

TOWNSHIP COMMITTEE WORKSHOP MEETING – MAY 23, 2019 – 6:00 P.M.

Mayor Rizzo 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
Nicholas Williams
Carol Rizzo

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

Mayor Rizzo 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 3, 2019, 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. Business Administrator's report.

2. Review Committee calendars.

Res. # 19-217 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Brantley, _____; Lane, _____; McMillan, _____; Williams, _____; Rizzo, _____.

RESOLUTION #19-217 – 5/23/19

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 – HPC member vacancy

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.

TOWNSHIP COMMITTEE MEETING – MAY 23, 2019 – 7:00 P.M.

Mayor Rizzo 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
Nicholas Williams
Carol Rizzo

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; 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 Rizzo 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 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 – Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on May 13th.

PROCLAMATION – The Mayor will proclaim June 7th as Gun Violence Awareness Day in the Township of Neptune.

PRESENTATION – On behalf of JCP&L, Kathy Moyer and Frank Luna will present a donation to Mayor Rizzo for the 2019 Mayor's Ball.

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. 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 – Final Reading

Explanatory Statement: This ordinance authorizes resident only handicapped parking stalls in front of 27 Seaview Avenue and 1 Ocean Avenue.

Public Hearing:

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

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 – Final Reading

Explanatory Statement: This ordinance codifies, at the request of the New Jersey Department of Transportation, the existing no left turn prohibitions from Stanley Avenue on to Route 33 and from Davis Avenue on to Route 33.

Public Hearing:

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

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 – First Reading

Explanatory Statement: This ordinance authorizes a resident only handicapped parking zone on Lawrence Avenue adjacent to 148 Abbott Avenue, the conversion an existing handicapped parking zone in front of 79 Embury Avenue to a resident only handicapped parking zone, and the removal of a resident only handicapped parking zone on Pennsylvania Avenue near the intersection with Asbury Avenue.

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

The Public Hearing on Ordinance No. 19-15 will be held on Monday, June 10, 2019.

CONSENT AGENDA

Res. #19-218 – Adopt the Emergency Operations Plan of the Township of Neptune and promulgate same as the authoritative document for emergency operations in the Township of Neptune.

Res. #19-219 – Authorize Intra-County Mutual Aid and Assistance Agreements with participating units in the County of Monmouth.

Res. #19-220 – Approve the transfer of Taxi Medallion License No. 021.

Res. #19-221 – Employ Special Law Enforcement Officers – Class II in the Police Department on a part-time basis.

Res. #19-222 – Accept the resignation of William Fabian as a Jailer/Special Law Enforcement Officer in the Police Department.

Res. #19-223 – Employ temporary seasonal personnel for the Neptune Summer Recreation Program.

Res. #19-224 – Appoint Historic Preservation Commission Consultant.

Res. #19-225 – Recognize the month of June as Lesbian, Gay, Bisexual, and Transgender Pride Month.

Res. #19-226 – Release Road Opening Bond posted for 103 Wilson Road.

Res. #19-227 – 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.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Brantley, _____; Lane, _____; McMillan, _____; Williams, _____; Rizzo, _____.

Res. #19-228 – Extend offer of employment for the position of Assistant Engineer.

Offered by: _____ Seconded by: _____
Brantley, _____; Lane, _____; McMillan, _____; Williams, _____; Rizzo, _____.

Res. #19-229 – Authorize the payment of bills.

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

Res. #19-230 – Authorize and consent to settlement over claim of Kirsten Seidle, et al.

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

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

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

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Seaview Avenue	1	North side of Seaview Avenue beginning 160 feet east of the northeast intersection of Seaview Avenue and Central Avenue
Ocean Avenue	1	West side of Ocean Avenue beginning 25 feet north of the northwest intersection of Ocean Avenue and Seaview Avenue

SECTION 2

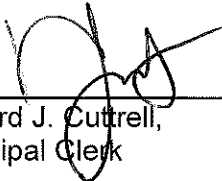
This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

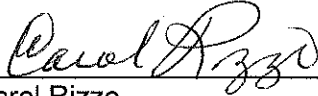
May 13, 2019

APPROVED, PASSED, AND ADOPTED:

May 23, 2019



Richard J. Cuttrell,
Municipal Clerk



Carol Rizzo,
Mayor

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

BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter VII, Section 7-13 of the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-13 – Turn Prohibitions - is hereby amended to add the following:

<u>Intersection</u>	<u>Turn Prohibited</u>	<u>Movement Prohibited</u>
Route NJ 33 (Corlies Avenue) and Stanley Avenue	Left Turns	Northbound Stanley Avenue Route NJ 33 westbound
Route NJ 33 (Corlies Avenue) and Davis Avenue	Left Turns	Southbound Davis Avenue Route NJ 33 eastbound

SECTION 2

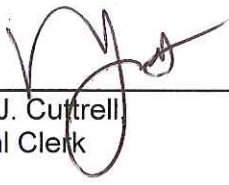
All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION 3

