the aforesaid policy; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Chief of Police, Business Administrator and Human Resources Director.

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

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Dan Koval, 15 Schoolhouse Road, stated that heavy trucks are using Schoolhouse Road as a cut through to avoid the traffic circle when going to Route 34. The bridge on Schoolhouse Road is in bad shape and asked for consideration to impose a 4 ton weight limit which has been done on Jumping Brook Road. Mr. Gadaleta responded that Schoolhouse Road runs through both Neptune and Wall Townships; therefore, conversation is needed with Wall Township which he will initiate.

Hank Coakley, Valley Road, stated that a portion of the yellow center line on Brighton Avenue was painted, but it was done poorly. He asked when the remainder of the line would be painted. Mr. Gadaleta stated that it will be done soon. Mr. Coakley stated that more traffic signage

is needed at the intersection of North Riverside and Westwood. Mr. Gadaleta replied that a concrete traffic island and more signage is in the works. Mr. Coakley asked for legislation that requires car taillights be on when it is raining. He asked if the marina building has a tidelands claim. Mr. Gadaleta responded that it does not.

Dennis Moreau, 107 Hawthorne Street, stated that after Hawthorne Street was repaved, water pools in front of his house in the roadway. Mr. Gadaleta replied that drop basins were installed downstream from his house. He will discuss the matter with the Township Engineer.

Russ Harmstead, 111 Hawthorne Street, stated that he has lived in his house for 50 years and the water problem on Hawthorne Street started when four dry wells were installed at Sycamore and Hawthorne followed by the road paving. He may lose his lawn due to root rot. In addition, a homeowner has a sump pump which is exasperating the problem.

Jack Bredin, 94 ½ Heck Avenue, attended the Wesley Lake Commission meeting where they talked about sink holes and grant opportunities for dredging. He believes the water is getting behind the bulkhead and eroding the dirt causing sinkholes. The Commission estimates the cost to dredge as \$3 million, but he thinks the cost would be \$10 million to \$15 million because there is 6 to 7 feet of dredge in the lake. He also believes the dredge material is holding up the bulkhead so if the lake is dredged, the bulkhead will collapse. He recommended reducing the size of the lake and create a living shoreline. The Township needs to look for the money to accomplish this.

Joyce Klein, 105 Mt. Hermon Way, requested extra police patrols at the Wesley Lake footbridges, enforcement of the commercial vehicle parking ordinance and the restrictions on dumpsters in the summer months.

Joan Venezia, 107 Mt. Hermon Way, asked for a status on the Redevelopment Agreement with OGNED. Mr. Gadaleta stated that an agreement is close and a resolution to approve the Agreement is anticipated in June. An application to the Planning Board is then anticipated in July followed by HPC review and approval. The project has already had technical review by the HPC, but the final HPC review will occur after Planning Board approval. Ms. Venezia asked for a status on the debris removal from the fire. Mr. Gadaleta replied the owner and the Camp Meeting Association are finalizing access agreements within two weeks. The process to remove the debris from start to finish will take four to six weeks.

Nancy Clarke, 47 Embury Avenue, stated that the list of vacant and abandoned properties has not been updated on the Township web site since June, 2017. Mr. Gadaleta will bring this to the attention of the Director of Code Enforcement. Ms. Clarke stated that MURC held a meeting with the West Lake Avenue redeveloper and the Township should urge OGNED to meet with the public to discuss their plans. Mr. Williams will ask OGNED to meet with the public to share their plans. Ms. Clarke stated that there should be a conversation about the appropriateness of the gates on the Wesley Lake footbridges. Mayor Rizzo responded that conversation has going on for a long time. The closed gates cut off exit points in the event of criminal activity, but she recognized the perception problem as well. The Mayor suggested discussion at the Ocean Grove Homeowners Association meetings.

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

Richard J. Cuttrell,
Municipal Clerk

EXECUTIVE SESSION – MAY 23, 2019

(All members present, except Dr. Brantley)

Litigation – Update on on-going litigation cases

Mr. Anthony provided an update for on-going matters of litigation involving the Township.

Debra Rosenthal from the Township's insurance carrier informed him that the case involving a student struck by a car between the High School and the Board of Education office building was settled. The total settlement amount was \$360,000, but most of that was paid by the Driver's insurance carrier, with the Township only responsible for \$2,500 of that amount.

Ms. Rosenthal also recommended settlement in the case involving the children of former Police Officer Seidel. She has requested that the Township consent to mediation and settlement up to the policy limit of \$10 million. A resolution granting consent was considered during the regular meeting. The resolution did not express an amount.

The Committee discussed the Savage/Gonzalez and the Davis cases. The Committee agreed to permit a settlement up to the policy limit on both cases although Ms. Rosenthal does not believe these settlements will be close to the limit amount.