This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING: May 13, 2019

APPROVED, PASSED, AND ADOPTED: May 23, 2019



Richard J. Cuttrell
Municipal Clerk



Carol Rizzo,
Mayor

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

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Lawrence Avenue	1	East side of Lawrence Avenue beginning 52 feet south of the southeast intersection of Lawrence Avenue and Abbott Avenue
Embury Avenue	1	North side of Embury Avenue beginning 25 feet west of the northwest intersection of New York Avenue and Embury Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Pennsylvania Avenue	1	East side of Pennsylvania Avenue beginning 30 feet south of the southeast intersection of Pennsylvania Avenue and Asbury Avenue

SECTION 3

Volume I, Chapter VII, Section 7-21.1 – Handicapped Parking on Street, is hereby amended by deleting the Embury Avenue location described in Section 1.

SECTION 4

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Carol Rizzo,
Mayor

RESOLUTION #19-218 - 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-219 – 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAT 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-220 - 5/23/19

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 021

WHEREAS, Ibrahim 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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-221 - 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-222 - 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-223 - 5/23/19

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,

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

Assistant Director \$11.50/hour 6.5 hours/day 30 days
D'Naja Jeffries

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

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

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

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

CITs (Counselors/Role Models in Training) no pay / experience only
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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019


Richard J. Cuttrel, Municipal Clerk

RESOLUTION #19-224 - 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAT 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-225 - 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-226 - 5/23/19

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-227 - 5/23/19

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.

I hereby certify that the foregoing Resolution was adopted by the Township Committee of the Township of Neptune at a Regular Meeting held on May 23, 2019.

Richard J. Cuttrell, Municipal Clerk

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk

**SECOND AMENDMENT TO INTERIM COST AND CONDITIONAL DESIGNATION
AGREEMENT
BY AND BETWEEN THE TOWNSHIP OF NEPTUNE AND
BAW DEVELOPMENT, LLC**

THIS SECOND AMENDMENT TO THE INTERIM COST AND CONDITIONAL DESIGNATION AGREEMENT dated as of _____, 2019, by and between the **TOWNSHIP OF NEPTUNE**, (the "Township"), having offices at 25 Neptune Boulevard, Neptune, New Jersey 07753, acting pursuant to the provisions of the Local Redevelopment and Housing Law, and **BAW DEVELOPMENT, LLC**, a New Jersey limited liability corporation with offices at 555 Rte. 1 South, Suite 440, Iselin, New Jersey 08830 ("BAW") (this "Amended Agreement").

WITNESSETH

WHEREAS (#1), 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 (#2), by Resolution #18-369, adopted on October 22, 2018, the Township Committee 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 for certain properties 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 (#3), the Agreement was amended to add an additional parcel, Block 611, Lot 1, also known as 1700 West Lake Avenue ("Lot 1") as part of the definition of the "Project Site" that was authorized by Resolution #18-379, adopted on November 8, 2018; and

WHEREAS (#4), the Agreement presently provides that the "Interim Period" is 180 days commencing on the date of full execution of the Agreement; and

WHEREAS (#5), the Township and BAW desire to amend the Agreement so that the Interim Period is extended as set forth herein; and

WHEREAS (#6), the other provisions in the Agreement, as previously amended, shall remain unchanged.

NOW, THEREFORE, for and in consideration of the promises and of the mutual representations, covenants and agreements set forth herein, the Parties agree to amend the Interim Cost and Conditional Designation Agreement as follows:

2. **Interim Period.** The Interim Period shall be the period that commenced on October 30, 2018 and continuing thereafter until such time as a Redevelopment Agreement between the parties is executed, or it is determined by the Township that a Redevelopment Agreement cannot be successfully negotiated and executed for any reason. During the Interim Period, the Township agrees to negotiate exclusively with BAW toward the execution of a Redevelopment Agreement, which shall include all the terms and conditions, schedules, and financial arrangements between the Township and BAW. During the Interim Period, either party may cease negotiations and terminate the Agreement if the other party is not diligently negotiating in good faith or it is determined that a Redevelopment Agreement cannot be successfully negotiated and executed for any reason. In the event that the Agreement is

terminated, then neither party hereto shall be bound by any further obligations hereunder to the other, except as may exist under **Paragraph 3** pertaining to the Payment of Interim Costs.

IN WITNESS WHEREOF, the undersigned hereby execute this Amendment as of the date and year first above written.

BAW DEVELOPMENT, LLC

Attest:

By:

Name:

Title:

TOWNSHIP OF NEPTUNE

Attest:

By:

Carol Rizzo

Mayor, Township of Neptune

[Signature Page for Interim Cost Agreement]

RESOLUTION #19-228 - 5/23/19

EXTEND OFFER OF EMPLOYMENT FOR THE POSITION OF ASSISTANT ENGINEER

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAT 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-229 – 5/23/19

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	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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAT 23, 2019



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #19-230 – 5/23/19

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

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.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON MAY 23, 2019



Richard J. Cuttrell, Municipal Clerk